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# Political Predation or Personal Loyalty?

## The Background of Highly Politicized Senior Civil Servants in Hungary

### INTRODUCTION

The politicization of senior civil servants is an old topic in political and administrative science (Dogan 1975, Peters 2009, Aberbach et al 1981, Hojnacki 1996) because the connection between politicians and bureaucrats impacts on political decision-making. Theoretically speaking, based on Max Weber (1992 [1922]), bureaucrats should be 'neutral': from the Weberian perspective bureaucrats are independent and skilled professionals. In practice, top civil servants are connected close to policy-making.

As we know in modern democratic states the preparation procedure of regulations is not only by politicians, MPs and ministers, but also by the members of top bureaucracy. They have expertise in different policy areas and have professional skills to make laws and regulations available for the political community. Through this work civil servants become parts of political decision-making. Of course, it does not mean that bureaucrats would be considered policy-makers *per definitionem* but it is very hard to draw a line between the policy- and administrative scope in this respect.

Regarding the literature and case studies (Dahlström 2009, Nahtigal-Haček 2013, Zubek 2005, 2006, Gwiazda 2008, Szente 1999, Raciborski 2007) one can see that the politicization of bureaucrats appears also in Western- and East Central Europe, as well. After the regime change in Central European countries the idea of separating politicians and executives in the newly formed states came to life. There is a historical reason behind this: the organisation of decision-making in communist states and the decision-making processes were dominated by the Communist State Party. All the important regulations were made in the party organisations and the governments executed only the party's decisions. However, a few years after the democratic regime consolidation a high degree of politicization of civil service system could be observed.

The goal of this paper is to examine the Hungarian case. What is the background of senior civil servant politicization and what is its cause it in the Hungarian political system? Is there an institutional reason or any special human resource policy behind it? Is it a part of the party patronage or it is the bureaucrats' loyalty toward the ministers in the current cabinet? My hypothesis is that in the Hungarian case the most important reason for politicization is the expected political loyalty.

To answer these questions, I surveyed the administrative heads of bureaucrats and their deputies in the ministries between 1990 and 2014. My results are based on an empirical database which concludes data about top ministerial executive bodies.

## DEFINING POLITICIZATION

In the scholarly literature a widely accepted definition of politicization cannot be found. The academic literature on this topic does exist but the term is explained in various ways. Here you can see some examples for this:

- politicization is a pressure by politicians to senior civil servants;

- politicization is a threat on the neutrality of civil servant status and their professional values;

- politicization happens when a civil servant is participating in political decision-making;

- in this process politicians want to influence the civil servants' work;

- the members of the top bureaucracy are appointed by politicians;

- the members of top bureaucracy come from politics (MPs or the elected local government positions). (Aberbach et al 1981, Hojnacki 1996, Nahtigal-Haček 2013)

The above explanations are based on the different values of the two groups. Bureaucrats and politicians represent two different areas and two different sets of values. On the one hand, politicians want to be re-elected and have an impact on decision-making, to carry their political programme in the execution. On the other hand, civil servants' job is the implementation of decisions so they must be neutral. Regarding the nature of democratic systems, politicians can be displaced but operation of the state, of course, cannot be finished. Bureaucrats have the responsibility to guarantee the continuity. Civil servants' independence is an old and crucial value and it is important not only in case of a government change but also in various governmental cycles. The members of senior civil services are not allowed to boycott political decisions if their faith and their conviction do not coincide with those of the actual government parties.

However, as the politicians' main goal is to be re-elected they want to work with loyal individuals. They trust in people of similar values. We could assume that politically loyal civil servants will agree with political programmes and will understand political goals more.

## MODELS OF POLITICIZATION

In the academic literature some models concerning the ways of politicization of senior civil servants can be observed.

The models of Aberbach, Putnam and Rockman show that bureaucrats and politicians are the main actors in the political decision-making but their aims are different. Depending on their roles, the authors distinguish four general models of politicization (Aberbach et al, 1981).

Jan-Hinrik Meyer-Sahling (2008) has written about other politicization model types especially for post-communist senior civil services. He also highlights that the depoliticization of public administration was a particularly important question after the

regime changes in Central Europe because of the control of the communist party in the one-party political system before. Meyer-Sahling develops four ideal modes for the comparative analysis of civil service politicization in Western- and East Central Europe.

