

POLITICIZATION OF SENIOR CIVIL SERVANTS IN SLOVENIA

Lea NAHTIGAL

Miro HAČEK

Lea NAHTIGAL

Research Assistant, Policy Analysis and Public Administration Department, Faculty of Social Sciences, University of Ljubljana, Ljubljana, Slovenia

Tel.: 0038-615-805.179

E-mail: lea.nahtigal@fdv.uni-lj.si

Miro HAČEK

Associate Professor, Policy Analysis and Public Administration Department, Faculty of Social Sciences, University of Ljubljana, Ljubljana, Slovenia,

Vice-President of the Central European and Slovenian Political Science Associations

Tel.: 0038-615-805.179

E-mail: miro.hacek@fdv.uni-lj.si

Abstract

In the context of the civil service system reform, the new normative framework adopted in 2002 introduced a new management arrangement in public administration, whose consequence was the transition of senior positions within ministries, bodies within ministries, and government offices from political officials to positional civil servants with a limited term of office, who have thus become the most senior civil servants, called administrative managers. Based on extensive empirical research and statistical data, this article provides an in-depth analysis of the status and position of administrative managers, which is intended to serve as a test whether the apex of the Slovenian administrative system is politicized and in what form. In the so-called new democracies, politicization most often is manifested as a violation of the principles of political neutrality characteristic of a professional civil service, through personalized and biased appointments of senior civil servants and in the low degree of protection against lay-offs of civil servants on political grounds. Administrative managers thus often have to decide between political susceptibility and trustworthiness versus professionalism and professional accountability, for their tasks belong to the administrative and political realms. This poses a question about the degree of influence politicians exert on administrative managers and the rate of success with which administrative managers manage to retain their professionalism and independence, which should represent the key characteristics of a senior civil servant.

Keywords: Slovenia, politicization, senior civil servant, policy making, appointment.



1. Introductory notes on the concept of politicization

Like most social science terms, politicization of senior civil servants has no uniform, precise, and widely accepted definition. Different interpretations of politicization are a consequence of different civil service systems across the world that function in varying ways, because the systems have developed from varied political and administrative traditions, reflecting different social values and governed by dissimilar administrative and governance arrangements (McLennan, 1980).

To the greatest extent, politicization represents a threat to senior civil servants' professional status and values (Hojnacki, 1996, p. 139), as politicians want to influence civil servants' behavior and work (Aberbach, Putnam and Rockman, 1981; Aberbach and Rockman, 1987; Lauth, 1989, p. 195).

Aberbach and Rockman (1987, 1988) regard the notion of civil servants' politicization as synonymous with the violation of the principle of political neutrality of civil service, a category that is legally binding for the EU Member States and is based on the Treaty of Rome establishing the European Community, and represents a necessary precondition for regulating this area in accordance with the principles of the European Union. The principle of political neutrality and impartiality is derived from the provision advocating in favor of non-interference of politics with the status and work of senior civil servants, which protects them against unwarranted encroachment of politics upon their position and expert subject matter of their work. The latter means that, when performing their work and tasks, senior civil servants operate in a politically impartial manner, while abstaining from connections with any political or ideological group as they have to execute their responsibilities for the benefit of all citizens and not on behalf of individuals, political parties, or other interest groups (Krašovec, 2002, p. 93; Pečarič, 2008, p. 78).

We can list at least three reasons civil servants may feel the pressure of politics' workings, as follows: (a) Offices and agencies have to act in the public good, and civil servants who head these agencies want to assert themselves through good management, which requires leadership and political skills. (b) In implementing political agendas, elected and politically appointed officials frequently turn to senior civil servants for assistance, who in turn help the elected officials and thus actively participate in formulating and implementing political decisions. (c) The majority of senior civil servants are acutely aware that the organization for which they work depends upon outside political power. Various agencies, offices, directorates within ministries, and their operative personnel exist only because a sufficiently strong desire and will to establish and preserve a certain body have been expressed, which have been formulated during the course of a political process; hence, civil servants strive to please the political power as much as possible (Hojnacki, 1996, p. 141).

In addition to the definition of politicization of bureaucracy, one should not forget the problem of bureaucratization of political decision-making, which can occur when bureaucracy starts to dominate political decision-making in society (Bugarič, 2005, pp. 423-424; Bugarič, 2006, p. 1260). Bureaucrats or senior civil servants actually

exert a great influence on the formulation of policies and adoption of decisions and are responsible for establishing contact with and providing answers to relevant social interest groups (Raadschelders, 2003, p. 335). It is even assumed that, senior civil servants, due to their expert knowledge, are capable of developing concrete policies out of political leadership's visions, which are then actually implemented. An ever-increasing degree of overlap of the roles over time is thus consistent with the finding that the processes of simultaneous politicization of bureaucracy and bureaucratization of politics can be detected at an ever-increasing rate (Dogan, 1975, pp. 14-15).

Aberbach, Putnam and Rockman (1981), Peters (1988), Pierre (1995), Eichbaum and Shaw (2007), and Mulgan (2007) share common ground in finding that politicization of the public sector refers to at least three forms; we want to investigate whether the following are present in the Slovenian system of administrative management (see Table 1), as follows (Rouban, 2005, pp. 310-320):

1. Politicization as political participation of civil servants.
2. Politicization as control over appointments and careers.
3. Politicization as civil servants' participation in political decision-making.

Table 1: Extent of forms of politicization in the Slovenian senior civil service

Forms of Politicization	Political Officials		Administrative Managers		Heads of Organizational Units		Total	
	Arit. Av.	Std. Deviation	Arit. Av.	Std. Deviation	Arit. Av.	Std. Deviation	Arit. Av.	Std. Deviation
Politicization as control over appointments and careers	1.24	0.54	1.47	0.78	1.22	0.52	1.30	0.62
Politicization as civil servants' participation in political decision making	2.62	0.59	2.19	0.74	2.40	0.65	2.36	0.68
Politicization as political participation of civil servants	2.14	0.66	2.34	0.66	2.37	0.64	2.33	0.65

Source: Authors' empirical research

All three studied groups chose control over appointments and careers of senior civil servants as the most widespread form of politicization² in the Slovenian administrative space; therefore, we pay the greatest attention to this form of politicization in the following sections of this article. In terms of ranking the remaining two types of politicization, the data differ somewhat among the groups included in our survey. Political officials and Heads of Organizational Units maintain that the second most widespread form is politicization as political participation by civil servants, whereas administrative managers think that politicization as participation by civil servants in political decision-making is more pervasive than politicization as political participation.

