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The partisan–professional dichotomy revisited: Politicization and decision-making of senior civil servants

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Abstract

Politicization has an ambivalent reputation among public administration scholars. While considered an effective instrument to safeguard political control over ministerial bureaucracy, partisanship of senior civil servants is likewise associated with patronage and is deemed detrimental to professionalism and meritocracy. To scrutinize this contradiction, the article examines how the party-political background of senior civil servants influences their decision-making behaviour. Two theoretically derived conceptions of loyalty are therefore put to the test: responsiveness and responsibility. Effects are captured by using the vignette technique in 40 in-depth interviews with former senior civil servants from ministerial departments at federal and state level in Germany. The results are surprising in so far as they reveal that politicized senior civil servants act neither more responsively nor less responsibly than their non-politicized peers. These findings challenge common assumptions and call for a more refined analysis of the conditions under which politicization leads to negative effects.

1 | INTRODUCTION

Against the backdrop of societal and political dynamics in recent decades, public administration scholarship has been concerned with the question of if and how political–administrative relations have changed in different countries. For
Western democracies, the politicization of bureaucracy is at the core of this debate (Derlien 1996; Hood and Lodge 2006; Lewis 2009; van den Berg 2011; Dahlström and Niklasson 2013). According to B. Guy Peters and Jon Pierre, politicization can broadly be defined as 'the substitution of political criteria for merit-based criteria in the selection, retention, promotion, rewards, and disciplining of the public service' (Peters and Pierre 2004, p. 2). While this definition in itself is worded in a neutral way, the widespread attention the concept receives not solely in academic but also in public discourse is fuelled by two aspects. First, it is observed that politicians or political parties expand their influence over the bureaucracy (Kopecký et al. 2012; Peters 2013; Grønnegard Christensen et al. 2014), which is perceived mostly in negative terms. Second, it is assumed (though not yet proven) that politicization changes the behaviour of bureaucrats and hence modifies administrative decisions (Heclo 1977; Dahlström and Niklasson 2013; Cooper 2018).

For parliamentary democracies in Continental European countries, the important role of ministerial officials in the policy-making process has repeatedly been highlighted as the formulation, coordination and negotiation of policies as one of their main duties (Aberbach et al. 1981; Mayntz and Derlien 1989). Even though there is a clear legal line between politics and administration, the reality (particularly for those officials in higher hierarchical ranks) is more accurately described by the picture of a 'blurred area, in which there is a degree of indeterminacy about the roles and relationship between the two domains' (Alford et al. 2017). It is thus essential to not only explore the role perception of ministerial officials but also their actual decision-making behaviour, its causes and consequences.

While the role perceptions of senior civil servants (SCS) as well as the politicization of ministerial bureaucracy have recently received considerable scholarly attention (Aberbach et al. 1981; Page and Wright 1999; Aberbach and Rockman 2000; Hustedt and Salomonsen 2018), the linkage to the decision-making behaviour of SCS has been largely neglected. In particular, it is still unexplored whether 'politicized' SCS act— as is often assumed—less responsibly (towards the public interest) and more responsively (towards the minister's political will) than 'non-politicized' SCS. Moreover, a question still open for debate is how far the assumed lack of responsibility of politicized SCS depends on institutional and country-specific characteristics. Answering these questions is particularly relevant for countries with a highly politicized and influential civil service. While the Westminster model comprises quite strong institutional constraints against the politicization of the bureaucracy (Halligan 2013), several Continental European democracies show characteristics in the opposite direction (Page and Wright 1999; van den Berg 2011). Germany—the case under consideration here—is one of those countries where the formal and functional politicization of SCS is considered to be particularly high (Mayntz and Derlien 1989; Schwanke and Ebinger 2006; Fleischer 2016; Ebinger et al. 2018).

Based on 40 personal interviews with former SCS in German ministries at the federal and state levels, this article investigates whether the 'degree' of party politicization of SCS indeed modifies their decision-making behaviour and, if so, in which ways. For this purpose, we apply a mixed-method approach by combining a qualitative interview study with vignettes. These vignettes are partly drawn from Grønnegard Christensen and Opstrup (2018, see also appendix) and refer to typical dilemma situations where SCS have to balance different norms in their decision-making. They thus reveal how SCS interpret the boundaries of loyalty to the minister in their decision-making behaviour. For analytical purposes, two different dimensions of loyalty are distinguished: (1) loyalty to the minister regarding political-tactical issues (responsiveness), and (2) loyalty to the minister regarding policy issues, for example, by taking a cautionary stance when necessary to safeguard the public interest and public integrity (responsibility).