- *de facto non politicization:* based also on the Weberian perspective, a *de facto non politicization* takes place when a new government does not replace the members of the top civil service from outside or fill the vacancies in bureaucratic positions by criteria of professional competence.

- *bounded politicization*: it does not mind the new government's replacement of civil servants but vacancies are filled based on official career paths from lower-ranking officials.

- *open politicization:* the new government assumes the replacement of top officials and fills vacancies from outside the core structure (eg. the private sector, academic sphere, nongovernmental organizations or interest groups) not from ministerial or other bureaucratic positions.

- *partisan politicization:* the new government replaces senior officials and fills vacancies with partisans whose career path is connected to parties (MPs, party organization members).

Meyer-Sahling ranked the Hungarian case partly in the open politicization and partly in the partisan politicization model. I will argue that the Hungarian politicization could be interpreted as a case of political loyalty rather than a case modelling partisan or open politicization.

György Müller, Deputy Permanent Secretary from 1990 to 2006 argues that political loyalty is an important factor when appointing of civil servant. Politicians and bureaucrats are influential actors in policy making and when making a good programme politicians need loyal executives (Müller 2010).


## THE HUNGARIAN POLITICAL AND INSTITUTIONAL FRAMEWORK

POLITICAL FRAMEWORK

The renewal of the Hungarian Constitution (Law XX/1949) after the regime change and later The Fundamental Law (The Fundamental Law of Hungary, 2011) declare the Prime Minister's powerful role in the political system. The mandates of government and positions of ministers depend on the Prime Minister. The constructive vote of no-confidence stabilizes the Prime Minister because he/she can only be removed by Parliament if the Parliament agrees an alternative prime ministerial candidate; also, individual ministers cannot be made accountable by the Parliament while it is the Prime Minister who holds responsibility for the government. The mandate of government ends when the Prime Minister leaves his/her office. Ministers are appointed by the Head of State but nominated by the Prime Minister. The Prime Minister can propose the Head of State about the removal of ministers.

In the Hungarian case a clear turn toward majoritarianism can be observed. The profile of the political institutions built on the consensus after the regime change was removed at the end of the 1990s. The main reason for this lies in the bipolarization of the party-

and political scene. The effective number of parties decreased and two large parties faced each other between 1998 and 2010 in the electoral and parliamentary arena.

Even block politics has evolved. There has not been any flexibility in coalition formation: either left or right governments were formed even if an alternative solution could have been imagined in policy terms (Ilonszki-Ványi, 2011).

Prime Minister- party leaders dominated formal and informal politics, as well. The impact on the presidentialisation (Körösényi 2001) of politics and on leader democracy has changed the style of governance. Ferenc Gyurcsány in 2006 and Viktor Orbán in 2010 declared 'political governance' meaning that the policy of government is defined by the Prime Minister. The laws which regulated the status of government members and permanent secretaries[1] (Law LVII/2006 and Law XLIII/2010) write that '*The Prime Minister defines the general direction of policy within the framework of the government's programme*, and 'a *minister leads ministry within the framework of government's general policy'.*[2]

## INSTITUTIONAL FRAMEWORK

The appointment and deselection of members of government and permanent-, and deputy permanent secretaries are regulated by law in Hungary. Based on status laws, politicians play an important role in appointing heads of bureaucratic apparatus.

There were different status laws until 2006 in which politicians and bureaucrats were separated in cabinets. Permanent-, and deputy permanent secretaries were delegated as bureaucratic leaders of ministries. Permanent secretaries guided the bureaucracy of the ministries under the direction of the ministers according to legal and professional requirements. They were appointed by the Head of State, based on the nomination of the Prime Minister, which happens after the Prime Minister asks for the portfolio minister's opinion. The deputy permanent secretaries were appointed by the minister nominated by his/her permanent state secretary. The duration of the two positions was indefinite.

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[1] Permanent secretaries are the heads of the bureaucratic apparatus in ministries and deputy permanent secretaries are responsible for each policy field in ministries (education, tax affairs…) as administrative leader.