² Respondents ranked the prevalence of each form of politicization by attributing those numbers 1 to 3, in which 1 means that, in their opinion, the selected form is the most pervasive and 3 means that the selected form is the least common.

2. Research design and methodology

Our empirical research took place between 29 February and 1 May 2012. Survey respondents were divided into three groups, political officials, administrative managers, and other senior civil servants, in which the normative framework currently in force was taken into account. The group of political officials included members of the executive branch (ministers and state secretaries), while the Prime Minister, President of the Republic, and Secretary General of the Government were excluded, because administrative managers are not directly subordinated to these officials. Similarly, we did not include members of the legislative branch, since we focused explicitly on the political-executive level of government, where administrative managers and other senior civil servants work. In addition, the topic covering relationships between political officials and senior civil servants is mainly related to the executive (Peters, 1988). The group of political officials encompassing the entire population of holders of political function in the 2008-2011 term comprised 36 individuals, and the response rate (i.e., percentage of completed questionnaires) was 69%. The group of administrative managers, composed of Secretaries General and Directors General, Directors of Bodies within Ministries, Directors of Government Offices, Directors of Municipal Administrations, and Heads of Administrative Units, included 122 individuals, thus accounting for the entire apex of senior civil servants in the Republic of Slovenia, whose appointments refer to a limited term of office and, in procedural terms, depend upon decisions made by political officials. As far as the group of administrative managers is concerned, Heads of Administrative Units and Directors of Municipal Administrations who operate at the local level were omitted in our analysis, as this level of political system is not covered by our research. Relative to the entire population, the survey response (i.e., percentage of returned survey questionnaires) was 61%. As for the last group covered by our study, i.e., comprising other civil servants – the third level of management, which is directly subordinated to administrative managers, survey questionnaires were sent to 257 Heads of Organizational Units within directorates, with a return rate of 59%.

3. Politicization as control over appointments and careers of senior civil servants

3.1. Introduction

In the senior civil service system, politicization still most frequently manifests as political officials' interference with the status and work of senior civil servants, because the former want to influence the conduct and operation of the latter, thus assuming control over the bureaucratic machinery and changing the attitude and culture of public administration (Eichbaum and Shaw, 2007, 2008; Page and Wright, 1999; Peters and Pierre, 2004; Rouban, 2005).

This form of politicization thus refers to the extent to which elected politicians are included in (partisan) appointments of senior civil service positions, which can be understood as politically controlled senior civil service whose main characteristic is the importance of political criteria alongside those of professionalism (Peters and Pierre, 2004, p. 2; Page and Wright, 2007, p. 8).

The essence of political appointments (Campbell and Wilson, 1995; Mulgan, 1998; Hughes, 2003) hence lies in the loyalty of politically appointed persons to their superiors, effectively making the politically appointed officials more loyal to their principals than to the principles of legality and the rule of law (Meyer-Sahling, 2009, p. 12), which results in the weakening of civil service accountability and greatly undermines the principles of professionalism and political neutrality.

Politicization primarily occurs because of political distrust of senior civil servants, as political trust traditionally represents the hardest goal to achieve in the context of non-partisan public administration; therefore, certain states still advocate for political appointments. In this manner, the best way of achieving control over bureaucracy is to have the possibility of appointing the most faithful co-worker (Peters and Pierre, 2004, p. 4). However, problems arise when government changes and civil service positions are (still) occupied by individuals who more easily identify with the policies of the previous government (Haček, 2005, pp. 86-87), which of course is of no use to the new one. The greatest peril of politicization occurs when the government changes, because the future careers of civil servants depend upon the representatives of the political power currently in force and their decisions about the (new) appointments to senior civil service positions.

3.2. Meyer-Sahling models of politicization

In the following, we present the politicization models (see Table 2), which serve as a flexible analytical tool allowing us to classify various approaches politicians use in exercising political control over bureaucratic careers and enabling us to compare politicization(s) in different geographical settings and historical periods. Though politicization is ubiquitous, it certainly differs in terms of form, degree, and depth (Page and Wright, 1999; Peters and Pierre, 2004). Of course, we allow for the possibility of certain models overlapping in some states, but this cannot prevent us from establishing which model is prevalent in a particular country.

Table 2: Models of politicization conceived as control over appointments and careers of senior civil servants

	1. Apoliticization Model	2. Limited Politicization Model	3. Open Politicization Model	4. Partisan Politicization Model
The approach of the new government regarding 'inherited' civil servants	No replacements	Replacements	Replacements	Replacements
Career pattern of newly appointed civil servants	Career civil servants recruited from within the state body (ministry, body within a ministry, etc.)	Career civil servants recruited from within the state body (ministry, body within a ministry, etc.)	Outsider candidates recruited from the public or private sector	Outsider candidates recruited from the political arena

Source: Meyer-Sahling (2008, p. 8)

The models differ in two aspects. The first one determines whether formal employment policy allows every new government to decide whether to lay off the senior civil servants who served under the previous government; the second aspect concerns the method of recruitment when legislative provisions permit the government to choose freely whether or not to make new appointments.

The first model of the Weberian perspective of bureaucratic rule is '*de facto apoliticization*' since the new government does not terminate employment relationships with senior civil servants it inherited from the preceding government. All vacancies that are eventually created are thus occupied by civil servants who are promoted from junior to senior civil service positions, a process drawing upon the criteria of professional competences without any political interference. The position of political non-interference derives from Weber's argument that bureaucrats are necessary, an awareness shared by members of the new government, who are convinced that the state cannot be governed unless one can rely on the professional and procedural knowledge of civil servants inherited from the preceding government. This model includes stability, with bureaucratic careers detached from political ones, since senior civil servants are regarded as (seemingly) assuming complete political neutrality. Undoubtedly closest to the ideal of a complete separation of state administration and politics is the English model. The core of this model is represented by a professional, expert, and politically neutral civil service, serving every government in office, regardless of its political orientation, and politics has limited possibilities of interfering with the civil service's work and recruitment. As a result, in Great Britain, ministers' cabinets have no special teams of politically loyal civil servants; therefore, their closest co-workers are simply senior civil servants (Wilson and Barker, 2003, p. 3). In addition to Permanent Secretaries and their Deputies, there is also the Head of Civil Service, who embodies the independence and professionalism of civil service in Great Britain. The political neutrality of British public administration represents a fundamental element of democratic government, thus preserving the British model's reputation as a strongly loyal administrative system independent of the ruling party(-ies) at every given moment (McLennan, 1980, pp. 125-131).

