REPORT

THE CIVIL SERVICE AND A MALIGN GOVERNMENT

Martin Stanley

THE CONSTITUTION SOCIETY

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Foreword

It is time to think seriously about the possibility of a government hostile to democracy coming to power in the United Kingdom (UK). Developments abroad show that such eventualities are possible even in supposedly secure states. Furthermore, recent domestic experience has given us some glimpses of how such an experience might play out here. Patterns in public opinion and party politics also suggest it has become more likely that – at some point in the future – such an administration could come into being.

How various institutions might respond to such a scenario will be crucial to determining the outcome. The UK civil service will be in the very frontline. Its staff will be responsible for helping devise and implementing the programme of that government, which may include changes to the machinery of government itself. They may be inclined to resist. But to set out to frustrate the policies of an elected government could itself be an undemocratic objective. Questions that arise when we think about this subject include: how do we distinguish between a policy with which we may not agree, but is within the scope of democratic acceptability, and one which is beyond it? When faced with the latter, how should civil servants respond? What scope do they have, while fulfilling their professional and constitutional duties, to dissent and resist? At what point should they refuse to cooperate with decisions, and what comes next for a civil servant who does so?

Martin Stanley's experience as a senior civil servant and subsequent writing on the subject makes him the ideal expert to address these questions. He establishes how urgent these questions are, and why we should be concerned, but also offers practical means by which civil servants and observers should frame the issues.

The Constitution Society is delighted to publish this report as a vital contribution to the debate about the safeguarding of democracy and the role of the civil service within it.

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Introduction

Scope

This paper discusses how the civil service might respond to a government openly committed to ignoring or discarding some of the checks and balances that are currently seen by many to be essential elements of the UK's constitution.

Such a government might be 'left wing' or 'right wing' and might better be described as populist, authoritarian, dictatorial and/or intent on democratic backsliding or illiberal transformation. For convenience, though, and to avoid excessive hyperbole, I will use the word 'malign' throughout the rest of this paper.

I should stress, though, that civil service leaders should be prepared to work in a radically different way with a radical incoming government. It is not 'malign' to want to centralise, politicise the senior reaches of, and/or reduce the size of the civil service. This paper discusses a different issue. How should civil service leaders respond to political leaders who threaten the foundations of our democracy?

This paper is about Whitehall and its offshoots such as No.10 North and the Darlington Economic Campus. It is not about the much larger number of officials who work on the front line in DWP, HMRC, Driving Test Examination Centres, etc. Their way of working, as distinct from the law that they are administering, does not change much following the election of a new government.

This paper does not discuss possible complications resulting from devolution to Scotland, Wales and Northern Ireland.

It also does not examine the possibility that the Crown might refuse to accept the Prime Minister's advice to give Royal Assent and/or to exercise the Royal Prerogative and/or to make appointments, including to the House of Lords.

The Threat

If a malign government were to come into power, the British civil service would not be the first, in recent times, to find itself facing severe challenges.

The speed and effectiveness with which malign regimes came to power before the Second World War is well understood but more relevant examples can be found in relatively recent developments in Hungary and the USA. Reference is accordingly made to these later in this paper where it seems helpful to do so.

The common thread, in history and more recently, is that malign politicians like to generate fear and to divide everyone into friends and enemies. They believe the power of the state can and should be used against their enemies. A more particular problem is that the modern far right is a particularly anti-intellectual, anti-science, anti-expertise movement that is highly receptive to conspiracy theories. Its 'enemies' typically include experts such as academics, scientists, lawyers and civil servants, plus the 'mainstream media. 'Emergencies' can be used to create exceptions to the constitutional order, enabling leaders to exercise power without regard to the law. 'I have the right to do anything I want to do,' Trump said. 'I'm the President of the United States. If I think our country's in danger—and it is in danger in the cities—I can do it.'[1]

Heather Cox Richardson stresses that: 'From the time he took office in January 2025, Trump and his cronies have not simply challenged laws or constitutional provisions. They have acted as if the Constitution doesn't exist.'[2]

It is not yet clear whether a malign UK government would go that far but Dominic Cummings explained how Reform might overpower 'the deep state' if it comes into power in 2029:

> *What they're terrified of is Nigel Farage doing some kind of Doge-type thing and saying 'Right I'm going to bring in 20 hotshots, fire all the permanent secretaries, put them in charge of this, use the actual powers of the PM, close departments, open them, fire people, and then pass a whole series of primary legislation, repeal the Human Rights Act, repeal the Equalities Act, reform how judicial review works, bin the Climate Change Act.' You go through 15 things, you whack them all in year one with primary legislation.*
>
> *If you have an actual serious list of these things, the right way to do it would be that you draft all this legislation in opposition, you make the case in the election, in the manifesto, you win on the Thursday, and on Monday morning these bills start hammering through into parliament. And you also make clear to the House of Lords that if anyone thinks they can fuck around, we're going straight at the King, we'll appoint 600 new peers, and it'll be blitzkrieg on you guys.*[3]

The dramatic reshaping of the civil service could thus be part of a broader project aimed *both* at concentrating power within the executive *and* degrading former areas of expertise. Many would shudder were this to happen, but I argue that reshaping alone would be on the right side of the not-malign/malign border and that the civil service should help ministers make these changes.

1 CNN, 'Trump Takes Questions from Reporters After Long Cabinet Meeting' (26 August 2025) <https://prod.transcripts.cnn.com/show/cnap/date/2025-08-26/segment/01> accessed 27 October 2026.
2 Heather Cox Richardson, 'July 26, 2026' *Letters from an American* (Substack, 26 July 2026) <https://heathercoxrichardson.substack.com/p/july-26-2026> accessed 27 October 2026.
3 Dominic Cummings, 'How to End the Brexit Shitshow' *UnHerd* (20 June 2026) <https://unherd.com/2026/06/how-to-end-the-brexit-shitshow/> accessed 27 October 2026.

It must be doubtful, however, whether a government that had 'overpowered the deep state' would stop there, at which point we could cross a border into the malign territory whose consequences are discussed later in this paper.

The Role of Parliament

It is important to understand two points at the beginning.

First, as has so often happened elsewhere, the election of a malign government would coincide with and be the result of the British population giving up on the established political order. There might not, therefore, be significant public support for push back by civil servants. Indeed, a significant proportion of civil servants might well by then have become sympathetic to a malign agenda.

In Hungary, for instance, FIDESZ and Viktor Orbán won a parliamentary supermajority in 2010. A subsequent gradual improvement in Hungary's economic situation, coupled with increasing structural funds from the EU, created an ideal context for his innovative and disruptive politics, frequently characterized as an ideal type of right-populism.

Second, a parliament with a malign majority would be unlikely to offer support to a beleaguered civil service.

Lord Hailsham famously described the British constitution as an elective dictatorship, implying that a government that controls the House of Commons possesses all but despotic powers. In the UK, most defences against government misbehaviour (and worse) depend not on checks and balances embedded in a formal constitution, but on the limits embedded in the minds not just of political actors, but also of the public.

The late Clive Priestley, and many since, have called this 'the good chaps theory of government'. We would not, perhaps, use that precise vocabulary today, but, as Lord Hennessy said in a recent Lords debate: 'In the end, the vitality and strength of the British constitution do depend on the sense of duty, public service and restraint of those set in authority above us.'[4]

A malign government with a parliamentary majority would be unlikely to behave like Priestley's 'good chaps'. And a malign parliament would have three 'superpowers'.[5]

4 HL Deb 18 May 2026, vol 856, King's Speech debate, speech of Lord Hennessy of Nympsfield <https://hansard.parliament.uk/Lords/2026-05-18/debates/353770A7-17B3-4586-A7C6-8DA45E4E07A4/King'SSpeech> accessed 27 October 2026.

5 David Allen Green, 'Yes, an incoming illiberal and radical UK government would have absolute constitutional power' The Empty City (Substack) <https://substack.com/@emptycity/p-172068890> accessed 27 October 2026.

1. Acts of Parliament cannot be gainsaid by anyone anywhere. A government with a firm majority in the House of Commons can ultimately force through the House of Lords any legislation it wants.[6]

2. The Royal Prerogative provides that the Prime Minister of the day can exercise many powers with legal effect free from any statutory basis. This includes reorganising government, sacking ministers, and making or breaking treaties.

3. Ministers have an immense range of (so-called) Henry VIII powers – discretionary powers available to the government under perhaps thousands of existing legislative provisions. Some of these provisions even allow ministers to change the law by ministerial direction, as well as to issue statutory instruments and other instruments, such as statutory guidance, with legislative effect

There are also potentially draconian emergency powers, such as those deployed (to the concern of many) during the Covid epidemic. The Trump administration has of course often issued Executive Orders (often responding to imagined emergencies) and other emergency powers to impose tariffs and declare war – key powers that the Framers of the American Constitution believed that Congress should control. But Trump's domination of the Republican Party, and hence Congress, has meant that Congress has not fulfilled its responsibility in this area.

To summarise, therefore, a malign-majority parliament would be unlikely to resist the policies, discussed in chapters two and four of this report, of a malign government.

6 This might, of course, be delayed by the Lords before being overcome via the Parliament Acts.

Chapter One: The Civil Service Within the UK Constitution

This chapter describes and evaluates the constitutional role of the civil service and the extent to which this might cause a malign government to hesitate before making radical changes to it.

It focusses on the relations between ministers and officials in central departments including No.10 and the Cabinet Office. Similar conclusions might well be drawn about the likely response of other officials, such as those working in Parliament, and of other civil servants, such as those working in arms-length bodies, but these are not the subject of this paper.

The Permanent, Apolitical Civil Service

The unique, permanent and apolitical nature of the British civil service was established as long ago as 1884 by the Gladstone government, but found its fullest, earliest expression in an Order in Council of 25 July 1927 , that 'No person employed by or under the Crown to whom this Order applies shall issue an address to electors or in any other manner publicly announce himself or allow himself to be publicly announced as a candidate or a prospective candidate for election to Parliament for any constituency until he has retired or resigned from such employment.'[7] Could this constrain the behaviour of a government determined to appoint political supporters to senior positions?

