

## **The Fall from Grace of an Administrative Elite: *The Administrative Class of the Malta Civil Service and the Transfer of Power – April 1958 to September 1964\****

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### **Abstract**

*The creation of the State of Malta in 1962 constituted a turning point in the uneasy, occasionally turbulent relationship between administrative and political elites throughout the nineteenth and twentieth centuries. This study outlines the concerns that exercised Malta's administrative elite as plans were laid for the transfer of power from British to Maltese ministers under the Interim Constitution (1959) and the Blood Constitution (1961). It examines the role played by the Head of the Civil Service in the attempt to forge an ethic of political neutrality for the civil service of a polity deeply divided by partisan loyalties, as well as the claims and campaigns of the Society of Administrative and Executive Civil Servants in response to challenges to the status hierarchy arising from other professions in government. The displacement of the administrative class from a position of constitutional primacy, and the erosion of its status among the professions employed by government are indubitably linked. The fate of the administrative elite that 'fell from grace' as Malta attained statehood signalled the passing of the Island's traditional order.*

### **A defining moment in Maltese administrative history**

The creation of the State of Malta in March 1962 displaced the Administrative Class of the Malta Civil Service from its commanding position in the constitutional order. This was a defining moment in the uneasy, occasionally turbulent relationship between administrative and political elites throughout the nineteenth and twentieth centuries, and into the twenty-first. The fate of the administrative elite that 'fell from grace' as Malta attained statehood signalled the passing of the Island's traditional order, which rested on three pillars: British overlordship, the civil service, and the Catholic hierarchy.

This study outlines the concerns exercising Malta's administrative elite as plans were laid for the transfer of power from British to Maltese ministers under the Interim Constitution (1959) and the Blood Constitution (1962). Secondly, it examines the leadership provided to this elite by the Head of the Civil Service, the Hon Edgar Cuschieri, and the Society of Administrative and Executive Civil Servants (SAECS), the staff association for high-ranking civil servants.

These are important issues: they account for certain contemporary difficulties confronting the Maltese public service - difficulties that are rooted in Malta's constitutional history and its political culture. In particular, they help to explain why recurring efforts at administrative reform disappoint expectations. They portray a

situation entirely at odds with the popular view of civil servants as a cosseted, manipulative, unaccountable class that is hostile to democratic direction and able to defeat attempts at administrative reform. An alternative portrait is offered at the end of this account, one that demonstrates the strong parallels between administrative, ecclesiastical and political leadership in contemporary Malta. The Maltese experience perhaps holds lessons for other decolonising polities.

This exposition's perspective is political and constitutional. It belongs to what is perhaps the longest tradition of administrative scholarship, building upon Pirotta's distinguished, pioneering study *The Maltese Public Service, 1800-1940* (Pirotta, 1996), as well as a tradition of administrative history exemplified by Chapman's work on the British civil service.<sup>1</sup>

Some terms require explanation. The terms 'administrative elite' or 'bureaucratic elite' are nowadays hardly used, and have not been conclusively defined. In public services that are modelled on the so-called Westminster-Whitehall model of administration, they are synonymous with what is variously called 'the higher civil service', 'the administrative class', 'the higher division', 'the general service'. They have both constitutional and occupational significance. The term 'the higher civil service' is favoured here. At the time to which this study refers, the higher civil service comprised fewer than two hundred posts in the public service that were recognised by law, by administrative regulation, or by convention, as exercising formal advisory and executive authority, together with grades immediately subordinate to them, namely Principal Officer and Executive Officer. This definition includes chief technical or professional officers who discharge advisory and executive functions associated with policy formulation and administration. It implies, too, the distinctive collective or professional identity conferred on high ranking officers by their role in administering the business of government, the common pattern of recruitment and career development, and their common ethic.

In so far as this discussion refers to *the vocation or calling of administration, or the members of such calling collectively*, the term 'administrative profession' is used in preference to 'higher civil service', which more properly refers to the formal place of senior officials in governmental affairs.

What concerns exercised the higher civil service as the State of Malta loomed on the constitutional horizon? Which of their professional interests appeared threatened by the new order of things? Three leading, closely-related issues stand out:

- first, the establishment of a mechanism - the Public Service Commission - that would protect individual officers against political victimisation and insulate the profession from the vagaries of ministerial patronage;

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<sup>1</sup> Richard A. Chapman, *The Higher Civil Service in Britain, London, 1970*; R. A. Chapman, *Ethic in the British Civil Service*, London, 1988; cf also Peter Barberis, *The Elite of the Elite: Permanent Secretaries in the British Higher Civil Service*, Aldershot, 1996.

- second, the definition of a distinctive ethos that could legitimise the place envisaged by the profession for its members in the governance of Malta, by diminishing suspicion and friction between civil servants and politicians;
- third, the protection of the profession's material interests in regard to salaries and benefits against the claims of other occupational groups.
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This was undoubtedly a defensive agenda for Malta's higher civil service. Was there any substance to these concerns? The evidence emphatically confirms that there was, as became dramatically evident with the onset of the Emergency, the final convulsion of Maltese politics under British rule, in April 1958.

### **Prelude: The Emergency, April 1958 – April 1959**

The issues that came to a head during the Emergency found their origin in the unusual circumstances of Malta's colonial government. As Malta's oldest governing institution, the public service predates parliament and political parties. Unusually among the public services of the states attaining independence during the second half of the twentieth century, it has been largely localised since the seventeenth century. Malta's administrative traditions originated in four centuries of well-organised, generally benevolent, but alien and authoritarian government, first under the Knights of St John (1530-1798), later under British rule (1800-1964). Under both regimes, the civil administration serviced, supported and secured a large military establishment projecting power overseas. Senior officials were not politically neutral in the conventional sense of the term. As the *de facto* government throughout much of the last century of British rule, members of the Malta Civil Service sitting in the Council of Government or the Executive Council were visible, often controversial political figures, an established elite confronting a disenfranchised political elite claiming to represent popular aspirations and national interests.<sup>2</sup> Pirotta argues that 'Localisation removed the traditional pattern to be found in Crown Colonies and in India of a local elite seeking to oust and replace a foreign administrative elite, with that of a local political elite seeking to wrest power from a local administrative elite. Hence, the conflict divided the population, the public service and even families.'<sup>3</sup> Maltese civil servants ran grave risks when imperial and local interests diverged. During periods of self-government especially, a servant of the Crown might be required by a Minister of the Crown to act against another branch of the Crown's Government.<sup>4</sup> When that happened, the civil service could not hope to appear neutral, as the Emergency vividly illustrated.

