1. Introduction

A professional civil service is the cornerstone of an effectively performing public sector. Politicization is generally seen as the primary impediment to successful administrative development (Verheijen 2001; Pierre and Peters 2001), as it runs contrary to the principles of merit, professionalism and permanence that are essential foundations of a functioning civil service. The transition of Central and Eastern European countries into modern democracies in the past two decades brought a lot of questions and problems connected with institutional redesign, including questions regarding the clear division between political and administrative officials. This interaction between elected politicians and the permanent career civil servants is a central theme of institutional politics. The relations between these two actors at the centre of government affects the capacity of governments to make and implement policies to the extent expected from modern political systems. The relationship between politicians and civil servants is of particular relevance for the new EU member countries from Central and Eastern Europe.

In the last years prior to EU accession reforms were conducted in candidate states to bring about the formalization of politico-administrative relations and compliance with the “principles of the European Administrative Space”. These principles of European public administration were developed by the EU and Sigma as part of the EU’s attempt to develop an overall public administration reform policy (SIGMA 1998, 1999), which could help applicant countries to meet the Copenhagen and Madrid criteria. Generally, these reforms have progressed slowly and although measures have been introduced that would hinder the politicians to appoint and dismiss senior officials at their will in most CEE countries (Verheijen 2006; Malíková and Staroňová 2005), the civil service systems in CEE countries remain incompatible with the principles of professionalism and neutrality.

There had been very little change in the period after the accession in 2004 in the overall situation, and even those progressive measures often seem to be short-lived. A recent SIGMA study, which examined CEE civil service reforms, concluded that there is: 1) continued politicization; 2) an ongoing failure to create a professional merit based system; and 3) a lack of effective measures to improve the quality and stability of staffing through appropriate recruitment remuneration, promotion and career development arrangements.

This paper describes and analyzes the civil service system of Hungary and Slovakia. These countries have been chosen as they depict different routes of civil service reforms – in Hungary starting gradually with regime change while in Slovakia starting rapidly, mainly under pressure from the EU. Still the outcome is the same; the degree of politicization is increasing. Most of the features depicted below on the two countries at hand could be also found in other post-communist EU member countries (Meyer-Sahling 2008; Dimitrova 2010). We approach the issue at hand both from a diachronic and a synchronic point of view. First we try to sum up the most important facts on the two countries. Then we analyze the facts and try to identify how attributes of the civil service system differ from most of EU-15 countries,

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that can be characterised with limited politicisation, irrespective of if they follow a classical career or a position system.

In this paper we define politicization as any type of intrusion into the civil service system that enforces anything else than merit. A merit system is a form of civil service system that is designed to assure professional and politically neutral personnel in public offices. In negative terms: a merit system is designed to block potential intrusion into the civil service of factors other than professional neutrality. Modern merit systems assure this mostly but not solely with a detailed legal regulation. Please note that our definition is explicitly wider than that of most academic literature, since we include patronage into the concept. Moreover, we include any personal decision that is based on any criteria other than merit. Thus nepotism, favoritism and cases of pure corruption that influence the personnel system of government are included into our definition of politicization. The classic terminology may assist us to make relevant distinctions among civil service systems of the “Western World”. However, by using the same, intentionally narrower concept in our, greatly different, context may result in missing the answer to our basic question: Why non-merit practices are so widespread in East-Central European countries?

2. Post 1990s reforms in Civil Service

After the fall of communism, there was a need in both countries to replace the previous unified soviet system of public administration. Here, we can identify different trajectories: in Hungary, establishing a merit system has been a largely endogenous initiation, whereas in Slovakia it was a purely exogenous one.

In Hungary, the notion of a depoliticized civil (and public) service system became a major value in itself by 1990, and was a central tenet in the democratic transition. This may explain why Hungary was the forerunner in the region adopting a comprehensive and detailed civil service act. The main manifest goal of the law was to create “politically neutral, highly professional, impartial civil servants that follow strictly the legal regulations”. Later on, political intrusion, though it happened regularly and with increasing measure, was generally considered a negative phenomenon; it had to be denied or explained in political communication.

Slovakia followed a different line. The Soviet-style personnel system was largely followed, with no relevant forces advocating an alternative merit system. After 1990, the civil service had not been a major issue on the political agenda until EU membership became a priority after the 1998 elections and building a merit system became a necessity for that, as expressed by EU requirements. In fact, during 1994-98 era of Mečiar rule2 not only no effort for the introduction of laws that would affect the behavior of state employees was made, but the politicization of the civil service increased (Malíková and Staroňová, 2005). Even with the change of government in 1998 to a more democratic and pro-EU coalition did not immediately bring needed reforms to the civil service. It took years more until the new laws on civil service were passed in 2001 and even that happened thanks to the EU pressure, when it warned that Slovakia's entry chances could be hurt if the reform was not passed. At this point it has to be stressed that as an overall reform laggard in the region, the new Dzurinda government of 1998 had different reform priorities than civil service (basically everything else required reform).