The remainder of the article is divided into the following parts: in section 2, we highlight relevant research strands on the politicization of bureaucracy, discuss core differences between Westminster states and Continental Europe, and outline our theoretical concept. Section 3 introduces the key characteristics of the German case and depicts our methods and data. In section 4, the empirical findings are presented. We discuss these findings in section 5 before concluding the article by outlining future research avenues in politicization research.
Following the lively scholarly debate on the politicization of the bureaucracy, there are two highly instructive strands of research which guide our investigation.

A first strand of research focuses on the role perceptions, skills and leadership styles of SCS (Mayntz and Derlien 1989; Aberbach and Rockman 2000; Hood and Lodge 2006; Christensen and Lægreid 2009; Rhodes 2016). The Comparative Elite Study (CES) of Joel Aberbach, Robert Putnam and Bert Rockman (1981) investigated the role perceptions of politicians and bureaucrats in Western democracies. One of the main findings of this early study was to depict the important role of SCS in the policy-making process. The SCS revealed that their mandate is not confined to technicalities of policy-making but includes involvement in politics—hence SCS are ‘politicized’ ex officio. This politicization is not just an unavoidable spillover from the political sphere, but SCS actively engage in this sphere, as many of the interviewees in CES emphasized (Aberbach et al. 1981). This active involvement in political processes has been labelled functional politicization. It describes the ability and willingness of SCS to anticipate and react to political considerations without necessarily being actively engaged in or sympathizing with a political party themselves (Derlien 1986, p. 123). Such political sensitivity of SCS has been widely observed (Hustedt and Salomonsen 2014, p. 760) and is considered a necessary requirement for high-level positions in any civil service (Aberbach et al. 1981; Goetz 2007).

A second strand of scholarly work focuses on political appointees, that is, on ministerial advisers, ministers’ offices or political cabinets (Treib 2012; Shaw and Eichbaum 2018). Researchers are not only keen to explain the emergence and significance of these actors in policy-making but also to investigate the consequences of their increasing importance on established public service bargains (Hood and Lodge 2006) and policy outcomes. A particularly interesting example is the comparative study on Denmark and Sweden by Peter Munk Christiansen, Brittiga Niklasson and Patrick Öhberg (2016), which reveals that a larger number of political appointees (Sweden) leads to decreased functional politicization of permanent civil servants. A smaller number of political appointees (Denmark), on the other hand, is connected to increased functional politicization of the permanent staff (i.e., officials in Denmark are more involved in political-tactical advice than officials in Sweden). At the same time, the willingness of permanent civil servants to give critical advice to the minister is higher in Sweden than in Denmark (Christiansen et al. 2016, pp. 1245–46).

The results from these two research areas shed light on several important aspects. First, the topic of functional politicization is highly instructive, as it identifies SCS as policy actors, but also shifts scholarly attention from the modus of selection of SCS to behavioural aspects of politicization. Second, the research findings reveal that from a comparative perspective, the tasks, role perceptions and decision-making behaviour of SCS seem to depend on structural characteristics (e.g., whether ministers are supported by political appointees or not). Third, a trade-off is assumed between political responsiveness to the minister and bureaucratic autonomy in the sense of ‘free and frank’ advice (Mulgan 2007).

