

How are top officials hybrid management models present across political-administrative systems?

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Abstract: Bureaucracy is nowadays often considered a synonym of inefficiency, ineffectiveness, impersonality, stiffness, uselessness, wastefulness and even corruption. Nevertheless, it is true that bureaucracy is an essential structure for the implementation of public policies. Authors like Mozzicafreddo, Peters, Aberbach, Chevalier, and others, consider that relations between public officials (permanently appointed) and politicians (elected for a limited time) are formally “*crystal*”, but in practice, reality has proven to be more complex. Top public officials are in a hybrid place somewhere between political and administrative spheres, which reanimates the long-lasting discussion on how senior civil servants should be selected. This paper intends to contribute to a more clarified discussion on how top officials hybrid management models can, or not, be a good practice, taking into consideration different case studies on administrative culture.

Key words: Top-Officials, Senior Civil Service, selection, hybrid-models, dichotomy, case studies.

1. Introduction

From the 18th century to our days, Public Administration has been debating which political-administrative model it should have. European Administration, in its genesis, was too politicized and nepotism and patronage systems were present across all countries with the damages that such a system involves. In the 19th century the Northcote-Trevelyan Report (1854) appealed in the United Kingdom for a new system where a meritocratic system should enhance public administration performance. Some years after, 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 appeals required a completely different approach on the delivery of public services. Public Administration has to change its administrative model and be independent from politicians in order to promote a more professionalized public service, advocates Pitschas (2006: 35-52). However, as noted by Peters (1996: 5), the adjustment process was made in a snail's pace. Nevertheless, in 1904, half of the USA's civil servants were already recruited within a merit system.

Rocha (2006: 6-7) refers that when we can set apart the political activity from the administrative activity we can speak about the Weber's legal-bureaucratic administration model which contributes to the establishment of a professionalized body of civil servants protected by statutes that protect them from the discretionary political power. This environment provided a context in which professionalized civil servants detained all the administrative [and also political] technicalities, procedures and legal frameworks details (Peters, 1996:3; Chevallier, 2002:73). This kind of knowledge and techniques brought a lot of [informal] power to this new body that, with the New Deal, the Welfare State and the consequent admission of new civil servants (doctors, social assistants and teachers), strengthened the influence and supremacy of the professionalized bureaucracy. As observed by Madureira (2006:42), in Portugal, until 2001, there has always been a compulsive increase on civil servants numbers. Senior Civil Servants gained excessive power over public policies, privileging their own individual interest over the public interest. That was the biggest error of the public choice theorists who advocated a more politicized system in spite of a professionalized distorted one with lacking legitimacy.

The Public Choice and the New Public Management, together, forced senior civil servants to decrease their influence on public policies and, in a more generalist way, in administration. Political involvement on administration became a reality in countries such as the United Kingdom where public reform changed the traditional public service structure (Rocha, 2000:10, Mozzicafreddo, 2001: 3-1, Peters, 1996:4-13). As noted by Rocha (2005b: 11) and Madureira (2006:47) the traditional methods of recruitment and selection were substituted by other methods where political trust or party allegiance became the major criteria on the selection of senior civil servants.

The graphic below represents the cycle evolution on the senior civil servants selection criteria:

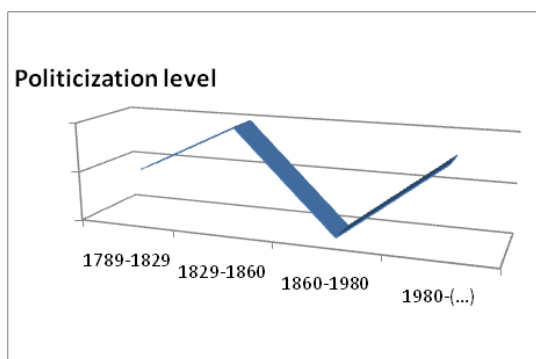


Figure 1: Politization evolution, Ferraz (2008)

Authors such as Peters (1987: 258), Aberbach, Putnam e Rockman (1988: 1) argue that hybrid systems are the ideal type, as they gather the strengths of both meritocratic and politicized systems. But, is it really true? What kind of political-administrative configurations do we have nowadays across the world?