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2 Vladimír Mečiar was the prime minister and leader of HZDS party in the government of 1994-98 which had semi-authoritarian elements in his rule and alienated Slovakia from international circles.
The main problem in both the Hungarian and Slovak public sector is that there is no overarching strategy or action plan for administrative and civil service reform. In Slovakia, as previously noted, the reform in this field has been mainly driven externally by EU requirements, though fiscal constraints also had a significant impact on the design of the reform process, most notably with the ‘audit’ (functional review) of the central state administration in 2000. As a result, the instruments (the Civil Service Law) and the institutions (the Civil Service Office) established in haste to satisfy the EU have never taken root. Only two years after entry to the EU the law has been substantially changed and the Civil Service Office (CSO) has been abandoned. It has been justified on the grounds that the CSO was expensive, cumbersome and ineffective. In reality, it lacked political support and could not overcome the autonomous tendencies of the ministries (Staroňová – Brown 2006). In Hungary, various cabinets pledged to support the merit system in the 1990-2006 period. In practice, however, several decisions taken by these cabinets contradicted the official proclamations. From 2006 on, the merit system was officially denounced as non-efficient, whereas some decisions clearly reinforced merit features (e.g. introduction of a merit-type recruitment system). The Orban cabinet that got into power in 2010 again advocated the merit system. At the same time it abolished or terminated several existing merit-like features, like systematic recruitment and tenure. Below we will provide a detailed description of these hectic changes in the two countries.

In Slovakia, public administration reform aimed at professionalizing the public sector by introducing two separate provisions in 2001: the Public Service Law, which defines the public service and covers services such as health and education; and the Civil Service Law, which regulates the civil service in state administration bodies. In 2003, the former law was substituted by the Law on Employees working in Services of Public Interest. The attempt to establish a professional and neutral civil service was not without difficulties. The main problems were diverging views on key issues such as conditions for tenure or pension and health insurance rights of civil servants. In order to obtain EU membership, reform initiatives have been formulated rapidly with little political consensus (see Staroňová and Malíková 2005).

The Civil Service Office was established by the law in 2002 to play a crucial role in recruitment, appointment and some other Human Resources (HR) decisions, most of all in career decisions. Recruitment was planned to be centralized and based on objective criteria and examination with all posts to be advertised openly. A system was introduced that allowed a relatively automatic career path based on seniority and at some steps passing certain exams, as well as an appropriate “grade” on the annual appraisal. Dismissal of civil servants was largely limited by the law. In reality, the civil service office never had a crucial word in the recruitment of civil service since already next year (2003) this task was delegated to line ministries and only some types of recruitment (nominated and fast track recruitment) was left to central coordination.

The most fundamental amendment was a package adopted in 2003 (coming into effect on 1 January 2004) regulating the status, recruitment and remuneration of civil servants, that brought innovative elements into the civil service system, such as performance appraisal, fast stream recruitment and nominated civil service, which was to reward top officials with specific salaries (a 50% pay increase) and job protection in the form of security of tenure. It was expected that approximately 1000 civil servants would be part of the ‘nominated service’ with tenure. These measures were to reduce the emphasis on length of service to make the system more open for the young and retain good calibre staff at all levels, since the previous delays in the adoption of the Civil Service Law led to a situation where ministries were over-staffed, as those that remained in the administration were generally not interested in changing
jobs, while new posts were unable to attract staff (Staroňová – Láštic, 2011). This created problems in particular for new functions, such as policy analysis posts, project management, reform implementation and civil servants dealing with EU matters.

The methods of “fast stream recruitment” (including nominated civil service) into the civil service were not very successful in terms of the number of successful candidates and their placement. The biggest problem lay in the hybrid position-based and career-based system which has developed in Slovakia. Although candidates had the opportunity to be ‘parachuted’ into higher positions (salary class 7-11 in the pooled recruitment system and top civil service with tenure for nominated civil service), the whole system was not suited for this as there was no formal career planning system in place, but rather a position based approach. Thus, the rigour of the examination process in the fast stream system did not correspond to the real career opportunities of the successful candidate. Moreover, the centralized exams of the fast stream were more difficult than regular (decentralized) entry exams for a vacancy and the ministries were reluctant to employ the successful applicants since they had their own system of recruitment. Thus, efforts to create a special cadre of highly qualified civil servants by external and internal fast stream recruitment have failed and eventually were abolished in 2009.

Changes to the grading system to increase pay at middle and senior levels; and informal arrangements to allow ministries to pay bonuses out of special funds created from reductions in staff numbers practically terminated the “automatic” career that is a major element of merit/career system. The 2003 package of changes introduced a first step towards a new system of job evaluation and appraisal – the so called ‘performance based points system’. On an annual basis each civil servant was evaluated by his superior using a points system which could bring him additional payments (up to 3% annually that are cumulative in nature) or lead to the termination of employment. The personal bonus may be as high as 100% of the basic salary. Each ministry decides internally on the amount and mechanism of the payment of bonuses for its civil servants and this information is not publicly available on the grounds of data protection.