Departing from these findings, one has to dig deeper to detect clues regarding the question whether ‘more politicized’ SCS behave differently from their ‘less politicized’ peers. First, it is surprising that, despite a consensus among scholars about the utility and necessity of a politically responsive senior civil service to steer and control the bureaucracy, the acceptance or even appreciation of politicization as a behavioural aspect (or skill) varies greatly across political cultures, civil service systems and administrative traditions. In countries with a strong established system of political advisers (e.g., Westminster countries, Sweden), the ‘political side’ of the job is often attributed explicitly to those political advisers. The permanent civil service up to its top ranks is commonly associated with the images of ‘neutral experts’ and ‘servants to the general public’. This job description might be a convenient shield against the imponderability of public debate. The flip side of this overly simplistic differentiation is that any purported transgression of civil servants across the undefined ‘line’ between the professional and the political spheres is putting the legitimacy of their ‘politicized’ actions into question. Frequently, it is asked whether public servants were crossing a
line between acting as the government’s professional advisers to becoming its partisan defenders’ (Mulgan 2007, p. 570). In countries with a tradition of formal politicization (like Germany), SCS recruited or (mostly) promoted to the few highest ranks of the ministerial hierarchy formally cross the line from permanent civil service to a politically controlled position. Here, the objections seem to be different at first glance: the legitimacy of working at the ‘blurred line’ is hardly questioned, but issues of professional quality and its suspected decline fuel the debate (see Ebinger and Schmitt 2010). At second glance, the two seemingly different civil service types—the Westminster system without formal politicization of SCS and Germany with formally politicized SCS—appear to be not so different after all. First, there is a certain degree of politicization among civil servants in both systems. Second, the perceived negative consequences of politicization concern the quality of outcomes (referring to lawfulness, evidence base, effectiveness and efficiency), which might be corrupted (Cooper 2018; Grønnegard Christensen and Opstrup 2018).

The underlying, but often only implicit, line of argument behind the latter assumption is obvious: executives closely connected to a political party and/or recruited via a politicized process would—when in doubt or even beyond—choose partisanship over responsibility (responsibility meaning being neutral and acting for the common good). In other words, there ‘may be a trade-off between political responsiveness [to the minister] on the one hand and neutrality and professional competence on the other’ (Christiansen et al. 2016, p. 1236). A simplistic partisanship vs. neutral competence dichotomy and clear delineation of roles of politicians and SCS is seen at work here (Rourke 1992; Aberbach and Rockman 1994). Hence, politicization is often considered to crowd out other aspects that civil servants should bring to their office, namely neutrality, a regard for the common good and adherence to professional standards (Christiansen et al. 2016). At the same time, a certain degree of political responsiveness is considered a necessary competence of SCS (West 2005).

This leads to the question how the ‘just right’ degree of politicization can be described. Richard Mulgan (2007, 2008) points out that loyal service is a much more complex issue then just being unrestrainedly ‘in favour’ of the minister and of the government of the day. Mulgan states that loyal service and, hence, the kind of politically responsive behaviour guided by functional politicization entails helping the political principals ‘to achieve their goals’ (Mulgan 2008, 347). This surely comprises loyalty in the conventional sense of ‘backing up’ ministers, for example, by ‘polishing’ their public performance. But it also means, first and foremost, to tell the minister what she or he does not want to hear. Delivering ‘free and frank’ advice by pointing out prerequisites and consequences of certain actions and providing, if necessary, alternative suggestions—especially if those might become critical to the minister’s goal achievement of his or her policy agenda—can be considered the most important duty of SCS (Veit et al. 2018). In fulfilling this duty, SCS not only deliver loyal service, but at the same time warrant the ‘public integrity’ (Mulgan 2008) of the actors and institutions involved.

Thurid Hustedt and Heidi Houlberg Salomonsen pick up this duality and coin it as one paradigm of responsiveness and responsibility (Hustedt and Salomonsen 2014). In a functional perspective, Christiansen et al. (2016, p. 1233) distinguish political-tactical advice (‘how can a minister push a policy through and take credit for it’) and technical policy advice (dealing with ‘substantial aspects of public policies’). We assert that both pairs of labels describe basically the same tension (see ‘t Hart 2011, p. 329). In our view, this tension is, however, not defined by a contradiction of the terms and definitions. We argue that responsiveness and responsibility are not poles on a continuum, but describe obligations, which are somehow related, but can be ‘optimized’ to a great extent independently. This entails an important change in perspective compared to most extant scholarship. Ministers strive to recruit SCS who act both responsively and responsibly, and there is no simple trade-off between each characteristic. In other words: the partisanship vs. neutral competence dichotomy—which is particularly often referred to in the US literature on presidential politicization (Heclo 1977; Suleiman 2003)—might not be suitable to describe the effects of politicization in systems recruiting SCS mostly from within the bureaucracy and according to meritocratic principles.