The remaining three politicization models assume that senior civil service positions are subject to greater politically motivated change when a government changes. These models further differ from each other regarding the career backgrounds of the senior civil servants who are appointed to the highest bureaucratic positions. Verheijen and Rabrenovic (2001, p. 441) maintain that this pattern still predominates, as, in most countries, the highest senior civil service positions undergo replacements after every election, as well as through reorganizations of government. This is similar to the findings of Goetz and Wollman (2001, p. 880), who detect a persistent influence of party politics on human resources management of civil service and a tendency of ministers to gather large groups of policy advisors around them. Goetz and Margetts (1999) claim that politicization in post-socialist and Western democratic senior civil service systems remains the focus of attention. The difference between post-socialist and other Western democracies is mainly about the frequency of replacements, mea-

ning that new post-socialist governments undertake almost complete replacements of their bureaucratic apex.

The *limited politicization model* presumes that new governments first turn to internal staff resources when replacing civil servants, namely, by the virtue of promoting lower-ranking bureaucrats to higher positions. In doing so, the new leadership can be faced with a potential shortage of political susceptibility, as the leaders give precedence to the competences of the civil servants who already work in a certain state authority. Thus, politicization of bureaucrats is limited, since internal political oversight still exists, controlling and deciding on the future careers of capable civil servants, which could also be termed politicized promotion. This model is based on the political control approach, which Page and Wright (1999) identify as existing in states such as Germany and France (Meyer-Sahling, 2008, p. 6).

The third model, i.e., the *open politicization model*, also assumes that the new government may replace civil servants by appointing other bureaucrats, who can be recruited from other structures of civil service authorities outside the core structure of a ministry as well; or, alternatively, they may come from the private sector, academic circles, non-governmental organizations, and interest groups. Careers of lower- and higher-ranking civil servants are no longer interconnected in this model. The highest levels of bureaucracy are thus completely open, as candidates from the public and private sectors can compete for senior civil service positions. Albeit very well-known, this form of politicization is less characteristic of Western democracies. The United States of America is closest to this model, as the recruitment of the so-called outsiders is supposed to be standard practice for political appointments to the highest bureaucratic positions (Hecl, 1977; Meyer-Sahling, 2008, p. 6).

In the fourth model, called *partisan politicization*, most senior civil servants of the previous government are dismissed; the vacancies thus created are occupied by bureaucrats whose careers include experience gathered in the political environment (positions in government, parliament, political parties, etc.). Political leaders interfere not only with bureaucratic careers but also with political ones, as the two categories are closely interwoven and difficult to tell apart, whereas career links between lower-ranking and senior civil service positions remain completely severed. In this model, an individual's political background is regarded as the basic precondition for appointments to senior civil service positions. In fact, these bureaucrats serve as partisan civil servants who have acquired additional political skills the bureaucrats can put to good advantage in managing government departments or in possible further careers as political officials. It is thus not uncommon in Western democracies (e.g., in France) that senior civil servants transform into political officials (Meyer-Sahling, 2008, p. 7; Raadschelders, 2003, p. 335).

3.3. *The presence of politicization in the Slovenian administrative system*

Based on statistical data and analysis of formal legislation, the Slovenian bureaucratic space could be described as closest to the Meyer-Sahling' model of *open politicization*, in which the arrival of a new government implies replacements and newly

vacant senior civil service positions can be occupied by candidates from the private and public sectors (see Table 3).

Even though administrative managers can already be selected based on internal competitions, public competitions are nevertheless still announced in the majority of cases³, enabling all candidates who meet the conditions and criteria set down by the competition to submit an application, regardless of whether they are recruited from other parts of civil service outside a ministry’s core structure or from the private sector, academic circles, non-governmental organizations, and interest groups. This makes the highest level of bureaucracy completely open, and promotions from lower-ranking to senior civil service positions are assigned no role in this model.

Table 3: Percentage of candidates submitting applications for competition procedures regarding their origin (%)

	2005	2006	2007	2008	2009	2010	2011
Internal							
(from within the organization that invited applications for a vacant posting/from other bodies of state administration)	57	60	59	70	46	53	51
	37	43	26	56	-	39	34
	20	17	33	14	-	14	17
External	43	40	41	30	54	47	49
Total	100	100	100	100	100	100	100

Source: Data extracted from 2005-2010 annual reports of the Council of Officials; - no available data.

Regarding the data on candidates presented in Table 3, candidates who are already employed by the state administration want to continue their career in the public sector while striving for career promotions to ever-higher postings, where the candidates are met with increasing competition from outsider candidates whose percentage among all applicant candidates is somewhere around 50%.

According to our survey the respondents’ opinion is that the procedure for selecting administrative managers is a primary location where politicization of bureaucracy originates, as it is fairly difficult to clearly delimit civil servants who are politically appointed from those who are appointed as a result of a competitive administrative procedure without any political interference. In Slovenia, a hybrid mode is used, which combines criteria based on professionalism with those of politics, in which the key role is played by mutual trust.