Nevertheless, in 2006 new changes abolished most elements of the merit system. The Civil Service Office was terminated, and its functions were largely decentralized to the ministries or simply ceased to exist (e.g. the entry examinations became simple job interviews). In the absence of central direction the system carries significant dangers; bonuses granted at the discretion of managers have become a major part of take home pay and some ministries have proved to be in a better position to make use of the flexibility than others (Staroňová and Brown, 2006).

In 2009 a new Law on Civil Service was prepared that abolished all innovative elements from 2003 reform (performance appraisal, fast stream recruitment and nominated civil service) and left the confusion between a career based and a position based system.

In Hungary, a law establishing a merit system in the civil service was adopted in 1992. Since then, several amendments have been adopted. Major reforms took place in 2001, 2006-2008 and in 2010. In 2001, a performance appraisal system was introduced for all civil servants and salaries could be shifted from the pay table by ± 20% (that is 40%) – an NPM-like solution, taken to an extent unknown anywhere in Western Europe. The most important element of the

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3 The reform happened just few weeks before elections in 2006 with official reason provided that the Civil Service Office was inefficient and costly. Its demise meant that there was no central control whatsoever over civil service management and that the development of the civil service was given to the hands of individual ministries. At that point, however, it was clear that there will be government change and this provision opened the space for better coalition formation.
2001 reform was that civil service wages were significantly increased. With that, the wage gap started to decrease between the private and public sector. Furthermore, a senior civil service body, intended to be the civil service elite, was created. However, the selection was made by the prime minister personally; some persons were appointed into this body who had no civil service experience, and in some extreme cases no work experience at all (freshly graduated). Overall, however, the 2001 reform strengthened the professional capacity of the system most of all by significantly increasing civil service wages generally. Thus, public employment again became competitive on the labour market; whereas previously there were hardly any appropriate applicants for vacant positions, higher wages now made most positions attractive to some well qualified candidates. The reform introduced the reserve list, as well, which theoretically allowed the replacement of civil servants from one abolished position to another civil service position instead of laying-off the person.

Irrespective of what various Hungarian cabinets had done in practice, all of them declared their devotion to a merit system until 2006. In 2006, a new civil service policy was adopted with the declared aim to get rid of the rigidities of the “old” merit system and to move towards the NPM direction that offers more performance incentives and more leverage to managers. The performance bonuses thus grew to 50% of the total salary in some cases. On the other hand, this course – seemingly contradicting its own declared purpose – strengthened merit features at several points. Whereas NPM reforms typically advocate decentralisation and de-regulation, in Hungary, a new central HR unit was created with relatively strong political and legal position. A compulsory entry exam was introduced as a condition to apply for civil service positions. Further, the new course introduced for the first time a systematic recruitment procedure with some tasks carried out by the central unit independent from the heads of offices, with standardized selection tools, etc. The selection of managers became similarly more formalized and objective. The law ordained that all vacant civil and public service positions had to be advertised on the website of the central HR unit (the only decision still in effect) and that preference has to be given to those on the reserve list (at that time a legally existing but not practically functioning institution). Some of these decisions were revoked in 2008 under pressure from ministries that opposed centralization and were largely supported by the ruling party’s Parliament faction.

In 2010, the new cabinet led by Viktor Orbán, just as it got into power, introduced the largest changes in the civil service system since 1992. Among other policies the cabinet introduced and applied with retroactive effect were new arrangements for the termination of civil servants across the board. Civil servants could now be laid-off without stating the reason, with a two month notice (previously the civil servant was placed on a reserve list for 6 months with a full salary) and a severance pay not higher of ca. €7200, irrespective of the arrangement laid down previously in law and contract. This arrangement is actually worse than that guaranteed by the Labour Code for all workers in the private sector. At the same time, all previous, objective selection procedures (entry exams) were terminated. Seemingly, the cabinet aimed at replacing the administrative elite with persons whom the new political elite personally trusted. All rules that hindered this effort were suspended or terminated. Meanwhile the new cabinet declared its devotion to strengthening the merit system.

In sum, there is no clear direction regarding the civil service arrangement in Hungary. There are no long term visions implemented by concurrent cabinets. It is rare that one cabinet follows a clear direction throughout its term and achieves that by carefully taken steps. Rather, decisions are made on an ad hoc basis, and the direction may change even within the same election period. Civil service wages have been increased, though somewhat hectically, during the past decade and now approach wages in the private sector.
In the table below we attempt to sum up the most important features of the civil service systems of the two countries analyzed.
Table 1. Main features of the civil service systems in Hungary and Slovakia