In the following, we use the term responsiveness to measure the extent to which an SCS is willing to support the minister in political-tactical issues. Do SCS perceive it as part of their job to be involved in the political business of the minister and to support him/her in situations where this is considered legal? Or do they represent the view that it is not part of their job to support the minister in political-tactical issues because of the neutrality norm? The term
responsibility measures the extent to which an SCS is willing to support the minister in (preparing) substantive policy decisions in situations where professional standards (lawfulness, truthfulness, technical expertise) are at stake. Under which circumstances does an SCS stick to professional standards against the explicit will of his/her minister? Under which circumstances does an SCS accept the minister’s wishes against his/her better judgement?

These considerations set an elaborate stage for our research question: Does party politicization modify the responsiveness and responsibility of SCS? Or, more bluntly, Are more politicized SCS indeed more responsive and less responsible in the sense outlined above? Two hypotheses, which are derived from the partisanship vs. competence dichotomy as criticized above, guide our empirical analysis:

H1  Politicized SCS are more responsive to the ministers than non-politicized SCS.

H2  Politicized SCS are less responsible towards the public interest than non-politicized SCS.

3  POLITICIZATION IN CONTINENTAL EUROPE: THE GERMAN CASE

We use the case of Germany to scrutinize the effects of politicization of SCS. This case is particularly suited to this test, as in German ministries both politicized and non-politicized SCS work side by side. The setting is quite phenotypical from a Continental European perspective: Germany’s administrative system is based on a strong Rechtsstaat tradition and—as most Continental European administrations—is characterized as formalized and legalistic (Kuhlmann and Wollmann 2014, p. 10; Knassmüller and Veit 2015). Ministerial departments in Germany—at both federal and state level—are characterized by the hierarchical principle of organization and thus a dominance of line organization. The minister is the political head of department. Due to the strong departmental principle (Ressortprinzip), single ministers have quite a strong formal position.

Political or ministerial adviser positions in addition to the permanent public service do not exist in Germany. Even though SCS are politically appointed, most SCS are recruited from the civil service (Derlien 2003; Ebinger et al. 2018, pp. 395f.). In spite of that, it is common that SCS have been working in public service positions close to politics (e.g., as a personal assistant to a minister or as head of a minister’s office) or the chancellery for some time, or have been ‘on leave’ from their ministerial position in order to work for the parliament earlier in their career (Veit and Scholz 2016). In federal ministries, SCS in the two highest hierarchical ranks—administrative state secretaries and directors-general (DGs)—are so-called ‘political civil servants’ (politische Beamte), that is, they serve at the request of their ministers and can be dismissed at any time without a specific reason given according to Federal Civil Service Law. Political civil servants can be found not only at the federal level, but also in the ministries at state level where usually only the administrative state secretaries have formal status as political civil servants. German SCS are often party members. The ‘wrong’ party-political attachment is an accepted reason why, after a change in government, the majority of political civil servants are replaced (Ebinger et al. 2018, pp. 397f.).

In order to understand the far-reaching acceptance of politicization in Germany (in particular compared to Westminster-system states), a historical perspective is instructive: Woodrow Wilson is probably the most famous author who described the main differences between public administration in Continental Europe and the US (and countries with a similar historical background such as Canada, Australia or New Zealand). He highlighted that in Germany (as in other Continental European countries) modern public administration has its historical roots in pre-democratic monarchist times: ‘Frederic the Great ... began to organize the public service of Prussia as in very earnest a service of the public. ... Almost the whole of the admirable system has been developed by kingly initiative’ (Wilson 1887, p. 204). Wilson characterized the Prussian public administration as systematic, efficient and servile, and contrasted this to the US administration, which he described as ‘untrained and free’ (Wilson 1887, p. 207). Democracy
developed much later in Germany than in the US, and its traditional anchoring in a monarchy has continued to have an effect on the administrative culture up to the present day.

In the first German democracy, the Weimar Republic (1918–33), the Weberian ideal of a neutral civil service was the guiding principle for organizing political-administrative relations in government. Combined with the non-democratic cultural tradition of the German civil service, this Weberian approach led to widely missing bureaucratic opposition and moral courage when Adolf Hitler came to power and started to establish a totalitarian state during the Nazi era (1933–45).