The drama attending the outbreak of the Emergency belongs to Malta's national epic. It was a pivotal event in the history of the civil service, in that it brought to a head, without definitively resolving, issues in relations between politicians and civil servants that had simmered since the first experiment with representative government. One incident in particular - the notorious clash of wills between the

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<sup>2</sup> Godfrey A. Pirotta, *The Maltese Public Service: 1800-1940. The Administrative Politics of a Micro-State*, Malta, 1996.

<sup>3</sup> *Ibid.*, 435-436.

<sup>4</sup> Cf., for example, Joseph M. Pirotta, *Fortress Colony: The Final Act, 1945-1964*, vol.2, 1958-1961, Malta, 2000, 279.

tempestuous Prime Minister, Dom Mintoff,<sup>5</sup> and his hand-picked Commissioner of Police, Vivian de Grey over the use of force to disperse rioters - may have confirmed in the minds of politicians of all stripes their worst doubts about the loyalty of civil servants. Commissioner de Gray's account of his telephonic confrontation with Prime Minister Mintoff rehearsed the issues at stake on both sides:

'I told him that ... he had no power to instruct me not to take the precautions I deemed necessary, and that I would not take orders either from him to withdraw the mounted police or to forbid the police to use their truncheons when the circumstances so required. He replied that he was the Minister of Police and that I would be 'on charge' in the morning. I answered that he had issued a public declaration divesting himself of any responsibility for public order, but that I was still responsible for public order.

I maintained that I could not, and would not, take orders prejudicial to public safety from one who is inciting rioters, and that, as public safety is a Reserved Matter under the Constitution, I had been authorised by the Governor to disregard such orders... He further threatened me by saying that I would see whether I needed the Governor's protection or his. I took this to be a threat that he would inspire hooliganism against me... He tried to bring in the angle that I am a Maltese, and ought not to have taken the direction of a British Governor against a Maltese Minister. I answered that he was a Minister of the Crown, I was a servant of the Crown, and that I had acted with the lawful authority of the Crown...'<sup>6</sup>

The following day, the Cabinet formally advised the Governor to dismiss the Commissioner.<sup>7</sup> The Governor refused his assent and, at the close of a stormy meeting with the Cabinet over this and the constitutional question, accepted the government's resignation.<sup>8</sup> With the declaration of the Emergency, and politicians no longer bound by the responsibilities and restraints of office, the position of the civil service generally, and of the Commissioner of Police in particular, deteriorated. The Lieutenant Governor reported having been 'greatly exercised by the problem of securing the loyalty of the Maltese civil servants', after the Labour Party directed them to withhold co-operation from the colonial administration.<sup>9</sup> De Gray himself was branded 'the greatest traitor that Malta has ever had' by Mintoff, who spoke of 'settling accounts' and 'wreaking vengeance'.<sup>10</sup> Mintoff artfully linked the Commissioner's 'betrayal' with the fact that he owed his appointment as Commissioner of Police to the Labour Government: affective loyalties, rooted in the obligations of patronage, should take precedence over abstract conceptions of duty to the Crown. He also attempted to isolate the Commissioner and his closest associates

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<sup>5</sup> The dominant figure on the left of Maltese politics, Prime Minister, 1955-1958 and 1971-1984, paradoxically, he split the Labour Party in 1949, and precipitated the downfall of another Labour government in 1998.

<sup>6</sup> PRO (Public Record Office, London), CO 926/792 - Statement by Vivian de Gray.

<sup>7</sup> PRO., CO 926/792 - Secret narrative.

<sup>8</sup> Ibid.

<sup>9</sup> PRO., CO 926/847 - Smith to Huijsman, 18 September 1958.

<sup>10</sup> PRO., CO 926/847 - CO Brief No.8: *Threats by MLP and supporters against the Malta Police Force.*

from the rank and file.<sup>11</sup> The incident recalls Singham's study of the use of 'terror' by politicians in small communities to secure bureaucratic compliance.<sup>12</sup>

Unfortunately for the higher civil service, its members' loyalty to any authority would be doubted on all sides. The administration of government business relied on the public service: the Imperial Government needed both to reassure civil servants and to expunge any disloyalty. Thus, while the Governor and the Secretary of State for the Colonies assured the civil service that there would be no political reprisals, either then or thereafter, against anyone who continued to carry out his duties,<sup>13</sup> the Governor's Advisory Council took action to dismiss employees who were convicted of riotous assembly, or adjudged security risks.<sup>14</sup> Heads of departments were given advice concerning the attitude to be adopted towards former ministers.<sup>15</sup> Civil servants themselves sought reassurance - individually and through their Society of Administrative and Executive Civil Servants (SAECS). The Society sought reassurance for the longer term by hastening two languishing initiatives - institution of a Public Service Commission and a salary review. The Head of the Civil Service, himself Maltese, directed a complementary initiative to formalise the doctrines of political neutrality, impartiality and anonymity. None of these initiatives was wholly satisfactory; their deficiencies created grave difficulties for the administrative profession in independent Malta. The Emergency demonstrated the vulnerability of Malta's administrative elite, in a deeply-divided, well-mobilised polity, with economic reorientation planned and secularisation threatened under a new constitutional dispensation. The controversy, prevarication and political manoeuvring that attended the establishment of a constitutional Public Service Commission epitomised this vulnerability.

### **'Professional autonomy' : appointments, disciplinary control**

In 1958, while preparations were under way to introduce interim constitutional arrangements pending the definition of Malta's future status, the Colonial Office regarded Service Commissions as hallmarks of 'advanced' constitutions: they remain features of contemporary Commonwealth government.<sup>16</sup> Why? As political emancipation proceeded, elected governments attempted to influence the careers of appointed officials: the incentive to do so was greater, the greater the tension between them.

The matter of providing a statutory Public Service Commission to advise on appointments and discipline was debated in Malta as early as 1945, in connection with the restitution of self-government. Political opinion on this was inflexible, as it was with regard to similar safeguards for the judiciary and police.<sup>17</sup> 'Ministers,' the National Assembly claimed, 'were better qualified to exercise the responsibility for

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<sup>11</sup> Ibid.