Furthermore, we are interested in whether the reform of the Slovenian civil service system, which introduced a new procedure for selection and appointments, has introduced any positive change in the administrative space. After joining the EU, Slovenia encountered changes in the structure of core management, where the Council of Offi-

³ In the years studied (between 2003 and 2011), internal competitions were announced only in 2004, when there were three internal competitions out of a total of 23, in 2008, when 16 internal competitions were announced out of a total of 80, and in 2006, when only one competition of a total of 39 was internal (data extracted from 2003-2010 annual reports of the Council of Officials and databases of the Ministry of Public Administration).

cials⁴, established in 2003, can be located, according to the amendments to the Civil Servants Act of 2002. The Council represents a complete novelty in the Slovenian civil service system, whose primary objective is to assure professional selection of the highest administrative managers for whose recruitment the Civil Servants Act (Article 60) stipulates that a public competition be announced, which is overseen by a special competition commission. Expectations were high when the Council of Officials was established, as it was supposed to function as an independent body, guaranteeing a system of selecting senior civil servants based on objective criteria of professional qualifications instead of political interests, which should provide the conditions for forming a professional administrative elite, i.e., an echelon of top administrative managers, and prevent the politicization of senior civil servants. The Council of Officials is composed of 12 members, appointed or elected for a term of office lasting six years, in the following manner: three members are appointed by the President of the Republic from among experts in the public sector; three are elected by senior civil servants working in the state administration, who bear the titles (first and second degree), from among themselves; two are appointed by the representative trade unions of activities or professions present within administrative bodies; and four members are appointed by the Government, acting on the proposal of a minister in charge of administration (Civil Servants Act, Article 175). The heterogeneous composition of the Council of Officials is meant to contribute to an efficient and independent operation of this body, in which it is quite important that politically appointed members represent a minority. However, past compositions of the Council of Officials show just the opposite, as appointments of politically-biased personnel have not been prevented (Bugarič, 2004, p. 17), even allowing the political forces in office to satisfy their staffing appetites by a majority support of 'their' members of the Council.

All governments should select the four members they appoint with great care and responsibility, primarily considering their professionalism, not their political preferences. This was actually done by the previous government (2008-2011) when it appointed four external experts; thus, the Council of Officials was, at least during this government's term, formally composed only of representatives of outside experts. However, Council membership of these four representatives is still tied to the government's term of office, as they are usually replaced whenever a new government arrives. Therefore, their tenure usually lasts four instead of six years, as it is otherwise set down by the law.

Second only to the Council of Officials, the most prominent role in selecting appropriate candidates is played by the members of the Special Competition Commissions⁵

4 This is the official English translation of the name of the institution called 'Uradniški svet' in Slovenian. However, 'officials' implied by this title are not synonymous with political officials, i.e., politicians, elected holders of political functions, but with (senior) civil servants or higher-ranking bureaucrats.

5 Members of individual SCCs are appointed by the Council of Officials, which elects the commission members by the majority of members present at a regular session or the majority

(henceforth, the SCCs), which are not permanent bodies as they are established by individual decisions in an ad hoc manner; i.e., for every public competition, a separate SCC is established. When the members of the SCCs are appointed, a special safeguard mechanism is in place, preventing the Council of Officials from nominating its own members or public administration expert(s) to whom a senior civil service posting that is the subject to a public competition is accountable. However, an SCC does not have the final, nor the greatest, say in selecting a candidate, as the commission has only a recommendation function. The commission sifts through all applicant candidates to filter those who meet all the conditions set down by the competition and then submits the list of appropriate candidates to the political official who initially invited the public competition and who in turn makes the final decision on the (non-)selection of the most appropriate candidate.

In sum, Slovenian legislation regarding the employment of administrative managers does not by itself provide for a completely independent selection of candidates to be hired by the administration, as the law allows for a certain degree of formal politicization⁶, despite being based on the assumption that all public competition procedures function in the utmost correct and professional manner. At the same time, the legislation allows an official to replace an administrative manager without a sound reason in the first year of the official's term of office. Considering the presence of formal politicization, it is hard to avoid material politicization⁷, which refers to the level of partisan control in selecting senior civil servants and is evident in the actual staffing practice (Matas, 1995).

Considering the method for selecting administrative managers, all three groups generally agree on its imperfection despite the reform (see Table 4). They primarily argue for a complete withdrawal of politics from the process of selecting administrative managers, especially Heads of Organizational Units (83%) and administrative managers (65%), whereas political officials seem to be more reserved in this respect (38%), since they advocate the stance that they have to retain the last say in selecting candidates (77%). A bit paradoxically, but this is largely agreed upon by administra-

of members casting a vote at a correspondence session (Special Competition Commissions Rules of Procedure, Article 5).

6 Formally, politicization is determined by civil service legislation, thus permitting the determination of the degree of formal politicization based on analysis of legislation regulating the employment of civil servants, as it determines what positions within the administrative structure are intended for professional civil servants not influenced by politics and what positions are subject to recruitment based on political criteria (as well) (Matas, 1995).

7 The extent of material politicization can be estimated based on case studies of recruitment to the highest positions in the administration. The study of material politicization is not interested in possible (political) positions in the administrative hierarchy's apex, which depend upon selection in general election or by an elected representative body, since it is interested only in the staffing of those positions in the administrations to which individuals are appointed to (Matas, 1995, p. 4).

tive managers (72%), whereas only 45% of Heads of Organizational Units share the same opinion.

Somewhat alarming is also the high admission by political officials (90%) of the fact that the selected candidate is not necessarily the most professionally and technically well-versed. So as we can see from acquired data, there is no doubt that a majority of appointments of administrative managers are predominantly political and prearranged. This statement is most endorsed by the Heads of Organizational Units (77%), followed by political officials (62%), whereas administrative managers agree with it in 58% of cases, which still represents a majority. Regarding selecting a suitable candidate, one should not neglect the fact that, in addition to political or party allegiance, a relatively important role is played by that candidate's personal acquaintance with a political official who announces a special public competition. This statement is agreed with by 33% of administrative management, whereas a surprising 48% remain undecided. In spite of this, administrative managers and political officials more readily agree that personal acquaintance has a somewhat bigger role than political or party allegiance, whereas Heads of Organizational Units claim the opposite.

Answers related to (dis-)agreement with the statement claiming that a minister should have the power to replace an administrative manager at any time during the minister's term, not just during his or her first year, are also quite interesting. As expected, the highest percentage of opposition to this claim is exhibited by the group of administrative managers, whereas the remaining two groups display a somewhat lesser amount of disagreement (45%).