Against this historical background, the ideal of a neutral civil service was interpreted differently in the founding years of the Federal Republic of Germany than is common today: impartiality was considered a risk for democracy, politicization—in the sense of a balanced representation of proponents of democratic parties in the civil service—as its safeguard. Allowing party membership for all civil servants and almost unrestrained engagement in party-political activities is one of the many lessons the ‘founding fathers’ of the Federal Republic of Germany drew from the experiences of the downfall of the Weimar Republic and the rise of Nazi Germany (Jann and Veit 2015). These historical roots should be borne in mind when interpreting our research findings.

4 | METHODS AND DATA

For the study presented here, we conducted in-depth interviews with former SCS in the three highest hierarchical positions in federal and state ministries in Germany. Former office holders are less constrained by their daily business and by the internal hierarchy of ministerial administrations than current SCS. Askim et al. (2017) mention similar advantages in their study of former Norwegian state secretaries by pointing out their ‘higher willingness to “speak freely”’ (Askim et al. 2017, p. 348). Altogether, 40 personal interviews lasting about 90 minutes each were conducted between March 2017 and May 2018. For the selection of interview partners, we aimed at high diversity with respect to different factors such as party and formal politicization, career and educational background, as well as portfolio of expertise.3 We applied a sequential mixed-method design (Tashakkori and Teddlie 2006) by combining semi-structured interviews with the vignette technique commonly used in studies with experimental designs (Rossi 1979).

The interviews consisted of three parts. The first part was a biographical sequence, in which we asked for a detailed explanation of certain features, for example, in regard to their educational and professional pathways including facts about their personal motivations and relevant networks in connection to recruitment or promotion decisions. The second part focused on the SCS’s role perceptions and the description of their working environment. Here, the interviewees were asked to describe their role and their working tasks. In a third part, the respondents were confronted with typical dilemma situations framed in nine vignettes and were asked for the option they would choose.

Vignettes replicate real-world problems in which dimensions and characteristics of situations are systematically varied and combined in order to reconstruct analytical problems. The application of vignettes in qualitative oriented research has the advantage of enabling the researcher to ask why the interviewees made their respective decision and how they justify it. This enabled us not only to understand how SCS experience dilemma situations and normative conflicts, but also to compare the responses to the vignettes with the detailed statements and explanations obtained during the interviews. According to our heuristic design, we defined two groups of vignettes measuring responsiveness or responsibility. The key differences between the two groups are deliberately integrated trigger phrases, which hinted in the ‘responsiveness’ vignettes (V) at the general lawfulness and legitimacy of the choices at hand, making engagement in political-tactical advice a question of personal ‘style’, while the ‘responsibility’ vignettes signalled the transgression of established bureaucratic norms such as lawfulness (V3, V5, V6), truthfulness (V1) and policy effectiveness (V7), making support a question of individual (un)scrupulousness. Trigger phrases for the general lawfulness within the responsiveness vignettes are: ‘both options are defensible’ (V2); ‘basically gives the information that is relevant’ (V4); ‘The minister decides to introduce the initiative to the Council of the European Union’ (V8); ‘The minister asks you to draft a note that summarizes facts ...’ (V9). Trigger phrases for transgressions within the
responsibility vignettes are: ‘Now there are figures available for the past three months ... The answer to Parliament therefore should be based on the figures from the previous three months’ (V1); ‘The law does not provide sufficiently clear authorization’ (V3); ‘In your opinion neither the law nor established practice allows for a decision in favour of ...’ (V5); ‘In your opinion there is a risk that the European Court of Justice will find that the specific changes violate EU law’ (V6); ‘Among experts there is agreement that ...’ (V7).

We offered the interview partners the following response options: (a) yes, without reservations; (b) yes, but I would present my reservations to my superior; (c) only after a direct order, and I would warn my superior in an unequivocal manner; (d) I would definitely decline, thus not assisting. Sometimes the respondents refused to answer because the dilemma situation seemed too abstract or too far from individual experience (e).