<sup>12</sup> A.W. Singham, *The Hero and the Crowd in a Colonial Polity*, Connecticut, Yale, 1968.

<sup>13</sup> PRO., CO 926/792 - Smith to Huijsman, 18 September 1958; *Report of the Malta Constitutional Commission*, 1960, iv.

<sup>14</sup> Advisory Council Minutes 5/58 - 18 June 1958 and Minutes 18/58 - 28 August 1958.

<sup>15</sup> Advisory Council Minutes 14/58 - 8 August 1958.

<sup>16</sup> Cf. Charles Polidano & Nick Manning, *Redrawing the Lines: Service Commissioners and the delegation of Personnel Management*, London, 1996.

<sup>17</sup> Sir H.A. MacMichael, *Report of the Constitutional Commissioner*, London, HMSO, 1946, 28-29.

advising [the Governor] without partiality than any permanent or semi-permanent and irresponsible body which might be selected...'<sup>18</sup>

The Malta Civil Service Association (MCSA), at the time representing the higher grades, was itself ambivalent:

'... [it] only favoured a Public Services Commission provided the right of membership was formally conceded to a representative of their Association.

... They also pointed out ... [that] *the advice given by Ministers who would be animated by a sense of responsibility and accountability would in the long run be more likely to give equitable results than would the judgement of a body of persons whose sense of responsibility would be no greater and whose accountability would be less.*'<sup>19</sup> (emphasis added)

The MCSA's curious faith in ministerial impartiality seems to have been motivated by civil servants' greater apprehension about their peers' sense of fair play: the Governor had been advised, since 1939, by a statutory commission comprising five high-ranking civil servants, only one of whom was not Maltese.<sup>20</sup> In other words, the fears of biased or arbitrary treatment habitually evinced by the Maltese<sup>21</sup> divided the civil service at a time when it was localised and largely self-regulating.

During the decade of troubled dyarchical government, those fears turned upon politicians. Staff associations complained of bias in appointments.<sup>22</sup> When the Labour Government embarked on 'Integration' with Britain (1955), it was advised to establish statutory mechanisms to ensure that 'the sole test should be merit' in promotions to the higher grades, and to dispel 'the atmosphere of distrust [that] has prompted some associations to contend that seniority should be the over-riding factor in making promotions...'<sup>23</sup> The government temporised, emphasising the accountability of public servants to 'the people of Malta' and, not altogether unreasonably, citing the difficulty in securing an impartial Commission.<sup>24</sup>

Just before resigning as Prime Minister, however, Mintoff conceded statutory machinery to regulate the medical profession, as recommended by a visiting Medical Services Commission, and under threat of industrial action by the Medical Officers Union.<sup>25</sup> The medical profession, greatly dependent for training and employment on the government medical services, had hitherto been regulated by the Department of

<sup>18</sup> Ibid., 41.

<sup>19</sup> ibid. The Association (established 1919) represented the Higher Division grades until 1954, when they seceded as the Society of Administrative and Executive Civil Servants (SAECS). The Association collapsed soon after the demise of the Malta Government Joint Council (1968), the only recognised forum for collective bargaining.

<sup>20</sup> MCSA: *Annual Report for the Years 1943/44 and 1944/45*, par.127 et seq.

<sup>21</sup> A recurring theme in the Ombudsman's annual reports!

<sup>22</sup> Examples in: Report of the Association's General Secretary - *The Civil Servant*, Vol.1(5), September 1948; *The Civil Servant*, Vol.1(8), December 1949-March 1950; 'Memorandum to the political parties' - *The Civil Servant*, Winter 1953; 'Appointments by the Maltese Imperial Government', *The Bureaucrat*, February 1955.

<sup>23</sup> *Commission on the Malta Civil Service*, 1956: pp.45, 47; PRO: CO 926/1099 - 'Malta: Discussions on the Constitution, September-October 1957'.

<sup>24</sup> PRO., CO 926/1099 - 'Malta: Discussions on the Constitution'.

<sup>25</sup> L.J. German, *Landmarks in Medical Unionism in Malta, 1937-1987*, Malta, 1991, 44-45.

Health. There, as elsewhere in the public service, professional matters were inadequately safeguarded from improper administrative or political interference.<sup>26</sup> With an aggressive union behind it, the medical profession stole the march, as it were, on their administrative peers, by securing self-regulation of *professional* matters (through a Medical Council), as well as acquiring the protection of a statutory Advisory and Executive Board to regulate *establishment* matters.<sup>27</sup>

The terms of debate about the PSC altered as a result of the Emergency. The threats directed at ‘collaborators’ by the MLP induced the representatives of the administrative profession to seek above all protection against political vengeance. The Governor’s Advisory Council and the Colonial Office feared that they would ‘get less and less co-operation from the Malta Civil Service as time goes on unless we can deal satisfactorily with this problem.’<sup>28</sup> However, the Council prevaricated.<sup>29</sup> Sixteen months elapsed before the Governor appointed the PSC contemplated in the Interim Constitution that took effect in April 1959. At the time, the Society of Administrative and Executive Civil Servants (SAECS), a recently-established representative of the higher administrative grades, requested that:

‘pending the appointment of the Public Service Commission, no promotions, with the possible exception of promotions to the very top posts, should be made unless based on seniority...[as] the use of other criteria would be open to misinterpretation ...’<sup>30</sup>

As happened a decade earlier, SAECS became ambivalent about criteria for appointment other than ‘seniority’: in Malta’s adversarial politics, ‘merit’ could acquire a political flavour. Several appointments followed, defying the Society’s protest ‘at the flagrant disregard of seniority.’ The government refused to assure the Society that no appointments would be made in the higher grades pending the establishment of the Commission, ‘on the grounds that it would be an abdication of its managerial prerogative.’<sup>31</sup>

In August 1960, the Crown’s discretion over public offices was transferred to the PSC. However, while the Commission appeared to have plenary powers over appointments and discipline, the Administrative Secretary, as the Head of the Public Service was then styled,<sup>32</sup> retained an effective veto over its business, as well as controlling data upon which recommendations are based. Edgar Cuschieri, the incumbent, may have wished to maintain his considerable influence.<sup>33</sup>

<sup>26</sup> *Medical Services Commission, 1957*: par.11.

<sup>27</sup> German, 46; the Advisory & Executive Board was abolished in 1977, and the medical profession brought under the PSC’s jurisdiction.