[2] Translated by author

*Figure 1:* Ministerial leaders in the Hungarian Government Structure (1990-2006; 2010-)



Source: Self elaboration

The above laws meant a change of attitude regarding the members of government and secretaries in 2006. The new rationale of the law was that the government's work is fundamentally political. The ministers became both the political and administrative leaders in their ministries and became responsible for both areas.

The permanent secretary position was ended and the deputy permanent secretaries were renamed as specific secretaries (and the position was not a tenure anymore). Legally they had the same rights and tasks as the former deputy secretaries and they could be appointed under the same educational conditions. However, there was an important change regarding specific secretaries' positions. Connected to the 'political governing' attitude of Ferenc Gyurcsány the specific secretaries were appointed by the Prime Minister. The Prime Minister could influence all levels of government thank to this authority: ministers and political state secretaries were recommended by the Prime to the Head of State Minister and specific secretaries were appointed based on the suggestion of the portfolio minister.

The latest status law in 2010 regulated the legal status of members of the government in the old-new way. On the one hand, the law distinguished the political and administrative levels of ministerial leaders again (see law 1997). On the other hand, it incorporated the changed system (2006 Status law) of appointing permanent and deputy permanent secretaries. They were nominated in all ministries for indefinite time again under special education conditions. (Ványi 2011, Ilonszki-Ványi, 2011)

In the Hungarian governmental decision-making a special body of permanent secretaries plays an important role. The Meeting of Permanent Secretaries (MPS) was the highest level of administrative conciliation about governmental decisions before cabinet meetings until 2006 and it is the same from 2010 on. All of the permanent secretaries are the members of MPS and it was led by the permanent secretary of the Prime Minister's Office until 2006 and it is from 2014 on. Between 2010 and 2014 it was led by the

permanent secretary of the Ministry of Public Administration and Justice because the scope of bureaucratic authority was delegated to this ministry.

The task of this body is to control proposals that ministers suggested for discussion in cabinet meetings. If the proposals were not prepared properly legally or at former negotiations in the ministries they would not be presented at cabinet meetings. In this role of 'guard', permanent secretaries fall between politics and the neutral civil service because they have to weight issues based on political interest and not only by bureaucratic considerations (Pesti 2000).

## EMPIRICAL FINDINGS

### EMPIRICAL DATA

The database includes all government's permanent-, and deputy permanent secretaries from May 1990 to June 2006 and from May 2010 to June 2014. This number of permanent secretaries does not include specific secretaries between 2006 and 2010 based on the status law of 2006 according to which this group was appointed politically thank to the theory political governance.

Data were collected from civil servants' biographies that had been published in the Hungarian Government Almanacs (Kajdi et al. 1994, Kiss et al 1998, Kovács n.d, Ughy 2006) and on the Internet. Database includes permanent secretaries classified regarding the following aspects:

- gender
- age
- position *(permanent or deputy secretary)*
- ministry
- number of days in position
- profession before ministerial appointment
- profession after ministerial appointment
- party membership
- nomenklatura position before regime change

The total number of data is 552 out of which 100 are permanent secretaries and out of which 452 are deputy permanent secretaries. There are 36 people who were both permanent-, and deputy permanent secretaries in different governments.

There were 10 governments in the examined period in Hungary.

*Table 1.* The Hungarian cabinets and the number of secretaries

| Number of cabinet | Term | Prime Minister | Number of Ministries | Number of Permanent Secretaries N=100 | Number of Deputy P. Secretaries N=452 |
|---|---|---|---|---|---|
| 1. | 05/1990-12/1993 | Antall, József | 13 | 27 | 90 |
| 2. | 12/1993-07/1994 | Boross, Péter | 13 | 14 | 54 |
| 3. | 07/1994-07/1998 | Horn, Gyula | 12 | 20 | 102 |
| 4. | 07/1998-05/2002 | Orbán, Viktor | 16 | 31 | 127 |
| 5. | 05/2002-09/2004 | Medgyessy, Péter | 15 | 24 | 97 |
| 6. | 10/2004-06/2006 | Gyurcsány, Ferenc | 15 | 22 | 92 |
| 7. | 06/2006-04/2008 | Gyurcsány, Ferenc | 12 | *not relevant data* | *not relevant data* |
| 8. | 05/2008-04/2009 | Gyurcsány, Ferenc | 13 | *not relevant data* | *not relevant data* |
| 9. | 04/2009-05/2010 | Bajnai, Gordon | 13 | *not relevant data* | *not relevant data* |
| 10. | 05/2010-05/2014 | Orbán, Viktor | 8 | 13 | 141 |

