

5. Keeping the Balance between Political Appointments and Professional Careers in the Case of the FRG (Research Committee No. 3)

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Introduction

Preserving and enhancing political responsiveness and loyalty of the civil service is a goal of personnel administration, which has gained importance the more complex the tasks of public administration have become in recent decades. One device to secure political responsiveness and loyalty is the practice of recruitment and selection, particularly of top civil servants in government departments, according to their affiliation to the governing parties and their programs. While it is assumed that the need for hierarchical political communication and control were reduced due to anticipatory self-control on the part of the bureaucracy and mutual political trust, most observers note a potential conflict with the second major goal of personnel policy: securing expertise. In particular in administrative systems structured exclusively by the achievement principle, it is feared that the intrusion of party political criteria of recruitment could impair the career system and the expertise it is supposed to breed.

It is this apparent goal conflict between ascertaining political loyalty and professional expertise this essay is going to deal with. The analysis will be carried through with special reference to the Federal Republic of Germany and the top ranks of the senior civil service in the government departments in Bonn. Emphasis will be on empirical evidence derived from two ongoing research projects about the civil service elite.¹⁾ In the following sections I am going to

- outline three models of civil service systems: the US-American, the British, and the West German, which by different arrangements and to different degrees succeed in achieving a balance between political loyalty and expertise.
- Second, the process of party politicization during the last two decades will be depicted with special attention to the government changes experienced by the federal bureaucracy in 1969 and 1982.

1) The authors' project "Federal Elite 1949—1984" analyses social background and career patterns of all state secretaries (150) and division heads (557) who had been in office during the period indicated. Data base are government manuals and documented biographies. The second project, conducted by the author in collaboration with Renate Mayntz, Max-Planck-Institute of Social Research Köln, has surveyed the same elite group in 1987 as to subjective role understanding and is replicating the project carried out by Robert Putnam in 1970 (Putnam 1973; Aberbach et al. 1981). For further details of the design see Derlien (1989a).

- Third, this trend towards increasing party politicization will be contrasted with a longitudinal analysis of the qualification structure and career patterns of the German administrative elite.
- Finally, it will be discussed how specific institutional arrangements of the German civil service system have prevented politicization from impairing expertise and have kept the balance between professionalism and political loyalty.

1. *Three Models of Balancing Political Loyalty and Expertise*

There are two extreme types of civil service systems in the major western countries, the Washington and the Whitehall models, maximizing loyalty and professional expertise, respectively. The German model takes middle position and combines elements of both.²⁾ Owing to its political history, in which bureaucracy followed democracy, the American system extremely emphasizes political responsiveness and loyalty (Glassman 1987) by electing local officials and having top administrators formally politically appointed. In addition, Washington officials are very often recruited from outside the career civil service. Furthermore, political appointees and parts of the senior executive service can be removed from office on political grounds, first of all with a new president coming into office. Despite the establishment of a professional career civil service the US system is still displaying traits of the 19th century "spoil system" at the very top. While appointing political trustees serves the need for political loyalty, the price in expertise is high; lack of professional knowledge and a high turnover in top positions tend to establish a "government of strangers" (Heclo 1977).

The other extreme case is the British model, which solely knows internal recruitment from the career civil service and permanency in office even after a government change. Political loyalty has long been taken for granted by relying on comprehensive party political neutrality of the senior civil service; neither are they permitted to join a political party, nor may they stay in office while running for parliament. As long as British governments have followed main-stream-policies, this system seems to have coped with the problem of political control; "directionless consensus" between bureaucracy and political leadership (Richard Rose) and strictly adhering to official secrecy rules have kept Whitehall politically manageable. However, since with Prime Minister Thatcher a government with an ideologically firmly based program came into office in 1979, the British senior civil service has become politicized through the up to then

2) So does the French system of staffing elite positions. For a basic comparison of the three models see Derlien (1987).

unknown practice of the Prime Minister to interfere in personnel decisions and to *selectively promote* people from the career civil service, who share her approach to the management of public affairs (Ridley 1985; Rose 1988). Naturally, the practice of *selective promotion* within a closed career system takes much longer to streamline a bureaucracy than systems which allow for removing a great number of people from office in case of a clash of convictions or lack of political trust.