<sup>28</sup> PRO., CO 926/847 - Smith to Huijsman, 18 September 1958.

<sup>29</sup> PRO., CO 926/584-587 - Advisory Council Minutes 3/58, 4/58, 11/58, 12/58, 15/58, 16/58, 22/58, 26/58.

<sup>30</sup> PRO., CO 926/1371 - ‘Memorandum on Civil Service Promotions’ - SAECS to Secretary of State for the Colonies, 28 May 1960.

<sup>31</sup> *Ibid.*

<sup>32</sup> Redesignated *Principal Permanent Secretary* in 2005.

<sup>33</sup> Edgar Cuschieri, Administrative Secretary, was reported to have had ‘very grave doubts as to whether [the splitting of Establishments matters between the PSC and the Ministry of Finance] would be feasible. He thinks that central authority will inevitably rest with the Prime Minister in all spheres of Establishments work.’ (PRO., CO 926/1031 - Campbell to Huijsman, 19 May 1961)

The PSC became again the subject of argument when a Constitutional Commission attempted to devise a permanent constitution.<sup>34</sup> In regard to the public service, the so-called Blood Commission was both fortified and constrained by UK Government assurances that a future constitution would provide safeguards promised to the civil service and the police. SAECS urged that the PSC should have, in addition to its existing powers over appointment, disciplinary control and removal, 'executive powers regarding transfers, the content and conduct of public examinations and civil service training' - matters that affected the fitness of an officer for promotion, or could be turned into disciplinary instruments by ministers. Furthermore, to avoid political influence upon the Commission itself, it 'should be appointed by the Governor in his discretion after consultation with Ministers in so far as the composition of the whole Commission is concerned, and with representatives of staff associations, in so far as two of the members of the Commission are concerned.'<sup>35</sup> However, the Blood Commission declined the Society's proposals as 'rather too specialised a matter to call for any recommendations.'<sup>36</sup> It recommended that the safeguards then existing should be entrenched in the new constitution, and that appointments to the PSC should be insulated from political influence.<sup>37</sup> Unfortunately for the Blood Commission and for the public service, neither the politicians, nor the Society, nor the UK government were prepared to concede their respective claims. The attempt to devise safeguards for the administrative profession thus suffered the same fate as the concurrent attempt to define an ethic of neutrality: it was imposed upon an unwilling political class *and an ambivalent civil service*. The Commission skirted the obstacles standing in the way of attempts to reconcile the various claims:

'As regards procedures relating to promotions, particularly in relation to the higher posts, ... we should hope that with goodwill on both sides, satisfactory solutions will be worked out in practice.'<sup>38</sup>

The Blood Commission's negligence allowed politicians to devise their own solution. In the event, the PSC found a tenacious adversary not in Mintoff's bluster, but in the subtle diplomacy of the Nationalist Party leader, Dr Giorgio Borg Olivier,<sup>39</sup> who became Prime Minister in March 1962. The PSC, the police and the judiciary were the subject of negotiations in London, immediately after the elections. The astute Prime Minister secured a statement from SAECS to the effect that 'in the existing circumstances, a change in the manner of appointment and of the procedure of the PSC is indicated, and that they unhesitatingly support Dr Borg Olivier in his representations in this regard.'<sup>40</sup> Officials in London believed that the Society's

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<sup>34</sup> The so-called Blood Commission was chaired by Sir Hillary Blood, former Governor of Barbados, who also chaired an official committee on the future of Britain's smaller territories.

<sup>35</sup> SAECS: 'Memorandum to the Constitutional Commission, 10 October 1960', Colonial Office, 1961.

<sup>36</sup> Colonial Office, 196126.

<sup>37</sup> *Ibid.*, 25.

<sup>38</sup> Colonial Office, 25.

<sup>39</sup> Leader of the Nationalist Party and Prime Minister from 1950, following the unexpected death in office of the charismatic Enrico Mizzi. He served as Prime Minister in coalition governments between 1950 and 1955, and between 1962 and 1971. He negotiated Malta's independence (Sept 1964) from Britain, and resigned the Leadership of the Party in April 1977, following two consecutive electoral defeats.

<sup>40</sup> PRO., CO 926/1334 - Martin to Secretary of State, 11 April 1962.



Executive Committee had been 'subjected to considerable pressure' from the government and the Catholic hierarchy.<sup>41</sup> The Colonial Office gave way on most issues, its resistance undermined by the Prime Minister's persistence, by anxiety to avoid fresh elections and, perhaps, by exasperation with Maltese politics.<sup>42</sup> The PSC would tender its recommendations to the PM rather than the Governor; it would merely be consulted about the appointment (though not the removal) of permanent secretaries.<sup>43</sup>

In the Independence Constitution, the Commission's jurisdiction was further restricted to consultation in the appointment (though not the removal) of heads of departments, as well as the removal of permanent secretaries. Whereas SAECS envisaged a PSC that could protect high-ranking civil servants from political threats to their careers, delegating managerial authority to heads of departments, the opposite happened! Senior appointments were returned to the discretion of the Head of Government, while delegated powers were allowed to lapse during the 'seventies.

In summary, then, Malta's administrative elite briefly secured safeguards with British assistance - the Imperial government's parting gift, as it were, to an institution that had served it loyally. But the settlement imposed upon Malta's unwilling politicians invited them to circumvent or dismantle it. After independence, they began to 'factor the public service into the strategies of power politics.'<sup>44</sup> By means of constitutional amendment and administrative measures, they reclaimed the patronage withheld from them in 1960, and continue to enlarge their claims. The administrative elite itself was not blameless. The suspicions rife among administrators themselves induced in the representatives and leaders of the administrative elite a pronounced ambivalence about the very mechanisms that could safeguard professional autonomy. A similar fate awaited the definition of a distinctive ethos of political neutrality for public officers, though this took place largely in the confines of the Palace Secretariat.

### **The administrative ethic**

The task of framing rules on the political conduct of civil servants was undertaken by the (expatriate) Chief Secretary and the (Maltese) Administrative Secretary. At the onset of the Emergency, the administration had nothing more to guide it than Colonial Regulations which did not envisage political parties, electoral contests and ministers. The early local instructions took the form of a dry prohibition of political activities by civil servants, but it became necessary to modify these when the prospect of ministerial government returned. The Administration had been:

'subject to two opposed pressures from the Colonial Office - insistence that the political licence accorded to Maltese civil servants in the past - and of which they took every advantage likely to suit their book - should be brought more into line with UK practice; and a desire on our part to

<sup>41</sup> PRO., CO 926/1334 - Gorsuch to Eastwood, 7 April 1962.