Table 1 shows the number of ministries and executive secretaries in all relevant governments. The numbers in the table are not calculated regarding individuals filling secretary positions in each cabinet. As mentioned above 100 people were appointed as permanent secretaries and 452 people were nominated as deputy permanent secretaries and there are 36 people who were both in permanent and deputy permanent secretary positions in different governments. However, these positions were filled by a large number of returnees who were counted in each cabinet. The following findings refer to the number of secretaries in each cabinet of the paper.

After the regime change the first government did not change the system of government fundamentally. In the last state-party cabinet there were 13 ministries and PLANBUREAU (Communist Planning Office) which was responsible for implementing the five-year plans and this office was also mentioned as a ministry in law (Law 1987/VII). From 1990 to 2010 the government consisted of ministries with their own portfolio regarding the economic and social structure of the country. There was also a Prime Minister's Office in

all the cabinets but until 1998 it was not considered as a ministry and it was led by a permanent secretary during the Antall, the Boross, and the Horn cabinets.

The 2nd Orbán cabinet represents an interesting issue because there are the fewest ministries here but there are even more deputy permanent secretaries. In the 2nd Orbán government there were 8 ministries out of which 5 were integrated meaning that more portfolios were included within one ministry. The status of the Prime Minister's Office was changed in this cabinet and it was led by a minister. Compared to the previous governments it was a new structure.

Table 1 shows that the number of deputy permanent secretaries is significantly higher than that of the permanent secretaries meaning that it links the tasks of various secretaries. Permanent secretaries lead the bureaucracy of ministries and the deputy permanent secretaries have a special portfolio under their responsibilities. In each ministry one man was nominated as an permanent state secretary and 3-5 people were appointed as deputy secretaries until 2010. In the 2nd Orbán government 3-13 people were nominated as deputy permanent secretaries.

To be able to answer the question and make the hypothesis valid whether the Hungarian case of bureaucracy politicization is connected to partisan politicization or to political loyalty, I tested three characteristics of Hungarian bureaucratic leaders.

1. Did they have experiences in ministerial bureaucracy before the appointment?

2. In which sector did they work directly before the appointment?

3. Did they finish their top bureaucracy career after the government change or returned when their bloc of parties formed a government again?

## 1. FORMER MINISTERIAL EXPERIENCE

Executives' former ministerial experience is based on former career data. I examined whether secretaries had ministerial jobs before their appointment. Ministerial jobs before appointment means that secretaries have worked in any ministry before the government cycle.

Table 2 includes data regarding this question. A special remark has to be made here: data from the 2nd Orbán government are deficient because I could not collect all the secretaries' biographies, that is why I can only publish findings about 80 individuals in this paper.

*Table 2*. Former ministerial experience

| Cabinets Permanent secretaries | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | Antall | Boross | Horn | 1st Orbán | Medgyessy | 1st Gyurcsány | 2nd Orbán |
| Former ministerial experience | YES | **16** | **7** | **18** | **18** | **20** | **16** | **8** |
| | NO | 11 (40,7 %) | **7 (50 %)** | 2 (10 %) | 13 (41,9 %) | 4 (16,6 %) | 6 (27,7 %) | 5 (38,5 %) |
| *Total* | | *27* | *14* | *20* | *31* | *24* | *22* | *13* |
| **Deputy permanent secretaries** | | | | | | | | |
| Former ministerial experience | YES | 44 | **29** | **79** | **72** | **66** | **79** | **71** |
| | NO | **46 (51,1 %)** | 25 (46,3 %) | 22 (21,56 %) | *53 (42 %)* | 28 (28,9 %) | 12 (15,2 %) | *54 (43,2)\** |
| Non data | | *-* | *-* | *1* | *2* | *3* | *1* | *16* |
| *Total* | | *90* | *54* | *102* | *126* | *97* | *92* | *141* |

*\*: Percent is counted from 125 individuals*
Source: Self elaboration

Table 2 represents that in the most cabinets the majority of executive secretaries had former ministerial experiences. However, data indicate that the degree of politicization increased in the 1st Orbán cabinet from 1998 on. In this government the number of appointed secretaries out of the ministerial sector was the highest. It is connected to the changing political environment, presidentialization and bipolarisation and it indicates a tendency of open politicization but in this cabinet the majority of secretaries had some former ministerial experience.