<table>
<thead>
<tr>
<th>Aspect</th>
<th>Slovakia</th>
<th>Hungary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall HR policy/strategy</td>
<td>Does not exist.</td>
<td></td>
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<tr>
<td></td>
<td>HR policy level decisions react to specific circumstances and do not follow general directions / consistent policies.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Policy directions (if any) may, and frequently do change 180°.</td>
<td></td>
</tr>
<tr>
<td>Structural arrangement /</td>
<td>There is no strong, central unit or it has no political support (leadership is missing).</td>
<td></td>
</tr>
<tr>
<td>operative decisions</td>
<td>Decentralized decisions. Major HR decisions are made, in both countries, by the “heads of service offices” with limited or no regulation.</td>
<td></td>
</tr>
<tr>
<td>General</td>
<td>Heads of offices are responsible for HR management, who are – directly or indirectly – political appointees themselves. Thus political pressures can “flow down” in the hierarchy.</td>
<td></td>
</tr>
<tr>
<td>Structural arrangement /</td>
<td>A politically independent Civil Service Office existed from 2002 until</td>
<td>The HR department was part first of the Ministry of the Interior, and later the Cabinet Office – usually lacking strong political support.</td>
</tr>
<tr>
<td>operative decisions</td>
<td>2006 and was abolished before it started to work effectively.</td>
<td></td>
</tr>
<tr>
<td>Country specific</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regulation</td>
<td>No stability and predictability. Civil service laws frequently change: twice a year or more.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Major elements of the regulation may be changed unexpectedly, without any systematic deliberation, analysis of expected results or negotiations or discussion with the stakeholders.</td>
<td></td>
</tr>
<tr>
<td>Recruitment</td>
<td>Largely a subjective decision of the heads of service offices).</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No detailed rules on the selection criteria and selection procedures. No standardized, objective selection tools.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Advertised positions frequently tailored to the preferred candidate.</td>
<td></td>
</tr>
<tr>
<td>Advertising of vacancies</td>
<td>Vacancies must be advertised since 2002 in the media</td>
<td>Vacancies had to be advertised on a central website in the period of 2006 - September 2010.</td>
</tr>
<tr>
<td>Entry exam</td>
<td>Formally, in existence from 2002 to 2006. However, aimed at the re-</td>
<td>General, objective, written entry exam existed between 2008- July 2010 for all positions (not before and after that)</td>
</tr>
</tbody>
</table>
entry exam is reserved solely for nominated civil service and fast track recruitment (only 3 rounds took place altogether, system abolished in 2009). Since the termination of the Civil Service Office in 2006, all HR related tasks were handed over to line ministries (in reality task of recruitment was delegated to line ministries already in 2003).

<table>
<thead>
<tr>
<th>Selection</th>
<th>Throughout the past 20 years there have been no strict rules for selection. The subjective preferences of the heads of offices are decisive. Since introduction of Civil Service Law, Committees had to be established for interviews.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Career system</td>
<td>A built-in, programmed career system based on seniority (and a few exams) has been in existence since the Civil Service Law was passed in 2001, however, its elements (seniority and tenure) were abolished in 2003. Appraisal and performance related pay system was introduced into the system in 2003 but abolished in 2009. Currently a hybrid system. Except for a short period, career decisions (most importantly the appointment of managers in a unit) have been left to the subjective preference of the head of office.</td>
</tr>
<tr>
<td>Career system</td>
<td>A built-in, programmed career system based on seniority (and a few exams) has existed since 1992. Appraisal hardly plays any role in career progression. Tenure has been a crucial declared element of this system, though in practice there were several loopholes in the regulation. Except for a short period career decisions (most importantly the appointment of managers in a unit) have been left to the subjective preference of the head of office.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Remuneration</th>
<th>Low wages in civil service; huge wage gap between private and public sphere in the 1990s.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wage level</td>
<td>The reform of the pay system in 2003 abolished some rigid elements and has introduced innovative elements for attracting and motivating staff that decreased wage gap on top levels and in some ministries (base pay remained similar as before but there is more flexibility in bonuses).</td>
</tr>
<tr>
<td>Wage level</td>
<td>Since 2001 the wage gap has decreased but is still present in more qualified positions.</td>
</tr>
</tbody>
</table>

| Unified, systematic remuneration system | A pay table exists that sets up the base salary (seniority abolished). Further elements of the salary (management and performance bonuses) are also regulated by the Civil Service Law. The 2003 reform brought personal bonuses that can be as high as 100% of the base salary and which are up to the manager to determine. |
| Unified, systematic remuneration system | A pay table exists that sets up the base salary. Further elements of the salary are also regulated in the Civil Service Law for ordinary civil servants. Managers’ salary does not depend on seniority but solely on the position. |

| Loopholes in the system | The pay table is applied for “ordinary” civil servants. There are several – and surprisingly similar – techniques in the two countries to overcome the “rigidity” of the pay table. Specific rules allow higher wages in posts of ‘superior importance’. Performance pay and/or personal bonuses also serve such purpose. Advisory positions (including political advisors) are also entitled – by the legal regulation – for position-specific pay. Sometimes civil service regulations are overcome by a contractual arrangement. Elevating someone to a managerial position with higher wages is also a way to “fight rigidity”. |
| Loopholes in the system | The pay table is applied for “ordinary” civil servants. There are several – and surprisingly similar – techniques in the two countries to overcome the “rigidity” of the pay table. Specific rules allow higher wages in posts of ‘superior importance’. Performance pay and/or personal bonuses also serve such purpose. Advisory positions (including political advisors) are also entitled – by the legal regulation – for position-specific pay. Sometimes civil service regulations are overcome by a contractual arrangement. Elevating someone to a managerial position with higher wages is also a way to “fight rigidity”.

