Politicization of the Civil Service
in the Federal Republic of Germany

- Facts and Fables -

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A. WORKING CLIMATE

The selection of higher civil servants, their recruitment, promotion, and occasional dismissal is, in historical perspective, a cyclically dealt with issue in Germany. The discussion about the alleged **politicization** of the civil service normally involves civil service spokesmen, political parties, parliament, and administrative science. Compared to other political issues, in particular to matters of substantive policy, the discussion seems, however, to be of minor interest to the public, and as administrative problems in general finds rather the interest of experts.

1. Historical Account

After the "uncompleted revolution" of 1918/19 (Elben 1965) the ruling coalitions of the Weimar Republic were accused by right-wing parties and press of furthering a "party book administration", when recruiting externally non-career people into top administrative positions in order to outweigh the influence of the still predominantly monarchist oriented bureaucracy. This accusation implied that the norm of political neutrality of the civil service as well as the achievement principle were offended, furthermore it presupposed that before 1919 the monarchist administration in the Reich and the individual states were recruited and promoted according to the universalistic norm of achievement only, and were not socially or politically biased. As we know today, this was not at all true. Apart from this, the extent of politically motivated selection procedures in the Weimar Republik was overestimated and the discussion about the politicization rather the result of rumors than grounded in valid information, as Hans J. Wolff remarked in the Annual Convention of the German Staatsrechtslehrer in Halle 1931 [1].
When the Nazis "cleaned" the civil service after 1933 and claimed full identification with the NSDAP, no discussion arose and not

few of those professors who some years ago were the allegators of
a politicized civil service overtly justified the "reconstruction
of the German professional civil service". [2]
Shortly after the de-nazification and the purge of the civil ser-
vice had come to an end, the selection procedures again became
the object of administrative science discussion, which continued
into the recent past; although the catch-words changed, comments
and controversies centered around the perennial problem of neutra-
lity or politicization in recruiting, promoting, and dismissing
civil servants.
Even before the federal civil service code was legislated in
1953, Arnold Brecht (1947, 1951) and Theodor Eschenburg (1952)
had treated the problem and analyzed ways to its solution.
Köttgen (1953), v. Münch (1960), Eschenburg (1961), and the Ger-
man Civil Service Association (Deutscher Beamtenbund 1968) raised
the problem under the term **"Ämterpatronage"** as did later on
Fricke (1973), von Arnim (1980, 1981), Seemann (1981), and Kübler
(1982); "patronage" covered not only political, but any illegiti-
mate external influence. Another line of reasoning focused on the
institution of the so-called **"political civil servant"** (see below
B 1), who can be temporarily retired in case of (political) dis-
crepancies with his minister (Thiele 1961, Haubrichs 1964, Anders
1964, Ule 1964, Wacke 1966, Anders 1968, Thieme 1968, Schunke
1973); others designed institutional measures to
secure neutrality (Wilhelm 1967, Lindgen 1967, König/Kroppenstedt
1977).
Had these contributions been primarily juridical and dogmatic, at
best empirically informed and in some cases reflecting the reper-
cussions in personnel policy, which the formation of the Grand
Coalition between Christian and Social Democrats engendered in
1966, publications during the 1970s, following the formation of
the Social-Liberal coalition in 1969, were based on empirical
social science elite research (Putnam 1973, 1976; Steinkemper
1974) about recruitment, role understanding, and promotion in 1970
and 1972. These studies initiated a new round of evaluative state-
ments under

the heading "politicization" (Seemann 1975, 1978, 1980, 1981, 1983; Dyson 1979) [3] or "party-state" (Menzel 1970, Dyson 1977, Ellwein 1980). Obviously, the personnel policy of the Social Democrats and Liberals after 1969, in particular cases of external recruitment, had irritated observers (and members) of the federal bureaucracy. Last not least the opposition party in the Bundestag launched a number pf parliamentary inquiries criticizing reallocations and in particular temporary retirements [4].
The second basic change in government with the Christian Democrats returning into office in 1982 produced another wave of (SPD-)inquiries;[5] in the administrative science litterature, however, the personnel policy of the new government remained uncommented, so far.

2. The Meaning of "Politicization"

There are at least four different, although empirically possibly interdependent, connotations in the way "politicization" is used:
- in a macro-sociological perspective it is sometimes maintained that with an increasing degree of political intervention in formerly self-regulative socio-economic processes, due to shortcomings of the capitalist system, more and more functions of the state become politicized, i.e. expressedly a political issue (Ronge 1974); in this respect, public administration can become funcionally politicized.
- Secondly, some authors (Putnam 1973; B. Steinkemper 1974) report findings indicating a change in role understanding of top civil servants, deviating from the "classical" model in a way, that substantive political views are held, the working of the politico-administrative system is critically viewed, and the propensity increases to play an active, promoting role in politics, conceived of as tactics, bargaining, and struggle for power.
- Thirdly, politicization refers to a supposed trend towards party political engagement of civil servants (membership, sympathy) and the instrumentalization of this trend by politicians in executing their personnel policy.

- Fourth, civil servants can be politicized in the sense, that
  they engage in party political or trade union activities in
  public, campaign for a party or protest against their employer,
  in order to improve their (material) status (status politicization

Obviously, these four notions can be interdependent; we shall
later on refer to the change in role understanding and to party
political engagement of cicil servants, as these aspects are most
relevant for the selection procedures under consideration. In the
cyclical discussion about politicization of the civil service in
Germany it is predominantly party politicization, which is the
target of criticism, in so far as party politicization is asso-
ciated with patronage in personnel policy and partisanship in of-
fice.

