IS THERE SPACE FOR HYBRID MANAGEMENT MODELS OF SENIOR CIVIL SERVICE ACROSS POLITICAL-ADMINISTRATIVE SYSTEMS?

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The article analyses the political-administrative dichotomy and the relationships between administrative and political actors.

Based on the Peters and the Aberbach, Putnam, and Rockman models of interaction between political and administrative actors, some representative cases were selected and studied in order to identify the specificities of senior civil servant selection, recruitment and employment regimes.

The main objective was to verify if there is some space for hybrid management models, combining both the political and meritocratic requisites, in the context of the contemporary democracies.

The paper also presents some proposals for a more integrated strategic selection and management policy for senior civil servants, aiming at the improvement of transparency, legitimacy and merit in the selection processes.

Keywords: *Political-administrative systems, senior civil service, top officials, recruitment, selection, hybrid-models, dichotomy, élites, case studies*

Raktažodžiai: *politinės-administracinės sistemos, aukštesnioji valstybės tarnyba, aukštesnio rango pareigūnai, priėmimas į valstybės tarnybą, atranka, hibridiniai modeliai, dichotomija, elitai, atvejo tyrimai.*

1. Introduction

From the eighteenth century onward, public administration literature has been debating which political-administrative model best serves the citizens' public inter-

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est. In the recent past, administration has been too politicized and systems of nepotism and patronage have been prevalent. In the nineteenth century, the Northcote-Trevelyan Report (1854) in the United Kingdom appealed that a meritocratic system would enhance public administration performance. A few years later, in the United States of America, a federal law was published—the Pendleton Act (1883) also aiming at a more professionalized public service (Wilson, 1887). These two initiatives required a completely different approach to the delivery of public services. Public Administration changed its administrative model and became more independent from politicians, resulting in a more professionalized public service as Pitschas (2006: 35-52) notes. However, as noted by Peters (1996: 5), the adjustment process was made at a snail's pace. Nevertheless, in 1904, half of the USA's civil servants were already recruited within a merit system. Those were the first steps in the institution of a legal-bureaucratic apparatus: "from the moment we separate political activity from administrative activity, we can speak of Weber's legal-bureaucratic administration model" (Rocha, 2006: 6-7). This model provided a great contribution to the establishment of a professionalized body of civil servants protected by legal statutes from the discretionary power of politicians.

This was a prerequisite for the development of a more professionalized and independent public administration. Nevertheless, the environment created a context in which professionalized civil servants retained great knowledge of the administrative (as well as political) technicalities, procedures and legal framework (Peters, 1996:3; Chevallier, 2002:73). This environment brought a lot of (informal) power to the administrative bodies which increased with New Deal policies and the consolidation of the Welfare State paradigm. New professionals were needed and, consequently, public administration increased the number of civil servants, strengthening the influence and dominance of the professionalized bureaucracy, now composed of doctors, social assistants, teachers, lawyers and other workers. Senior civil servants from these professionalized bodies gained excessive power over public policies, privileging their own individual interest over the public interest, as frequently argued by public choice enthusiasts.

Public Choice and the New Public Management approaches incentivized a decrease on the influence of senior civil servants in public policies and administration. Therefore, political involvement in administration became a reality, firstly in countries such as the United Kingdom, where public reform changed the traditional public service structure, and then worldwide (Rocha, 2000:10; Mozzicafreddo, 2001: 3-1; Peters, 1996:4-13). As noted by Rocha (2005b: 11) and Madureira (2006: 47), traditional methods of recruitment and selection were substituted with other methods where political trust or party allegiance became the major criteria for the selection of senior civil servants, diminishing the presence of what once were called mandarins.

The graph below represents the evolution cycle of the selection criteria for senior civil service, presenting the politicization level in western countries, particularly those who first adopted the NPM doctrines.