To study the interviewees' responses to the vignettes, we applied frequency analysis to reveal patterns in the response behaviour correlating with politicization. By making use of the rich data gathered by the qualitative interview study, we chose an elaborate operationalization of politicization as ‘measurement of an individual's loyalty to a political party as indicated by employment spells connected to the same political party’ (Bach and Veit 2018, p. 262). This kind of operationalization is more reliable than simple party membership. Individuals revealing themselves as proponents of a distinct political party by specific employment spells are aware of the fact that this will influence their future civil service career. Thus, their party-political attachment must be strong—much stronger than one indicated by simple party membership that could, for instance, be pure opportunistic behaviour. Consequently, we distinguished two groups of SCS: ‘Group a’ (20 politicized SCS) includes all SCS who held a professional political mandate, worked for a parliamentary group or for a political party or were employed as a personal assistant of a minister or as head of the minister's office at an earlier career stage. ‘Group b’ (20 non-politicized SCS) contains the remaining interviewees that did not hold any position or mandate mentioned above during their career.

Concerning the validity of the responses that were gathered, as a plethora of research suggests, one has to be aware that the topics raised might trigger socially desirable answers (DeMaio 1984). Consequently, certain behaviour might be systematically over- or underreported, which would induce a bias to the results. However, this would presuppose the existence of ‘clear social norms regarding a given behavior or attitude’ (Tourangeau and Yan 2007, p. 860). In our perspective, for the issue of responsiveness/responsibility, there is no such clear-cut normative model at work. Interviewees were deliberately confronted with dilemma situations, which hence did not allow for a straightforward impression management exercise. Thus, although impression management will be at work even with retired decision-makers, we do not expect a systematic bias in the responses.

5 | EMPIRICAL FINDINGS

In a first step, we analysed the distribution of responses across the whole sample. We found evidence for both types of loyalty—responsiveness and responsibility (see Table 1)—although the first is more prevalent among SCS than the

<table>
<thead>
<tr>
<th>Response</th>
<th>Responsiveness</th>
<th>Responsibility</th>
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<tbody>
<tr>
<td></td>
<td>V2</td>
<td>V4</td>
</tr>
<tr>
<td>(a) (full support)</td>
<td>77.5</td>
<td>57.5</td>
</tr>
<tr>
<td>(b) (support with reservations)</td>
<td>5.0</td>
<td>22.5</td>
</tr>
<tr>
<td>(c) (support after order)</td>
<td>5.0</td>
<td>0.0</td>
</tr>
<tr>
<td>(d) (no support)</td>
<td>7.5</td>
<td>10.0</td>
</tr>
<tr>
<td>(e) (no reply)</td>
<td>5.0</td>
<td>10.0</td>
</tr>
</tbody>
</table>

Source: Own data.
second. We conducted a Principal Component Analysis (PCA) of the vignettes to test the validity of our theoretically derived operationalization of the two dimensions (responsiveness and responsibility). This analysis confirmed our idea of a bi-dimensionality, as the empirical model converged in two components. Moreover, our theoretical operationalization turned out to be valid.4

The vignette analysis on political responsiveness points to its high prevalence among SCS and finds further evidence for functional politicization of SCS in Germany. This also corresponds with their task description given in the interviews, which includes political compromising not only in government departments but also with coalition parties and with interest groups. The relation to the minister is described as utterly trust driven; to agree with the minister in public is considered more than essential by most of the SCS. In all but one of the presented dilemma situations measuring responsiveness (Vignette 9/V9), a majority of respondents would have no hesitation at all in supporting the minister ‘without reservations’. More than three-quarters of the respondents have no reservations about actively supporting the minister in pushing through her preferred policy option (V2), and almost 60 per cent would help to ‘polish’ a report to the Federal Court of Auditors (V4). Supporting a ‘blame game’ by pushing responsibility to the EU level is outright acceptable for slightly more than half of the respondents (V8). To actively support a newly appointed minister in enforcing a policy change after a change in government is acceptable ‘without reservations’ for almost one-third of the SCS. When adding up response options (a) (‘yes, without reservations’) and (b) (‘yes, but I would present my reservations to my superior’), for all four vignettes measuring responsiveness, a high support rate (72.5 to 82.5 per cent) of the SCS is observable.