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These decisions are only vaguely regulated and are left largely to the subjective choice of the head of unit. The practice is restrained by budgetary means only: the overall personnel budget is set up and cannot be exceeded. This limits the number of “specific” jobs but does not influence who is rewarded with them.

<table>
<thead>
<tr>
<th>Performance pay</th>
<th>Part of the system since 2003 (so called performance based points system), abolished in 2009. It may increase or decrease wage by additional payment of up to 3% annually that are cumulative in nature. In addition, personal bonuses exist which can be as high as 100% of the basic salary. Heads of offices decide internally on the amount and mechanism of the payment of bonuses for their civil servants and this information is not publicly available on the grounds of data protection.</th>
<th>Part of the system since 2001. All civil servants’ performance must be appraised and that may have a relatively large 10-50% impact on wages – regulation has changed greatly over time. Performance appraisals are carried out by the immediate supervisor.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Termination of service</td>
<td>2006 reform brought the possibility to dismiss civil servants without giving reasons. Previously, civil servants were dismissed on the basis of reorganization; unfairly dismissed employees could appeal to the Civil Service Office.</td>
<td>Civil servants may be laid off for the same reasons as workers of a private enterprise: reorganization, cut-off of the personnel, termination of the unit, or of the function carried out by the civil servant, of the division or of the unit, etc. This has been valid since the Act On the Legal Status of Civil Servants adopted in 1992. The law allows the termination by the mutual agreement between the civil servant and the administrative unit. Originally, civil servants were fired on the basis of reorganization. As the decisions were appealed at courts, and courts often judged that the “reorganization” was not valid, the practice has changed to “mutual agreement” – requiring large sums of severance money to be paid out. In 2010 the regulation was reversed and it became possible for anyone to be laid-off without explanation, with two months severance pay.</td>
</tr>
</tbody>
</table>
In brief, we have found major similarities in the two countries, which in turn greatly differ from that of a neutral, merit-based civil service system. There is no central, depoliticized body responsible for the major HR decisions. Attempts to set up such a strong, politically supported and thus functioning body failed in both countries. Practically all major HR decisions are left to the subjective choice of the heads of offices. These persons are themselves typically politically appointed (sometimes formally/officially, more typically informally/practically). Recruitment, major career decisions, and the provision of higher wages depends most of all on these office heads (who typically change with elections). This enables them to express political or personal preference towards civil servants. There is hardly any significant barrier that would prevent the disliked civil servant from being laid-off. The guarantees that exist in all merit, and some non-merit, Western civil service systems, against arbitrary decisions, especially regarding the termination of employment, cannot be found in the two countries examined.

Another common element of the trajectory is its really dynamic nature. Changes in the civil service – as noted above – are quite frequent. These transformations are not small, fine tuning-like exercises. Large changes, shaping the position of most or all civil servants, happen almost every year. Revolutionary transformation of the complete civil service system may happen about every third year.

3. Driving and blocking forces of politicization

In this section, we try to systematically sum up those forces that may hinder and those that may increase politicization. As for the blocking forces for politicization usually the culture and values, the legal regulation as well as other institutional arrangements are mentioned. Why cannot these institutions effectively block politicization in this region? We first address this question briefly and then turn to those forces that may explain why politicization took place in the region.

A note on the “original sin”

The formal regulation of politico-administrative relations in the concerned period was influenced by structural factors, which ensued from the change of political regime in 1989. The first factor was the manner of regime change and the settlement with the old political elite and the formation of the first democratically elected cabinet in both former Czechoslovakia and Hungary. We may call this the “original sin” of transition. Though replacement of “communist officials” took place in different forms and time periods (Meyer-Sahling 2009), it happened in almost all post-communist countries. In Hungary, where the transition was peaceful and planned as a result of long talks between the party elite and the opposition, the process was smoother. Some leading officials left public administration well before the newly elected government got to power. Quite a few of them found employment in the private sector. Others were dismissed by the new government as they were related too strongly to the previous regime. In Slovakia on the other hand, where the transition took place in a more revolutionary way, the replacement was more radical and a systematic lustration took place. The original requirement of the civil movements in Slovakia and the Czech Republic (VPN and OF) was the abolishment of the Communist Party’s leadership role stipulated in the federal constitution. The absence of a political alternative led to a regime change negotiated at a round table. The agreement between the emerging new political elite and the part of the old political elite meant that there was no complete replacement of personnel neither on the
political nor on the administrative levels. Thus in Slovakia the representatives of the old elite are also the vehicles of political change.