Nowadays we are once again rethinking the system, asking which political administrative system would best respond to current challenges. Authors such as Peters

(1987: 258), Aberbach, Putnam and Rockman (1988: 1) argue that hybrid systems[1] are ideal, as they gather the strengths of both the meritocratic and the politicized systems. However, is this really true and practically possible? What kind of political-administrative configurations do we currently have across the world?
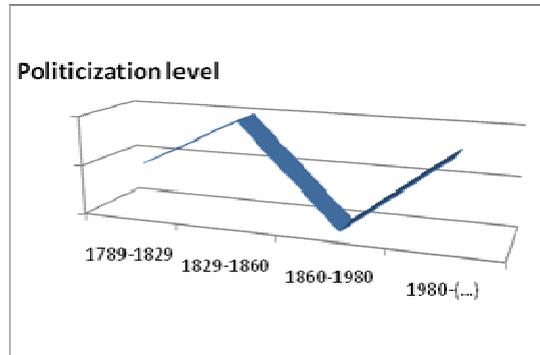

Figure 1: The evolution of politicization

2. Political-administrative systems

As Peters notes (1987: 257), most literature regarding the relationship between political and administrative actors is anecdotal. Existing literature on this issue frequently agrees that in theory there is a division between political and administrative roles (Chevallier, 2002; Mulgan, 2007). Nevertheless, while in theory this issue is unquestionable, many authors state that in practice it is impossible to define a marked border between political and administrative actors. In spite of the poor evidence on relationships between those two actors, some authors (Peters, 1987; Aberbach, Putnam and Rockman, 1988) present some theoretical models on the configuration of political-administrative systems. We admit that it is not our intention to present these models in detail here. We are more interested in the classification of each model, considering its main political-administrative configuration with regard to the values of trust and neutrality/independence. Table 1 presents the models defined by these authors according to the main value they promote.
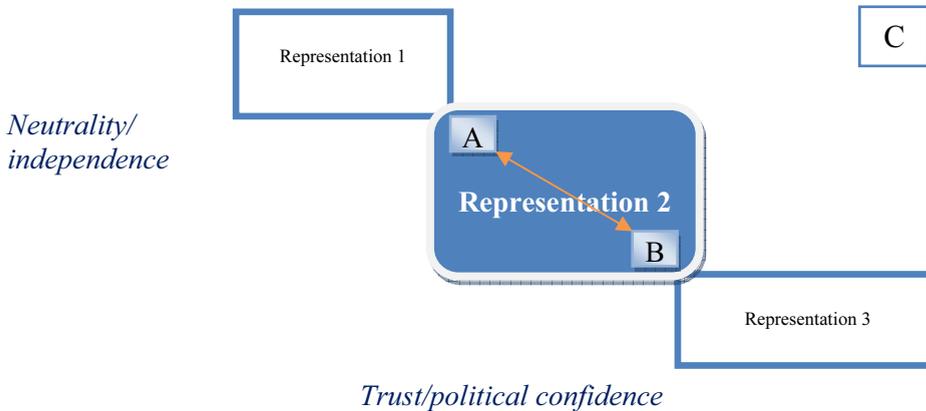
If we represent these values and models graphically, we find that there is some space (between trust and neutral/independent configurations) for hybrid management models. Hybrid management models suppose the presence of both values of trust and independence/neutrality, as Representation 2 of Figure 2 illustrates.

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[1] It should be noted that when we refer to hybrid management models in our analysis, we are referring to the presence of both independence/neutrality and trust values in the political-administrative configurations. This is to say that top public managers are selected and managed based on both of these values.

Table 1: **Political-administrative models according to the value they promote**

Proposed models	*Principal Value*	*Graphic representation*
Peters Formal Model; State Administration Model **Aberbach, Putman and Rockman** Image 1, 2	Neutrality/independence	1
Peters[2] **Aberbach, Putman and Rockman** Image 4	Hybrid values of trust and neutrality and independence	2
Peters Village life / functional village life **Aberbach, Putman and Rockman** Image 3[3]	Trust	3

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Neutrality/independence

Representation 1

C

A

Representation 2

B

Representation 3

Trust/political confidence

Figure 2: Political-administrative representations according to the values they promote.
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Although Representation 2 symbolizes hybrid models of political-administrative configuration, it can shift along an axis between values of neutrality/independence, and trust and political confidence, i.e., between points A and B. It is uncommon, not

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[2] The Peters models of Village life and Functional village life denote a marriage between politics and administration, which in an initial analysis might appear to represent a hybrid model. However, considering that bureaucrats are usually nominated based on political trust, they are frequently more closed to trust models than to independent and neutrality models.