3. Contents of the Discussion

The arguments put foreward in this secular debate can be grouped
around the following aspects.
- On purely **normative grounds** any suspected violation of the
  basic principles of the civil service is castigated; patronage,
  be it in order to aliment deserved party members, be "domi-
  nation patronage" (Eschenburg 1961) affects the performance
  principle and the norm of impartiality. Characteristically,
  these contributions do not name cases or report figures - in
  fact, appeals to administrative courts have been extremely sel-
  dom [6].
- From a rather **functional** point of view **possible** negative im-
  pacts on work motivation of civil servants are envisioned.
- A rather serious argument refers to the consequences of party-
  politicization in case of a change in government: Would't it
  lead to an American "spoil system" and what would be the costs?
  The latter question is asked in particular in parliamentary in-
  quiries.

- Those looking at the phenomenon in a detached and historically
  informed way rather explain and evaluate the politicization in
  a functional perspective; selective recruitment and promotion in
  top positions is interpreted as a mechanism to control bureau-
  cracy politically.

The reform measures proposed and the justifications put foreward
are too complex to be analyzed in detail. With an eye on the prac-
tical extreme models: the British"unpolitical"civil service and
the"spoil"system, the following options have been considered:
- Total ineligibility of civil servants to parliamentary bodies
  on local, state, and national level, thereby extinguishing their
  drive into political parties; alternatively, as a less drastic
  measure a broad set of incompatibilities between mandate and
  office (Eschenburg 1952). Whereas in the Weimar Republic eligi-
  bility was given and incompatibilities by and large not, the
  Federal Republic knows at least as a rule the incompatibility
  of mandate and office on the same level of government.
- Prohibiting party membership has not seriously been considered,
  this having been a political right under the Weimar consti-
  tution (Art 130 II) as well as under the Basic Law of 1949.
  However, as a less effective device to preserve   neutrality
  civil servants are requested to behave politicically sensitive
  in public.
- A change in the range of politically defined jobs (see B 1.5
  below) - broadening and narrowing the number of posts - has
  been proposed; since 1953 the classes of political posts are
  fixed.
- As an alternative the assignment to top positions for only a
  limited number of years and subsequent return into less exposed
  positions was discussed (Studienkommission 1973, 240 ff.;
  König/Kroppenstedt 1977; Siedentopf 1977).
- In addition, improvements of the performance appraisal system
  are claimed in order to strengthen the achievement principle.

- Finally, depoliticization was considered to be brought about by
  neutralizing the appointment procedure, be it that civil ser-
  vants be appointed by the head of state (and not the govern-
  ment, as it is at least de facto the case), be it by leaving
  matters of personnel policy completely to an independent civil
  service commission like in Britain.

B. SELECTION PROCEDURES FOR HIGHER CIVIL SERVANTS

1. Formal Regulations

1.1 Recruitment and promotion of civil servants must merely be guided by the achievement principle. In particular, recruitment must not be selective or discriminatory with regard to race, sex, religious confession - in general: ascribed properties of a person(Art.33 II,III GG)[7]. Achievement is measured according to examination results scored in the educational system and additional, more or less systematic, testing by the individual government departments; there is nothing like the central British Civil Service Department for the senior civil service in Bonn; formal appointments are made by the Federal President on suggestion of the respective ministry; the right to appoint younger senior civil servants, however, is delegated to the individual ministries. Decision to promote section heads (Ministerialrat) and higher ranks pass the Chancellor's Office, but are dealt with in cabinett only in cases of devision heads and secretaries of states.

In principle entrance into the higher civil service is only possible at the bottom of the career ladder, and top positions can merely be reached through promotion according to performance and on the ground of partly automatic advancement according to anciennity, partly performance appraisals. There is, however, one exception: the so-called "other than career applicants", i.e. outsiders not fitting the formal standard requirement (e.g. university training), or people entering the system above the initial grade, can be admitted after a check by the Bundespersonalausschuß (Federal Personnel Committee), which is composed of 7 members: the president of the Federal Accounting Office, the head of the civil service devision of the Ministry of Interior, and civil servants who are partly appointed in this function by the Federal President on suggestion of the respective trade unions (§ 96 BBG). This committee is regarded independent. Only candidates for the post of secretary of state need not the approval of this independent body, if externally recruited (Bürger, 52).

1.2 For promotion basically the same principles hold; the crucial point, however, is how performance appraisals are taken. Performance appraisals are little standardized and depend very much on the subjective impressions of superiors; furthermore, above the level of section heads, there is no regular appraisal at all. The decision process follows the pattern used in recruiting people, and it also ends juridically with an appointment (Ernennung).

1.3 In office, civil servants have to be neutral, non-partisan (§52 BBG; § 35 BRRG) when taking discretionary decisions; if conditionally programmed by laws and regulations, there is no discretion, anyway. That he has to follow orders of his superiors is a matter of course, too.
The situation in the federal government departments, however, is caracterized by a relatively broad range of discretion in top positions and rather managerial (and political) functions, and the question arises to which extent top civil servants can function properly in furthering their minister's policy when behaving non-partisan towards political parties, interest groups, Länder, and other ministries.

1.4 This problem may be aggravated even, when the person in question is member of a political party - this being his constitutional right (Art. 9, 21 GG); or when he expresses his political opinion when not in office (Art. 5 GG).   He may even campaign for a parliamentary mandate on local, state, or federal level when still in active service. The civil service code only requires him to exercise self-restraint and mitigation when politically active. The normative conflict between the principle of neutrality and non-partisanship on the one and political rights on the other hand is theoretically resolved by a problematic distinction between the spheres of office and private life. In any case, however, party political convictions or memberships must not be asked and enter the personnel files.