The answer appears to be a firm 'No'. Sir William Anson pointed out in 1935 that 'The permanence of the civil service is really only a matter of convention … it would be perfectly legal, though wholly unconstitutional, for an incoming minister to obtain from the Crown as a proof of confidence the dismissal of every civil servant who holds office during [the Crown's] pleasure'.[8]

The politicisation of the senior civil service might or might not be undesirable but it would not of itself be a malign development. There are, after all, a number of Commonwealth civil services which look and behave very much like Whitehall, but whose leaderships are politically aligned with their incumbent politicians. A genuinely radical incoming UK government of any politics would be entitled to be supported by loyal, committed officials who are willing to work in radically different ways. There is no reason why, in principle, a permanent apolitical civil service should not be able to

7 'Order in Council Concerning Political Activities of Civil Servants' (26 July 1927) *London Gazette* issue 33297, 4799 <https://www.thegazette.co.uk/London/issue/33297/page/4799> accessed 27 October 2026.

8 Sir William Reynell Anson, *The Law and Custom of the Constitution* (vol II, Oxford University Press 1909) 236. It is not entirely clear which current civil servants might be said to fall within this definition, but I suspect Sir William meant the 1935 equivalent of the modern senior civil service, see also: 230–33.

work in this way, but the evidence suggests that our current mandarins have generally favoured compromise and process, and might appear temperamentally unsuited to working in such a way.

The Civil Service as a Public Benefit

The civil service is part of a chain of delegation running from 'the people' through Parliament and ministers down to the civil service. As such, it assists or benefits the people, Parliament and ministers in three ways, as well as delivering many services. Would these benefits be valued by ministers within a malign government?

First, the civil service provides expertise or competence. Indeed the legitimacy of the executive, including ministers, rests to some extent on that expertise.

But malign governments tend not to be very interested in expertise or bureaucratic competence when it fails to agree with their aims. It is also sadly true that excessive churn within the higher ranks of the civil service (over several decades now) weakens its current value, as does the apparently increasing rate and seriousness of policy and operational failure.[9]

Second, the foundation of civil service decision-making is procedural certainty, clarity and fairness.

But these attributes fare badly against malign claims of immediate and overriding necessity, and the desire for fleetness of foot. They become the always undesirable 'red tape'.

Third, the civil service provides both current and future governments with the capacity to govern. It is a public good to be used by the winners of today; but it is also a promise to the losers. If today's losers win tomorrow, they too can use the civil service to achieve its ends. It gives losers a reason to continue involvement in the democratic process.

But this would likely be an irrelevant argument to be put to a future malign government determined to ensure its own long term survival by fair means or foul.

9 Martin Stanley, 'Civil Service Blunders' *CivilServiceWorld/CivilServant.org.uk* <https://www.civilservant.org.uk/csr-blunders.html> accessed 27 October 2026.

The Civil Service and the Law

Both law and practice require civil servants to serve incoming governments to the best of their ability, however abhorrent their policies might be felt to be.

The key legislation may be found in the Constitutional Reform and Governance Act 2010.[10] There are two sets of relevant provisions.

The Act requires ministers to publish a Civil Service Code. The current version (and all previous versions) require civil servants to …

- 'serve the government whatever its political persuasion, to the best of your ability in a way which maintains political impartiality and is in line with the requirements of this code, no matter what your own political beliefs are; [and to]

- act in a way which deserves and retains the confidence of ministers, while at the same time ensuring that you will be able to establish the same relationship with those whom you may be required to serve in some future government.'[11]

This is discussed in more detail below.

The Act also requires the appointment of civil servants on the basis of merit and fair and open competition; and monitoring of recruitment by the Civil Service Commission. This legislation would need to be amended (or worse ignored) if incoming ministers wanted to appoint their own supporters to senior positions and make other significant changes to the civil service, but the necessary changes could no doubt be enacted pretty quickly.

What have Civil Servants been Taught?

The Civil Service Code did not break new ground. Its substance has for many decades been as if encoded into officials' DNA – and not just in the UK. As Max Weber said: 'When an official receives an order, his honour lies in his ability to carry it out … exactly as if it corresponded to his own convictions … even if the order seems wrong to him…. Without this discipline and self-denial … the entire apparatus would collapse.'[12]

10 Constitutional Reform and Governance Act 2010 <https://www.legislation.gov.uk/ukpga/2010/25/contents> accessed 27 October 2026.

11 Civil Service Code, Cabinet Office (updated 16 March 2015) <https://www.gov.uk/government/publications/civil-service-code/the-civil-service-code> accessed 27 October 2026.

12 Max Weber, 'Politics as a Vocation' in HH Gerth and C Wright Mills (eds and trs), *From Max Weber: Essays in Sociology* (Routledge & Kegan Paul 1948) 77, 95.

Most civil servants seldom if ever read the Civil Service Code. They instead inherit or absorb a culture which requires them to obey those who have been properly elected to form a government.[13]

They do not believe that it is for them to judge whether a policy is abhorrent if it has been properly publicised and appears to be supported by a majority of parliamentarians. This is even more true when a policy has been included in the manifesto on which a new government has been elected. Officials are obliged to point out any negative and other unintended consequences of a manifesto policy, but their principal responsibility is to help ministers fulfil the promises on which they were elected.

The classic statement is to be found in a 1983 Reith lecture by Sir Douglas Wass, former Permanent Secretary to the Treasury.[14] Note in particular that 'the civil service cannot be thought of as an in-built safeguard against what some people might call the excesses of a radical or reforming government'. Sir Douglas is worth quoting at some length:

> *... what is a career civil servant to do if he finds himself having to implement a policy with which he may strongly disagree? As I have already said, his professional code requires him to carry out his instructions with complete loyalty. But how enthusiastically and how energetically should he be expected to do this? Enthusiasm may be asking rather a lot, but I have my doubts in any case about its place in administration: it can colour judgment and lead to unwise decisions. Even the politically committed should be wary of enthusiasm. But energy is a different matter. This is a question of conscience, and of dedication to the professional ethic. The energetic pursuit of Ministerial objectives is something that must be required of officials. And this obligation on civil servants transcends by far any qualms they may feel about the rightness of policy.*
>
> *Pushed to extremes, of course, this sounds like the philosophy of Eichmann and of the German officials who loyally carried out the orders of the Hitler regime on the grounds that it was not their business to challenge government policy. I do not, however, accept the parallel. Notwithstanding the loyalty of a civil servant to the government, his conscience should clearly require him to oppose actions which are either unlawful, unconstitutional, or which involve some great affront to human values. In the last analysis he must be prepared to resign his appointment. But in such circumstances, I believe, he should be relieved of his normal obligation to refrain from commenting on policies for which he may have drafted official advice.*
>
> *But all this is to describe an exceptional situation. What the basic doctrine means, and it is important to understand this, is that the Civil Service cannot be thought of as an in-built safeguard against what some people might call the excesses of a*

13 It is not clear how the civil service would react to an election result which was arguably obtained as a result of fraud, corruption or other malpractice. It might well stand aside and let politicians sort the problem out - even if the result were a government of the unwelcome nature discussed in this paper.

14 Sir Douglas Wass, 'The Effective Civil Servant' (Reith Lectures, BBC Radio 4, 1983) <https://www.civilservant.org.uk/library/1983_reith3.pdf> accessed 27 October 2026.

> *radical or reforming government. The only effective safeguards, if it is safeguards we are seeking, have to be found in the political and judicial processes, or in the force of circumstances themselves – and let me say parenthetically that I have usually found that force of circumstances Is the most effective safeguard of the three.*

The Armstrong Memorandum, first published two years later, codifies the above as follows: 'When, having been given all the relevant information and advice, the Minister has taken a decision, it is the duty of civil servants loyally to carry out that decision with precisely the same energy and good will, whether they agree with it or not.'[15]

And In Practice?

Although ministers frequently complain about 'Whitehall's Disobedient Servants' there is very little evidence of collective refusal to comply with troubling instructions. The small number of ex-ministers who assert that they were directly disobeyed have always failed to provide detail.

There are of course plenty of instances of officials pointing out difficulties and then finding policies difficult to deliver. Officials also frequently refer likely damaging or contentious ministerial proposals to their superiors (as they should) and to other interested departments, including the Treasury (as they should).

Anthony Barker and Graham Wilson published some fascinating research into this question in 1997 and appeared slightly surprised at what they found.[16]

- 'Asking senior civil servants questions about working against their ministers is a little like asking Roman Catholic clergy about their sexual conduct; it is supposed not to happen and almost certainly does so only rarely. Current controversies in Britain about the role of the civil service suggest that the civil service is too obedient, not too recalcitrant.'[17]

15 Cabinet Secretary Robert Armstrong wrote the memorandum following the acquittal of Clive Ponting, a civil servant who had leaked government information 'in the public interest' and had been charged with breaching the Official Secrets Act. See: Cabinet Office, *The Duties and Responsibilities of Civil Servants: Armstrong Memorandum* (1985) <https://www.civilservant.org.uk/library/1985-Armstrong_Memorandum.pdf> accessed 27 October 2026.

16 Anthony Barker and Graham K Wilson, 'Whitehall's Disobedient Servants? Senior Officials' Potential Resistance to Ministers in British Government Departments' (1997) 27(2) *British Journal of Political Science* 223–246 <https://www.jstor.org/stable/194138> accessed 27 October 2026

17 Ibid, 224.

- 'Leakers' (including Clive Ponting) were despised and 'We heard virtually no mention of possible resignation on policy merits, where no ethical or 'constitutional' issues were at stake, although some quite sharp anecdotes were offered about officials who had taken early retirement since 1979, in effect as a protest against new ministerial policies or working methods.'[18]

- 'It would be a resignation issue only if the thing was illegal, immoral or corrupt and the system [Cabinet Secretary and Permanent Secretary] would not take a stand. That could happen. But not resignation on a policy issue.'[19]

So why do ministers so often express frustration with the slow and risk-averse nature of government decision-making?

Part of the problem is that private sector incentives (profitability, fear of competition etc.) encourage innovation and rapid decision-making. In government, weaker financial incentives are typically accompanied by stronger controls, oversight mechanisms and accountability requirements. While these arrangements reduce certain forms of risk, they also discourage experimentation and contribute to more cautious behaviour.

Public visibility further complicates learning and adaptation. Operational and other minor problems that might remain localised within a firm can attract significant media attention when they occur in government. The resulting attention can generate risk aversion that is disproportionate to the original problem and which shapes decision making throughout government.

Many civil servants would probably cheer if an incoming radical (but not malign) government could improve Whitehall's culture so that risk aversion was less prominent and experimentation more greatly valued.