2. Political-administrative systems

The configuration of political-administrative systems cannot be done without the conscience of what kind of issues are in question. By configuring a political-administrative system we are deciding how both political and administrative actors interact with each other. If we aim at a more professionalized system regarding the principles of the Rechtsstaat we have to configure a more independent and neutral administration. Otherwise, if we aim at a more political configuration ensuring that administration does what politicians want then we have to configure a more politicized system. In fact, the question is what kind of system to choose?

On the one hand, if we opt by a neutral and independent system, we have to deal with issues like administration's lack of legitimacy. Administration was not elected by citizens so it doesn't have a democratic legitimacy, only a technical one. Moreover, technical legitimacy has not always been used to promote public interest and can sometimes even be used to subvert public policies' original spirit, subjecting it to their own private interest (Aberbach, Putman Rockman, 1981 e Diamant, 1989 apud Herzfeld, 1992: 2).

On the other hand, if we opt by 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 relations between public officials and politicians.

This is a real trade-off, as no matter what system we choose, we always loose. So the question is how to minimize this trade-off? How are countries across the world dealing with this trade-off?

To answer these questions, we have to analyze some political-administrative systems focusing on the senior civil servants selection criteria. We will consider four main representing countries: France, Portugal, United Kingdom and United States of America.

2.1. The French model

In this model, political authorities have all the power to select any person for senior civil functions. Senior Civil Servants are selected inside or outside the administration. The main criteria are the political or personnel confidence or trust. Usually, Senior Civil Servants are selected considering their party allegiance. This system ensures that government program is implemented whatever its merit (Mulgan, 2007: 571). In any circumstances, politicians have the power to appoint or dismiss civil servants "at the pleasure of government" (Shepherd, 2007: 4). As noted by (Shepherd, 2007: 4) this system favours a patronage based system.

In France *les grands corps* have great prestige being in direct contact with the ministers (Peters, 2001: 145). There are appointments for the following posts (Décret n° 85-779, 2005):

- General Director
- General Secretary
- High commissar

- Commissar
- Civil Governor
- Chief of Public Administration Inspection
- Other Senior Civil Servants that work directly to the government

Although it is not compulsory, the system gives a great importance to the training given by the *École Nationale d' Administration* (25° article, Décret n° 85-779, 2005). Considering the findings of Nunes and Rouban (2000: 25; 2007:477) we could conclude that despite the fact that politicians have total freedom to appoint who they want, the recruitment is, in 89% of the cases, internal. We should emphasise that from the total (about 8000 senior civil servants) only 20% are women (Rouban, 2007: 477). Bellier, in a study conducted in 1993, noted that 46% of the French senior civil servants have, within their nuclear family, someone who is or was also a Senior Civil Servant or professor/researcher. This demonstrates that senior civil posts in France are very elitists. As Rouban noted (Rouban, 2007: 491-492) ¼ of the members of ministerial cabinets were already in that function before. The cabinet chief worked 35% of his professional life in ministerial cabinets. In the case of political appointment, both the Government and the President have to validate it.

2.2. The Portuguese model

In Portugal, the politicized model was always the dominant system. The dictatorial regime until 1974 didn't allow a separation between politics and administration. After 1974, the new Senior Civil Servants' statutes referred that senior civil servants were trust-positions in administration. Only in 2005, the Law 51/2005 established some posts that should be more professionalized. However it was stated that some posts still remained politicized:

- General director
- Sub-general director
- Agencies Presidents
- Agencies Vice-Presidents
- Commissar
- General Inspector
- Sub- General Inspector
- Civil Governor
- Other Senior Civil Servants that work directly to the government

As noted by Madureira (2006:41) it seems that the new statute brings some will to control and evaluate the appointments of senior civil servants.

However, after three years, the impact on appointments is imperceptible.

France and Portugal still represent the traditional European model of administration. Senior Civil Servants are recruited from elites and selected on the base of trust and party filiations. The politicization is very high and exposes both the influence of Administration in Politics and the influence of Politics in Administration. It is very hard to draw a line between the political sphere and the administrative one.