[3] Although Image 3 does not directly represent trust as a value, it suggests that administrative actors submit to political actors.

to say impossible, to have values of both neutrality and trust at their maximum (point C). That is to say that we can only have simultaneous neutrality/independence and trust/political confidence in the space available for Representation 2 between points A and B. In other words, even in hybrid models, political-administrative configurations tend to be more or less political, depending on the position they take on the A-B axis of Representation 2.

By configuring a political-administrative system, we are deciding on how political and administrative actors should interact with each other. If we aspire to create a more professionalized system, observing the principles of the Rechtsstaat, we have to configure a more independent and neutral administration. Conversely, if we aim at a more political configuration, ensuring that administration does what politicians want, we have to configure a more politicized system, with detriment to the independence and neutrality of administration. This trade-off leaves us with the difficult task of configuring a system that best serves the public interest.

If we aim for a neutral and independent system we have to deal with issues like administration's lack of legitimacy. As administration is not elected by citizens, it must strictly implement the demands of politicians in order to do not suffer from illegitimacy. One could argue that technical legitimacy, which could legitimate the administration's decisions, could not be used to promote public interest and can even be used to subvert the original spirit of public policies, with potential damage to public interest (Aberbach, Putman and Rockman, 1981; Diamant, 1989; and Herzfeld, 1992: 2).

On the other hand, if we opt for a politicized system based on political trust, the independence and neutrality of public administration can be questioned in terms of the proximity and inter-permeability of relations between public officials and politicians. In this case, public interests could also be subjugated to the private interest.

This is a real trade-off: no matter what system we choose, we always lose some value in favour of another. So the question is how to minimize this trade-off? How do countries across the world deal with this trade-off? Is there an ideal configuration?

To answer these questions, we should analyse some political-administrative systems, focusing on the selection criteria of senior civil servants. We shall consider four representative countries: France, Portugal, United Kingdom and United States of America. In the following discussion, we will only refer to the most important data concerning each model[4].

2.1. French and Portuguese models

France and Portugal represent a traditional European model of administration based on political trust and political confidence. There are many instances that reveal a link between the selection processes and elitist recruitments (e.g., ENA-FR). The politicization level is usually high and exposes both the influence of administration in

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[4] More detailed data is available at www.iscte.pt / www.dferraz.net ; Ferraz, 2008

politics and the influence of politicians in administration. Consequently, it is very hard to draw a distinctive line between the political sphere and the administrative one in these countries.

2.1.1. France

In France, political authorities have considerable discretion in selecting and appointing senior civil servants. Senior civil servants are selected inside or outside the administration. The main criterion is political and personnel confidence or trust. Therefore, senior civil servants are usually selected based on party allegiance. The system ensures that the government's program is implemented whatever its merit (Mulgan, 2007: 571). In any given circumstance, politicians have the power to appoint or dismiss nominated officials "at the pleasure of government" (Shepherd, 2007: 4). As noted by Shepherd (2007: 4), this system favours a patronage-based system, undesirable in developed democracies.

In France *les grands corps* have great prestige being in direct contact with the ministers (Peters, 2001: 145). The system allows appointments for the following posts (Décret nº 85-779, 2005):

- General Director
- General Secretary
- High commissar
- Commissar
- Civil Governor
- Chief of Public Administration Inspection
- Other Senior Civil Servants that work directly for the government

The French system bestows great importance on the training provided by the *École Nationale d' Administration* (25º article, Décret nº 85-779, 2005). According to the findings of Nunes and Rouban (2000: 25; 2007:477), we should admit that, despite politicians having total freedom to appoint whomever they want, in 89% of the cases the recruitment is internal. This means that those nominated are frequently public servants (only 20%, about 8000, are women [Rouban, 2007: 477]). Curious are also Bellier's findings: in a study conducted in 1993, he found that 46% of French senior civil servants had, within their nuclear family, someone who was also a senior civil servant. Rouban (2007: 491-492) also noted that one quarter of the members of ministerial cabinets had already served in that function before. The cabinet chief had worked 35% of his professional life in ministerial cabinets. In spite of a politicized context, France has introduced some measures to reduce such arbitrary practice at the political level: in some cases of political appointment, both the Government and the President have to confirm it. Unfortunately, what usually happens is that both the government and the president fight for the nomination of their own favourites, which clearly reflects the level of politicization.