18 Ibid, 243.
19 Ibid, 244.

Chapter Two: The Civil Service Would Facilitate Many Radical Policies

Before turning to how and why the civil service might come into conflict with a malign government, this chapter focuses on possible radical ideas which might form part of a malign playbook but which would not in themselves be fundamentally malign in nature. The civil service would therefore not obstruct such plans. Those civil servants deeply concerned about the policies described below would either need to resign (see also chapter three) or reluctantly acquiesce in delivering such policies.

Recruitment, Appointment and Politicisation

The Constitutional Reform and Governance Act 2020 requires 'a person's selection [when applying to join the civil service] must be on merit on the basis of fair and open competition'. The Act also establishes the Civil Service Commission which 'must publish a set of principles to be applied for the purposes of [the above] requirement'. The recruitment principles may include provision: (a) requiring the Commission's approval to be obtained for a selection … (So most senior appointments currently need Commission approval), and (b) excepting a selection from that requirement.

But it would take very little time to amend the Constitutional Reform and Governance Act via legislation so as to eliminate selection on merit, and it would not be difficult for ministers to seize control of the Civil Service Commission. Control of the Commission would allow the recruitment principles to be speedily altered (if necessary) so as to facilitate the immediate recruitment of Dominic Cummings' '20 hotshots', as well as of politically loyal and sympathetic supporters into the lower ranks.

Ambassadors are already a special case. Trump has greatly weakened his State Department (as can be seen in the Middle East) and there seems no reason why this should not happen this side of the Atlantic. Indeed, there have already been a significant number of appointments of diplomatically inexperienced individuals to ambassadorial positions – and some of these have been very successful, though the recent appointment of Peter Mandelson shows that not all are!

The number of special advisers ('Spads') – political advisers who are personal appointments of ministers – could be radically increased, since there is no statutory cap on numbers. While, under the Constitutional Reform and Governance Act, special advisers are not allowed to exercise management powers over civil servants, large numbers of Spads might end up controlling access to the minister and diminishing the influence of the permanent civil service.

The Hungarian experience is interesting here. Many Hungarian senior administrators had left public service before 2010, and permanent secretaries had long been political appointees. Much of the remaining 'old-school' administrative expertise and many of the experts were swept from office shortly after the administration changed in 2010, when the top four hierarchical levels of central government bureaucracy were almost entirely purged. As one Hungarian civil servant recounted in an interview with Gyorgy Hajnal and Zsolt Boda: 'Even I was fired, although I hadn't thought I had any reason to be scared. FIDESZ party cadres from the second and third ranks flooded the ministries'.[20]

While personal loyalty became the dominant pattern in Hungary, political loyalty was far from irrelevant; rather, it became the bottom line. Political competence – the ability to correctly perceive and identify with politicians' formal and informal expectations – became a gold standard:

> *It has clearly shifted to personal loyalty from 2010 on. Political loyalty is the starting point. At the very minimum, you should not be seen as rejecting it. When I hire someone, they check their Facebook profile; if the candidate likes opposition-type stuff, then forget it.*

> *[Politicians show] an emotional hostility toward expertise and institutions. It is forbidden for younger colleagues to learn from more seasoned ones. ... The very existence of independent experts is the problem.*[21]

Undesirable and unattractive – and indeed malign - as these developments might be, they do not seem to me likely to generate serious opposition from within the civil service if they were to happen in the UK. I suspect that those senior managers that remained, and their staff, would be keen not to draw attention to themselves by objecting, nor would there be a great groundswell of opposition from outside government.

One consequence, however, might be that potential employees would be deterred from seeking government employment if they faced an administration which they saw as ideologically extreme, corrupt, undermining democracy, or acting against the public interest.[22] Others, of course, might be attracted to such employment.

20 György Hajnal and Zsolt Boda, 'Illiberal Transformation of Government Bureaucracy in a Fragile Democracy: The Case of Hungary' in Michael W Bauer and others (eds), *Democratic Backsliding and Public Administration: How Populists in Government Transform State Bureaucracies* (Cambridge University Press 2021) 76–99, 90.

21 Hajnal and Boda (n 20) 90.

22 Reported in: Don Moynihan, 'How Polarization and Democratic Backsliding Affect Public Sector Recruitment' (Substack) <https://substack.com/@donmoynihan/p-205996864> accessed 27 October 2026.

Dismissal and Large Scale Redundancies

By statute, civil servants now have broadly the same protections as private employees, but even so the 2010–15 Coalition government was able to reduce total civil service numbers by approximately four percent (10,000 staff) a year for five years.

Reform said in September 2026 that they would reduce civil service numbers by 220,000 (from 520,000 to 300,000) presumably much faster than the 2010-15 precedent mentioned above. Putting the practicality of this (and the associated redundancy costs) on one side, such a programme would no doubt run into fierce trade union opposition. The PCS, the Public and Commercial Services Union, has already started building a strike fund. But there is nothing in the law or constitution which would constrain such ambitious plans and the most senior officials would probably feel that they had to do their best to help ministers achieve their goals.

Officials can also easily be shifted around, sidelined or dismissed. For instance, shortly after becoming Chancellor in 2022, Kwasi Kwarteng, with the support of Prime Minister Liz Truss, asked the then-Treasury Permanent Secretary Sir Tom Scholar to leave his post. More recently, Prime Minister Sir Keir Starmer rather brutally sacked his Cabinet Secretary and then his Foreign Office Permanent Secretary. Whatever the formalities, if a minister does not want to work with a permanent official, that official must leave.

Unpaid but valuable advisers are already very vulnerable. It was probably unsurprising (and acceptable) for Professor David Nutt to be sacked when he became openly critical of the Government's drug policy. More recently (and with less cause?) railways expert Chris Gibb pointed out significant problems with the plans (or lack of plans) for trains to run on HS2, and was duly removed from DfT Operators Ltd.[23]

Dismissal might not be the end of it, of course. Restore Britain's Rupert Lowe tweeted as follows on 29 July 2026: 'Fantastic to see Fauci held to account by politicians [in the US Senate] … A Restore Britain Government will do the same to Chris Whitty.'[24] Shortly afterward he tweeted that he wanted 'a high-ranking official in the Home Office' to know that they would be prosecuted if they were to place asylum seekers 'into a British community'.[25]

It is tempting to hope that some senior officials would refuse to go along with particularly egregious personnel decisions, let alone such victimisation. They could at least ask for a Ministerial Direction. But as with malign changes to recruitment policy (see above) they would risk losing their own jobs. And the recent failure of the Cabinet Secretary

23 Modern Railways, June 2026.
24 Rupert Lowe, post on X (29 July 2026) <https://x.com/RupertLowe10/status/2082561195492466821> accessed 27 October 2026.
25 Rupert Lowe, post on X (7 September 2026) <https://x.com/RupertLowe10/status/2096837949392331205> accessed 27 October 2026.

to intervene in the ill-considered sacking of Foreign Office Permanent Secretary Olly Robbins suggests that there would likely be little leadership to be found amongst any remaining permanent secretaries.

Organisation and Centralisation

Possible changes might include:

- The alteration of structures and redistribution of resource including the restructuring or elimination of departments; budget changes

- Personnel changes: large scale redundancies; increases to the number of special advisers and temporary staff; the performative 'firing' of senior civil servants

Government departments can relatively easily be modified or even abolished. Most are creatures of the Royal Prerogative, and transfers of functions are usually done via Orders in Council under the Ministers of the Crown Act 1975 with limited parliamentary scrutiny. Parallel structures and units can be created with relative ease as well: the arrival of No.10 North is testament to that.

Most, if not all, of these changes could therefore easily be done. All would be legal, and difficult to describe as malign or undemocratic.

The Hungarian experience suggests that a good deal of centralisation of power might be expected. Formal centralisation occurred as 'Super-ministries' were created by integrating several previously independent ministries. This strengthened the position of the prime minister. Within departments, senior officials lost autonomy and budgets. There was also an informal, bottom-up process, in which lower administrative levels abandoned responsibility for making decisions because they feared the consequence of making a 'mistake'.

Returning to the work of Hajnal and Boda, senior Hungarian civil servants when questioned recognised that this 'guarantee[d] that political aims don't get halted by the apparatus. This is how you can control implementation the best.'[26] On the other hand, 'there is never enough information in the center' and 'I participated in a cabinet meeting where the agenda consisted of 400 items. That is insane, absurd.'[27]

26 Hajnal and Boda (n 20) 86.
27 Hajnal and Boda (n 20) 87.

Political Decisions

Ministers might sideline or ignore the work of civil servants.

The current Ministerial Code says that ministers have a duty to give fair consideration and due weight to informed and impartial advice from civil servants, as well as to other considerations and advice in reaching policy decisions. They should also have regard to the Principles of Scientific Advice to Government. But a new government would be within their rights to apply little or zero weight to civil service advice, even if the new Prime Minister did not amend the Code as they most likely would.

For the avoidance of doubt, it may be worth stressing that civil servants cannot object if ministers take politics into account when making decisions. All important ministerial decisions are likely to be (or should be) consistent with the government's political priorities as expressed in its manifesto or elsewhere. Many spending decisions are already influenced by the need to buy favour in particular regions or constituencies and this behaviour could become more open and more commonplace, as it has in the USA.

Civil servants are anyway well used to their advice being submitted alongside more political advice from special advisers, not to mention submissions from lobby groups and pressure from 'friendly' politicians and not so friendly media. It is (currently) generally recognised that officials can re-argue their case if they feel that a minister is making a serious mistake, but it is unlikely that a malign government would give them even this opportunity.

The American experience has of course shown how quickly things can go badly wrong if powerful politicians do not seek or listen to advice. Trump's war on Iran, for instance, was an impulsive decision, barely debated inside his administration. The combination of the president's preference for verbal briefings over written staff work and his inattention to what is being said in these briefings, leaves doubts about whether he understood what he was setting in motion.

It may be that the Trump experience could cause a future malign government to pause for thought when dismissing experienced advisers … but that might be clutching at straws.

Guidance

Guidance and the orientation of the civil service can be changed with relative ease.

Esther McVey (Minister for the Cabinet Office, 2023–24) published new guidance which stopped all external spending on equality, diversity, and inclusion activity within the civil service. Suella Braverman as Attorney-General (2020–22) amended the

government's guidance on legal risk, which set out how government lawyers should provide, assess and communicate legal advice to ministers, mostly because she thought that government lawyers had become too cautious and were 'blocking' policy. And the current Labour government has recently changed it again.