<sup>42</sup> The papers dealing with these negotiations (PRO., CO 926/1334) are replete with scathing comments about the Maltese.

<sup>43</sup> PRO., CO 926/1334 - Secretary of State to UK Commissioner (Malta), 16 April 1962. Judicial appointments also came under the PM's jurisdiction.

<sup>44</sup> *Public Service Reform Commission, 1989*, 1.

ensure that political restrictions imposed should not unduly limit the reservoir of talent from which future members of the Maltese Legislative Assembly could be drawn.<sup>45</sup>

A list of prohibited or restricted activities was drawn up; the service was divided into 'politically-restricted' and 'politically-free' groups.<sup>46</sup> The regulations were supposedly based on the recommendations of the Masterman Committee in the UK, which had reported some years earlier. Perhaps it was for this reason that the activities classed as 'political' did not include actions ordered by political parties against the Government and its agents, under the guise of 'protest' or 'civil disobedience', nor industrial action ordered by trade unions that might have political overtones. Both kinds of political action had affected the public service previously, and were to do so again in the 'seventies, 'eighties and during the first years of the twenty-first century. Even then, the Administration appeared uneasy about the regulations and before long reviewed them, following consultation with staff associations and with the Colonial Office.<sup>47</sup> In October 1960, the territory's new Executive Council conceded a staff association proposal for an 'intermediate' category, that would be prohibited from standing for election but might be granted permission to undertake other political activities.<sup>48</sup>

More significantly, holders of 'conjoint posts' in the Department of Health and the Royal University of Malta were included in the 'politically free' category.<sup>49</sup> This significant concession to the claims of the medical profession legitimated, in independent Malta, the traditional political activism of the medical profession, glossing over the potential abuse of public resources for electioneering in the high-profile health sector. It was also unsatisfactory in two other respects. First, it made an irrelevant distinction between 'administrative' and 'professional' work in so far as the risks to society and to the citizen of biased government was concerned. Second, it opened the possibility that senior medical and lay administrators might be confronted, in dealing with politically active members of their staff, not only with the officer, but also with the political party to which he or she belonged.<sup>50</sup>

Another unsatisfactory aspect of the regulations was that they avoided altogether relations between ministers and civil servants: no guidance was given then, or subsequently, about what a minister might legitimately expect of civil servants and what directions a civil servant might justly refuse. The omission was all the more culpable in the aftermath of the de Gray incident quoted earlier. The reason for this omission may lie in yet another unsatisfactory aspect of the regulations, namely, the exclusion of political parties or politicians from the internal debate, though some at least had clear views on the question, views that contradicted those of the Colonial Office and the Maltese administration. Perhaps there were real difficulties at the time in making an approach to the political parties. Whatever the reason, the failure to consult the political class about the administrative ethic adversely affected the standing of the regulations and, ultimately, the willingness of members of Malta's

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<sup>45</sup> PRO., CO 926/1370 - Huijsman to Kisch, 2 October 1961.

<sup>46</sup> Executive Council (hereinafter ExCo) Memorandum No.404: *Political Activities by Government Employees*.

<sup>47</sup> ExCo Memorandum No.512: *Political Activities by Government Employees*.

<sup>48</sup> ExCo Minutes No.48/60 - 11 October 1960.

<sup>49</sup> ExCo Minutes No.48/60 - 11 October 1960.

<sup>50</sup> See: 'Nurse MP graduates amid controversy' - *The Times*, 21 November 1992.

administrative profession to uphold the ethical ideal. On the threshold of Independence, the Maltese administrative ethic was both poorly-defined and insecure: neither politicians nor the higher civil service had a mechanism for resolving questions of conduct. Subsequently, in any conflict of wills, permanent officials invariably emerged the losers - their integrity tainted or impugned, their careers terminated abruptly. The bitterness left by these incidents may explain the poor morale of Malta's higher civil service. It was not until 1994 that a committee representing politicians, civil servants and non-governmental bodies formulated codes of conduct to guide appointed *and* elected officials.<sup>51</sup> Whatever this code may have contributed to the ethic of politically neutral administration, a law enacted without fanfare in 2004 effectively neutralised the constitutional prohibition on public officers standing for election to the House of Representatives.<sup>52</sup>

In short, certain factors encouraged antagonism among Maltese politicians towards the civil service and its ethic. The late attempt to formalise an ethic of political neutrality and impartiality contradicted habits of thought and action cultivated among the higher civil service as a result of its constitutional pre-eminence throughout much of the colonial era. More recently, political crises compounded the tendency towards intense partisanship that is a serious obstacle to neutrality. Incidents of conflict between ministers and civil servants, and the persistence of a bitterly adversarial partisanship, diminishes regard for the ethic of neutrality, and places a premium on the loyalty - variously interpreted - of officials. In those circumstances, far from being complementary, the obligations of loyalty to government and detachment from controversy conspire to embarrass senior civil servants.

Neither constitutional safeguards, nor the self-imposed ethic of neutrality compensated altogether satisfactorily for the vulnerability of the higher civil service to the newly-emancipated political elites. To compound this, its pre-eminent status among other professions in government employment was seriously challenged in the tense climate of industrial relations that prevailed between 1958 and 1962.

### **Material interests: salaries, classification**

It is impossible to fully review the various claims, campaigns and settlements, though they deserve attention on the grounds that industrial relations were at least as influential in shaping Malta's socio-economic future as her party politics and towering political figures. Four events stand out during this period, all of which profoundly affected the interests of the administrative elite:

- first, the abortive appointment of a Salaries Commission immediately after the Emergency was declared - the so-called Waterfield Commission - whose rapid

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<sup>51</sup> 'Government sets up three commissions' - *The Times*, 26 March 1993; *Code of Ethics for Ministers and Parliamentary Secretaries*; *Code of Ethics for Public Sector Employees*; *Code of Ethics for Board Directors* (Cabinet Office, 1994). The regulations on political activities were liberalised in 1992 to permit officers in executive and junior grades to undertake political activity 'as of right'. (OPM Circular 2/92 - 14 January 1992). In 1993 public officers in all but the top five grades were allowed to stand for election to local councils. The sharp exchange between Government and Opposition in 1997 over the transfer of a Foreign Service officer who stood for election to a local council in the interests of the Nationalist Party demonstrates that the issues of loyalty and neutrality remain unresolved. (*The Times*, 22 February 1997).

