Civil Service in CEE countries: Where institutions do not work? A subjective account on and interpretation of Session 4 of TED5.[1]

Gyorgy Gajduschek

1. **An overview**

The fourth session, moderated by Calin Hintea, dealt with the patronage, political appointments and politicization in CEE countries. The keynote speaker Maria Spirova delivered a presentation on a large-scale cross-European survey attacking the issue of patronage. The survey compares three CEE countries (Czech Republic, Bulgaria and Hungary) with one another and several other EU member states regarding the overall measure and the type of patronage and politicization. Miroslav Beblavy and Emilia Sicakova-Beblava defined various types of politicization and analyzed how these appear in Slovakia, a country whose civil service is considered as one of the most politicized in the EU. They argued that there are various types of political appointments, some of which takes into account professional qualities as well. For instance, if ministers appoint their staff political and/or personal loyalty is surely a selection criteria, but – as the performance of his/her staff, eg. PR officials, directly influences the ministers' career – skills of these persons is also taken into consideration. So called coalition appointments, on the other hand, are purely influenced by

party or personal links without any professional selection criteria. Juraj Nemec enlisted the major questions regarding the causes and effects of politicization and the differences among countries in that regard. Dorina Uzunova reviewed her research framework regarding politicization of agency heads and board members in ten selected Bulgarian executive agencies. The aim of her research was to (a) identify the degree and (b) the type of politicization, based on the approach elaborated in a previous work of Meyer-Sahling on modes of politicization. Jan-Hinrik Meyer-Sahling presented his findings from a comparative research of politicization of senior civil servants in CEE countries that joined EU in 2004.[2] Besides an analytical framework, Meyer-Sahling, like Spirova, provides us with quantitative measures of politicization; though Spirova's research scope is wider, including West-European countries too.

A lively discussion facilitated by Koen Verhoest followed the presentations. Several contradictory issues popped up during this discussion that touched upon the topics like path dependency and the impact of Western patterns, the impact of EU "expectations" (conditionality at the accession phase and the changing situation after) and political, administrative and cultural traditions in CEE countries. In the following I will, in an admittedly subjective manner, discuss only a few such core questions that may have further implications for research.

2. "Western concepts" in explaining politicization in CEEC

---

[2] Some of the presentations delivered at the conference have already been published. Quotations below will refer to these two published papers as: Kopecký – Spirova, 2011; Meyer-Sahling – Veen, 2012. (See details in reference list.) The paper of Beblavy and Sicakova-Beblava (Beblavy-Beblava 2012) is quoted as it appears on the website of TED.

The first question is whether it is possible to directly apply research concepts elaborated mostly in the US or in the "Western World to CEE reality. Verheijen, based on a large-scale comparative research, concluded several years ago that the civil service systems of CEE countries do not seem to fit to the „somewhat Western centric" (Verheijen 1999: 336) theories and categorizations. Seemingly, Mayer-Sahling (Meyer-Sahling – Veen, 2012) reaches a similar conclusion by indicating that politicization serves perfectly different purposes in this region. Furthermore, he also proves that the theories and the very concepts that were elaborated in Western Europe do not really work in the region. Whereas in the West robust competition between the ruling and the opposition parties may effectively reduce politicization, the same phenomenon in the CEE region leads to a perfectly opposite result: Regular wholesale alternations between ideological blocs at elections undoubtedly increase politicization of the senior civil service. Beblavy and Sicakova-Beblava also argue that special forms of politicization can be identified in Slovakia that have not been described in the English-language literature. The research of Spirova (Kopecký – Spirova 2011) starts from a categorization of communist systems and attempts to explain the present variation among post-communist countries from the variance in communist systems. On the other hand the authors indicate that, at least based on the survey data they rely on, post-communist EU countries do not seem to be outliers in terms of patronage; rather they are somewhere in the middle and there are countries, especially in the South,[3] where politicization is higher than in most CEE countries. It seems that whereas CEE countries reveal attributes that cannot be explained by the conceptual framework elaborated in the mainstream Western literature, there could be findings that may be valid not only for CEE countries but potentially to some South-European systems and/or – as suggested, for instance, by Goetz (2001) – to Latin America as

---

[3] Somewhat surprisingly all the three examined CEE countries reveal lower level of politicization than Germany. I believe, this finding that sharply contradicts our tacit knowledge would request minimum an explanatory note.

well. On the other hand, findings from these areas may be more relevant in understanding CEE patterns than those emanating from the US and North-West Europe.