Consultation guidance became an early victim in Hungary.[28] Officials there confirmed that there was a conscious move on the government's part to limit the scope of societal participation and to exclude 'unfriendly' actors from the process: 'The real change [since 2010] is that effective participation has decreased ... I do not involve the chamber of judges or public notaries in either policy formulation or implementation anymore. They create working groups, but this is more of a token gesture.'[29]

Public Sector Bodies

Public sector bodies are of vital concern given the huge amount of regulatory and other activity that has been delegated to arms-length bodies in recent years.

In the United States, President Trump gave Elon Musk and DOGE unprecedented power to change government. It is perversely disappointing that he and they clearly failed to improve anything and that their overall mission was a failure, calling into question whether widespread, even democratically mandated, reform is possible within a short period of time. It is equally disappointing that there has been little serious discussion about why they failed and therefore no opportunity to learn lessons.

Trump's and DOGE's attacks on the powers and independence of important bodies such as the Environmental Protection Agency, the Federal Communications Commission, the Securities and Exchange Commission, the Federal Reserve and the Justice Department remain, though, worrying precedents should a malign government ever be elected in the UK.

It was never the case that neutral experts alone led the agencies the United States Congress created. And it was never true that those agencies were entirely insulated from politics or even presidential influence. The position this side of the Atlantic is more nuanced. Ministers will always appoint agency Chairs and Chief Executives who are broadly sympathetic to their policy aspirations. Those who are not are sifted out quite quickly during the recruitment process. Subject to that, however, those with strong political views, or other views that might make them reluctant to listen to expert advice, are seldom appointed.

28 Cabinet Office, *Consultation Principles 2018* (Cabinet Office, 19 March 2018) <https://www.gov.uk/government/publications/consultation-principles-guidance> accessed 27 October 2026; see also Martin Stanley, *Civil Service Survival Kit: Part 6 – Consultation* <https://www.civilservant.org.uk/publications/CSSK/Part_6-Consultation.pdf> accessed 27 October 2026.

29 Hajnal and Boda (n 20) 94.

Back in the USA, Congress had often given such agencies considerably more power to make decisions than is the case in the UK. But a recent ruling has shifted interpretation authority from federal agencies to the courts, requiring them to decide the 'best reading' of a law rather than deferring to an agency's interpretation.[30] The *Slaughter* case then reduced their independence yet further. The Supreme Court held that the President could dismiss two members of the Federal Trade Commission (whose powers are in some ways similar to those of our own Competition and Markets Authority) even though he did not assert that they were 'inefficien[t],'or 'neglect[ed]' their 'dut[ies],' or committed 'malfeasance in office,' as the FTC's statute apparently required. The President instead told them that their 'continued service on the FTC [was] inconsistent with [his] Administration's priorities' and that they were removed from office 'pursuant to [his] authority under Article II of the Constitution.'[31]

The three dissenting Supreme Court judges were scandalised. Their argument, below, applies equally in the UK.

> *For most of this Nation's history, Congress and the President together have decided that some Government functions should operate at a distance from partisan politics. Those include the management of nuclear energy; the security of the monetary supply; and the safety of American workplaces, consumer products, and chemical hazards. In these and many other areas, the wisdom of the centuries has taught that some decisions should depend not only on who is in office—much less on who is disfavored or owed a favor by those in office—but also on judgment, expertise, and the public good.*
>
> *Since the founding, Congress has created agencies that in various ways have embodied this goal of independence. Over the last 140 years especially, the political branches have done so by establishing agencies like the Federal Trade Commission (FTC): bipartisan, multimember bodies with 'for-cause' removal protections. This structure allows the agencies to address complex problems while enjoying some independence from Presidential removal and thus absolute partisan control.*
>
> *More than 90 years ago, this Court affirmed, as to the FTC specifically, that the dissenting constitutionality of its members' 'for cause' removal protections 'cannot well be doubted.' (Humphrey's Executor v. United States) Ever since, Congress and more than a dozen Presidents have relied on Humphrey's to construct a workable Government, creating many other agencies in the FTC's tradition.*
>
> *Today, this Court undoes centuries of political practice and concludes that all three branches of Government have been acting in open defiance of the Constitution all this time. Its conclusion is wrong.*[32]

30 *Loper Bright Enterprises v Raimondo* 603 US (2024).
31 *Trump v Wilcox* and *Trump v Harris* 605 US (2025) <https://www.supremecourt.gov/opinions/25pdf/25-332_qn12.pdf> accessed 27 October 2026, 1.
32 Ibid, 2.

But these were dissenting opinions. The *Slaughter* majority ensured that all Trump's questionable appointments still stand, with significant consequences around the world as the US Government now takes little interest in the environment, in international aid efforts or in criticising the actions of its extremely powerful technology companies.

In Hungary a similar picture emerged, where reforms fundamentally altered the system of checks and balances not only by vastly strengthening patronage, but also by introducing wide-ranging institutional changes to such bodies. FIDESZ appointed prominent party loyalists to all important positions, including the heads of the Media Authority and of the State Tax Bureau. As for the institutional reforms, the administration enacted a new law regulating the media; put the body in charge of allocating funds for NGOs under the control of prominent government loyalists who make decisions in an increasingly politically and ideologically biased manner and set up a new authority to oversee the judiciary.

Could it happen here? Definitely! Politicians here have the same concerns about the 'unaccountable' power of many arms-length bodies. Chancellor of the Exchequer Rachel Reeves recently 'asked' the Chair of the Competition and Markets Authority to resign because he (not unreasonably) saw little scope for his organisation to do more to foster growth. Indeed, he was probably concerned that changes promoted by politicians might in fact impede growth over the longer term. It was particularly noticeable that the Secretary of State responsible for the CMA and both sets of civil servants appear to have put up very little resistance to the Chancellor's unforgiveable breach of the Authority's independence – nor the rapid appointment of an ex-Google executive as its Chair.

UCL has published a guide to the exposure of various public bodies to political interference which is well worth reading.[33]

Corruption and Other Conflicts of Interest

Brian Klaas observed that 'corruptible people are disproportionately drawn to power, disproportionately good at wriggling their way into it and disproportionately likely to cling onto it once they've got it'.[34] Paul Krugman has pointed out that the *Slaughter* decision enables corruption in Washington as well as representing an attack on expertise.[35]

33 Christina Pagel, 'A New Guide to Britain's Scientific and Regulatory Institutions' (Substack) <https://christinapagel.substack.com/p/a-new-guide-to-britains-scientific> accessed 27 October 2026.

34 Brian Klaas, 'Why We Always Get the Wrong Political Leaders and How to Get the Right Ones' (UCL News, 18 January 2022) <https://www.ucl.ac.uk/news/2022/jan/opinion-why-we-always-get-wrong-political-leaders-and-how-get-right-ones> accessed 27 October 2026.

35 Paul Krugman, 'A Verdict on the Slaughter' (Substack) <https://paulkrugman.substack.com/p/a-verdict-on-the-slaughter> accessed 27 October 2026.

It can unfortunately be very hard to distinguish corruption from the conflicts of interest that are an inevitable feature of politics. Machiavelli told his Prince that he must learn how not to be good. Neuro-ethicist Neil Levy agrees: 'Dirty actions are part and parcel of ordinary political life. … Politicians must make deals, compromise with interests they abhor, distribute favours and neglect relationships.'[36]

Put another way, every incoming government operates a spoils or patronage system in which friends and supporters are appointed to public sector jobs, and government money is funnelled towards companies and regions chosen for political rather than meritorious reasons. Some are blatant and many are regarded as a natural or customary accompaniment to gaining power in that society. We are fortunate that the UK spoils system is pretty muted.

Civil servants have little or no role in preventing, or restricting the damage done by, politicians' distribution of spoils and other conflicts of interest. There was much criticism, for instance, of the way in which procurement rules were ignored and politicians' friends' businesses prioritised during the Covid crisis. But civil servants were in no position to challenge politicians' decisions. Ministers may suspend the operation of particular rules, especially during an emergency. And they are entitled to take decisions that favour their political tribes, their constituencies and their financial supporters.

There is, or ought to be, a limit to such behaviour, but it is poorly defined and therefore difficult, verging on impossible, to police. Pure corruption is illegal but civil servants are certainly in no position to act as police officers against democratically elected leaders. That responsibility falls onto the media and public opinion collectively. Civil servants' principal role is to ensure that the media's questions are answered truthfully.

To conclude chapter two, therefore, the civil service would not and could not do anything other than help incoming ministers introduce a wide range of radical (and potentially immoral and/or damaging) policies including those governing the management etc. of the civil service itself.

But a truly malign government could go further and threaten the foundation of our constitution. Chapter three considers the options available to civil servants in such circumstances. Chapter four then suggests which particular threats to the constitution might trigger civil service opposition.

36 Neil Levy, 'Punishing the Dirty' in Monique Canto-Sperber and Pascal Raynaud (eds), *Politics and Morality* (University of Minnesota Press 2007) 52–53 n 26.

Chapter Three: The Options Available to Civil Servants Who Believe that a Government is Becoming Malign

There are broadly six possible responses to a civil service which believes that a government is behaving in a malign or anti-democratic fashion.

1. Carry on loyally but reluctantly
2. Resign
3. Stay, and try to improve things from within
4. Carry on enthusiastically
5. 'Guerilla Government'
6. Open opposition

Note, though, that only the last two options would bring civil servants into conflict with their new political leaders. The likelihood of such conflict is considered in chapter four of this paper.

1) Civil servants might loyally implement ministers' policies

Stefan Czerniawski offered the following analytical framework in *Civil Servants Civilly Serve* in which he starts by considering the boundaries to the legitimacy of politicians' decisions. [37] He then considers how civil servants might respond if and when previously legitimate governments develop clear authoritarian tendencies.

Here are some lightly edited extracts:

> *There is a simple answer, which is to carry on regardless. This is based on the idea that the government remains the government until it stops being the government and that, for as long as it does so, it is not for the civil service to look behind the formalities of its continuing existence or to question its authority.*

37 Stefan Czerniawski, 'Civil Servants Civilly Serve' (Public Strategist, 22 October 2019) <https://www.publicstrategist.com/2019/10/civil-servants-civilly-serve/> accessed 27 October 2026.