When the new legislation was passed, Pirnat (2004, p. 240) was convinced that the new system of hiring and firing of senior administrative managers would, over time, change the senior civil service and the political culture, because he thought that, due to the officials' functions, political officials would want to keep the professionally qualified administrative managers who had already proven themselves through management at the highest positions and would be able to pay more attention to greater professionalism and expertise instead of political adherence. In this respect, he was primarily referring to the German and French arrangements, which have shown that the percentage of replacements at administrative apexes that usually occur with the change of government has been decreasing. Unfortunately, however, the data gathered in our empirical analysis show a completely different picture.

As far as dismissals are concerned, we can speak of a negative politicization, since political officials abuse formally permitted options that allow the officials the option of dismissal, because discharges are no longer an exception but have since become a rule, as an average of 63% of Directorate Directors, representatives of government offices, and Heads of Bodies within Ministries are dismissed, whereas the average percentage for Secretaries General is much higher, a staggering 89%. Discharge is the most frequent cause of termination of administrative managers' positions.

Table 4: Opinions⁸ on the procedure for selecting and appointing administrative managers

		Disagree	Neither/Nor	Agree	Average
POLITICAL OFFICIALS	The system for selecting administrative managers is adequate.	14%	48%	38%	3.3
ADMINISTRATIVE MANAGERS		30%	25%	45%	3.1
HEADS OF ORGANIZATIONAL UNITS		44%	40%	16%	2.6
POLITICAL OFFICIALS	Politics should withdraw from the process for selecting senior civil servants.	19%	43%	38%	3.3
ADMINISTRATIVE MANAGERS		7%	28%	65%	3.9
HEADS OF ORGANIZATIONAL UNITS		4%	13%	83%	4
POLITICAL OFFICIALS	Ministers must have the ultimate say in the selection of a candidate.	9%	14%	77%	3.8
ADMINISTRATIVE MANAGERS		12%	16%	72%	3.6
HEADS OF ORGANIZATIONAL UNITS		25%	30%	45%	3.3
POLITICAL OFFICIALS	The selected candidate is not necessarily the most professionally and technically well-versed one.	0%	10%	90%	4.0
ADMINISTRATIVE MANAGERS		11%	24%	65%	3.7
HEADS OF ORGANIZATIONAL UNITS		5%	14%	81%	4
POLITICAL OFFICIALS	Appointments of administrative managers are predominantly political and prearranged.	24%	14%	62%	3.4
ADMINISTRATIVE MANAGERS		9%	33%	58%	3.6
HEADS OF ORGANIZATIONAL UNITS		2%	21%	77%	4
POLITICAL OFFICIALS	In the selection of an appropriate candidate, political or party adherence plays a lesser role than personal acquaintance.	14%	62%	24%	3.1
ADMINISTRATIVE MANAGERS		19%	48%	33%	3.1
HEADS OF ORGANIZATIONAL UNITS		31%	46%	23%	2.9
POLITICAL OFFICIALS	Ministers should have the power to replace administrative managers at any time and not only during their first year in office.	45%	15%	40%	3.0
ADMINISTRATIVE MANAGERS		64%	5%	31%	2.5
HEADS OF ORGANIZATIONAL UNITS		45%	18%	37%	2.9

Source: Authors' empirical research

The average percentage of administrative managers, who stay in office all five years, i.e., their entire term, is especially low in the group of Secretaries General (2%) and Directorate Directors (9%); the average percentage is somewhat higher in the group of Heads of Government Offices (21%) and Heads of Bodies within Ministries (27%).

In fact, Article 83 of the Civil Servants Act, which sets down the provisions for the termination of a position, has in part introduced a 'spoils' system into the administrative managers system, because dismissals most often occur when the government changes, as replacing the political apex also entails replacing senior management staff, resulting in increasing levels of uncertainty and elements of politicization entering the state administration.

On assuming power, every government undertakes at least a partial replacement of the civil service apex; hence, these acts are recognized as completely legitimate.

8 For reasons of clarity we have merged the categories 1 and 2, 'Entirely disagree/Disagree' and categories 4 and 5, 'Agree/Completely agree'. The mean is calculated based on the entire Likert scale from 1 to 5.

However, we are concerned about too frequent replacements of administrative managers, because, in the case of Secretaries General, there is an almost complete substitution at every change of government; therefore, the extent of replacements that are socially acceptable has to be questioned.

Rather than repeated public competition procedures, which are fairly rare, the following common practice used by a new government when it decides to dismiss a certain administrative manager should be perceived as more alarming: to replace a discharged manager, a government usually appoints an acting administrative manager, who then *de facto* occupies the vacant civil service posting when the public competition has been completed. Results of our analysis⁹ for individual positions reveal the following: 80% of Acting Heads of Government Offices appointed by a government are subsequently selected to occupy the administrative manager position. They are closely followed by Acting Secretaries General who are later appointed as (new) Secretaries General in 73% of cases and 62% of Acting Directorate Directors subsequently officially occupy this position. The lowest percentages of eventual appointments are for Acting Heads of Bodies within Ministries, amounting 58%. To conclude, on average, 70% of all acting senior civil servants eventually formally assume their positions.

Regarding appointments of acting civil servants, partial systemic abuse on the part of the government can be detected but is not illegal. Namely, acting civil servants who then formally occupy a certain position are required to meet the criteria set by a public competition and must receive the mark 'suitable' from an SCC; of course, these officials are not inevitably the best candidates. According to this analysis, we can infer that political officials have already chosen their own candidates when public competitions are announced, rendering the competitions obsolete and unjust for other candidates who submit their applications, as this actually violates the principle of access under equal conditions.

The question of the need for a limited term of office is becoming more salient, as only a few administrative managers remain in their positions throughout the entire term, whereas even fewer are granted an extension for another five years. The initial intention of this five-year term of office of an administrative manager was to prevent overlap with the term of office of the government, which lasts four years; however, the legislative provisions for the possibility of an administrative manager's dismissal within one year of an official's appointment almost completely override this intention.