3. On the concept of politicization

I believe this can be especially well captured in case of such concepts as politicization and patronage. As Meyer-Sahling-Veen (2012: 5) put it: "Party patronage is traditionally defined as the 'distribution of divisible goods to party supporters'". In other words, in the Western literature, politicization is a way to reward party supporters, to strengthen the party itself. According to the author, however, in the CEE countries politicization most of all serves the purpose of effective controlling of the government by political masters and not party purposes. Namely, ministers and other political heads of administrative units rely on patronage to control the administration. Meyer-Sahling-Veen qualifies this statement as a major research finding. Kopecky-Spirova, without reflecting to the fact that this statement contradicts the mainstream Western literature, self-evidently mention that patronage may serve the purpose of "control[ling] state institutions" (p.903) besides rewarding supporters. Moreover, they claim, on the basis of quantitative findings, that controlling administration is much (at least five times) more important, than just rewarding party supporters (pp. 911-914).

Political leaders of the administration seemingly do not trust the "system", they trust only "people" loyal to them. Moreover, as most senior civil servants were appointed on a political basis, new ministers may be quite right to distrust the organization run by these officials and look for new ones who are loyal to them. This may go on as a vicious circle; a process that may have started with the first democratically elected, non-communist Cabinet that replaced

leaders of the communist nomenclature by officials trusted by the new, democratically elected leaders, naturally and admittedly on the basis of political (personal) loyalty.

In this arrangement personal ties and loyalty of senior civil servants is crucial. This is frequently not party or political but purely personal loyalty to the minister or other political appointee. (A fact that is largely hidden by the term "politicization" and perfectly excluded from the "Western" meaning of the concept.) For instance, in Hungary, permanent state secretaries supposedly being the professional heads of ministries who assure continuity of administrative functioning, were typically replaced if a new minister came into office, even if that happened in the same government (parliamentary cycle) and the minister was from the same party. Thus, permanent (!) state secretaries stayed in position in average for two years. (Gajduschek 2008: 90) Kopecky-Spirova, asking a question about the role of political vs. purely personal loyalty in their expert survey, found that in about half of the cases personal loyalty to the political leader is a crucial decision criteria in appointing senior officials (pp. 914-915). The importance of personal loyalty seems to be crucial in some types of politicization (e.g. "personal decision of the minister or state secretary") analyzed by Beblavy-Beblava (p. 14) as well.

I would add to the above conclusions that some of the non-merit appointments may be interpreted as a sign of a soft budget constraint, using Kornai's (1980, 1986) term here, rather than an occurrence of politicization. People who do not find employment in private sector may try to get some kind of public employment using their personal relationships. I found, for instance, that in the early years of transition in Hungary, when large "socialist companies" and agricultural "cooperatives" collapsed, the proportion of engineers and agrarian professionals in civil service has dramatically boosted (from 18% in 1985 to 39% in 1994)

though the changing functions of government (end of central planning and control of industrial and agricultural units) required an opposite trend. (Gajduschek 2008: 147-149) A similar phenomenon is indicated by Kopecky-Spirova "in areas outside the capital where incomes are substantially lower" (p. 204), and something similar may be embedded in the "coalition-based appointments" described by Beblavy-Beblava (p. 14) as a type of politicization that appears typically at local government units. Thus, this phenomenon may be treated in the conceptual framework of politicization and patronage as discussed at Session 4, on one side, but could be a critical point for public choice theorist as well, as an indicator for soft budget constraint, the lack of serious pressure for efficiency. Namely, public agencies employ people with qualification that is not needed for their position, a phenomenon that has not much to do with politicization.

4. On Civil Service Laws

The role of legal regulations has been discussed in some presentations (especially: Beblavy-Bebelava) and the debate during the session as well. As Meyer-Sahling-Veen indicate in their paper, in accordance with several other authors like Nunberg 1999, Verheijen 1999, Gajduschek 2012, the existence of civil service laws was considered for long, both by local and by foreign experts, as an indication of a merit based, politically neutral administrative system. In fact, the existence of such laws is hardly a guarantee against politicization, as quite frequently even detailed laws do not regulate such crucial elements as selection and appointment procedures. This statement is supported by quantitative empirical data as well. For instance Meyer-Sahling-Veen indicate that the Czech Republic without a civil service law is somewhat less politicized than Hungary that adopted the very first comprehensive civil service law in the region. The comparison between these two countries results in the same