> *That position has some attractions: we don't want to be in a world where the civil service takes it on itself to decide whether it likes a government enough to be prepared to work for it. But there is also a profound weakness … There is no shortage of examples, historical and modern, of states which have kept the forms of democratic government while edging towards authoritarianism. The difficulty is that when those forms fall away, it's generally too late to do much about it. Before that point, though, there is inevitably judgement and ambiguity, with a very understandable temptation to see the continuity of what is legitimate and fail to see the discontinuity to what is illegitimate.*

This would be the default behaviour of many and probably most British officials. They are well used to working for successive governments with sharply different policies and would be very reluctant to challenge a malign government that had a strong electoral mandate.

It is also the default behaviour of most US civil servants. Here is what one interviewee told Jaime Lee Kucinskas:

> *If appointees want to do what you consider bad decisions on their behalf or for themselves, we do our best to give more information … to those decisions. And if they still decide to do something damaging to themselves, then we say OK, that's what we're going to do and we have to suck it up. … If you want to be an advocate you can leave and work in a different sector. As a civil servant you work for a government and your job is to serve to the best of your ability*[38]

2) Resignation

At the polar opposite, civil servants might resign. On that proposition, here is Stefan Czerniawski again:

> *What should civil servants do if their boundaries are reached and crossed? In principle the answer to that is simple. At the point any civil servant judges that the democratic legitimacy of Ministers has broken down, they must also accept that their ethical authority has also broken down. Whatever a civil servant does after that, they do as an independent moral agent, personally responsible for their decisions and actions. They may nevertheless choose to continue, accepting that responsibility. Or they may choose to walk away.*

38 Jaime Lee Kucinskas, *The Loyalty Trap: Conflicting Loyalties of Civil Servants Under Increasing Autocracy* (Columbia University Press 2025) 10.

> *The institution, of course will remain. Authoritarian governments have civil services, just as democratic ones do. But the surface form hides a profound difference. In such a civil service, loyalty is ultimately to the holders of power, not to the idea of good government, and the consequences are very different. Those who choose to be part of them are choosing to accept those consequences.*[39]

Resignation, then appears the classic answer to our hypothetical authoritarian government scenario. To return to Sir Douglas Wass' 1983 Reith Lecture but this time with **emphasis added**: 'Notwithstanding the loyalty of a civil servant to the government, his conscience should clearly require him to oppose actions which are either **unlawful, unconstitutional, or which involve some great affront to human values**. In the last analysis he must be prepared to resign his appointment. But in such circumstances, I believe, he should be relieved of his normal obligation to refrain from commenting on policies for which he may have drafted official advice.'[40]

In contrast with this last stipulation, but broadly agreeing with the legitimacy of resignation on principle, the first (1985) version of the Armstrong Memorandum reads as follows:

> *A civil servant who feels that to act or to abstain from acting in a particular way, or to acquiesce in a particular decision or course of action, would raise for him or her a fundamental issue of conscience, or is so profoundly opposed to a policy as to feel unable conscientiously to administer it in accordance with the standards described in this note, should consult a superior officer, or in the last resort the Permanent Head of the department, who can and should if necessary consult the Head of the Home Civil Service. If that does not enable the matter to be resolved on a basis which the civil servant concerned is able to accept, he or she must either carry out his or her instructions or resign from the public service — though even after resignation he or she will still be bound to keep the confidences to which he or she has become privy as a civil servant.*[41]

That text did not appear in the 1996 revision of the memorandum but Lord Butler, a former Cabinet Secretary, much more recently confirmed that, if a decision offends a civil servant's personal conscience, they have the right to ask to be moved to different work or, ultimately, to leave the civil service.[42]

Personal circumstances will affect individual decisions, of course. Age, available savings and re-employment prospects may all be relevant.

39 Czerniawski (n 37).
40 Wass, (n 14).
41 Cabinet Office, *The Duties and Responsibilities of Civil Servants in Relation to Ministers (Armstrong Memorandum)*, HC Deb 26 February 1985, vol 74, cols 128–130W <https://civilservant.org.uk/library/1985-Armstrong_Memorandum.pdf> accessed 27 October 2026.
42 Lord Butler of Brockwell, letter to *The Times* (4 July 2019).

Those contemplating resignation will also be well aware that if 'principled bureaucrats' depart, they leave 'unprincipled' principals a freer hand to pursue policies against the public interest. As time passes, a malign government would become less and less constrained in their policies by an increasingly 'unprincipled' bureaucracy.

A sort of internal exile can substitute for formal resignation. Dissenters might begin by politely refusing to acquiesce in dubious policy decisions, and/or gently challenging what they are being asked to do. But their dissent will be noted and – unless strongly backed by their bosses – their 'corridor reputation' and hence promotability will be negatively impacted. They will – rather sooner than later – find themselves in jobs where they are no longer (in the view of their permanent secretary) rubbing ministers up the wrong way. And if they are themselves permanent secretaries they will find themselves out of a job – accompanied by a good deal of taxpayers' cash, as has recently happened to quite a few of them.

Others arrange internal transfers to positions where they feel less conflicted. One American official who served during Trump's first administration 'disliked the confusion of working under seemingly unclear, suspicious, and incompetent appointed leadership' who were arguing for potentially illegal and ill-informed action. Such conditions exacerbated the stakes of her actions and her moral dissonance, and depressed her ability to speak up ... Feeling disempowered, she opted, like many others, to keep her head down and leave her position.[43]

Some Civil Servants do indeed resign on principle and it is perhaps useful to recount some relatively recent examples:

Jonathan Jones' resignation is perhaps the nearest past example of a resignation in response to what he saw as an excessively malign (and illegal) policy. Mr Jones, the most senior civil service lawyer, resigned in September 2020 over the government's announcement that it intended to breach international law 'in a limited and specific way'. He said in a subsequent interview that he was perfectly satisfied that he did the right thing but stressed that: 'I never, for a moment, tried to persuade anybody else that they should go. Plenty of people provided moral and personal support but in the end, this was a highly personal decision for me, and others took their own decisions. Because the business of government has to go on.'[44]

Some months before, in December of 2019, Alexandra Hall Hall resigned from the Foreign Office because she felt that she was asked to lie about the likely consequences of the UK leaving the EU Single Market and Customs Union:

43 Kucinskas (n 38) 212.

44 Sir Jonathan Jones, interview, *UK in a Changing Europe Brexit Witness Archive* <https://ukandeu.ac.uk/interview-pdf/?personid=44845> accessed 27 October 2026.

> *If we stay silent in the face of wrongdoing, do we become complicit ourselves? But if we speak out, are we breaking our pledge of impartial service to the government of the day and undermining the foundation of trust between politicians and officials? If we resign, do we let down our colleagues and institutions? Do we merely allow others with fewer scruples to fill our shoes? But if we stay on, are we knowingly violating our duty to provide ethical public service to our fellow citizens?*[45]

Richard Haviland likewise resigned in 2019 because of '[Theresa May's] refusal to be honest with the British population about the implications of [her post-Brexit referendum policy] choices'.[46] The dismissal/resignation of UKRep's Ivan Rogers, for speaking Brexit truth to Prime Minister Theresa May, is perhaps another example, though dating from 2017.

Over a decade earlier, Carne Ross resigned from the Foreign Office in 2004 after giving (then secret) evidence to the Butler Inquiry — a review set up by the British government to examine the intelligence on Iraq's weapons of mass destruction. He had concerns about the legality of the basis for war, that the case for war was being exaggerated, and that no serious effort was being made to explore alternatives to war.

Elizabeth Wilmshurst, former deputy legal adviser in the Foreign and Commonwealth Office, threatened to resign in March of 2003 because she did not agree that it is lawful to use force against Iraq without a second Security Council resolution. She eventually agreed to take early retirement instead.)

The brevity of this list is further evidence of the readiness of British civil servants to support ministers' highly controversial policies (such as the Iraq invasion and Brexit) which a substantial number of them must have thought wrong-headed at best.[47]

3) Stay, and Try to Improve Things From Within

Can an unhappy official achieve more by leaving (perhaps with significant publicity) – or by staying and seeking to improve things from within?

45 Alexandra Hall Hall, 'Should I Stay or Should I Go? The Dilemma of a Conflicted Civil Servant' (2021) 4(4) Texas National Security Review 91 <https://tnsr.org/2021/10/should-i-stay-or-should-i-go-the-dilemma-of-a-conflicted-civil-servant/> accessed 27 October 2026.

46 Richard Haviland, quoted in Andra Maciuca, ''The Rot Set in with Brexit, Not Boris', Former Civil Servant Says' *The London Economic* (22 November 2021) <https://www.thelondoneconomic.com/news/civil-servant-boris-johnson-brexit-letter-theresa-301962/> accessed 27 October 2026.

47 Martin Stanley, *Civil Servants, Ministers and Parliament*, ch 4 'No! Minister' <https://www.civilservant.org.uk/richborne-csmp.html> accessed 27 October 2026. See also *Chapter 4 - No! Minister* (2026 edition).

Not everyone who feels conflicted over government policy chooses to leave. Some make the decision to stay, and try to be a force for good from within. Alexandra Hall Hall quotes ex-US Ambassador Volker who thought that officials should do their best to serve whatever administration held power, however obnoxious their policies.

> *The only reason to resign is as a matter of personal choice. It's not about changing the world but whether in good conscience you can continue what you are doing. The U.S. and U.K. are democracies, and the people who are elected have the right to decide. They have the right to make policy. If you don't like it, that's your issue. You can express yourself and have a clear conscience, but you can't expect it to change policy.*[48]

Mark Esper was US Secretary of Defense reporting to Donald Trump. Here are a few paragraphs from his autobiography *A Sacred Oath*, which argues in the same vein that the duty of Civil Servants is to remain in post:

> *At times like this, I asked myself why I didn't resign. This was the existential question of the Trump administration: Why did good people stay even after the president suggested or pressed us to do things that were reckless, or foolish, or just plain wrong? Why did we remain even after he made outrageous or false statements, or denigrated our people, our departments, or us? …*
>
> *Quitting in outrage would have made me feel good in the moment – it would have saved me a ton of stress and criticism. News outlets and social media would likely hail me as a 'resistance' hero. However, I didn't think it was the right thing to do for our country. And as I told a reporter once near the end of my tenure, 'my soldiers don't get to quit' when the going gets tough, so I won't either. I agonized nonetheless. Many of us did.*
>
> *There was another major concern I had to factor into the equation: Who would replace me? There likely wasn't enough time for the President to nominate and the Senate to confirm a new Defense Secretary. Nevertheless, Trump could certainly place a true loyalist as acting secretary. And given enough time, real damage could be done.*[49]

Critics would argue that Mr Esper had fallen into 'the effectiveness trap' which was famously described by James Thomson in his analysis of the disastrous Vietnam War – How Could Vietnam Happen? – An Autopsy. His definition of the effectiveness trap is both entertaining and sobering:

48 Hall Hall (n 45) 91.
49 Mark Esper, *A Sacred Oath: Memoirs of a Secretary of Defense During Extraordinary Times* (William Collins 2022) 5–6.