More precisely, of the 24 Heads of Government Offices included in our study, only five managed to complete their five-year term, and three continued with a second

⁹ Analysis was performed based on data provided by the Ministry of Justice and Public Administration, thus including all administrative managers who executed their duty between 28 June 2003 (when executive positions saw replacement of political officials with civil servants) and 31 March 2012, when the new government implemented the reorganization of the state administration. Those who remained in office after 31 March 2012 are not included in our analysis of the length of term of office, but are included in the analysis of appointments.

term (two are still in their positions, whereas one is not anymore, because the office has been abolished). Of the 47 Secretaries General, only one managed to complete his term of office, but was not asked to serve for another term. Heads of Government Offices have somewhat better statistics; of the 68 Heads included in our survey, 18 stayed in their positions until the end of the term, and 13 were appointed for another one (from among these, three were Acting Heads before they were once again appointed Heads). Of the 13, two have already been dismissed, one position has been terminated, and ten participants remain administrative managers. Regarding the Directorate Directors, of the 123 included in our study, 11 completed their full term, and seven were reappointed (one has already been discharged, five have lost their positions due to abolition of the organizations they used to work at, and one remains in the office of administrative manager).

Calculations based on this data analysis show that the average term of office of a Head of Government Office is 31 months, i.e., just over two and a half years; the duration of the term of office of Secretaries General is 25 months on average, and the Directorate Directors' term has an average duration of 28 months. The average length of Heads of Bodies within Ministries' tenure of office is 37 months or just over three years. These calculations account for administrative managers who completed their full term, those who were dismissed, and those whose office expired due to the abolition of bodies, directorates, or government offices.

To conclude, the fact that political officials independently select and appoint their direct subordinates is not controversial, but the manner in which they do so is. The law allows for a sound measure of politicization, because the system of administrative managers' appointments represents a blend of expertise and politics; however, practice shows that there is simply too much deviation. The main burden of political appointments is thus on the part of the government rather than the Council of Officials, whose key mission is now becoming more that of warning the government and the public of possible irregularities in the appointments of the most senior administrative managers.

A politicized process of recruitment further induces politicized actions in the operation of senior civil servants, as their traditional political neutrality and the ability to offer advice freely and sincerely to their ministers are displaced in this way. Thus, political appointments lead to politicization as participating in formulating policy (Eichbaum and Shaw, 2008, p. 342).

4. Politicization as civil servants' participation in the policymaking process

The picture of neutral civil servants who should not participate in the political process is recognized as an ideal behavior pattern in all modern political systems (Heady, 1979, pp. 167-170) and thus represents Weber's ideal bureaucracy. A completely politically neutral civil service can exist only as a theoretical model, since no such system can be found in practice, where we can speak only of a relatively politically neutral administration (Brejč, 2000; Haček, 2005). Thus, in politicization theory, functional

politicization is often referred to, representing incorporating civil servants in formulating policies and a (partial) political role of senior civil servants, which is regarded as perfectly legitimate and desirable by other actors of the policymaking processes (Etzioni-Halevy, 1983, p. 92) and is outside the domain of the negative connotation of politicization (Pfiffner, 1992, pp. 57-65).

If we return to the issue of civil servants' participation in the policymaking and policy implementation processes, we see that most states perceive a certain amount of senior civil servants' participation in creating policy initiatives as entirely appropriate (Riggs, 1988), as the states have formally determined criteria in place, governing the inclusion of civil servants in the policymaking process.

All three survey participant groups also agree that the key responsibilities of an administrative manager include policymaking (see Table 5). The highest percentage of agreement (85%) with the statement is expressed by the group of political officials, who are supposed to represent the key actors in the policymaking process, yet they nevertheless agree that administrative managers still play a very important role. Seventy-four percent of administrative managers and 61% (the lowest percentage) of Heads of Organizational Units share the same opinion, namely, that administrative managers' work includes policymaking.

Table 5: (Dis-)agreement with the statement 'Administrative managers' work includes policymaking' (%)

	Disagree	Neither/Nor	Agree	Total
Administrative Managers	16	10	74	100
Political Officials	5	10	85	100
Heads of Organizational Units	21	18	61	100

Source: Authors' empirical research

Thus, administrative managers are acknowledged as participating more actively in the policymaking process, which, in turn, is supposed to primarily include offering advice and assistance to ministers. This statement has the fewest supporters among the administrative managers included in our survey (36%), whereas almost 57% of Heads of Organizational Units and 52% of political officials believe that giving assistance and advice to ministers is the key task of administrative managers.

Administrative managers, who actually represent a group of partially politically appointed persons, enjoy considerable support with their superiors, as the former offer the latter expert knowledge and general assistance by counseling. Therefore, administrative managers have to be professionally qualified and, due to the nature of their work, possess political sensitivity. In fact, administrative managers not only provide politicians with information and data but also develop their own standpoints on certain issues, which further emphasizes the managers' proactive role in the policymaking process, a matter of common agreement by all three groups covered by our survey.

Actually, administrative managers have a special, mutual relationship with their superiors, which fact does not exclude the managers' connectedness to political topics, as they are well aware that political factors and preferences cannot be ruled out

of their work. However, administrative managers still have to rely upon professionalism, knowledge, and experience in their work, as they cannot afford to concentrate too much on advocating for a specific party's policy. In most states, it is completely normal for political officials to order their subordinate civil servants to prepare draft legislative proposals for them, drawing upon their expertise. However, if the same civil servants came up with the same legislative proposals on their own, i.e., without being ordered to do so, their act would be perceived as inappropriate and politically motivated (Heady, 1979). Senior civil servants are thus much more than mere implementers of decisions adopted by others, as civil servants have to be responsive to legitimate political decision makers and the needs and desires of citizens (Hojnacki, 1996, p. 159).

5. Politicization as political participation of civil servants

All contemporary democracies advocate the stance that the system of senior civil servants' recruitment, career development, and performance evaluation should be entirely politically neutral. At the same time, some question whether civil servants are more efficient if they share the objectives of the current political option or if they remain neutral and serve continuously under different governments. Nevertheless, most experts claim that political allegiance represents an obstacle rather than an advantage to civil servants.

In fact, civil servants who share the objectives of a currently governing political option are at risk of losing their job at every election, as another political force may win, or are forced to once again change their political beliefs, which surely does not entail optimum conditions for efficient and independent administrative work (Haček and Bačlija, 2007, p. 70).

To curtail this possibility, civil service legislation restricts membership and activity in political parties; in some countries, civil servants are legally forbidden from directly participating in the electoral process, which can refer to prohibited participation in electoral campaigns, forbidden financial donations, occupation of elected positions in political organizations, etc. (Hojnacki, 1996, p. 151). In spite of all this, Slovenian legislation is among the least restrictive, as it contains no explicit prohibition of membership or active participation by administrative managers in political parties; the legislation merely recommends political neutrality and impartiality for all civil servants.