2.1.2. Portugal

Portuguese administration has been traditionally linked to the Napoleonic type of administration. Therefore, its structure follows the same model that of the French administration where trust and political confidence are the prime criteria on the selection of senior civil servants. In the Portuguese case, there is some historical specificity that has in recent periods made the administration even more politicized. Portugal did not pass thought a phase of purely meritocratic ideology like other countries, such as Great Britain, where top officials were permanently nominated. Even after 1974 and the Carnation Revolution, senior civil servants' statutes stated that almost all directive positions, even those of the intermediate level, were trust positions. Only thirty years later, in 2005, was a new legal framework approved, establishing that some senior posts should be more professionalized (Law 51/2005). Nevertheless, the new legal regime reaffirmed that a great number of senior positions should remain politicized, including the following posts:

- Director General
- Sub-general director
- Agency presidents
- Agency vice-presidents
- Commissar
- Inspector General
- Sub-Inspector General
- Civil Governor
- Other senior civil servants that work directly for the government

Though it may be too soon to have accurate results, as noted by Madureira (2006:41), it seems that there is some will to control and evaluate the appointment of senior civil servants in Portuguese public administration. However, there is also current evidence that the impact of practical measures on political appointments is insignificant and that Portuguese public administration remains too politicized at the top levels.

2.3. The United Kingdom model

British administration is, in general and in a formal sense, composed of civil servants selected through a meritocratic system. This ought to ensure the independence and neutrality of administration. However, there is also some political influence without detriment to a relatively clear border between administration and politics (Shepherd, 2007: 20-23) or to efforts made to maintain this border unambiguous. When recruitment takes place, the Senior Leadership Committee evaluates each candidate and makes a short list with deference to the Civil Service Code principles. The final selection, from the short list, is made by a politician.

Despite all the formalism to guarantee the merit of a nomination, Dowding (1995: 109) notes that senior civil servants remain an élite composed of Oxford and Cambridge University graduates, at least historically. Conversely, some measures have been introduced to ensure transparency in public nominations and control excessive discretionary practices (short lists, formal lists of competences, institutionalization of top positions in senior civil service, public announcements of nominations and ethical codes). In some ways, these instruments serve to control mandarins and political discretion, requiring hybrid nominations for some positions. This is the case with the nomination of the Permanent Secretary: members of the government select the candidate based on the proposals of the Senior Appointments Selection Committee (Shepherd, 2007: 20-23; Civil Service Management Code, Chapter 5). Such measures complement the traditional permanent professionalized positions with new political flexibility in appointments, as called for by Thatcher, resulting in a more hybrid management system in the top positions of public administration.

2.4. The United States model

The US federal government is composed of about 6000 senior posts, of which about 1000 have to be confirmed by the Senate. There are some political positions (about 700) reserved to members of the Senior Executive Service (SES), as noted by Shepherd (2007: 13-14). The political posts are appointed by the president on the basis of a pre-established pool where civil servants, contrarily to the European countries, are rarely present. This system is the result of the institutionalization of senior posts in 1978, when the SES was created. It was created to reduce political influence and enhance transparency. Entering the SES means going through a meritocratic process where the Qualification Review Board evaluates each candidate's profile and qualifications. The system is based on the merit principle that "all employees and applicants for employment should receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, colour, religion, national origin, sex, marital status, age, or handicapping condition, and with proper regard for their privacy and constitutional rights" (Merit System Principle—5 U.S.C. 2301).

The findings of Peters (2001) and Bonosaro (2000) suggest that about 66% of the posts are occupied by members of the SES and 34% are selected on the basis of political factors. However, of those 34%, 22% are already members of the SES, leaving only about 12% of the senior civil servants to be selected "at the government's pleasure".