1.5 **Dismission** of civil servants is only possible after formal
disciplinary court procedures, this being the only way to brake
the principle of life-long service and tenure - with one excep-
tion particularly relevant in this context: there is a class of
so-called "political civil servants", who can be temporarily dis-
missed without giving any justification (Ziller 1981). The proce-
dure is initiated by the respective minister, passes the chancel-
lor's office (and cabinett), and the decision is executed by the
President.

1.5.1 The posts, which are subject to (§ 31 BRRG and) § 36 BBG
are clearly defined: secretaries of state and division heads,
i.e. the two top positions in the hierarchy; in addition also
lower ranks in the foreign office and the secret services belong
to this group [8]. Insofar, the possibility of exceptional (tem-
porary)retirement is congruent with the possibility of exceptional
recruitment (1.1).

1.5.2 The criteria applied in temporary retirement are not spe-
cified; in general it is assumed, that a lack of congeniality or
political harmony with the minister is the basic motive "to sack"
a political civil servant; however, personal circumstances may
also make a Ministerialdirektor or Staatssekretär appear into-
lerable to a minister (Thieme 1968).
The institution of political civil servants was introduced into
the civil service code in Prussia and the Reich in the 19th cen-
tury, when the political rights of the 1848 constitutions were
extended to civil servants on the one hand and loyalty to the go-
vernment was to be safeguarded on the other; it survived the 1919
and 1949 constitutions and has - undisputedly - preserved its
place in the civil service codes. There have only been contro-
versies   about   the range of posts to be relevant.
Interesting enough, personal assistents to secretaries of state
and ministers, planning staffs and staffs to the minister are not
political, but career civil servants staying in office (although
normally on different posts) even after a change in government
(Wagener/Rückwardt 1982).

2. The Practices

As the debate about politicization always suffered from a serious lack of empirical data and thus produced or was based largely on conjectures and over-generalizations of some insiders' limited view, the principal aim of this paper is to contrast the fables with the facts.

2.1 Defining the Object of Research

In Germany federal, state, and local level are autonomous in their personnel policy; although common principles of personnel policy are formulated in federal frame legislation (1957) the empirical situation with regard to political interventions into matters of personnel policy varies between the three levels as well as between individual Länder and local governments.

Relatively hard empirical data, although by far not sufficient, are available for the federal bureaucracy, whereas Länder and local governments have not been sufficiently surveyed to draw an objective picture. Whereas the description of formal regulations roughly applies to all the three levels of the administrative system [9], the empirical analysis will be confined to the ministerial bureaucracy in Bonn and the relevant top positions there with (1983)

- 1380 section heads   (Ministerialrat)
- 221 subdivision heads   (Ministerialdirigent)
- 111 division heads   (Ministerialdirektor)
- 25 secretaries of states (Staatssekretär)

The quantitative historical development since 1950, reflecting the growth and differentiation of the federal bureaucracy after world war II, is depicted in tab. 1.

Tab. 1

Quantitative development of top positions
in the German federal bureaucracy

rank / year	STS B 11	MD B 10	MD B 9	MDg B 6	MR B 3	MR A 16	total MR	ATA
1949								
1950	13		29	47		276		3
1951	15		40	56		322		5
1952	15		45	79		445		7
1953	15		51	87		467		7
1954	16		53	91		477		4
1955	16		55	93		498		12
1956	16		56	96		502		13
1957	17		58	103		559		10
1958	19		65	106		579		9
1959	19		67	105		589		10
1960	19		67	106		605		9
1961	20		68	112		638		6
1962	22		71	116		655		9
1963	23		72	124		663		16
1964	23		72	129		674		6
1965	23		78	141		735		5
1966	23		80	151		877		5
1967	25		82	156	232	705	937	5
1968	26		87	159	233	708	941	7
1969	25		87	166	239	739	978	5
1970	22	3	91	183	511	576	1087	10
1971	22	3	91	189	517	602	1119	10
1972	22	3	93	194	816	311	1127	12
1973	23	4	93	199	836	315	1151	10
1974	23	4	96	203	855	337	1192	13
1975	24	4	95	203	859	344	1203	12
1976	24	2	96	205	857	368	1225	11
1977	24	2	97	200	838	342	1180	8
1978	24	2	98	203	842	350	1192	9
1979	24	2	98	205	845	362	1207	10
1980	24	2	100	208	858	384	1242	11
1981	24	2	101	206	856	384	1240	.11
1982	23	2	102	206	862	388	1250	10
1983	23	2	101	207	857	385	1242	8
increase %	77		248	340	269	39	350	

Annotations

1) The figures do neither include the Office of the Federal President nor the Federal Post Office

2) STS = Secretary of State; MD = Ministerialdirektor (division head), rank B10 only in the Office of Press Relations and the Ministry of Defense; MDg = Ministerialdirigent (subdivision head); MR = Ministerialrat (section head); ATA = employées

Following the cycle of recruitment, behaviour in office/role understanding, promotion, and dismissal I shall try to integrate research results, which were, however, produced at different points in time.