As for Slovenian administrative managers, they are mostly outside political, partisan, and interest activities, since most administrative managers are not members of political parties (78.7%); furthermore, we see that concentrating on party politics is far from being the most important task they have (see Table 6).

Table 6: (Dis-)agreement with the statement 'Administrative managers' work concentrates on party politics'. (%)

Administrative Manager's Work Concentrates on Party Politics	Disagree	Neither/Nor	Agree	Total
Political Officials	95	5	0	100
Administrative Managers	94	5	1	100
Heads of Organizational Units	77	15	8	100

Source: Authors' empirical research (2012)

However, senior civil servants in most contemporary democratic societies still encounter situations in which they have to choose between political susceptibility or trustworthiness versus professionalism and professional accountability (Almond and Powell, 1966, pp. 152-158). As far as Slovenian administrative space is concerned, this is clearly illustrated by the survey respondents' agreement with the statement that administrative managers' careers depend greatly upon their (political) conduct and loyalty to their superiors, though the lowest level of agreement with this statement is expressed by administrative managers (2.91), whereas their superiors (4.05) and subordinates (4.06) are much more convinced of the veracity of this claim.

Party-defined senior civil servants hence do not necessarily entail the presence of politicization, as everybody has the right to his or her own political beliefs, which he or she can express more or less actively. For civil servants to act politically, it is not at all necessary that they are members of any political party (Brejc, 2000, p. 234), as their loyalty and political behavior in relation to their superiors are much more important.

6. Concluding remarks

Based on the empirical and statistical data, the most widespread form of politicization of the Slovenian system of administrative managers is politicization as control over appointments, followed by politicization as civil servants' participation in political decision-making, and politicization as political participation, with the last being as the least problematic, as most administrative managers are not members of political parties.

The recruitment of administrative managers still features high level of political interference, bringing a low degree of political neutrality of administration and administrative managers, while providing a high degree of confidence of ministers in the work of administrative managers who have most likely been appointed based on some political official's recommendation (Krašovec and Kovačič, 2008, p. 362). Namely, politics is involved in the public competition process for selecting administrative managers on at least two occasions. First, politics has some limited influence over the selection of an SCC, as it control appointments of some members to the Council of Officials, and second, politics makes the final choice of an administrative manager, and even has the option not to select any candidate, but to demand re-run of the whole selection process. Thus, we should also seriously question the sense of performing special public competition procedures and of a limited term of senior civil servants' office, as their dismissal especially on the arrival of any new government in office has become standard practice, which has effectively disqualified the entire procedure for selecting administrative managers.

In sum, every change in political power brings about almost inevitable interventions in the civil service apex, i.e., replacement of senior civil servants of the previous government with bureaucrats closer to the new one. Since this change is actually performed by every government, it is perceived as perfectly legitimate and rational, as it is rather hard to anticipate that any government would act differently. Replacements

are hence not contrary to the rules set down by legal systems, as the latter endow the governments with broad discretionary powers regarding appointing and replacing state bureaucrats (Bugarič, 2004, p. 15). However, it is nevertheless necessary to express concern over too frequent replacements of administrative managers in Slovenia. A high degree of politicization in the form of control over senior civil servants' appointments and careers causes a high fluctuation in administrative managers, thus contributing to organizational instability, which as a consequence de-motivates other senior civil servants, who know already in advance that the most important positions in ministries and bodies within them cannot be reached based on competence alone, but only with the assistance of personal and political connections (Meyer-Sahling, 2009, p. 82).

In addition, the political culture in Slovenia has not developed to the level at which politics would be capable of self-restraint to select candidates exclusively based on professional competence, without considering other (often political) criteria. This is another reason we can hardly speak of a consolidated Slovenian administrative elite, as Slovenia's very legislation to a certain extent allows for formal and material politicization. However, according to the data presented in this article, this line has been more than breached in the case of the appointment and dismissal of administrative managers.

References:

1. Aberbach, D.J., Putnam, R.D. and Rockman, B.A., *Bureaucrats and Politicians in Western Democracies*, Cambridge: Harvard University Press, 1981.
2. Aberbach, D.J. and Rockman, B.A., 'Comparative Administration: Methods, Muddles, and Models', 1987, *Administration and Society*, vol. 18, no. 4, pp. 473-506.
3. Aberbach, D.J. and Rockman, B.A., 'Image IV. Revisited: Executive and Political Roles', 1988, *Governance*, vol. 1, no. 1, pp. 1-25.
4. Almond, A.G. and Powell, G.B., *Comparative Politics: A Developmental Approach*, Boston: Little Brown & Company, 1966.
5. Brejc, M., *Ljudje in organizacija v javni upravi*, Ljubljana: Visoka upravna šola, 2000.
6. Bugarič, B., 'Mit ali realnost?', 2004, *Slovenska uprava*, vol. 4, no. 5, pp. 15-17.
7. Bugarič, B., 'Ločitev politike in uprave: »zahodni« modeli in »vzhodne« prakse?', 2005, *Javna uprava*, vol. 41, no. 2-3, pp. 419-432.
8. Bugarič, B., 'Deset tez o odnosu med politiko in upravo v Sloveniji', 2006, *Podjetje in delo*, vol. 32, no. 6-7, pp. 1259-1263.
9. Campbell, C. and Wilson, G.K., *The End of Whitehall: Death of a Paradigm?*, Oxford: Blackwell, 1995.
10. Dogan, M., 'The Political Power of the Mandarins', in Dogan, M. (ed.), *The Mandarins of Western Europe: The Political Role of Top Civil Servants*, New York: John Wiley & Sons, 1975, pp. 3-24.
11. Eichbaum, C. and Shaw, R., 'Ministerial Advisers, Politicisation and the Retreat from Westminster: The Case of New Zealand', 2007, *Public Administration*, vol. 85, no. 3, pp. 609-640.