<sup>52</sup> Act XI of 2004: *Members of Parliament (Public Employment) Act*.

demise diminished the chances of an independent hearing for the claims of SAECS;

- second, the commissioning, in 1959, of an internal salary and grading review - the so-called Elwood review - which remodelled the classification scheme and created a career structure for the administrative grades that lasted until 1974;
- third, the concession to the medical grades of salary parity between the entry grade of Medical Officer and the administrative grade of Principal Officer;
- fourth, the Lloyd-Williams Arbitration Award to industrial grades, which compressed the salary range cautiously opened by the Elwood review.

Four themes characterising industrial relations in Malta's public service appear also in these events: first, claims relating to salary differentials and relativities; second, arguments advanced in support of those claims; third, the mechanisms adopted to settle questions of classification or compensation; finally, tactics and leverage for influencing policy. The remarks that follow are largely based on memoranda addressed by SAECS to the Waterfield Commission and to other reviewers.

When Thomas Elwood, lately Director of Establishments in the Northern Ireland Government, surveyed the Malta Civil Service in 1959, he observed, besides numerous grades, 'an inordinately large number of small and even trifling differentials'.<sup>53</sup> He anticipated that:

'Any effort to reduce the number of grades ... will be resisted. It became evident to me that for the most part each officer jealously guards his own position in the hierarchy ...'<sup>54</sup>

To him this appeared pedantic or pretentious. To the Maltese, differentials signified status. Furthermore, however slender, they represented jealously-guarded shares of a finite national wealth. Within the public service, 'differentials' and 'relativities' represented the currency of a zero-sum game, replicating similar games in parish and national politics - 'a race where the one aim of all the runners is that of catching up and surpassing one of them', as SAECS put it.<sup>55</sup>

'Differentials' describe the pay range within occupational classes or across the public service, commonly expressed as a ratio of the highest to the lowest gross pay. Within the public service they contracted steadily throughout the post-war period, chiefly owing to the activity of trade unions representing the lower grades. The administrative elite wished to see its pre-war salary lead restored.<sup>56</sup>

As salary *differentials* eroded, expanding government employment fomented competition over salary *relativities*, that is the horizontal relationship between the salaries of different occupational groups. In fact, relativities between the administrative grades and other classes overshadowed every other issue in the

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<sup>53</sup> PRO., CO 926/844 - Elwood to Huijsman, 18 March 1959. Elwood was engaged during the industrial turmoil occasioned by the Emergency. He produced four reports on the Malta Civil Service: the last three furnished the basis of pay, grading and pensionability until 1991. The civil service remained unaware of his first report, an informal, unsolicited, but thorough and perceptive review of its organisation.

<sup>54</sup> PRO., CO 926/844 - Elwood to Huijsman, 18 March 1959.

<sup>55</sup> SAECS, 1968: 21.

<sup>56</sup> Salaries Revision Committee, 1947b: 'Minority Report by Mr S Mizzi, President of the Malta Civil Service Association'.

submissions of staff associations, in official reports, in negotiations. They led to disputes in which, invariably, the teaching or medical grades were protagonists.<sup>57</sup> General reviews of pay and conditions of service were not consistently sympathetic to the special pleading of what are commonly referred to as 'departmental classes'.<sup>58</sup> Nevertheless, these made steady, occasionally spectacular gains against the administrative class. One measure of their leverage is the fact that their associations not infrequently secured *ad hoc* reviews of their claims.<sup>59</sup> In contrast, the claims of the administrative class have invariably been examined within the framework of a general review.

The concession of parity between Principal Officers and the entry grade of the medical service in 1959 was a severe setback for SAECS:<sup>60</sup> the doctors' coup encouraged others. From 1959, the Society's representations acquired renewed urgency. However much the Governor and the Administrative Secretary might assure it that the government had not conceded the *principle* of parity,<sup>61</sup> the fact remained that the ably-marshalled doctors struck a notable blow against the pre-eminent administrators. The government admitted that the practice of relating the salaries of professional posts to 'General Service' salaries had:

'... given birth to false and unsound ideas about relativities between the two branches of the Service, with the result that certain Associations claim that the basic scale for a professional Civil Servant should be equated to that of a Principal Officer ... there is no natural or rational relativity between the professional Civil Servant and the administrative officer...

In the Malta Civil Service there is ... no direct recruitment to the Administrative Class... The [grade of Principal/Administrative Officer] will be reached by two or more promotions and usually when an officer is in the early forties after 20 or more years' service. It is altogether a violation of logical principles to attempt to force a comparison between these officers and young men entering their career fresh from the University.'<sup>62</sup>

Whether their views were enunciated by the Establishments Office, or by their Society, the administrative elite favoured a stable, intricate, finely-tuned system of inter-service relativities; professional classes sought to disturb the *status quo*.

What arguments were employed, in staff submissions and in official reports, to justify the *status quo*? *Claims relating salaries to the cost of living* were the most common. SAECS argued that rises in the cost of living bore more heavily on higher than on lower grades; furthermore, a progressive income tax burdened the higher grades, while social benefits supplemented low incomes.<sup>63</sup> General unions argued

<sup>57</sup> Disputes occurred in 1957, 1958, 1959, 1966, 1977-87 (doctors), and 1984-85 (teachers).

<sup>58</sup> For example, *Commission on the Malta Civil Service, 1956*.

<sup>59</sup> The Malta Police benefited from *ad hoc* reviews in 1955, 1961 and 1997; teachers in 1961, 1989 and 2007; doctors from three reviews in 1957-1960 and in 2007.

<sup>60</sup> *The Bureaucrat*, June 1959.

<sup>61</sup> *Ibid.*

<sup>62</sup> *Statement of Case*, par.18-20.

<sup>63</sup> SAECS, 1968, 45.

precisely the opposite: rises in the cost of living disproportionately affected the lower grades, who merited proportionately higher pay rises. Their argument carried the day.