2.2 Recruitment of the Administrative Elite

The history of the Prussian and German higher civil service strongly contrasts to the norm of "Überparteilichkeit" (being above parties and partial interests); it is a chain of events full of discrimination and negative patronage. Until 1848 civil servants had almost no granted rights, but depended on the state's (personified by the ruler) mercy; they were hired and fired according to political opportunity; in particular the social origin of recruitment was an important criterion, when the political influence of the nobility was to be curbed by recruiting particularly from bourgeois background. Political attitudes were closely supervised and remarked in the files (Conduiten-Listen).
Only after 1848 disciplinary measures were codified and this formalization was the juridical safeguard against arbitrary dismission.
1871 - 1918 Social Democrats, Jews, and Catholics were discriminated (Morsey 1957; Rejewski 1973; Röhl 1977). [10] After 1919 the republican governments carried on working with the old monarchist administrative elite, who held their anti-republican orientations.[11]
Only partly,especially in Prussia (Runge 1964, Fenske 1972), the Social Democrats tried to recruit their followers into politically decisive posts. As they suffered from an **elite vacuum** in this respect, they on the one hand were unable to carry out an internal "revolution"in personnel policy, on the other hand they tried to recruit external (1.1), non-career people.
After 1933 the Nazis "cleaned" the civil service from "party-book"-officials,Social Democrats, and Jews, and "re-established" the professional civil service (Mommsen 1967), predominantly by recruiting and promoting from their own supporters.

After 1945 the De-Nazification was forced on the civil service, too, by the Allied Gouvernours, but was undermined and not regarded successful; in 1947 still 46 % of the higher civil service (in the Länder, naturally) were composed of ex-Nazis (Herz 1948); even 1968 an elite-survey revealed that out of 41 devision heads in federal ministries and 52 secretaries of state in the Lander and the federal government 48,9 % admitted membership (40,4% passive) in the NSDAP (Roth 1976). This is quite in line with a longitudinal elite study, which demonstrated that the administrative elite was comparatively more continuous between the 1930s and the 1950s than any other functional elite in West Germany (Zapf 1966).
This impact of self-recruitment had to have implications for active recruitment into the federal ministries, too: Social Democrats had almost no chance to be appointed; be it systematically, be it by self-recruitment the ministerial bureaucracy in the 1950s was conservative, Christian Democrat in party affiliation (Morsey 1977). Without exaggeration it can be said in addition, that in general the recruitment problem was not keeping members of the (opposition) parties out of the federal ministries, but to control the drain of Nazis (Strauss 1976, 279).[12]

Due to coalition governments, in particular with the Liberals, individual ministries like the Inner-German Ministry, became party-policized at the end of the 1950s; i.e. leading figures were recruited overtly according to party membership (Rüss 1973) and the positions of secretary of state were drawn into coalition bargains.
As the figures in tab. 2 (and section 2.5) show, also the number of cases of top civil servants temporarily retired slightly grows at the end of the 1950s.

It cannot be judged to what extent top positions in Bonn were
filled with outsiders during the first 20 years of the federal
government; at least for secretaries of state it is proved, that
between 1949 and 1969 16 secretaries of state were recruited
either from the political sector (8), business (2), science (4),
mass media (1),or interest groups (1) (Echtler 1973). Immediately
after 1949 personnel was basically drawn from the bizonal agen-
cies under allied troop supervision in Frankfurt (Morsey 1977),
but also from other sectors. Strauss (1976, 280), former secre-
tary of state in the Department of Justice, reports that 2 out of
4 division heads had been lawyers before 1945. After the first
basic change in government in 1969, when the Social Democrats
fully took over government in a coalition with the Liberals, se-
veral studies produced empirical results showing varying percen-
tages of non-career, lateral entry recruits into top positions
(Grottian 1974; Putnam 1973). The most influential study was by
Bärbel Steinkemper (1974), a re-analysis of a 1972 elite-survey
(Kaltefleiter 1978); she reports that among the 13 secretaries of
state and 72 division heads in the sample, 6 and 13, respective-
ly, were unorthodoxically recruited directly from outside into
their present or last position, and that all the 6 secretaries of
state and 9 Ministerialdirektoren were members of a political
party.

What looks quite impressive, particularly when quoted in percen-
tage figures reckoned on the sample and not the total population of
25 secretaries of state and 111 division heads, is rather small
in absolute figures. [13]

An analysis of 119(out of 144 relevant)persons in 1972 on the basis of
biographical data revealed, that only 13 division heads and 9 se-
cretaries of state have not been working at all in the civil
service before entering their positions. [14]

It is not to be disputed, that there were external recruitments
with strong party affiliations after 1969; however, their per-
centage was overestimated by Steinkemper, and it might seriously
be questioned, if this is a new trend starting in 1969 (with the So-
cialists in government).This study had to be dealt with in more
detail, because it provided strong arguments in the political and
administrative science discussion in the 1970s .

However, even when accepted as significant, what do these data demonstrate? Some (3) secretaries of state were recruited from parliament, one having been secretary of state until 1961; on the other hand temporarily retired secretaries of state (12) have gone into parliament later on [15]; but in general the new government carried on with the majority of the administrative elite, even with top civil servants "belonging" to the opposition party.

The Social Democrats were obiously in quite the same situation as in 1919: there were almost no sympathizers in the apparatus, who could be promoted; therefore they had to keep the old elite and on the other hand to recruit externally from their reservoir in other elite sectors and Länder administrations.

When the second fundamental change in government in the history of the Federal Republic occured in October 1982 with the Christian Democrats seizing power again, the situation was slightly different: there was still a big underlined internal reservoir of candidates with neutral or sympathetic views and, despite, altogether some 15 people were recruited from outside the federal ministries, particularly for posts in the Chancellor's Office and the Federal Office for Press Relations, while the number of temporary retirements was 42 up to December 1982, compared to 24 in 1969.
To sum up what has been said so far:
- recruitment has always been selective (at least in effect) and partly discriminatory;
- external recruitment slightly increases after drastic changes in government (1918, 1933, 1949, 1969, 1982);
- party memership as a recruitment criterion to fill top positions was particularly revealed when the Social Democrats came into power in 1918 and 1969, while the Conservatives always could draw on a broad reservoir in the civil service holding conservative political views without being necessarily members of conservative parties.