> *the trap that keeps men from speaking out, as clearly or often as they might, within the government. And it is the trap that keeps men from resigning in protest and airing their dissent outside the government.*
>
> *The most important asset that a man brings to bureaucratic life is his 'effectiveness', a mysterious combination of training, style, and connections. The most ominous complaint that can be whispered of a bureaucrat is: 'I'm afraid Charlie's beginning to lose his effectiveness'.*
>
> *To preserve your effectiveness, you must decide where and when to fight the mainstream of policy; … . The inclination to remain silent or to acquiesce in the presence of the great men – to live to fight another day, to give on this issue so that you can be 'effective' on later issues – is overwhelming.*[50]

Former FBI Director James Comey summarised the problem in this way:

> *It starts with your sitting silent while [President Trump] lies, both in public and private, making you complicit by your silence. In meetings with him, his assertions about what 'everyone thinks' and what is 'obviously true' wash over you, unchallenged … because he's the president and he rarely stops talking. As a result, Mr. Trump pulls all of those present into a silent circle of assent. …*
>
> *I must have agreed that he had the largest inauguration crowd in history because I didn't challenge that. Everyone must agree that he has been treated very unfairly. The web building never stops. From the private circle of assent, it moves to public displays of personal fealty at places like cabinet meetings. While the entire world is watching, you do what everyone else around the table does — you talk about how amazing the leader is and what an honor it is to be associated with him.*
>
> *So you are well and truly trapped. A pathetic courtier if you stay. A hypocrite if you eventually leave.*[51]

Mr Comey presumably has some sympathy for Dr Deborah Bix who was forced to sit, looking down at her shoes, whilst President Trump suggested that Americans might inject bleach in order to treat COVID-19. Others, however, were not so forgiving and argued that she could have saved hundreds of thousands of lives if she had stood up to the President during the pandemic's first surge. These battles characterise the moral and practical difficulties which face civil servants who do stay and try to improve things from the inside.

50 James C Thomson Jr, 'How Could Vietnam Happen? An Autopsy' (Atlantic Monthly, April 1968) 47–53, available at <https://www.civilservant.org.uk/library/1968-James_Thomson-How_Could_Vietnam_Happen.pdf> accessed 27 October 2026.

51 James Comey, 'How Trump Co-opts Leaders Like Bill Barr' *New York Times* (1 May 2019) <https://www.nytimes.com/2019/05/01/opinion/william-barr-testimony.html> accessed 27 October 2026.

Jaime Lee Kucinskas' interviewees said that they had adopted 'a hunkering down attitude' knowing, after all, that 'we've been through this before'. One had 'tried to burrow in to survive certain administrations that I was not wholly comfortable with', avoiding contact, as far as possible, with 'political people'. But others pointed out that 'When management was strategically trying not to draw attention to us, she felt like nobody is fighting for us. And I'm really angry that nobody is willing to stand up and say that my employees are good employees, and I have a legal right to approve their work. Nobody wants to put themselves on the line for me.' [52]

4) Carry On Enthusiastically

In normal times, responsiveness is the default response to a new government determined to make 'brave' decisions. Officials attempt to clarify what the minister wants and suggest possible solutions and alternatives to flesh out the minister's instructions. Officials will then do their best to implement the instruction of the minister.

But the civil service can be *over*-responsive 'to prove it can work with its new masters'. It works not just on direct instruction but also on cues and steers. It may, for example, get told that, or pick up cues that, certain kinds of advice are unwelcome. Over time, the danger then becomes that important considerations are left out of any advice given.

There is some evidence that the current senior civil service has already responded to a series of weak Cabinets by learning to self-censor and to seek policy-driven evidence rather than promote evidence-driven policy. The Foreign Affairs Select Committee report into the evacuation from Kabul (*Missing in Action*) in effect accused the Foreign Office Permanent Secretary and the National Security Adviser of lying to Parliament to protect the Prime Minister. [53] And officials' anxiousness to meet ministers' staff reduction and deregulation targets contributed significantly to what became the Grenfell Tower and Infected Blood scandals. [54]

Some Hungarian officials thought that the most significant emerging pattern of illiberal governance was the tight, top-down, command-style nature of the government apparatus, totally instrumental to their political masters' will. Although some saw this as a negative feature, others viewed it as a clearly positive one, seeing the biggest virtue of the new emerging bureaucracy as being much quicker and operationally more effective.

52 Kucinskas (n 38) ch 9.

53 House of Commons Foreign Affairs Committee, *Missing in Action: UK Leadership and the Withdrawal from Afghanistan* (HC 2022) <https://www.civilservant.org.uk/library/2022-Foregn_Affairs_Cttee-Missing_in_Action.pdf> accessed 27 October 2026.

54 Martin Stanley, 'MHCLG and Grenfell' (2022) <https://www.civilservant.org.uk/library/2022-Stanley-MHCLG_and_Grenfell.pdf> accessed 27 October 2026; Martin Stanley, 'Infected Blood' (2024) <https://www.civilservant.org.uk/library/2024-Stanley-Infected_Blood.pdf> accessed 27 October 2026.

It is not hard to imagine that many in the UK civil service would welcome the arrival of a decisive set of ministers, determined to deliver on their manifesto promises and not too bothered by non-parliamentary opposition.

5) Guerilla Opposition

The analysis so far suggests that the natural response of civil servants to the arrival of a malign government would be responsiveness, or resignation, not resistance.

'Guerilla opposition' (where civil servants work against the wishes – either implicitly or explicitly communicated – of their superiors) would therefore seem an unlikely development. It would clearly go against the grain of civil service values. The Civil Service Code specifically prohibits obstruction: officials must not 'frustrate the implementation of policies once decisions are taken'.

The US and Hungarian experience provides further evidence which supports this conclusion, and I am not aware of evidence of serious guerilla opposition to either Trump administration. If there has been, we might at least question its effectiveness.

US officials did report a certain amount of 'surreptitious subversion' during the first Trump administration. They altered the framing of their work so that it apparently aligned with leadership goals; they secretly continued work without disclosing it to their leadership; they neglected and slow walked their work; they let their leadership fail and sometimes they out-strategized them.[55] Others took careful notes for possible use following a change of administration. It is impossible, of course, to know the extent of such behaviour – or its effectiveness.

Those Hungarian civil servants that remained in post could not recall instances of anything that could be considered direct sabotage. One argued that resistance has always been very mild: 'The bureaucracy has always known its place. It's been extremely rare that someone from the administration would have opposed the intentions of the government. I don't really see any change in this, because it's always been very sparse'.[56]

There were, however, signs of poor performance resulting from Hungarian bureaucrats' risk aversion and the bottom-up drive of centralisation. This would likely happen here too if public servants were uncertain about political expectations. They would be (even more?) unwilling to make mistakes in a new uncertain environment, and would tend to minimise their contribution, avoid showing any initiative, and 'delegate' any responsibility up to the higher levels of the administration.

55 Kucinskas, (n 38) 242.
56 Hajnal and Boda (n 20) 95.

Coordinated 'go slows' and 'work to rules' would be possible, especially if supported by the civil service unions. But the response of ministers and their political appointees would be unsympathetic, to put it mildly, and union membership or activity might well be suppressed.

6) Open Resistance

If guerilla opposition is unlikely, then what about open resistance?

Although civil servants are hardly natural guerilla warriors, they do like 'order' and tend to get excited about principles – or at least breaches of them. It might be an exaggeration to suggest that many of them feel 'co-responsible for history' but they are socially aware and socially responsible. Many also believe, at some deep level, that truth should be spoken to power – even if, for tactical reasons, they recognise the frequent need to keep their mouths shut.

Civil servants are also likely to feel deeply attached to the concept of the civil service as both an institution and a profession. And they might be aware of evidence from the USA that those academic institutions and law firms which chose to openly resist Trump have tended to come out better.[57]

For all the above reasons, open resistance might happen if the cause seems worthwhile. But is there any evidence that the characteristics summarised above have ever, in practice, led to significant principled opposition?

The Hungarian example suggests that opportunities for such opposition would be limited. The elimination of bureaucratic resistance was closely intertwined with the elimination of expertise – bureaucracy's main resource to rely on when resisting – and the rise of patronage, the latter being the primary means of getting rid of bureaucratic experts. As interviewees told Hajnal and Boda:

> *In the old days, I used to know many more people who could offer some very stiff resistance. In the Ministry X, there are one or two of them left; however, these days, I just cannot imagine that you'd have a well-prepared, experienced old-timer who does not wholeheartedly support the official policy and still remains in a position of section head. No way, that person would be sacked.*

57 Christina Pagel and Martin McKee, 'Capitulating to Populism: How American Institutions Enabled Authoritarian Drift' (2025) *Health Economics, Policy and Law* <https://www.cambridge.org/core/journals/health-economics-policy-and-law/article/capitulating-to-populism-how-american-institutions-enabled-authoritarian-drift/7ABFEF1FA73D2C78877E59BDBF267F90> accessed 27 October 2026.

> *In 2010, they started to eliminate the resistance ... They brought in partisan loyalists. They are stupid as hell. They used to be out pasting up billboards [during the electoral campaign], but they execute the central orders they are given.*[58]

Much the same can be said about the USA. Their senior ranks have always been highly politicised and there seems to be no evidence of principled opposition to Trump's policies at lower levels. The default responses seem to have been to resign or to acquiesce.