2. PROFESSION BEFORE MINISTERIAL APPOINTMENT

The second aspect that will be investigated in executives' profession directly before the nomination: Which sector do secretaries come from? What is the most important recruiting pool for them? Table 3 shows data in details.

*Table 3.* Recruiting pool of executive secretaries

| Position | Recruiting pool[3] | Cabinets | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | | Antall | Boross | Horn | 1st Orbán | Medgyessy | 1st Gyurcsány | 2nd Orbán |
| Permanent secretary | Politics | 1 | | | 1 | | | |
| | Public office | **20** *(74 %)* | **10** *(71 %)* | **11** (55 %) | **15** *(48 %)* | **17** *(70 %)* | **20** *(91 %)* | **6** *(46%)* |
| | Economy | 2 | 1 | 3 | 5 | 4 | 1 | 1 |
| | Science, Education, culture | 2 | 2 | 1 | 4 | | | 1 |
| | Justice | 1 | 1 | 2 | 2 | 1 | 1 | 2 |
| | Military | 1 | | 1 | 2 | | | |
| | Interest groups | | | 1 | | 1 | | 1 |
| | Media | | | | 1 | | | |
| | Health | | | | | | | 2 |
| | Other | | | 1 | 1 | 1 | | |
| | *Total* | *27* | *14* | *20* | *31* | *24* | *22* | *13* |
| Deputy permanent secretary | Politics | 1 | 1 | | 1 | 2 | | **6** |
| | Public office | **59** *(65 %)* | **38** *(70 %)* | **78** *(76 %)* | **79** *(62 %)* | **56** (57 %) | **83** *(90 %)* | **82** *(65,6%)\** |
| | Economy | 5 | 3 | 5 | 16 | 16 | 4 | 16 |
| | Science, Education, Culture | 18 | 7 | 7 | 16 | 8 | 1 | 8 |
| | Justice | 1 | 1 | 2 | 4 | 2 | 1 | 8 |
| | Soldier, Police | 2 | 1 | 4 | 3 | 2 | 2 | 1 |
| | Health | 2 | 1 | 1 | 3 | 1 | | 1 |
| | Interest groups | 2 | 2 | 1 | 1 | 5 | | 1 |
| | Media | | | 3 | | 1 | | 1 |
| | Other | | | | 2 | 1 | | 1 |
| | Non data | - | - | *1* | *2* | *3* | *1* | *16* |
| | *Total* | *90* | *54* | *102* | *127* | *97* | *92* | *141* |

*\*: Percent is counted from 125 individuals*
Source: Self elaboration

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[3] <u>Politics:</u> MP, minister, political state secretary, mayor, vice-mayor, party officials, <u>Public office:</u> bureaucrats in ministries and in local government, civil servants; <u>Economy:</u> employees in economy; <u>Interest groups:</u> leaders and employees in interest groups; <u>Science-Culture-Education:</u> employees in all types of education and cultural institutions, scientists; <u>Justice:</u> lawyers, prosecutors and judges; <u>Military:</u> soldiers, policemen; <u>Other:</u> pensioners, NGO employees.

The table indicates that most of the executives worked in public offices directly before their nomination. This fact confirms the tendency mentioned in the previous section. Permanent-, and deputy permanent secretaries are connected clearly to the public administration sphere and the number of outsiders is significantly lower than that of the officials.

Remarkable data are the increasing number of outsiders from the economy. They were appointed mainly in Ministries of Economy and their human resources policy indicates the strengthening of the Prime Minister since the 1st Orbán government.