2.3 Role Understanding and Party Memberships

The studies by Steinkemper (1974) and Putnam (1973, Aberbach et al. 1981), based on data of 1972 and 1970 respectively, show that there was a differentiation of role understanding among federal top administrators. The "classical" bureaucrat, characterized by career recruitment and low party-identification was still dominant in 1972, but accompanied by critical, engaged, and "political" bureaucrats, the letter being rather externally recruited and having strong party affiliations.   In his international comparison Putnam (1973) found out that in 1970 German top administrators were not less egalitarian, liberal, and political in attitudes than their British or Swedish colleagues and that particularly younger senior civil servants had a strongly political role understanding. As there are unfortunately no panel data available, it is difficult to decide, if the data reflect a trend towards a more political role understanding and, furthermore, if these findings can be explained by a change of generations or as a result of intentional personnel policy after 1969. Last but not least, if selective recruitment and promotion had produced these office holders with these attitudes, it could be asked, if the attitudes were stable also in later years or rather punctual, reflecting the innovative, reformist policy impetus of 1969.

Role understanding as a theoretical construct is, among others, derived from party affiliation; but also as such facts concerning party affiliation and membership in particular are obviously important, when we try to evaluate the alleged politicization of the top civil service.

Von Beyme (1974) found out that between 1949 and 1969 18% of the secretaries of state have been members of a political party. Steinkemper found roughly 50% of the division heads and 9 out of 12 secretaries of state interviewd in 1972 to be members of a political party [16].

In 1982 11 out of 12 secretaries of state and 25 out of 31 Mi-
nisterialdirektoren, who were temporarily retired, were member of
the SPD; roughly the same figures hold for the new appointments
in 1982 with respect to CDU-memberships [17].
My own data from an ongoing research project reveal that up to
October 1984 out of 163 secretaries of state having been and
being in office since 1949 72 (44,2%) have been members of a po-
litical party, 8 having become ministers (7) or parliamentary of
states (1) later on. [18]

One can hardly tell a **trend** from these data; obviously at least
secretaries of state have been members of a party since 1949. Se-
condly, the probability that top civil servants are party members
increases as we move up the hierarchy; in particular the two le-
vels at the top are more likely to be party members than the
"non-political"subdivision heads, the percentage of whom not be-
longing to a party is about 70%. By the way, party membership of
top administrators is more frequent in the Länder than in the fe-
deral administration (Steinkemper 1974).
Thirdly, the samples taken between 1970 and 1981 demonstrate,
that top civil servants in Bonn (except secretaries of state) by
far not only belong to the ruling parties, but also to the oppo-
sition parties. In particular the percentage of sympathizers with
the CDU was relatively high in 1972 (Steinkemper 1974)and still in
1981(Wildenmann et al.1982),backing the hypothesis, that the Christia
Democrats had a large internal reservoir.for recruitment in 1982.
After all, compared to the Länder and former periods in German
history the share of those federal civil servants being members
of political parties is relatively small. As the elite-surveys of
1972 and 1981 reveal, the Länder bureaucracy is - irrespective of
the governing party - not less (to put it cautiously) party poli-
ticized than the federal administration. For the local level it
may be hypothesized that party membership is even more wide-
spread.

Historically it is interesting that party membership of civil
servants is not at all an invention of republican systems: in the
very Kaiser Reich, when the norms of neutrality and impartiality
were not challenged, as was maintained by the critics of the par-
ty politicization during the Weimar Republic, a high percentage
of civil servants, in particular county councellors (Landräte) in
Prussia were members of political parties - conservative parties
exclusively (Runge 1964). That party membership in the NSDAP was
the rule rather than the exception, after the professional civil
service had been "re-established" in 1933, hardly needs to be
mentioned.

Although engagement in political parties was constitutionally
guaranteed after 1919 as well as after 1949, it has always played
a great role in this discussion - less with respect to conduct in
office and role understanding, but predominantly with respect to re-
cruitment, promotion, and temporary retirement: these selection
procedures are in an intellectual short circuit suspected to be
controlled exclusively by partisan criteria and not by professio-
nal standards.

2.4 Promotion

Objectively, affiliation to government parties accellerates the
advancement after 1969; however, also 57 % of those top admini-
strators belonging to the oppositon parties in 1972 had been pro-
moted after 1969, and in general they did not move up the hier-
archy more slowly than those being neutral   (Steinkemper 1974,
48 ff.). Another study (Pippke 1975, 154 f.) found out, that in
the federal bureaucracy in 1971 35 % of those being regarded
successful were members of a party, whereas among those with a
relatively unsuccessful career 30,6 % belonged to a party!

Therefore, at least for the early 1970s it can be taken for
granted, that membership in the ruling parties furthered pro-
motion, but belonging to the "wrong" party did not lead neces-
sarily to discrimination, just to relative deprivation. This at a
first sight paradoxical finding can be explained by the fact that
the Brandt government needed internal expertise and simply could not
exchange the entire elite by appointing their own, external fol-
lowers. Secondly, this means that party membership almost never
is the exclusive criterion for appointment - this would mean

"alimentation patronage" - but that it is a criterion addi-
tional to professional performance. But we lack too much the
empirical evidence to reject the thesis of so many critics that
party patronage is a wide spread phenomenon.

2.5 Temporary Retirement of Political Civil Servants

Whereas with respect to promotion party membership seems to be
neither a necessary nor a sufficient condition of a career
leading into top positions, the juridical construction of the
"political civil servant" makes party membership actually be-
come almost a necessary condition for temporary retirement in
case of a change of government: With incongruent party orienta-
tions between minister and his top advisers the probability in-
creases that the absolute trust is lacking. On the other hand,

temporary retirement occurs also in normal times and even when both, minister and e.g. Ministerialdirektor, belong to the same party.