Outside government, leadership appears to have been the decisive factor. The motivation of the leaders of the big *US* corporations were purely (short term and?) financial. *S*ome in the legal and academic communities were more resilient. But institutional resilience was not a fixed property of any one institution. It was a choice its leaders had to make, repeatedly, often at real short-term cost. Harvard had the money, but still had to decide to use it and carry on using it. Four law firms had no guarantee of winning when they embarked on litigation. UCLA's faculty pushed when its leadership hesitated. None of this was inevitable, in either direction.

Here in the UK, the high profile resignations listed above are evidence of courage in the senior ranks of officialdom. Such sacrifices undoubtedly followed much internal opposition to ministers' policies. It is striking though that, with the honourable exception of Jonathan Jones, no permanent secretary or director general has ever felt it necessary to resign.

More generally, the last two or three decades of governments led by ministers who were none too keen on listening to civil servants have probably greatly reduced the chances that the current senior civil servants would feel authorised to challenge authoritarian ministers.

There was a small spark of resistance when Dominic Cummings and Boris Johnson mused aloud about refusing to comply with a Brexit related law and thought it would look good if they were to barricade themselves in Number 10 and the police had to drag them out. According to Tim Shipman, Helen MacNamara, a senior civil servant, was determined to ensure that the Government complied with the law and warned Cummings and Johnson that the civil service would not protect them if they failed to comply: 'The police don't work for you in that situation … they work for me … They work for us. It's not your building. These aren't your people. The police work for the Queen. We all work for the Queen. The idea was quietly dropped. Johnson ultimately sent the letter.'[59]

But such defiance is very rare. Helen MacNamara continued to support Johnson and work in the Cabinet Office throughout the Covid-19 pandemic.

58 Hajnal and Boda (n 20) 95.
59 Tim Shipman, *Out: How Brexit Got Done and the Tories Were Undone* (William Collins 2021) 116.

Tim Shipman also notes that the Palace was initially worried about the length of the proposed 2019 prorogation of Parliament, but was reassured by senior officials that 'everything was above board'. Another official justified Johnson's request to the then Attorney-General Geoffrey Cox that he withhold information from Cabinet about the legality of the proposed prorogation as 'questionable but not unconstitutional', because Johnson was only *briefing* Cabinet; it was not a meeting in which Cabinet was reaching a decision.

It is theoretically possible, of course, that there could be a rebellion amongst the middle and lower ranks of the civil service. Those near the top of a malign structure are always a tiny minority. They retain power because they are not challenged by those in the next tier. And that tier remains relatively powerful (a) because they do not challenge those above them, and (b) because they are not challenged by those immediately beneath them – and so on down through the whole structure. Mass disobedience could certainly halt particularly objectionable constitutional change, but it would probably need to reflect public opinion rather than lead it.

Chapter Four: Where Might Open Resistance Break Out?

The story so far is that any incoming Cabinet has enormous freedom to alter the way that the government is organised, staffed and directed. The civil service would be compliant and helpful.

Are there, then, any areas where we might expect (or at least hope) that the civil service would refuse to follow ministerial directions?

The following discussion assumes that, although a malign government might have replaced many senior officials with sympathetic supporters, there would remain a significant number of civil servants who might be seriously concerned about some of the new government's plans. This chapter discusses the constitutional foundations that might inform the way those officials might respond to those plans.

First, let us begin with the malign government. As journalist Gideon Rachman points out in his 'Strongman' book, strongmen leaders encourage a cult of personality, centralise power, and weaken or destroy independent institutions that they cannot control including **the courts, the media** and **electoral commissions**.[60]

Next, to return to the civil service and to Sir Douglas Wass' Reith lecture (with emphasis added): A civil servant's 'conscience should clearly require him to oppose actions which are either **unlawful, unconstitutional, or which involve some great affront to human values**.'[61]

Taken together, these suggest that there might be four areas of potentially serious conflict between the government and the civil service, which are described in more detail below.

1. Affront to Human Values
2. The Constitution and Elections
3. The Law and the Courts
4. The Media, Science, Facts, Experts & Speaking Truth to Power

Alongside these, I would add a fifth area, National Security, to this list.

60 Gideon Rachman, *The Age of the Strongman: How the Cult of the Leader Threatens Democracy Around the World* (Bodley Head 2022).

61 Wass (n 14).

What Would Resistance Look Like?

Before discussing our list in detail it is worth reflecting on what resistance could look like, though it is hard to predict the form that open resistance might take.

The civil service is of course a long-established institution with all the strengths and weaknesses that this implies. It is just as prone as other large organisations to start acting in its own self-interest rather than the wider public good. As highlighted above, it will undoubtedly do everything it can to show how it is indispensable to any incoming government. Equally, though, it may collectively resist behaviour which damages its integrity, for instance by asking it to take morally repugnant actions, break the law or lie to the courts or the public.

This might not apply to those more senior officials who would presumably already be political appointees, unsympathetic and probably hostile to any open challenge to ministers' priorities. They would likely quickly pick off individual dissenters would be told to 'behave' or resign.

Serious or effective resistance would therefore require collective action, possibly organised by the civil service unions (if this were possible) but more likely organised via informal networks sustained by like-minded groups outside government. These might include charities/third sector organisations, constitutional experts including academics, lawyers, parts of the media, scientists and even opposition politicians.

There would, in other words, need to be a coming together of citizens deeply concerned about threats to human rights, the constitution, the electoral process, the courts and free, honest and informed speech. As explained above, mass disobedience could be effective in motivating civil service resistance from below.

What could civil servants do? The nature of their work probably means that the most obvious form of resistance would be refusal to obey unacceptable or illegal orders. It would be necessary to explain why they were doing this and so the dissenters and their external supporters would need to mount serious and properly planned information campaigns. This would be easier to do if there were significant support from the media.

More serious and probably more effective resistance might include withdrawing labour. Priority might be given to action which would impede any visibly anti-democratic policies. Action which disrupted tax collection, for instance, would be much more powerful but a malign government might well then stop paying benefits and blame civil servants for the resultant hardship.

There has been little evidence of such collective action in Hungary or the USA, though. President Trump has, through various means, reduced union representation from 56 percent to 34 percent of the US public sector workforce.[62] One quite senior official who opined that 'collective action matters' then said there was not much that civil servants could do. At most, 'you try to be mutually supportive and encourage people to exercise their rights. That's pretty much the extent of it. But I think if people do that, then that helps to change behaviour, particularly when it involves malfeasance.'[63]

Having briefly outlined potential methods of resistance and their limitations, the next sections of this report examine the five areas where ministerial/official conflict might be expected to emerge if a malign government came into power.

1) Affront to Human Values

Enoch Powell delivered his 'Rivers of Blood' speech in 1968 and was immediately denounced by most in society and by every senior politician. But the Overton window has moved since the 1960s. Memories of wartime fascism were then very real.[64] Today, in contrast, the Trump administration is described by many serious commentators as, if not fascist then fascist adjacent. And comments by numerous current American and British politicians are much more extreme than anything said by Mr Powell and Co.

It is not hard to imagine a malign government taking steps to curtail the rights currently enjoyed by non-white immigrants, women and others. Current judicial guardrails could easily be demolished. It is also not hard to imagine that such policies would affront many civil servants, including those from the affected communities. It is less clear that they could, or would, do something about it.

An election of such a malign government would not therefore be an unimaginable shock, and many once unthinkable policies might be in or implied by its manifesto. In these circumstances there would be many in the civil service who would argue that the will of the democratic majority should prevail.

There would be internal dissent, of course, but the recent example of the United States suggests that it would be fairly muted. That civil service seems to have acquiesced pretty readily in several policies including the creation of ICE and its operations despite the fact that the Black, Hispanic and Asian population amounts to around 37 percent of the US total. The UK equivalent figure is around 14 percent. It is hard to imagine that our civil service would be any more robust, in reacting to any affront to human values, than its American counterpart.

62 Don Moynihan, 'Unions Against Voughtism' (Substack) <https://donmoynihan.substack.com/p/unions-against-voughtism> accessed 27 October 2026.

63 Jaime Lee Kucinskas, *The Loyalty Trap: Conflicting Loyalties of Civil Servants Under Increasing Autocracy* (Columbia University Press 2025) 5.

64 The Overton Window is the full range of politically and socially acceptable ideas. It can be widened or shifted if the public can be persuaded to support previously unacceptable policies.

2) The Constitution and Elections

As mentioned in the introduction to this paper, malign governments (at least in the West) have typically arrived as a result of elections or other popular pressure. Malign politicians, once in power, then typically try to abandon democracy and elections. In Austria, for instance, tensions between the two main political camps led more and more people on the right to question democracy, and, following a brief civil war in February 1934, Social Democracy was banned.

We have yet to see similar developments in former democracies in this century. FIDESZ and Orbán even lost power in democratic elections in 2026, despite some efforts to rig a different outcome. Prime Minister Modi's purge of voter rolls is being strongly resisted by the new and wonderfully named Cockroach Janta Party.

But there are ominous signs in the USA. President Trump has repeatedly questioned the result of the 2020 election (which he clearly lost) and has since (quoting the *Slaughter* decision) fired the last two Democratic members of the Election Assistance Commission (EAC), an independent Federal Commission that helped state and local officials make sure elections are smooth and secure. The only other current member of the EAC, a republican, resigned. The fourth member of the EAC, a republican, had resigned previously. Trump has thus shut down an election agency of Congress' creation. It seems that nothing can be done about this, though it remains to be seen whether a Democratic House and Senate can now prove a limit on executive power more generally over the next two years.

Would (could?) civil servants strenuously oppose similar developments over here? It is very hard to tell. There is nothing in the Civil Service Code that mentions democracy. But overt election interference would clearly represent a sort of policy that has until now seemed unimaginable and unacceptable. One would hope, therefore, that many civil servants would absolutely refuse to condone such developments. It would be a severe if vital test of their courage.

3) The Law and the Courts

FDA -v- Secretary of State for the Cabinet Office and another (the Rwanda case) has recently confirmed that civil servants can refuse to comply with ministerial instructions which are clearly illegal under domestic law.[65] This was in part because the Civil Service Code says that 'you must comply with the law and uphold the administration of justice'. I suspect, though, that it would be good law even without the Code. Surely no-one can (legally) instruct another to break the law. It would appear possible, therefore, that civil

65 *FDA v Secretary of State for the Cabinet Office and another* [2024] EWHC (Admin), judgment summary available at <https://www.judiciary.uk/wp-content/uploads/2024/07/fda-judgment-summary-final.pdf> accessed 27 October 2026.

servants could or would (en masse if necessary) refuse to break existing domestic law. This might happen even if their newly politicised line managers ordered them to obey ministers.