conclusion in the paper of Kopecky-Spirova. Meyer-Sahling-Veen also review that Baltic states, which were surely not the forerunners of adapting comprehensive civil service laws, are by far the least politicized. This reinforces our experience that laws frequently serve not as stimuli or manifestations of but rather as substitutes for real action in depoliticizing civil service, as Nunberg (1999: 256) stated more than a decade ago. The discussion at the conference seemed to conclude that legal regulations play minor role in creating a merit system and preventing large-scale politicization. Spirova, however, warned that civil servants may initiate legal action and in that way laws still can influence real procedures. From the remarks of several participants from other CEE countries, it seemed that such an impact of regulation exists in most of the CEE countries. However, these sporadic and random cases may not have a systematic impact. From a jurisprudential point of view this arrangement in fact largely contradicts the major function of modern law. Law, as the only generally valid normative system of modern societies whose rules are followed commonly, supposed to introduce high level of predictability in a risky and unpredictable social life. If laws are enforced only in rare and random cases they can hardly fulfill their function of uncertainty reduction. On the contrary, this type of law enforcement rather increases uncertainty and surely cannot result in a merit-based, depoliticized civil service systems. Furthermore, as Meyer-Sahling (2011) and Verheijen (1999) indicated earlier, civil service regulations are regularly changed without much ado if that is necessary to replace "old" personnel with a new one, loyal to the new ruling politicians.

A concluding hypothesis: Plea for non-institutional approach

As a subjective, perhaps oversimplified and surely over-generalized conclusion, it seems to me that institutions, like neutral, professional bureaucracy and legal regulations, do not really

function in the region and/or political leaders of the government do not really trust them. (Weakness of institutions on one hand and the belief systems of politicians on the other in this regard may constantly reinforce and reproduce one another.) Instead of institutions personal relationships, to put it more fashionably: networks, are relied on. Modern bureaucracy, as described by Max Weber a century ago, is characterized by a depersonalized nature that is perhaps the most crucial element of this institutional arrangement and is the sharpest difference from all previous forms of administration. In CEE countries, however, administration functions, or is managed, in a more personalized manner that reminds us more ancient, pre-bureaucratic forms.

In this arrangement, neo-institutional approach emphasizing institutions like organizations and (legal or moral) norms seem to be less effective to explain the administrative system of CEE countries. This approach occurred largely as a reaction to approaches (e.g. neoclassical economics and game theory) that are based on the presumption of utility-maximizing individuals surrounded by similarly rational actors. Neo-institutionalism seems to be the mainstream social science approach applied also towards public administration. I believe that this approach is not only less adequate for understanding non-Western societies but in most cases fruitless or even misleading. Formal institutions in these countries seem to be quite similar to their Western counterparts. But these institutions exists on the surface only, as facades without real content; these institutions just do not function in social practice. Based on our present knowledge, approaches regarding actors as pure utility maximizers may provide more reliable findings than those taking formal institutions seriously. An alternative approach could be to concentrate on "informal rules" as it is done by more and more authors who see that formal institutions are empty shells. (E.g. Falkner 2008, Dimitrova 2010.) The main question in this regard if there are generally shared informal institutions.

References

Beblavy and Sicakova-Beblava (2012): Understanding Reasons and Implications of Agency Management "Politicization". *Website of TED: http://ted-dialogues.org/ted5-budapest/*

Dimitrova, Antonova (2010): The New Member States of the EU in the aftermath of enlargement: Do new European rules remain empty shell?, *Journal of European Public Policy* 17(1)

Falkner, Gerda – Trieb, Oliver (2008): Three Worlds of Compliance or Four? The EU-15 Compared to New Member States *Journal of Common Market Studies*

Gajduschek Gyorgy (2008): Közszolgálat. A Magyar közigazgatás személyi állománya és személyzeti rendszere az empirikus adatok tükrében. [Civil service. An empirical analysis of the Hungarian administrative personnel and civil service system.] Budapest: KSZK

Gajduschek Gyorgy (2012): A köztisztviselői jogviszony hazai szabályozásának szisztematikus, átfogó elemzése. [A systematic analysis of civil service regulation] Ph.D. thesis, University of Pecs, h*ttp://www.kozigkut.hu/doc/gajduschek_11jun.pdf*

Goetz, Klaus H. (2001): Making sense of post-communist central administration: modernization, Europeanization or Latinization? *Journal of European Public Policy* 8(6)

Kopecký, Petr and Spirova, Maria (2011): 'Jobs for the Boys'? Patterns of Party Patronage in Post-Communist Europe. *West European Politics* 34(5)

Kornai, János (1980): *Economics of Shortage*. Amsterdam: North Holland Press

Kornai, János (1986): The Soft Budget Constraint. *Kyklos*, 1986, 39(1)

Meyer-Sahling, Jan-Hinrik (2011): The Durability of EU Civil Service Policy in Central and Eastern Europe after Accession. *Governance* 24(2)

Meyer-Sahling, Jan-Hinrik and Veen, Tim (2012): Governing the post-communist state: government alternation and senior civil service politicisation in Central and Eastern Europe. *East European Politics* 28(1)

Nunberg, Barbara (1999): *The State after Communism* Washington D.C.: World Bank

Verheijen, Tony ed. (1999): *Civil Service Systems in Central and Eastern Europe*. Edward Elgar