Between 1949 and September 1983 260 "political" civil servants have been temporarily retired (Derlien 1984).When simply inspecting the t: series in tab. 2 we find a distribution of cases reaching peaks at the end of the 1950s, in 1969/70 and in 1982 - those periods when the input-side, the recruitment was becoming "politicized", too. In so far, these data may allow the conclusion that
- the institution of temporary retirement has been used increasingly consciously as a mechanism to induce changes in the ministerial staff,
- the overall politicization after 1949 as indicated by these data can be described rather as a wave than as an upward bound line.

Tab. 2

Temporary Retirement 1949-1983 by Grades/Rank

year \ grade	B11 STS	B10 MD	B9 MD	B6	– A16 Foreign O.	total
1.LP49-53						0
2.LP53-57	1		(4)	5	5	10
3.LP57-61	1			16	16	17
4.LP61-65	2			5	5	7
1965-68	7		(2)	11	11	20
1969	11		14	3	2	28
1970			8	28	28	36
1971	1		2	10	10	13
1972	4	1	2	5	4	12
1973	3		5	14	11	22
1974	4		8	5	4	17
1975				4	1	4
1976	1		1	3	1	5
1977	2		2	1	1	5
1978	3		3			6
1979			2			2
1979-81	3		4	4	1	11
1982	12	1	29			42
1983	1		5	no data	no data	6
total	56	2	85	114	100	260

Source: Derlien 1984 (with further details)

However,when differentiating the data according to ranks/salary
groups we notice that only 143 persons (Bll, 10, 9) out of the
groups of secretary of state and division head had suffered
the fate of being dismissed; the others (B6, B3, A16) belong to
the "services", the foreign office and the secret services.
Furthermore, we notice that B9/Ministerialdirektor only after
1969 are temporarily sacked on the ground of political
incompatability, whereas secretaries of state (Bll) have been
subject to this regulation earlier, particularly during the Grand
Coalition with the Liberals leaving and the Social Democrats
engaging in a coalition with the Christian Democrats in 1966. Out
of the 134 secretaries of state having left office until
September 1983 every third was excluded on (more or less)
political grounds.

Furthermore, the cases are not evenly distributed between the mini-
stries; it is the Foreign Office (AA, Auswärtiges Amt) with 63
cases, predominantly occuring in 1969/70, which leads the list -
the reason being that in order to implement the Ostpolitik of
chancellor Brandt sacrifices of reluctant servants had to be made
(Seeliger 1970) [19]. On closer inspection, thus, we notice dif-
ferences in the degree of politicization between the ministries,
explainable partly by the frequency the ministers have changed,
partly by administrative culture: some ministries are obviously
relatively chaste.

2.6 Re-allocations

The overal fluctuation, however, is higher than can be read from
the cases of temporary dismission: one additional mechanism to
get rid of inconveniant people is to shift them into unimportant
positions. This is the only way to "clean" the house, when the
persons concerned do not belong to the class of political civil
servants. In 1969 within 4 weeks 82 persons were dislocated, and
1982 102 civil servants have been moved horizontally into other
positions (Derlien 1984).

Another mechanism, almost a safety valve, is the possibility (§42 II BBG) that civil servants having reached the age of 61 may ask for premature retirement; between 1969 and 1981 114 top administrators with ranks of political civil servants have made use of this opportunity - partly driven by their ministers, because they otherwise would have been temporarily retired (with less pension). Using these mechanisms in addition to temporary retirement a strictly party politically oriented personnel policy would have produced much higher number of party members in leading positions than could be identified so far.

2.7 Fluctuation between Administration and Politics

Another indicator of politicization is the frequency with which persons move from the realm of administration into politics and the other way round. Between 1949 and 1982 at least 18 secretaries of state have been recruited from federal or Länder parliaments, 8 of them before 1969. On the other hand 12 secretaries of state have moved into Parliament.

A (relatively small) number of division heads has also been recruited from party organizations or the staff of parliamentary factions, and sacked political civil servants not seldomly become advisers to "their" parliamentary faction or the party. In general, however, the "danger" that the bureaucracy become politicized is smaller than the danger that parliament becomes bureaucratized - taking into account that up to 50 % of Länder MPs and about 35 % of the federal MPs are (suspended) members of the civil service, although predominantly not from the ministerial bureaucracy (Hess 1983).

C. REASONS FOR SELECTION PROCEDURES

When vacancies have to be filled,   be it that new positions are created,be it that those at the top retire, quit the service, are temporarily dismissed, or change into other agencies and elite sectors, party political criteria can enter the process of selecting the successor through various channels.
Internal recruitment into top positions is as a rule guided by past professional performance, whatever the means to assess it. If two candidates are rated equally competent, the principle of anciennity comes to bear. If, however,one of the candidates shares party membership with a minister and this fact is known to him,he might be preferred by the minister. On the other hand,a minister can hardly afford to promote a party member, who is professionally incompetent, because this might damage his own career, when later on he is badly advised or his decisions are not correctly executed. A central role in the internal recruitment process is played by the section for personnel policy or the division head, under whom the personnel policy section works, because suggestions are elaborated here. It is, therefore, of crucial importance for a minister to staff this section/division with someone he can absolutely trust and whom he knows will take into account potential party affiliations. The decision to suggest a candidate to cabinett and to the Federal President for approval and final appointment, respectively, is in any case taken hierarchically and authoritatively by the minister.
He is hardly under pressure of **party groups** or interest groups. A candidate is not forced on him. However, following tactical considerations he might occasionally take into account party suggestions and even accept them, if the post concerned is of minor importance to him. Under the Social Democrats there existed also informal **party circles** [20] within the ministries, which were rather engaged in co-determination matters and are said to have exerted little influence on top personnel decisions. In this respect the situation on the level of local government is remarkably different, because here the executive head and a civil servant