SAECS eloquently expounded *the claim that administrators played a pre-eminent role in government, for which they merited salary pre-eminence.*<sup>64</sup> It also complained that:

‘... the body of persons expected to weld together into one unit the public service of Malta, to give it leadership and to be its main driving force, is being steadily relegated to a status of secondary importance.’<sup>65</sup>

To some extent, the Society’s defensive submissions were self-defeating. Having claimed pre-eminence for administration, SAECS requested less than its members avowedly ‘deserved’; having claimed a central place in government, it produced evidence of the miscellaneous nature of administrative work.<sup>66</sup> In the current jargon, the profession lacked a well-focused ‘competency profile’ that could justify its claim to special consideration.

*Claims about the intellectual selectivity and qualities of character of the administrative elite* complemented those concerning its special place in governmental affairs. A rigorous open competition for appointment to the grade of Executive Officer was the pride and trump card of Malta’s administrative elite. The high standard of recruits - ‘much higher than that of most departmental grades’<sup>67</sup> - maintained efficiency and probity in the Service. The recruits were not, nor intended to be, graduates; instead they served a long apprenticeship before promotion. Once again, however, the argument was not water-tight: the number of successful candidates fell consistently short of the complement. From 1955, as an ‘emergency’ measure that remained in force until the end of the century, half the vacancies in the grade were reserved to in-service candidates taking a less demanding examination. SAECS viewed the development with dismay.<sup>68</sup>

This gave urgency to the argument that the quality of recruits to the administrative profession would not rise until the civil service offered competitive salaries and promotion prospects. Salaries Commissioners reiterated it. SAECS acknowledged it: an embarrassing admission by an elite that took pride in the intellectual and moral calibre of its members. Reliance on recruits from the clerical service diminished the standing of the administrative elite in relation to other professions - doctors, lawyers, engineers, teachers - whose credentials were certified by universities or professional bodies.

To sum up, numerous factors influenced the ‘private’, material interests of the administrative profession as expressed by its members’ claims concerning pay and conditions of service. In this matter, as in the debate about the PSC, the profession’s standpoint was essentially conservative. In retrospect, the arguments employed in support of the claims of the administrative profession were unsatisfactory. This may

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<sup>64</sup> SAECS, 1968, 13.

<sup>65</sup> SAECS, 1968, 17.

<sup>66</sup> *Ibid.*, 79 - ‘the figures asked for by the Society are approximately 20% lower than the better salaries available in the private sector’, 82-86.

<sup>67</sup> SAECS, 1968, 2.

<sup>68</sup> *Ibid.*, 62-63.

have diminished the leverage that could be exercised over questions of classification and compensation. Furthermore, SAECS had limited leverage by comparison with, on one hand, the large, general unions representing clerical, technical and industrial grades, and, on the other hand, the small, highly-disciplined associations representing teaching and medical grades.

### **The deeper significance of the transfer of power in an emerging state**

Clearly, as the last period of Governor's Rule drew to a close, Malta's administrative elite could not but look towards its own future with misgivings. The Emergency had propelled it into the vortex of political conflict, earned it the enmity of a major political party, and demonstrated the mistrust of another. The Emergency and the Interim Constitution had also briefly restored the higher civil service to a position of constitutional pre-eminence, a position from which its leaders might influence events in favour of their interests. However, at the close of those four years its constitutional prerogatives were abrogated, its constitutional protections eroded, and its material interests subordinated to the claims of rival professions or junior grades. It must also be said that, if the Blood Commission conceived the State of Malta, the administrative elite delivered it, through a difficult, protracted birth, to the political elites which became the State's fractious guardians. However much credit politicians may take for Malta's prosperity, it was the higher civil service that assumed the burden of administering the islands during the constitutional hiatus; it was the higher civil service which prepared and launched Malta's first development plan; it was the higher civil service which contained the social and economic dislocation attending the conversion of the Dockyard; it was the higher civil service which provided the well-performing machinery of government that permitted a smooth transfer of power.

Forces greater than the administrative elite diminished its ability to exploit its constitutional pre-eminence and this distinguished record - the heady pretensions of nationalism; the political power mobilised by mass-membership parties led by charismatic leaders; the growing prominence of influential professions, some new, others traditional, caused by the expansion of government activity and employment; the waning of British interest in its Mediterranean fortress. Did the leaders and representatives of the administrative elite recognise these forces and grasp their significance? Could a better 'deal' have been struck before the administrative elite transferred power to politicians? Were the arrangements devised to lead and represent the higher civil service appropriate in the circumstances? While it is not possible to answer these hypothetical questions fully, the following remarks bear consideration.

Malta's administrative elite, like other governing elites, has a dual character: it is at once an element of the constitutional order and a profession. As an element in the constitutional order, the higher civil service was led by the Administrative Secretary. As a profession, the administrative elite was represented by SAECS.

The Society itself had a dual character: as a trade union it bargained on behalf of its members; as a professional association it embodied the dignity of office and the expertise of the higher civil service. However, its credentials as either character were

imperfect. As a trade union, it was barred from representation in the Malta Government Joint Council - the forum for collective bargaining between 1949 and 1968 - by the Council's constitution.<sup>69</sup> It could not aspire to the dignity of a professional association because administration was unlike the learned professions: the higher civil service is not an autonomous corporation like the learned professions.

*The Society's room for manoeuvre was limited by the need to reconcile the administrative elite's professed duty to public service with its private interests.* Much embarrassment could arise from a clash between the profession's representatives and the official hierarchy. One such episode occurred in 1961, when SAECS confronted the government over the depression of salary relativities against the Executive grades. Against Colonial Office advice, the government brought disciplinary charges against the Society's Executive for levying banned trade union bonds, then barred officers posted in the Secretariat from serving on the General Council.<sup>70</sup> The PSC rebuffed the government - but took six months to act.<sup>71</sup> The Society expressed understanding in regard to the awkward position of senior Maltese officials - its professional *confreres* - advising the Governor on the matter.<sup>72</sup>

SAECS was undoubtedly ably led: its memoranda on a wide range of issues, including salary claims, are impressive documents. Between 1958 and 1962, it scored several tactical victories over other unions and played a leading role in the formation of the Confederation of Malta Trade Unions. Despite this, however, it remained comparatively isolated in the trade union camp. That, coupled with its commitment to pursue its claims by negotiation rather than strike action, reduced its leverage over Government. Beyond the bargaining table, financial stringency, constitutional emancipation, an adversarial political culture, social differentiation and general expectations of affluence coincided to defeat the Society's claims.