In the USA, for example, the Trump administration has tried hard but has so far failed to extract tax data from the Inland Revenue Service to power its mass deportation campaign. The IRS' chief privacy officer was among the senior leaders who left the agency over the threatened violation of longstanding privacy protections.

The position is less clear when it comes to international law. I and many others believed that the logic summarised above would apply equally to clear obligations under treaties and international law. The judge in 'FDA' disagreed and unfortunately there was no opportunity for the FDA to appeal the decision before the incoming Labour Government made such an appeal unnecessary. It therefore remains to be seen how the civil service would react to a government that ordered it to ignore international treaties, agreements or conventions – including the European Convention on Human Rights.

Aspiring autocrats and authoritarians often seek to marginalize not just the law but also the courts. This wasn't difficult in the United States where individual members of the Supreme Court are political appointees and the Court is expected to take decisions which would, in the UK, be taken by parliamentarians. The current US Supreme Court has empowered Mr Trump, and arguably betrayed core constitutional values along the way. It seems unimaginable that the same thing could happen in the UK – and the current civil service would surely join with the Justices in opposing it. But this response would be less likely if all the permanent secretaries were political appointees.

Trump has appointed his own personal defence lawyers to run the Department of Justice. The Acting Attorney General Todd Blanche has personally intervened in the Epstein case to protect Trump. Every Department of Justice prosecutor or FBI agent who was involved in investigations of Trump is no longer in government, having been fired or pushed out.

Something similar could happen in the UK as the key appointments (Attorney General, Director of Public Prosecutions) are made by the Prime Minister. Over the longer term, politicians could attempt to seize control of all judicial appointments from Supreme Court down, by disbanding or otherwise circumventing the current Judicial Appointments Commission.

The government and the judiciary could thus come into conflict. The civil service could easily (and maybe should) be drawn into this battle, especially if a malign government were to threaten the presumption of regularity – that is that the government comes to court aiming to tell the truth and seeking a fair outcome. The resolution of the battle would depend upon the loyalty of the police and civil services to the judiciary. One would hope that both would defend the rule of law and the independence of the judiciary.

4) The Media, Science, Facts, Experts & Speaking Truth to Power

One of the most worrying features of the current Trump administration is its willingness not only to ignore important facts and expertise but also to substitute its own ridiculous and transparently nonsensical alternative reality, much of which is readily parroted by large parts of the American media.[66] Eventually it came to go further by denying certain outlets access to the White House. The President justified this in a way that would have been admired by Orwell's Big Brother: 'The White House is not instituting an assault on the Free Press, something which I cherish. It is instituting an assault on the FAKE NEWS, something that has grown like Cancer in our beloved United States of America.'[67]

It is to be hoped that the British civil service and media would not be complicit in similar behaviour this side of the Atlantic. The Civil Service Code says that:

> ***You must****: set out the facts and relevant issues truthfully, and correct any errors as soon as possible; and use resources only for the authorised public purposes for which they are provided.*
>
> **…**
>
> ***You must****: provide information and advice, including advice to Ministers, on the basis of the evidence, and accurately present the options and facts; take decisions on the merits of the case; and take due account of expert and professional advice.*
>
> ***You must not****: ignore inconvenient facts or relevant considerations when providing advice or making decisions; or frustrate the implementation of policies once decisions are taken by declining to take, or abstaining from, action which flows from those decisions.*[68]

This is constitutionally perhaps the most important part of the Code. Its substance would survive even if the Code did not. No employer is entitled to ask its employees to tell lies. A civil service that lies to the public or to Parliament must clearly be reckoned to be a failed institution.

66 See for instance: Paul Krugman, 'Reality Is a Communist Plot' (Substack) <https://paulkrugman.substack.com/p/reality-is-a-communist-plot> accessed 27 October 2026.

67 'CNN, MSNBC and Politico Sue White House Over Access Restrictions' *PBS NewsHour* <https://www.pbs.org/newshour/politics/cnn-ms-now-politico-say-theyve-notified-trump-theyre-suing-over-denied-white-house-access> accessed 27 October 2026.

68 Cabinet Office, *Civil Service Code* (updated 16 March 2015) <https://www.gov.uk/government/publications/civil-service-code/the-civil-service-code> accessed 27 October 2026.

I would hope and expect, therefore that officials would not bend to ministerial or other pressure to give credence to scientific illiteracy, conspiracy theories or 'alternative facts'. They should aim to communicate what reputable journalists refer to as 'the best obtainable version of the truth'. If a minister or special adviser wants to stray beyond this then they should take personal responsibility for their statement.

The civil service should also expect ministers to respect the freedom of the press and not follow the Hungarian example in taking control of media outlets, nor Trump's litigious/bullying enterprises.

The current position in the UK is that our politicians, once elected to government, seldom tell obvious lies and civil servants generally resist any attempts to insert errors and untruths into official documents. This is in distinct contrast to certain US examples.

We do not need to speculate about what compromise about truth, science etc. might mean. The second Trump administration offers a warning. In the US, institutions safeguarding health were politicised, scientific agencies were weakened, and expert advice was sidelined or replaced by ideological appointees. The result has been measurable harms, including the resurgence of diseases that are preventable with vaccines and reduced support for people most at risk.

Even the US military has succumbed. Phillips P O'Brien:

> *Now, I can tell you from past US history, that the US military has successfully fought back against Presidential interference on technical matters. Leahy and Roosevelt regularly discussed technical questions, and Leahy was more than happy to push back when he believed Roosevelt was wrong. And Leahy got his way. Compared to someone like Leahy, the US military seems staffed by very weak reeds these days.*[69]

Can we rely on a future senior civil service to resist this nonsense? Perhaps not perfectly. Cabinet Secretary Robert Armstrong was pilloried for accepting in court that he had 'been economical with the truth' during the so-called Soviet 'Spycatcher Trial'.[70] And many of his permanent secretary successors have proved adept at protecting ministers and their policies when questioned by parliamentary committees. But it is to be hoped that the civil service as a whole would remain true to the position summarised in its Code.

69 Phillips P O'Brien, 'Midweek Update #24: The USA Is Not ...' (Substack) <https://phillipspobrien.substack.com/p/midweek-update-24-the-usa-is-not> accessed 27 October 2026.

70 Richard Norton-Taylor, 'Lord Armstrong of Ilminster Obituary' *The Guardian* (5 April 2020) <https://www.theguardian.com/education/2020/apr/05/lord-armstrong-of-ilminster-obituary> accessed 27 October 2026.

There would certainly be problematic disputed ground, not least in official publications. These have never, in the past, been used to deliver overt political messages but it is unlikely that this rule would survive. Under pressure from a malign government, we might also expect such ministers to want official documents to carry convenient untruths.

Officials should refuse to prepare documents which carry anti-vaccination messages or which assert that climate change is a hoax. One would expect Health Department and Met Office staff to feel particularly strongly about those issues. One work around, though, already often used in the past, would be for officials to draft documents which say that 'the government believes that X is true' rather than 'X is true'. Would ministers accept this?

5) National Security

There are policy areas where most politicians and experts feel that a degree of certainty and continuity is desirable. Governments do not break contracts entered into by their predecessors. If nationalisation is considered necessary then compensation is paid. Research and regional development continues to be supported even if reduced over time. Adjustments to relations with foreign governments are made slowly and with care. But a malign government might not feel similarly constrained and the civil service, as I have argued, is likely to implement the new policies, even if with heavy heart.

But what if incoming ministers were known to be sympathetic to a current enemy?

This is not a theoretical question. President Trump openly admires President Putin and many of his policies are Russia-friendly, as were those of Viktor Orbán's Hungarian government. 400 former US intelligence and national security officials have formed *the Steady State* network, concerned about rising authoritarianism in the US. The network argues 'President Trump's use of intelligence declassified by his administration … and revocation of perceived enemies' security clearance … has exacerbated the group's concerns.'[71]

The German security apparatus is said to be alarmed at the prospect of Alternative for Deutschland entering even into regional government for the same reason, and in the UK, Former MEP Nathan Gill's conviction for accepting bribes to give pro-Russian interviews highlights present dangers.

71 Steff Chávez, 'Donald Trump Is Dismantling US Guardrails, Warn Former Security Officials' *Financial Times* (9 August 2026) <https://www.ft.com/content/4fc0fdda-0919-4584-9bdd-855e2aaa5c09> accessed 27 October 2026.

It is hard to predict how the UK security services (and their Five Eyes colleagues) would respond to a Russia-friendly government, but one might surmise that they would at least be exceedingly reluctant to share intelligence with ministers, probably citing 'Need to Know' rules.[72] Whether or not this went further would depend upon a number of factors, including likely support from within the armed forces.

72 MI5 investigated repeated allegations in the 1960s and 70s that Prime Minister Harold Wilson was a Soviet agent but found no cause for concern. Michael Evans, 'Wilson Cleared of KGB Threat in MI5 Inquiry' *The Times* (4 May 1987); see also Ian Cobain, 'The History of Five Eyes' *The Guardian* (2 December 2013) <https://www.theguardian.com/world/2013/dec/02/history-of-5eyes-explainer> accessed 27 October 2026.

Conclusion: Preparation

If the above analysis is correct, how should the civil service in general, and the Cabinet Secretary in particular, act in advance of the election of a possibly radical and malign government?

The civil service should, I suggest:

1. Seek to protect and sustain its vital role as a source of expertise, analysis and critical friendship to ministers,

2. Demonstrate its willingness to work at pace and in radically different ways, and

3. Accept that ministers will demand loyalty and commitment.

It should also stress its willingness to help ministers implement all of their policies even if they take the form of a substantial reconfiguring of the machinery of state, including the civil service, and even if they are regarded as abhorrent by many within the civil service and outside it.

However, the above must be subject to those policies being consistent with UK law as at the date of the election *or* having been the subject of legislation subsequently approved by Parliament.

Regardless, senior officials should make it clear that they would not be complicit in implementing policies which might damage the electoral process, require civil servants to break the law, threaten judicial independence, threaten the freedom of the press and/or require civil servants to speak other than the truth. In taking this principled stance, the civil service should indicate that it would expect strong support from the Electoral Commission, the judiciary, the police and the media.

Martin Stanley,
October 2026.

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