The German civil service combines elements of both, Washington and Whitehall. Elsewhere I have characterized it as a *closed career system* with loopholes (Derlien 1988). As in Germany bureaucracy is older than democracy, the civil service first of all is structured as to enhance professional expertise. While in principle top positions can only be staffed with candidates who have advanced through the hierarchy of offices in a career, an element of openness is introduced by the possibility of recruiting candidates from equivalent civil service ranks in the Länder and local governments; furthermore, with the approval of the Federal Personnel Commission, candidates from other societal and economic sectors may be recruited into top positions of the federal departments, in particular if they promise to bring in expertise *not normally* found in the traditionally juridically trained civil service. This exceptional possibility of external recruitment even extends to the political sector. However, applying party political recruitment criteria would be unconstitutional. As German civil servants, on the other hand, enjoy the constitutional right to become member of a political party³), i.e. are not neutralized like their colleagues in Whitehall, shortly after the establishment of democratic institutions the Prussian government envisioned conflicts of loyalty and introduced the institution of the (colloquially, not legally) so-called political civil servant in 1852 (Kugele 1978). Thus, in the federal departments the two top ranks, the roughly 25 state secretaries and 120 division heads (Ministerialdirektoren), can be put into temporary retirement at any time and on any ground, in particular if they are deemed *not to be in full consent* with the political goals of the government. Despite this second loophole in the career system, the German civil service code emphasizes expertise by relying on an almost closed career system as far as recruitment is concerned and in that resembles the Whitehall model; however, for the two highest ranks it allows for temporary retirement in order to secure loyalty and enable quicker turns in political adjustment than a system would do, which has only selective promotion at the disposal of the government.

3) They have, though, to exercise self-restraint in public and are obliged to neutrality in office.

2. Party Politicization

To what extent has political responsiveness been a problem in the federal ministerial bureaucracy and what empirical evidence do we have for a personnel policy that relies on political appointments to establish trustful working relationships between executive politicians and the civil service elite?

To answer the first question, the frequency of temporary retirement of "political civil servants" may serve as a crude measure for a lack of political responsiveness subjectively felt by the politicians in charge of personnel policy.⁴⁾ Empirical analysis (Derlien 1984) revealed that between 1949 and 1984 143 incumbents of the two ranks under consideration had been put into temporary retirement⁵⁾, among these 56 of the 155 state secretaries (36.1 percent) and 87 (20 percent) of the division heads holding the rank of Ministerialdirektor. By far not all of the cases happened in connection with the formation of a new government, but the annual rates of temporarily retired political civil servants clearly culminated in the years when the Federal Republic experienced the two fundamental government changes in her postwar history: in 1969, when for the first time a Social-Democrat was elected chancellor, 33 temporary retirements (28.7 percent of the respective positions) occurred, and in 1982, when the Christian-Democrats took over power again, 48 (38.4 percent) political civil servants had to leave office. These figures undoubtedly demonstrate, that incoming governments, whose major coalition partners had been in opposition for more than a decade, are nevertheless relying on the majority even of the civil service elite, whom they could have totally purged. However, the data also indicate that a growing percentage of the administrative elite is removed from office on these occasions. I have shown elsewhere (Derlien 1988, 72 ff.), that temporary retirement regularly leads to the almost total exclusion of opposition party members from active service in these ministerial ranks; but this is not to say that neutral, non-affiliated State Secretaries and Ministerialdirektoren "survive" a government change, nor does it imply that followers of the government parties are saved from temporary retirement, after the respective government is firmly installed.

That followers of the overthrown government are regularly the victims of political streamlining does not, of course, prove that they had previously reached their top position through party political patronage; after all, while there are enough government party members in lower senior civil

- 4) As was stressed above, there can be many reasons to put a top civil servant into temporary retirement, the most frequent one being lack of political congeniality. In addition, what the statistics indicate is the subjective definition of the situation by the politicians, which does not necessarily match reality.
- 5) In addition 114 cases were registered in the foreign service (100) and the intelligence service, some of whose ranks are political civil servants, too.