What about the official leadership? Whether or not the title was used, leadership of the Maltese public service clearly devolved on a single office. For twenty-six years, the Hon. Edgar Cuschieri, CBE led the civil service in his successive incarnations as Treasurer (1943-57), Official Secretary (1958) and Administrative Secretary (1959-1970). He was a figure of legendary subtlety and influence, whose name still inspires awe among politicians and civil servants. Like the other great estates of the Maltese commonwealth - the Catholic Church and the political parties - the civil service produced a leader of exceptional stature and longevity, whose term spanned the decades of reconstruction, decolonisation and development. Cuschieri's legacy has yet to be assessed.<sup>73</sup> From the folk memories of the civil service and documentary evidence, his leadership appears consistent with a pattern common among great Maltese leaders. Many, if not most of the important

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<sup>69</sup> The Joint Council's Constitution admitted four unions to the Staff Side: MCSA, the Malta Union of Teachers, the Malta Government Professional Officers' Association, and the General Workers' Union. Neither Government nor Staff Side was willing to change the constitution, so as to avoid splintering of the general unions.

<sup>70</sup> PRO., CO 926/1371 - Secretary of State to Governor, 3 July 1961; Resolution approved at an Extraordinary General Meeting, 18 August 1961.

<sup>71</sup> SAECS News Sheet, No.2/62, 30 March 1962.

<sup>72</sup> *Ibid.*, SAECS Circular, 7 February 1961.

<sup>73</sup> His plans for the civil service under ministerial government are examined in Edward Warrington, *The Making and Unmaking of a Great Estate: An Essay on the Malta Civil Service from War to Self-Government, 1943-1947*, Malta, 1994.



initiatives originated from him or with his blessing, and undoubtedly were fashioned to fit a scheme of things in which he was the centre and prime mover. He carried immense moral authority among the administrative elite. Like better-known figures in the Church and in politics, he excited intense emotions: the British, who trusted him implicitly, and valued his capable handling of the civil service during the Emergency, thought him to be ‘detested by his Maltese colleagues’.<sup>74</sup> He had a keen eye for talent, and recruited some of the best officers into central departments - the Treasury, the Secretariat and the Establishments Office. However, he did not groom likely successors - much like his peers in politics and the Catholic hierarchy. He abjured collegiality and remained to most officers - including senior heads of departments - an awe-inspiring, but remote figure. He seems to have remained open to new ideas of management until retirement: for example, he approved ambitious schemes of training and computerisation in the late ‘sixties’.<sup>75</sup> Against that, the troubled industrial relations in the public service absorbed his energies.<sup>76</sup> In short, while Cuschieri’s career exemplifies the benefits of vesting leadership in a figure of distinguished ability, it demonstrates, too, the limitations of the arrangement: the personalisation of the office and of its initiatives; the vulnerability to pressure, exhaustion and factionalism. When the pretensions of politicians grew insistent, as they did during the ‘seventies, Cuschieri’s isolated successors as Head of the Public Service found themselves unable to stand up for the profession:<sup>77</sup> their vulnerability contributed to the ‘fall from grace’ of Malta’s proud administrative elite.

The higher civil service was displaced from a position of commanding influence as a necessary consequence of national emancipation. That diminished its ability to regulate its affairs, as well as affecting its members’ social status. These developments generated friction. The emotive disputes over constitutional safeguards, the loyalties and the ‘privileges’ of the administrative elite recall similar controversies concerning the Catholic hierarchy. So, too, the ‘fall from grace’ of the administrative profession recalls the traumatic transition of Religion ‘from lordship to stewardship’ in an era of profound social and political change.<sup>78</sup> The difficulties attending Malta’s higher civil service and its Catholic hierarchy, its administrators and its clergy, during the transfer of power and thereafter signified the turbulent passing of the Island’s traditional order.

Taken together, the Maltese developments recounted here prompt questions about the conventional understanding of the ‘transfer of power’ as a territory is emancipated to statehood. Political scientists have tended to accept the view that power is transferred from the colonial power’s expatriate elite to the newly-emancipated territory’s political elite.<sup>79</sup> This view is reinforced by historians’ accounts

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<sup>74</sup> PRO., CO 926/846 - Huijsman to Melville, 17 September 1959.

<sup>75</sup> Training in public administration ( J.W. Foster, *A National Programme of Training in Public Administration*, Malta –cyclostyled -1970); automatic data processing (P.G. Grantham, *The Future Development of Automatic Data Processing in the Government of Malta* –cyclostyled - 1969).

<sup>76</sup> Edward Warrington, “Administering Lilliput: The Higher Civil Services of Malta, Barbadoes and Fiji”, D.Phil dissertation, University of Oxford, 1997, 282-285.

<sup>77</sup> For a full account, with comparative references to Barbados and Fiji, cf. *Ibid.*, 1997, 349-413.

<sup>78</sup> M. Vassallo, *From Lordship to Stewardship: Religion and Social Change in Malta*, The Hague, 1979, coined the phrase.

<sup>79</sup> Cf. Aleksander Pavković and Peter Radan, *Creating New States: Theory and Practice of Secession*, Aldershot, 2007.

of the ‘struggle’ for emancipation,<sup>80</sup> by the domineering figures of the ‘founding fathers’, as well as by political rhetoric. The events reviewed here challenge this simple view, reinforcing and developing Pirotta’s conception of a three-cornered struggle among colonial, political and administrative elites. The administrative elite, which many new states rely on to provide continuity, stability, orderly economic development and social cohesion, may find itself contending with ambitious professional and business groups as well as with a newly-assertive political elite. The case study reviewed here brings sharply into focus the clues scattered in scholarly literature on decolonisation and development and, more recently, on the so-called ‘transitional economies’ of Central and Eastern Europe: emancipation challenges *all* the institutions established under colonial rule – the civil service, ‘established’ churches, legal/judicial institutions, patterns of land ownership, land use and commerce, civil society associations, group identities and interests. Thus, the so-called ‘transfer of power’ becomes an experience that profoundly dislocates the colonial polity, economy and society, setting in motion, as well as feeding on, a re-ordering of the sources of power and the status of the power holders.

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<sup>80</sup> Cf, for example Penderel Moon, *The British Conquest and Dominion of India*, London, 1989 on the British withdrawal from India/Pakistan.

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