can cooperate in the same party organization and, therefore, the
mayor can theoretically depend within the party organization on
some of his administrative staff; this is, of course, not pos-
sible in the federal ministries, because, first of all, the mini-
sters normally have their local party organization in other parts
of the country, and, secondly, the local party organization in
Bonn is not in a position to exert influence on a minister; this
is the priviledge of the party headquarters or the parliamentary
faction. Therefore, although some high ranking officials are mem-
bers of the council of the city of Bonn, this activity does not
provide them with a political channel to steer their ministerial
career. That an active civil servant reaches party positions on
the federal level is impossible, because that would require a
full time engagement.

Whereas the minister and the government in toto, thus, is rela-
tively autonomous in selecting personnel for top positions from
the internal ministerial reservoir, the situation is slightly
different with respect to external recruitments. Those who are
recruited from the Länder administration, politics, or interest
groups are normally personal acquaintances of the minister, whose
expertise he appreciates and whom he needs, for instance, to ma-
nage a particular new policy project. The self-interest of a mi-
nister is a sufficient safeguard against alimentation patronage
or "colonization" by an interest group. [21]
Party political criteria are more abvious and stronger emphasized
when during the formation of a new government top administrative
positions are negotiated between the parliamentary factions. This
phenomenon became aparent in 1961, when parliament discussed the
alleged bargain of the Liberals, who had claimed a number of mi-
nisterial positions for themselves. [22] This practice seems to
have continued, as far as one can tell from press reports [23]. In
this situation it is, of course, not cogent that political
criteria will override professional standards, but in combination
with external recruitment the touch of the tongue is more poli-
ticized: why else should a party claim a civil service position,
if it wants to select an internally recruited expert without par-
ty affiliation?

The facts reported so far show that

- external recruitment of top administrators in Bonn, which is absolutely legal, slightly increased after changes in government 1969 and 1982 (as during the First Republic and the Third Reich) and that concomitantly the number of temporary retirements and other reshuffles increased. In any case, the German federal bureaucracy is far away from a "spoil system";

- civil servants belonging to a political party,is not a new phenomenon; neither does it emerge only after 1919 nor after 1969 or 1982. To what extent party membership influences the recruitment into top positions decisively cannot be judged on the basis of the available data. Party membership seems to be at best an additional criterion to professional standards, when promotions are at stake;

- this hypothesis can be backed by the observation that professional qualifications in those jobs under scrutiny seem to imply a political role understanding and functioning in the policy process, which does not fit the politics-administration-dichotonomy underlying the norms of neutrality. It, however, indicates a process of de-differentation between polity and bureaucracy, which we could observe from the fluctuation of personnel between the two sectors of the politico-administrative system, too. From the point of view of the administrative (sub-)system this process can also be described as lowering the political threshold, an explanation being that the management of complex modern government requires more and more political roles and staff in the executive branch. But overall,it should be kept in mind, that the number of "political" positions is relatively small, and even smaller is the number of cases, who definitely display dominant political selection criteria.

D. IMPLICATIONS OF SELECTION PROCEDURES

Two aspects are to be treated, which are also argued in the German politicization discussion (see A. 3.).

1. Impact on Civil Servants' Motivation

The senior civil service in the early 1970s more or less accepted party political criteria to be taken into consideration, when promotions are decided on. 1970 only 23 % rejected the politicization, whereas 34 % of the division heads and 39 % of secretaries of state and agency heads advocated party politically oriented appointments (Luhmann/Mayntz 1973, 256). It is rather the level of section heads and younger senior servants who reject the consideration of political criteria (Moths/Wulf-Matthies 1973, 58 f.) When asked to assess the factual importance of being a party member for advancing in the hierarchy, this criterion was not rated highest, although given some importance (Luhmann/Mayntz 1973, 245).

These figures prove that party membership is at best an additional promotion criterion and does not necessarily impair professional competence. The normal promotion speed of those belonging to an opposition party shows that there is no discrimination and that the practice need not discourage those being not affiliated with a specific party. However, motivation depends on the subjective perception of career chances, and perception can be distorted and moulded by fables in the absence of facts.

On the higher echelons, where party membership can more frequently be found and temporary retirement occasionally be observed, those working as subdivision heads could try to avoid the risk of further promotion; in fact, insiders report, that one or the other "not yet political" civil servant on the level of subdivision head prefers not to be promoted on a "catapult seat"; on the other hand, there are obviously some cases, where political civil servants at a relatively young age provoced their temporary dismissal shortly after having been promoted, in order to enjoy private life.

2. Implications for a Change in Government

Undoubtedly, a strongly party-politicized ministerial bureaucracy would create serious problems for a subsequent new government, in particular if the possibility of temporary retirement were not given. In practice, however, a strong politicization presupposes a government party to be in office a relatively long period of time. But why then should civil servants strive for career advantages by joining the government party? If all did, they would not gain any relative advantage! In fact, the two basic changes in government, the Federal Republic experienced in 1969 and 1982, demonstrate that a change was brought about without a revolution in personnel policy and that the ministerial bureaucracy showed stability and loyalty to the new masters.

Footnotes

1) See Veröffentlichung der Vereinigung der Deutschen Staats-
   rechtslehrer, Bd. 7 (Halle 1931), 1932, p. 121. Wolff, then
   assessor, became one of the leading administrative law pro-
   fessors later on.