service ranks in absolute numbers, non-members nevertheless advance to top positions. As in many countries, there has been much guesswork in the FRG, too, about the extent of party politicization (Derlien 1985). The recent survey replication enables us to depict the situation fairly accurately. Mayntz/Derlien (1989) have shown that there is a tendency among top federal administrators to increasingly join a political party: while in 1970 only 28 percent of the administrative elite had a party book, their share climbed to 48.5 percent in 1972, reaching 51.7 percent in 1981 and culminated with an unprecedented 57.3 percent in 1987. Secondly, not surprisingly, it turned out, that between 1981, the year before the second government change, and 1987 the party political affiliation of the administrative elite had adjusted to the party composition of the government, i.e. the percentage of Social Democrats had dropped from 30.8 to 11.9 percent, whereas the members of the Christian Democrats had gained from 9.2 in 1981 to 37.1 percent in 1987. Furthermore, there is a rank effect as to affiliation with the ruling parties: the higher the rank, the bigger the share of government party members. Opposition party members are not found among state secretaries and hardly among Ministerialdirektoren. Only in the ranks below, which do not belong to the category of political civil servants, did we come across Social Democrats in 1987.

It might be justified that in view of one percent of the population having a party book and roughly 10 percent civil servants among the members of the various political parties (Derlien 1986), these data reflect a tendency to take into account party political criteria when staffing elite positions. The survey also revealed that this trend is clearly perceived by a majority and — paradoxically — criticized even by those who are themselves party members (Mayntz/Derlien 1989). Does this imply that the balance between political appointment and expertise, that the rationale of the career civil service is endangered?

3. Continuity and Change of Qualification

Assuming that party politicization, in particular when combined with external recruitment, is not unlikely to have repercussions on the qualification structure, it is worth analyzing, whether the level of educational achievement and the kind of university training has changed over time.⁶⁾ Owing to the formal career requirements of the higher civil service, 96.8 percent of the federal administrative elite, who were in office between 1949 and 1984, attained a university degree. Although the percentage oscillates over time, there is no observable trend of increasing or decreasing academization. Thus, despite growing politicization, this formal trait of the career civil service remained fundamentally unaffected.

6) The following results are taken from the project "Federal Elite 1949—1984" and will be published in Derlien (1989).

Nevertheless, the oscillations can be attributed to *government changes mentioned above*. In 1970 academic training had dropped to the lowest level in 35 years with 86.3 percent, before gradually climbing to 90.3 percent in 1981 and jumping up to 95.6 percent in 1983 after the second government change.⁷⁾

As to the subjects studied, with 64 percent the monopoly of jurists is not so paramount as is often believed, but other courses (most important: 12.9 percent economics) rank far behind the study of law. Behind these aggregated figures is hidden a secular trend of diminishing importance of law training, both in terms of birth cohorts and legislative periods. Nevertheless, the 1969 government change accelerated this development; while the share of law graduates declined from 75.3 percent in 1966 to 66.3 percent in 1970 and even 59.1 percent in 1977, economists gained from 9.3 percent (1966) to 15.8 percent (1970) and topped with 16.5 percent (1977), staying, however, at the 15 percent level through the government change of 1982. Not surprisingly, more top civil servants belonging to the Social Democrats had studied economics (22.5 percent) than there were economists among followers of the Christian Democrats (11.7 percent). Rather than proving party political recruitment of economists, these data reflect the importance of Keynesian economics emphasized during Social-Democratic rule in the 1970s.

This shift in the qualification structure leads us to the next question: Has the career pattern of top civil servants changed over time? In particular, to what extent do we still have an uninterrupted internal civil service career as opposed to professional careers partly spent outside the civil service? Overall only 52.8 percent of the federal civil service elite had gone through an uninterrupted internal administrative career, while 17.6 percent had started their careers in the civil service only up to four years after beginning professional life; 29.6 percent even had gone through mixed careers with more than four years outside the civil service.

There is a close association between training in law and uninterrupted civil service career (71.2 percent), whereas a degree in economics is least typical (9.4 percent). On the other hand, economists in the administrative elite made up 18.2 percent of the mixed careers, compared to 50.6 percent jurists.

As one might expect, uninterrupted civil service careers become less characteristic for the federal administrative elite, both in terms of birth cohorts and through legislative periods. Among the generation 1923—1928, which quantitatively dominated the administrative elite during the 1970s, merely 39 percent had spent all their professional life in public administration, while 27.1 percent had gone through deferred and 33.9 percent through mixed careers. Thus, while before 1970 uninterrupted civil ser-

7) It should be mentioned that during the 1970s roughly 2 percent of the administrative elite had been trained in trade union academies, an equivalent to university training.

vice careers dominated, thereafter deferred or mixed careers were in the majority, a trend only shortly retarded after 1982.