3. Conclusion: Is there space for hybrid management models of senior civil service across political-administrative systems?

Bearing in mind the features of each system, we can conclude that the UK and US systems are closer to the hybrid models of senior civil servant recruitment where merit, neutrality, independence, trust, confidence and transparency are made compatible.

Our main findings suggest that there is some space for hybrid management models in political administrative systems. However this is a limited space, because hybrid management models are restricted to the A-B area (Representation 2 of Figure 2). This is confirmed by our study of political administrative systems in some countries. The study reveals two main categories: the political model (France and Portugal) and the hybrid model (UK and USA). There are currently no examples of a completely and unquestionably professional and meritocratic model in an exclusive sense (Table 2).

Table 2: **Political-administrative systems across the world**

Dominant political-administrative system	*Country*
Political model	France, Portugal
Professional / meritocratic model	-----
Hybrid models	USA,UK[5]

The evidence compiled in this paper reveals that even in hybrid systems, political-administrative configurations are closer to one of the main values (neutrality/independence or trust)

Therefore, our main findings suggest that:
- Countries such as France and Portugal, whose administrative systems are based on the Napoleonic model, still remain too political;
- The UK political-administrative system is closer to the professional/meritocratic model but, in practice, it is a hybrid model since the final decision is left to the politicians (Civil Service Commissions, Senior Civil Service, JESP criteria);
- Although the US system reflects a hybrid model, it is more open to political influence, even with the creation of the SES. Both merit and political trust are criteria taken into account when selecting senior civil servants.

Considering these findings, we can conclude and reflect on the following points:
- In the political models to which France and Portugal subscribe, senior civil servants are considered an elitist group (French *Haute Fonctionnaire*, ENA).

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[5] Although these countries represent the hybrid models they are closer to trust values than to independence and neutrality.

There is a great number of (re)nominations when a new government takes office after an election, sheltering the *old buddy networks* in these countries.

- Under the supervision of politicians, senior civil servants have low levels of accountability in politicized systems.
- Political-administrative systems tend not to use extreme meritocratic systems. There is currently no evidence of such a system.
- Hybrid models minimize the trade-off between neutrality and lack of legitimacy, taking into consideration both trust and independence as values.
- Even in the hybrid models, there is proximity to the political values. This means that the model takes into account not only independence, neutrality and merit but also trust: politicians still have considerable influence on the selection processes, as they are democratically legitimated.

Although Thatcher's and Reagan's reforms introduced some political criteria on nominations, the UK and the USA are still closer to hybrid models when compared to other countries such as France, Portugal or Spain. These countries remain too political, basing appointments mostly on criteria of political trust.

The evidence compiled in this paper reveals that hybrid management systems of senior civil management are tenuously and modestly present across the analysed political-administrative systems, even in countries such as the UK and the US, and that political-administrative configurations such as those of France and Portugal could introduce some measures to enhance transparency and incorporate both independence/neutrality, and trust.

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HIBRIDINIŲ AUKŠTESNIŲJŲ VALSTYBĖS TARNAUTOJŲ VADYBOS MODELIŲ ĮTRAUKIMO Į POLITINES-ADMINISTRACINES SISTEMAS GALIMYBĖS

David Ferraz

Santrauka

Straipsnyje analizuojama politinė-administracinė dichotomija ir administratorių bei politikų ryšys. Remiantis Petersu, Aberbachu, Putnamu ir Rockmanu, politikų ir administratorių sąveikos modelių tyrime buvo pasirinkti atvejai, leidžiantys išanalizuoti aukštesniųjų valstybės tarnautojų atrankos ir įdarbinimo specifikos režimus. Svarbiausia buvo patikrinti, ar galima į politines-administracines sistemas įtraukti hibridinius vadybos modelius, kartu suderinant politinius ir karjeros režimus šiuolaikinių demokratijų kontekste.

Straipsnyje taip pat pateikiami keli pasiūlymai dėl integralesnės strateginės aukštųjų valstybės tarnautojų atrankos ir vadybos politikos, siekiant daugiau skaidrumo, teisėtumo ir pagerinti karjera paremtą atranką į tarnybą.