2) This was the name of the Civil Service Law of April 7th 1933;
   for the inclination of the opinion leaders see Schmahl (1977,
   p.194) and in general Eschenburg (1979).

3) It is hard not to argue ad hominem: Seemann has been and
   still is Ministerialrat (section head) in the Chancellor's
   Office, member of the CDU, and was in the early 1970s head of
   the work council of the Chancellor's Office opposing the par-
   ticularly radical personnel policy there (see his 1975). In
   this function he inspired a juridical expertise by Schnur
   (1970), wo is also editor of the journal "Die Verwaltung",
   where Seemann published his articles and the translation of
   Dyson (1979) appeared. Seemann generalized uncritically the
   works of Steinkemper (1974) and Putnam (1973, German version
   1976) as well as Dyson's (1979) article on "The West-German
   'Party Book'-Administration" - an article originally written
   for British readers and like the other investigations co-
   vering merely the early 1970s.

4) See BT-Protocoll 5.11.1969; BT-Drs. VI/107 27.11.1969; VI/587
   26.3.1970; BT-Protocoll 8.5.1970; BT-Drs. VI/1153 16. 9.1970;
   VI/3469 31.5.1972; BT-Protocoll 8.6.1972; BT-Protocoll
   20.10.1977; BT-Drs. 8/2679 16.3.1979; 9/933 22.10.1981

5) See BT-Drs. 9/2037 11.10.1982; BT-Protocoll 14.10.1982; BT-
   Drs. 9/2070 25.10.1982; BT-Protocoll 27.10.1982; 24.11.1982;
   BT-Drs. 9/2189 24.11.1982; BT-Protocoll 26.11.1982;8.12.1982;
   Bt-Drs. 9/2373 20.12.1982

6) An exception was the jurisdiction in connection with the
   Foreign Office cases in 1969/70 (Nierhaus 1978).

7) Art 36 I GG, however, prescribes that there should be an ade-
   quate regional representation in the federal bureaucracy; as
   it is difficult to judge to what extent personnel policy in
   the 1950s was successful in better representing catholics in
   Bonn it can hardly be assessed how successful regional repre-
   sentation is. In any case, regional and religous represen-
   tation was a problem of the 1950s (Strauss 1976) and not of
   the present time, nor is the problem of radicals in the civil
   service of relevance in this context.

8) On the Länder-Level only Bavaria has not made use of §31
   BRRG; the other Länder have generally defined ministerial
   heads and heads of press offices as well as police presidents
   and regional prefects as political civil servants (Kugele
   1978[2]). In Bavaria, however, the secretaries of state are
   actually parliamentary secretaries of state; they are members
   of cabinett and leave office whith the prime minister.

9) With regard to our problem it should, however, be kept in mind that local top administrators are very often elected for a limited number of years.

10) Victims of the policy were, among others, the famous sociologists Georg Simmel, Werner Sombart, and Robert Michels, who were not appointed professors in Prussia because of their marxist approach.

11) In the 1919 revolutionary situation 8 out of 12 secretaries of state remained in office; Arnold Brecht was 1927 the first Ministerialdirektor since 1918, who was temporarily retired by a DNVP minister of the interior (v. Keuchell) on "political" grounds - it is indicative enough, that the reason was not anti-, but pro-republican conduct (Morsey, 1972, p. 113; see also Arnold Brecht 1966).

12) It should be remembered that the Foreign Office had serious troubles with its embassadors in various countries in the 1950s and that chancellor Adenauer's secretary state, Hans Globke, was the commentator of the Nürnberg racial legislation; for a differentiated documentation concerning Globke see Gotto (1980).

13) Furtheron, it all depends on the way the data are coded; e.g. if a person with a former administrative career in the Länder and some years in parliament is classified as external or as professional civil servant.
    These methodological arguments are quite understandably not taken into account by foreign commentators (Ziller 1981, Timsit/Wiener 1980).

14) Results of an ongoing research project on the federal administrative elite. The comparison between these and the Steinkemper figures shows that her sample was biased: external recruits (and thus members of parties) were overrepresented. (Derlien/Pippig 1984).

15) The most famous example being the former Federal President Carstens.

16) My own analysis of the data in the German Who is Who (1972) revealed 17 Secretaries of State and 22 Division Heads as members of political parties.

17) According to a party-internal paper of the SPD.

18) The data are gained from official documents, self-indications in the German Who is Who and above all from the very reliable Munzinger Press Archiv. Echtler's (1973) results with 66% of then 112 Secretaries of State seem to be overexaggerated.

19) A less Machiavellian explanation is, that the average age of the foreign service was to be lowered.

20) "Betriebskampfgruppen" - the term alludes to East German activist groups in industrial plants.

21) Before the 1982 change of government there were speculations, if the president of the farmers' association would become Secretary of State in the Agricultural Ministry, but he did not. Former Chancellor Schmidt had a strong inclination to business managers and recruited one of them for a limited number of years as a "one dollar man" for Secretary of State in the Ministry of Defense.

22) See Bundestags-Protokolle 4/p. 218 f., January 18th 1962

23) Obviously, political actors and media in this country do no longer distinguish between **formal** nomination of a minister or parliamentary secretary of state by the chancellor and informal bargains preceeding the nomination. As party spokesmen announce, who will be "their" minister, they occasionally tell the public that their party will fill the post of some permanent ecretary of tate. On the other hand, top civil servants occasionally are reported "to resign" instead of "to retire" or "to quit" the service. The boundary between political and administrative system become blurred on the perceptional and language level, too.

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