The second structural process that influenced the politico-administrative relations was state building. After 1989 structural changes took place at the level of the political regime, at the level of the legal system, at the level of the economy as well as at the level of political culture. All these changes are amplified in Slovakia by the building of a new state, the Slovak Republic. The state became available for those who decided to take control of it. Exactly here we can identify the most important moment in the functioning of politico-administrative relations in both countries. The most visible symbol of the new regime, the free elections, not only abolished the monopoly of the Communist Party but also created a space for political competition. State financing of political parties was introduced that should support the free competition of political parties (Rybář 2006). Thus state building and political party building overlap during the same period of time.

The new democratically elected governments replaced the “communist officials” – especially those in higher positions – with new civil servants whom they could trust. “Trust”, in this case meant, on the one hand, that the new officials were not communist and the government need not fear that the civil service was working for the restitution of communist system. On the other hand, “trust” meant that the newly appointed people were supporters of the new government, its goals and its policy. In other words, the inescapable replacement of officials happened via appointments based mostly on political criteria. Reasonably, the governments elected in the next elections did not regard these officials as neutral, career civil servants but rather as political appointees, who had to be replaced in order to govern efficiently. Subsequently in both countries, each incoming government tried to place its own people into all key positions (sometimes even two or three layers down in the hierarchy) which produced a politically dependent system with significant changes at the top and middle level positions in the administration, with political affiliation being the main reason for changes.

Models of Civil Service vs. reality

A blocking force of politicization in both countries could be that merit system appears as a kind of ideal – somewhat exogenous in Slovakia and quite endogenous in Hungary representing a major departing point from communist regime. The general public in both countries also expects that the civil service is run on a professional basis and that political influence is minimal.

However, everyday politics requires a different attitude. The normative mindset in Civil Service models (like “European principles”) tends to be both politically unfeasible and impractical from a policy point of view. In both countries, as elsewhere in CEE, there is concern about high turnover rates (Staroňová and Brown 2006, Láštic 2010) with particularly serious losses of qualified staff in a changing labour market which offers more opportunities in the private sector and abroad (World Bank 2006). There are several issues here: a) need to attract young and qualified staff in an increasingly sophisticated labour market, b) need to attract professionals from practice to conduct reforms for a limited period of time, c) fiscal constraints. Thus, the development of incentive systems that would make the public

\^ Moreover, the KSS was neither banned nor dissolved and in 1990 transformed itself into the Party of the Democratic Left (SDĽ), which entered the parliament after the 1990 elections. During its existence the party continued to be seen as representing the interests of civil servants what could be seen in the process of drafting and passing of the civil service law.
administration a sufficiently attractive employer for talented staff remains a key issue, even after EU accession.

Several features of a classical career system – seniority and job security – do not seem to be feasible in these contexts. Under these principles, salaries would remain low but compensation comes in the form of gradually increasing wages and tenure. The tenure principle has been eroded owing to increasing levels of politicization, while seniority holds little attraction for the young workforce in these countries. Fiscal constraints make an overall increase in wage levels virtually impossible. Gajduschek (2007a) argues that if wages are so low in the public compared to private sector, as it is/was everywhere in the Central Eastern European region (Verheijen 1999; Bossaert and Demmke 2003, Láštic 2010), it is impossible to find enough, if any, qualified candidates for certain civil service positions. A study of the World Bank (2006) on the administrative capacity of the new member states pointed to the same problems. Therefore, in both countries, the introduction of an incentive system was a focus of reform efforts and innovative experiments.

Since wages were low, the pay-table could not be applied to professionals who are paid much better in the private sector. Even with the reforms in pay-tables, the desired compression ratios did not materialize (remaining approximately 1:3, well below the 1:6 benchmark of the World Bank. Thus, exceptions from the general pay rules had to be made in order to fill important positions. This was exactly the main argument for “loosening” the rigidity of the merit system in Slovakia that was introduced under the pressure of EU accession just months after the accession was over. Consequently, the institutionalization of discretionary salary systems (see also Meyer-Sahling 2009) emerged in both countries for officials with managerial or other “special” tasks. Slovakia, to illustrate, used budgetary flexibility to allow for performance bonuses. Staroňová and Láštic (2011) report that personal bonuses may be as high as 100% of the basic salary and are decided internally by each ministry, supposedly after a performance evaluation. In reality, however, it is typically negotiated between the civil servant and his/her employer (director general and then approved by the head of service office), and the negotiations take place before the actual assessment period. This kind of bonus effectively becomes a part of the fixed salary. As a result, in both countries, a hybrid system exists: the basic classification system is for the general civil service, while position-based for top officials with negotiated salaries for that position.

Moreover, ministries often need to bring in specialists ‘from the field’ for the period of reform activities, whom they could have hardly recruited from the labour market as wages and other employment arrangements are much more favourable in the private sector (Staroňová and Brown 2006, Verheijen 2006). Thus, although these specialists are politically nominated, they are employed to conduct the requested tasks linked to reforms in a limited time period and return back to professional life afterwards. It has been reported that this particular feature is badly needed and highly appreciated (Staroňová and Brown 2006, Verheijen 2006). The question therefore arises whether the appointment of outsiders (professionals), conducted by politicians, is politicising the senior civil service?