Other remarkable facts from the table are that secretaries come from politics in some cases. This phenomenon goes against the principle of neutral bureaucracy. In the Antall cabinet there was only one case and in the 1st Orbán government there were two cases concerning permanent secretaries[4]. Among deputy permanent secretaries in the Antall, Boross, 1st Orbán, and Medgyessy governments we can find also some cases, of this type[5]. The appearance of politicization at the level of deputy permanent secretaries shows mostly that the principal of neutral bureaucracy does not function in practice. The number of people who was delegated from politics into the executive sphere is low, nevertheless it demonstrates the displacement from the Weberian model toward possibility of modelling partisan politicization.

Another aspect of the connection between the political and the administrative sphere is the mobility of secretaries. Between 1990 and 2010 there were some examples when executives were appointed into political positions first and cases when politicians were appointed into administrative positions. Table 4 represents that the most typical way of mobilization happened when a former permanent secretary was nominated as a minister in another government.

*Table 4*. Mobility among government positions

| | Same cabinet | 2 cabinets | 3 cabinets | 5 cabinets | 6 cabinets | **Total** |
|---|---|---|---|---|---|---|
| political state secretary → permanent state secretary | 1 | | 1 | | | **2** |
| administrative state secretary → minister | 2 | 2 | 4 | 1 | 1 | **10** |
| administrative state secretary → political state secretary | | 2 | 2 | | | **4** |
| deputy permanent secretary → minister | | 1 | | | | **1** |
| **Total** | **3** | **5** | **7** | **1** | **1** | **17** |

Source: Self elaboration

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[4] One of them was a Member of Parliament until 1998 and the other secretary was political state secretary.
[5] All deputy permanent secretaries were Members of Parliament earlier.

## 3. RETURNEES

Based on status laws in which executive secretaries' appointment is regulated at indefinite time and executives had a chance to stay in office after any government change based on principles declared after the regime change. However, based on statistical data, we can find that the majority of secretaries was dismissed and deselected from time to time. Between 1990 and 2014 only 149 people (33 %) from 453 deputy permanent secretaries stayed in their office. They served more than one cabinet from 1990 to 2014. The average percent of returnees among deputies was around 30 % in each government. In the Boross and the 1st Gyurcsány cabinet deputy permanent secretaries served in higher proportion because in these cabinets new secretaries were nominated because the government changed during the parliamentary cycle. The new Prime Minister held the majority of executives in office.

In fact, the majority of executives has been changed since 1994 at the beginning of the Horn cabinet. Among the permanent secretaries of the Boross cabinet just three individuals went on working. The total number of permanent secretaries who served more cabinets was 35 people (35%) i.e, the rate is almost the same as it was among deputy permanent secretaries.

However, this fact does not mean that the executives would serve just in one government. The career path data show that the executives come back to the ministerial position if their political bloc has won in elections since the end of the 1990s (Meyer-Sahling 2008). The analysis of permanent secretaries' post-career path demonstrates that permanent secretaries did return up to their political representation (right-wing permanent secretaries returned in right-wing cabinets and left-wing secretaries did re-appear in left-wing cabinets) (Ványi 2015). This tendency can be observed among the deputies, too.

## CONCLUSION

In the paper I asked the question what the background was for the highly politicized civil servants in Hungary. My hypothesis is that politicians want to work together with people who understand the political programme and can identify themselves with the revealed goals. I argued that political loyalty plays a very important role in the selection of the executive secretaries.

After the regime change political parties wanted to break party control over bureaucracy. This will appear in status laws in which politicians and bureaucrats are separated from each other at top level of bureaucrats in ministries. The long-term investigation demonstrates that the development of the Hungarian political system has an impact on the composition of senior civil servants. The majoritarian turn, presidentialization and bipolarization caused that politics blocked, either left or right governments were formed and each party blocs built their own administrative clientele. It is very important from the point of view of political decision-making because in the Hungarian system the permanent secretaries play an important role in the preparation of government decisions. Executive secretaries depend on politicians because they are appointed by politicians following the status laws.

Based on the examined contexts the Hungarian executive secretaries are not outsiders and are not partisans. Most of them has former ministerial experiences and after de-selection they return as senior civil servants when their party-bloc comes into government position.

Based on Meyer-Sahling models the case of Hungary cannot be ranked clearly as a partisan model or as open politicization because the recruitment pool is not limited to merely politics or the private sector. Regarding the examined models the Hungarian politicization is a special case: politicization equals political loyalty.

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