Decreasing monopoly of jurists and increasingly unorthodox careers even among jurists are long term trends hardly associated with one of the major government parties.⁸⁾ They rather reflect the changing nature of government tasks and the salience economic aspects have gained in public policy-making. Growing shares of unorthodox careers among younger generations, furthermore, indicate a societal tendency of increased intersectoral mobility on the supply side of personnel policy.

4. *Securing Expertise Despite Politicization*

The evidence presented in the previous section does not allow to conclude that the expertise of the federal bureaucracy has deteriorated and, therefore, runs counter to what one might have expected from the data about party politicization (section 2). Of course, the indicators used could be questioned as to their validity in measuring expertise and performance of individual administrators. From a systemic point of view, though, they tell us about long-term changes the traditional career system is undergoing. It was also argued that political periodization effects of the government changes of 1969 and 1982 were recognizable from almost all the indicators used. Whereas increased temporary retirements and turnabouts in party political composition of the administrative elite clearly indicate a personnel policy aiming at political responsiveness, reverberations in the qualification structure have to be interpreted as indirect effects of personnel policy; in this respect, government changes merely accentuate long-term social trends which come about anyway.⁹⁾

If changes in the aggregate qualification structure were brought about by direct political interference in personnel decisions, we would expect a large extent of external recruitment from other sectors immediately into top administrative positions. If, however, external recruitment were low, the deferred and mixed career types observed in the elite have to be regarded characteristic of the personnel stock of the federal bureaucracy from which top position holders are drawn.

The longitudinal analysis (Derlien 1989) reveals that the loophole of direct external recruitment was used only for 55 appointments to top positions in 35 years, among these cases were 22 state secretaries. Neither is there a generation nor a periodization effect. Even after the government changes

8) Unfortunately, we cannot statistically relate these career data to the survey data described in section 2. Among those interviewed in 1987 there were about 10 percent of unorthodox careers.

9) Similar trends in the changing qualification structure were observed for executive politicians.

of 1969 and 1982 only 10 and 12 cases, respectively, of external recruitment occurred (Derlien 1988), when the federal governments kept on working with the majority of the administrative elite. These cases constituted only 20 percent of replacements for those temporarily retired. As to the sectors from which these 55 state secretaries and division heads were recruited, only 15 (2.1 percent of the entire elite in 35 years) had previously held a position as an elected politician or a party of parliamentary faction functionary. Even when one extends the scope to the last four career positions, the percentage of those recruited from politics increases merely to 6.1 percent.¹⁰⁾

These figures demonstrate that the German civil service is far from being the victim of a spoil system. Quantitatively, the mechanism of temporary retirement is not paralleled by the device of external recruitment to substitute for the vacancies. Contrarily, the German civil service is still a career system in so far as top positions are staffed from within the ministries, although it has gradually ceased being a traditional career system. While relying on internal recruitment and expertise, (new) governments are though in a position to secure loyalty and responsiveness by selectively appointing increasingly party members to top positions. Obviously, the internal reservoir of candidates is large enough to find the requested combination of expertise and explicit political loyalty for both of the traditionally leading government parties.¹¹⁾

Conclusion

It is argued that a solution for the obvious goal conflict of securing expertise and political responsiveness, in particular after major government changes, can be seen in the German civil service model. Taking a middle position between the U.S. system, which aims at maximizing political loyalty, and the British system, which is designed to maximize expertness, the West German system optimizes both apparently contradictory requirements in allowing on the one hand for political streamlining by using temporary retirements, while on the other hand emphasizing internal recruitment of top administrators from the career civil service. Although increasing party affiliation of senior civil servants goes along with a more frequent application of temporary retirements since the end of the 1960s, the long-term change in the qualification structure highlighted in section 3 is caused rather from changes in the societal supply of senior civil servants and new demands emerging from the changing nature of public tasks than from party politicization.

- 10) Nevertheless, those externally recruited not seldom possess administrative experience.
- 11) The cases of 1969 and 1982 show that in exceptional circumstances top administrators are also recruited from the Länder of the federation.

The paper did not discuss the implications of selective promotion according to party affiliation for the working climate and the motivation of civil servants. Nor were the normative implications of such a practice dealt with. Side effects of the model had to be left out of consideration. It was only to be demonstrated that the balance between political appointments and career staffing can well be kept.

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