Severe financial austerity connected with reforms or the joining of the Eurozone has resulted periodically in significant reduction in the number of public employees. Whole public

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5In Slovakia, this need was solved by introducing a new type of civil service, the so called temporary state service, to bring professional experts close to the ministers into the government, aiming to attract young qualified candidates for the civil service. This arrangement succeeded in tackling the problem of advisers who often did not fall under the civil service and thus did not have to follow any rules, such as conflict of interest, disciplinary arrangements, etc.
administration organizations and/or whole segments of public sectors have been abolished and/or privatized, and large-scale staff reductions conducted. Fifteen to twenty percent of civil service staff is cut periodically. (Gajduschek 2007a) Whereas employment security, a sine-qua-non of merit systems, can be assured in ‘normal periods’, it is both politically and financially impossible in the circumstances of CEE countries.

Seemingly it is difficult to find a balance between the desire for flexibility and the need for stability, the political need to fulfil policy and other political needs and a professional civil service.

**Weak coordination systems vs. strong drive for autonomy of line ministries**

A merit system requires a relatively unified HR system in the administration, with rules valid in various ministries and agencies. This is ensured either by generally applied and very detailed regulation or, more importantly, by horizontal coordination systems on key issues, usually manifested in a strong, politically-independent central oversight body.

Using the Metcalfe ‘Policy Co-ordination Scale’, policy coordination in both countries is assessed generally between level 2 (information exchange) and level 3 (active consultation). The scale ranges from 1 to 9, where a ranking of “1” implies that governmental organizations are acting independently, failing to pursue the same ‘grand’ policy objectives across all levels and functions and a ranking of “9” suggests that all are working consistently (Metcalfe, 1994). Coherence in policy design and effective policy implementation in areas that involve several government institutions, including in the implementation of HR policies, require coordination systems of at least level 5 (bottom-up search for agreement) or 6 (arbitration of differences). This, however, is not present in these countries.

Verheijen (1999) and Láštic (2010) also emphasize weak coordination as one of the most typical features of post communist countries. The development of policy coordination systems – a civil service agency or other central HR unit – failed in both Slovakia and Hungary. Staroňová and Brown (2006) report that ministries in Slovakia strongly opposed the establishment of a central Civil Service Office that would have taken most of their HR responsibilities, that is: decision opportunities. The same happened in Hungary, when, in 2005, the HR functions of ministries were planned to centralize in one single body. Though this solution enjoyed an exceptionally strong political support, the unit was set up in a way that ministries kept their HR units and most of their functions. Later ministries gradually gained back practically all HR functions. Clearly, this is an example of “administrative politics”, not party politics. Still, this force is crucial in blocking a unified merit system. Verheijen (2006) concludes in his comparative assessment of CEE countries that any efforts to build up horizontal coordination systems on key issues such as HR management (HRM) are exacerbated by its general roll-back: removal of civil service agency in Czech Republic, Poland and Slovakia or with no central authority to guide civil service development in place as in Hungary and Estonia. The lack of horizontal coordination systems has led to a general erosion of merit principles and has opened the door to increasing levels of politicization of senior appointments.

In brief, missing tradition, the lack of an adequate administrative and political culture and the lack of real political will and the administrative “politics” all prevent the establishment of a depoliticized civil service in these countries.

**The role of law and pseudo-merit systems vs. strategic approach**

The other main reason for the failure of the attempted reforms to HRM is that they focused solely on formal institutions and legislation rather than on putting in place the tools for the
strategic management of resources (see also Verheijen 2006). In other words, depoliticization is identified in these countries with detailed legal regulation; other means of depoliticization have not been considered. Thus, the civil service agency in Slovakia (Starohová and Brown 2006) and the central unit in Hungary in particular are viewed as having focused on the wrong issues.

The approach to depoliticization in these countries follows a very simple logic:

| Goal: Depoliticization / politically neutral, professional civil service | Need for: Merit / career system of civil service | Need for: Legal regulation / as merit system means: detailed regulation |

There are several potential reasons for the strong preference for regulation. First, these countries fall in the German-Weberian administrative tradition that always emphasized the role of regulation; law is a central tenet in administrative theory and practice. Second, the EU accession process strengthened the role and importance of laws and regulations in these countries, as several studies prove (e.g. Meyer-Sahling 2009a, Verheijen 2006). However, all official reports focused and investigated the level of adoption of EU laws rather than true implementation and functioning of the system. Although official reports typically noted that the countries advanced more on the adoption of legal texts than on the actual implementation of them (implementation gap), the latter was more difficult to detect and measure.

Nevertheless, while law in these countries has an exceptional importance its function and functioning may be different from both the German and from the Anglo-Saxon ones. We cannot analyze this difference here in detail. Dery’s (2002) account provides a good starting point of understanding. The most important attribute is perhaps that laws are not necessarily made for implementation. The implementation of laws in post-communist countries is quite frequently negotiable. Laws could be used as arguments that something should or should not be done. Among these circumstances strange forms and functions of laws may take place. Laws may not be intended to determine behavior (as one would expect from norms) but to serve as substitute for expected behavior. Dimitrova (2010) reaches a very similar conclusion: formal and informal rules could be quite different. What is done in reality depends greatly on “strong players”, such as, in our case heads of offices.