12. Eichbaum, C. and Shaw, R., 'Revisiting Politicization: Political Advisers and Public Servants in Westminster Systems', 2008, *Governance*, vol. 21, no. 3, pp. 337-363.
13. Etzioni-Halevy, E., *Bureaucracy and Democracy: A Political Dilemma*, London, Boston, Melbourne, Henley: Routledge and Kegan Paul, 1983.
14. Goetz, K.H. and Margetts, H.Z., 'The Solitary Center: the Core Executive in Central and Eastern Europe', 1999, *Governance*, vol. 12, no. 4, pp. 425-453.
15. Goetz, K.H. and Wollmann, H., 'Governmentalizing Central Executives in Postcommunist Europe: A Four-Country Comparison', 2001, *Journal of European Public Policy*, vol. 8, no. 6, pp. 864-887.
16. Haček, M., *Politika birokracije*, Ljubljana: Modrijan, 2005.
17. Haček, M. and Bačlija, I., *Sodobni službeni sistemi*, Ljubljana: Faculty of Social Sciences, 2007.
18. Heady, F., *Public Administration: A Comparative Perspective*, New York: Marcel Dekker, 1979.
19. Hecl, H., *A Government of Strangers: Executive Politics in Washington*, Washington: Brookings Institution Press, 1977.
20. Hojnacki, P.W., 'Politicisation as A Civil Service Dilemma', in Bekke, H.A., Toonen, T.A and Perry, H.J. (eds.), *Civil Service Systems in Comparative Perspective*, Bloomington and Indianapolis: Indiana University Press, 1996, pp. 137-164.
21. Hughes, O.E., *Public Management and Administration: An Introduction*, New York: Palgrave Macmillan, 2003.
22. Krašovec, A., *Oblikovanje javnih politik: Primer kulturnih politik v Sloveniji*, Ljubljana: Faculty of Social Sciences, 2002.
23. Krašovec, A. and Kovačič, M., 'Odnosi med akterji v upravnem sistemu: Slovenija v primerjalni perspektivi', 2008, *Teorija in praksa*, vol. 45, no. 3-4, pp. 345-364.
24. Lauth, P.T., 'Responding to Elected and Appointed Officials', in Perry, L.J. (ed.), *Handbook of Public Administration*, San Francisco: Jossey-Bass, 1989, pp. 193-207.
25. Matas, J., *Public Administration and the Recruitment of Political Elites: Formal and Material Politicisation in Catalonia*, Barcelona, IASIA Conference, Working paper no. 104, 1995.
26. McLennan, N.B., *Comparative Politics and Public Policy*, North Scituate: Duxbury Press, 1980.
27. Meyer-Sahling, J.H., 'The Changing Colours of the Post-communist State: The Politicisation of the Senior Civil Service in Hungary', 2008, *European Journal of Political Research*, vol. 47, no. 1, pp. 1-33.
28. Meyer-Sahling, J.H., *Sustainability of Civil Service Reforms in Central and Eastern Europe Five Years after EU Accession*, Sigma Papers, no. 44, Paris: OECD Publishing, 2009.
29. Mulgan, R., 'Politicization of Senior Appointments in the Australian Public Service', 1998, *Australian Journal of Public Administration*, vol. 57, no. 3, pp. 3-14.
30. Mulgan, R., 'Truth in Government and the Politicisation of Public Service Advice', 2007, *Public Administration*, vol. 85, no. 3, pp. 569-586.
31. Page, C.E. and Wright, V., *Bureaucratic Elites in Western European States: A Comparative Analysis of Top Officials*, Oxford: Oxford University Press, 1999.
32. Page, C.E. and Wright, V., 'Introduction: From the Active to the Enabling State', in Page, C.E. and Wright, V. (eds.), *From the Active to the Enabling State: The Changing Role of Top Officials in European Nations*, New York: Palgrave Macmillan, 2007, pp. 1-14.

33. Pečarič, M., *Uradništvo med formalnim in neformalnim vplivom na politiko in državljanje*, Ljubljana: Uradni list Republike Slovenije, 2008.
34. Peters, B.G., *Comparing Public Bureaucracies: Problems of Theory and Methods*, Tuscaloosa: The University of Alabama Press, 1988.
35. Peters, B.G. and Pierre, J., *Politicization of the Civil Service in Comparative Perspective: The Quest for Control*, New York: Routledge, 2004.
36. Pfiffner, P.J., 'Political Appointees and Career Executives: The Democracy-Bureaucracy Nexus in the Third Century', 1992, *Public Administration Review*, vol. 47, no. 1, pp. 57-65.
37. Pierre, J., *Bureaucracy in the Modern State: An Introduction to Comparative Public Administration*, Cheltenham: Edward Elgar Publishing, 1995.
38. Pirnat, R. (ed.), *Komentar zakonov s področja uprave*, Ljubljana: Inštitut za javno upravo pri Pravni fakulteti, 2004.
39. *Poslovník o delu posebnih natečajnih komisij, uradno prečiščeno besedilo* (Special Competition Commissions Rules of Procedure), adopted on April 16, 2012, no. 0131-42/2008/15, [Online] available at http://www.mpju.gov.si/si/delovna_podrocja/javna_uprava/uradniski_svet/#c18415, accessed on May 3, 2012.
40. Raadschelders, J.C.N., *Government: A Public Administration Perspective*, New York: Armonk, M.E. Sharpe, 2003.
41. Riggs, F.W., 'Bureaucratic Politics in the U.S.: Benchmarks for Comparison', 1988, *Governance*, vol. 1, no. 4, pp. 343-379.
42. Rouban, L., 'Politicization of the Civil Service', in Peters, B.G. and Pierre, J. (eds.), *Handbook of Public Administration*, London: Sage publication, 2005, pp. 310-320.
43. Verheijen, T. and Rabrenovic, A., 'The Evolution of Politico-Administrative Relations in Post-communist States: Main Directions', in Verheijen, T. (ed.), *Politico-Administrative Relations: Who Rules?*, Bratislava: NISPAcee Press, 2001, pp. 410-426.
44. Wilson, G.K. and Barker, A., 'Bureaucrats and Politicians in Britain', 2003, *Governance*, vol. 16, no. 3, pp. 349-372.
45. *Zakon o javnih uslužbencih* (Civil Servants Act), (ZJU-UPB3). Ur. l. RS št. 63/2007.