2.3. The United Kingdom model

British administration is composed of civil servants selected through a meritocratic system which ensures a bigger neutrality of the administration. The line between administration and politics is explicit and very easy to identify (Shepherd, 2007: 20-23). When recruitment takes place the Senior Leadership Committee evaluates each candidate and makes a shortlist concerning the Civil Service Code principles. The final decision, from the shortlist, is made by a politician. Despite all the formalism to guarantee the merit of a nomination Dowding (1995: 109) noted however that Senior Civil Servants remain an elite from Oxford and Cambridge Universities.

Although there are some evidences of professionalization, the system combines some hybrid nominations to some positions. It is the case of the Permanent Secretary nomination: it is the member of the government that selects the candidate taken into consideration for Senior Civil Service or Public Service Commission purpose (Shepherd, 2007: 20-23). This is, frequently, a consensual process.

2.4. The United States model

The federal government is composed of about 6000 political nominations, of which about 1000 have

to be confirmed by the Senate. There are some political positions (700) reserved to the Senior Executive Service (SES) members (Shepherd, 2007: 13-14). The political positions are selected by the president considering a pool where civil servants, contrarily to the European countries, are rarely present.

The actual system is the result of the institutionalization of senior posts in 1978, when the SES was created to reduce political arbitrary. Entering the SES means going through the Qualification Review Board that evaluates the candidate's profile and competencies. 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).

Considering the findings of Peters (2001) and (Bonosaro, 2000) about 66% of the posts are occupied by members of the SES and 34% selected considering political factors. However, from those 34%, 22% are already members of the SES, leaving only about 12% of the senior civil servants to be selected at the *government pleasure*.

Bearing in mind the evidences, we should conclude that the USA system is closer to a hybrid model where Senior Civil Servants are selected by a diversity of criteria, combining meritocratic measures and political ones.

5. Conclusions: How are top officials hybrid management models present across political-administrative systems?

Our analysis of political-administrative systems in different countries reveals two main categories: the political model (France and Portugal) and the professional or meritocratic model (UK). Considering some specificities of the USA system we could identify a third category representing hybrid systems. However the evidences collected on our case studies revealed that even in the hybrid systems, political-administrative configurations are more or less closer to the other extreme systems (political or professional). For instance USA, as a hybrid model, is closer to confidence based political model.

Table 1: Political-administrative systems across the world

Dominant political-administrative system	Country
Political model	France, Portugal
Professional / meritocratic model	United Kingdom ¹
Hybrid models	USA,UK ³

Our main findings suggest that:

- Countries such as France and Portugal, whose administrative system is based on the Napoleonic matrix, still remain too political;
- The United Kingdom is the administrative model closer to the professional/meritocratic model. It has also some characteristics of the hybrid models (like the Civil Service Commissions, Senior Civil Service) but is, in essence, a professional / meritocratic model;
- The United States system is based on political confidence. However the creation of the SES brought the system closer to the hybrid model, gaining some characteristics of a meritocratic model. Both merit and political trust are the criteria taken into account in the selection of senior civil servants, which gives the system some characteristics of the hybrid systems.

We can conclude that:

- In the political models senior civil servants are considered an elitist group
- There is a large amount of (re)nominations when a new government takes office after an election process in the political models
- By being under the supervision of politicians senior civil servants have low levels of accountability in political systems
- Public administrations don't tend to use extreme meritocratic systems nor do they tend to use extreme political ones; however it is possible to argue that they have more or less proximity to a system than to another
- Hybrid models minimize the tradeoff between neutrality and the lack of legitimacy
- There is only a system closer to a hybrid model: USA
- Even in the hybrid models there is a proximity to the political or meritocratic systems

The USA's system is closer to a hybrid model than any other. Although Thatcher's reforms have introduced some political criteria on nominations, UK still has a meritocratic/professional based system. On the other side, Portugal and France remain too political basing the appointments mostly on confidence criteria.

Concerning this heterogeneity we can state that top officials hybrid management systems are shyly and timidly present across the analysed political-administrative systems.

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