Furthermore, it seems quite frequent that laws form institutions by using the term without real content; the institution is there but without its real function. For instance, in Hungarian law a “competitive entry exam” existed but was in fact just a conditionality, not a selection mechanism for becoming a civil servant; there is a well elaborated appraisal system but hardly anything depends on its results; the institution of reserve list exists but it hardly saves anyone from being laid off, etc. In other words, symbolic elements of merit systems appeared, and continue to appear, in the law but not as functional elements that are designed to assure professionalism and neutrality.

Verheijen (2006) sensed well the precarious status of laws in these countries when urging for a new way of thinking, a need to think in terms of strategic approaches rather than legal rights and obligations. He also expressed doubts if the old EU models could fit the realities of the New Member States – at least at this stage in their development. This is not to say that a full laissez-faire model should be introduced, but rather that the purpose and nature of legal and institutional frameworks needs serious reconsideration.
Other potential blocking forces
We have seen that the legal regulation in its present form and culture is not really in favour of a depoliticized personnel system. Performance based systems – suggested by NPM – may prevent politicization even in absence of norms. Application of precise performance standards and measures simply do not allow for the employment of incapable personnel on political basis, as those people will not be able to achieve the standards. However, setting up measurable performance indicators requires a certain administrative environment (surely not of a legal-Weberian type) and also a relatively longer period. Both prerequisites are missing in the analyzed countries. As a result, the initial efforts that were present in the countries were either neglected or abolished after few years if introduced without clear guidance or training. At the same time, there are successful ad hoc cases where performance based systems not only actually worked as intended, thanks to committed (political) leadership, but also prevented politicization due to highly motivated and performing staff, such as the Ministry of Finance in Slovakia (Staroňová and Brown 2006) where the all levels of staff remained unchanged even during the complete change of government in 2006 and 2010. In brief, NPM techniques, that may even lead to quite pervert outcomes in the region, usually do not provide feasible blocking forces of politicization for these countries, although ad hoc exceptions do exist.

4. Conclusion
Overall, the politicization of civil servants has resurged in both countries since their accession to the EU, which has led to a great deal of uncertainty among civil servants. It contradicts the spirit of the civil service laws passed before accession. As stated before, the abolition of the Civil Service Office in Slovakia and dismissal of the coordinating unit in Hungary, the shift of the heads of service from apolitical to political positions in both countries together with liberalized rules on termination of civil service employment relationship have been the driving factors in this increased politicization. As a result, in each electoral cycle the directorial level, and sometimes the positions below that are affected in the ministerial hierarchy, as well as the leading positions of agencies subordinated to ministries.

Many times, it is practically impossible for the external observer to determine the purpose of politically initiated or influenced HR decisions. There could be several reasons for a “political appointment” to a position that is considered a professional one. It may be a “favour”, returning past favours or expected future ones (political or personal). This would strengthen the position of the leader by filling crucial positions with appointees personally loyal to him. Alternatively, it may aim at building a reliable “elite” group in the organization, excluding officials who are in close relation with the opposition party elite and who may leak “confidential” information to them. In brief, reasons of political appointments are seemingly more colourful than one could find in West European democracies.

What may be noted on a general level is that “merit-based criteria in the selection, retention, promotion and disciplining of members of the public service” is quite frequently substituted by other criteria. These other criteria, however, are quite frequently not political ones (even if they are exercised by politicians). Personal, less formalized and institutionalized, frequently illegitimate reasons and mechanisms may be hidden in the background.

In brief, non-merit practices typically serve other than purely political purposes. Rather, these practices often intend to build a network based on personal trust and interdependence in order for politicians to control and operate the organization. It seems that post-communist countries are difficult to capture by concepts and “laws” that work well for Western countries. Verheijen (2000) concluded similarly when found that the conceptual framework that
generally seem to work well is “difficult to apply to Central and Eastern European states because it is somewhat ‘Western-Centric’.”

Post-communist countries could be described by uncertainties and even by contradictions. The merit system is openly cherished and politicization denounced by governments that in fact act in the opposite direction. The official preferences change frequently and do not have much to do with real intention, let alone with actions. The role of legislation in the civil service is strongly emphasized, but laws are not necessarily implemented. Forces blocking the establishment of a real merit system stem not only from political sources but from administrative ones also (opposing coordination). Finally, the “transition paradox”; transition was expected to lead from the spoils system run by the communist party to a merit system of a consolidated, democratic political arrangement. However, it seems that the specific circumstances of transition have been a major obstacle of the establishment of the merit system.

Acknowledgements

This article is the result of a research project supported by the Ministry of Education of Slovakia under VEGA grant scheme, no. 1/0371/13 2013-2014 “Vplyv EÚ na profesionalizáciu štátnej služby”, thematic area 10.

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