The vignettes measuring decision-making behaviour regarding responsibility obviously confronted the interviewees with trickier questions. The aggregated responses mostly produced skewed, but clearly recognizable, inverse U-shaped curves with a peak on the ‘support with reservations’ option. Many SCS clearly struggled to decide on a response, and the option they finally picked varied greatly across the board. Support without reservations (a) is in most cases (except in V6) scarcer (5 per cent to 22.5 per cent for V1, V3, V5 and V7) than support with reservations (b) (30 per cent to 60 per cent for V1, V3, V5 and V7). For V6—in a situation where the minister intends to introduce a bill to parliament that possibly violates EU law—response option (a) was chosen by 37.5 per cent and option (b) by 27.5 per cent of the interviewees. When adding up response options (a) and (b), a majority of the respondents support the minister in all the cases presented. The cumulative support rate is highest for V7 (support of politically favoured, but technically suboptimal measures): a majority of 60 per cent of the SCS would express their concern, but support the politically motivated choice for a less effective policy measure, and another 15 per cent would support the minister without reservations. The lowest cumulative support rate exists for V1 where the minister refuses to give the most recent available statistical data on the effects of a policy measure to parliament. Still, 52.5 per cent of the respondents would support the minister in this situation.

The answers signalling responsibility—(c) (‘only after a direct order, and I would warn my superior in an unequivocal manner’) (17.5 to 27.5 per cent) and (d) (‘I would definitely decline, thus not assisting’) (10 to 22.5 per cent)—are, when added up, not too far behind the cumulative support rate for V1, V3 and V5: between 35 and 40 per cent of the SCS would either have strong hesitation in supporting the minister in these cases or decline to assist. For V6, the share of SCS acting responsibly is lower (27.5 per cent): 10 per cent of all SCS reject (d) to support the minister in the described situation, and 17.5 per cent of the SCS would comply only after formal order by the minister (c). In the situation described in V7 (support of politically favoured, but technically suboptimal measures), none of the 40 interviewees would decline to support the minister, and a small group (15 per cent) would assist only after a direct order by the minister.

Apparently, only a minority of between 15 and 40 per cent of the SCS take their ‘duty to say no’ seriously and reject taking part in actions where professional standards are at stake. The variation in the share of responsible SCS for the different vignettes reveals that the willingness to oppose the minister depends on which professional standards are affected. While a considerable share of SCS have significant worries about supporting decisions with questionable lawfulness (V3, V5) or not being honest with parliament concerning the available statistical data (V1), such
concerns are very low when it comes to questions of effectiveness in the choice of policy measures (V7). A decision for less effective policies is seen to be legitimately at the minister’s disposition for a large majority of SCS.

Having confirmed the prevalence of both types of loyalty among German SCS, the second step of analysis focused on the two hypotheses developed above, that is, the existence or non-existence of differences in responsiveness and responsibility between politicized and non-politicized SCS (see Table 2).

Concerning responsiveness, our findings reveal that politicized and non-politicized SCS show a similar conception of responsiveness. In both groups, a majority is ready to support the minister in political-tactical issues. In contrast to our hypothesis which was drawn from the literature on politicization, politicized SCS show no disposition to act more responsively to their principals than their non-politicized peers. One could argue that politicians hoping for increased responsiveness by recruiting loyal party soldiers will miss out on the expected payback. The vignette analysis shows that, with one exception, variation across the two groups is quite low: whereas in V4 and V9 politicized SCS show a somewhat higher propensity to (un)conditionally support the minister, the other two vignettes (V2, V8) show the reverse pattern. When looking at the aggregated responses (a) and (b), the differences are very small. The only exception is V8 (blame shifting to the EU level): the non-politicized SCS show a considerably higher propensity to scapegoat the EU (90 per cent of the non-politicized SCS would support the minister, but only 55 per cent of the politicized SCS).

The graph for responsibility exhibits quite random variation at first glance (see Table 2). When aggregating responses (a) and (b)—the ones representing (un)conditional support for the political principal—a weak, but systematic, pattern surfaces: more non-politicized than politicized SCS fall into this group. Accordingly, a larger share of

### Table 2

<table>
<thead>
<tr>
<th>Vignette</th>
<th>Group of SCS</th>
<th>Responsiveness</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Response (a): Full support</td>
</tr>
<tr>
<td>V2</td>
<td>politicized</td>
<td>75.0</td>
</tr>
<tr>
<td></td>
<td>non-politicized</td>
<td>80.0</td>
</tr>
<tr>
<td>V4</td>
<td>politicized</td>
<td>65.0</td>
</tr>
<tr>
<td></td>
<td>non-politicized</td>
<td>50.0</td>
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Source: Own data.
politicized SCS than of non-politicized SCS seems not willing to support legally, morally or functionally questionable policy decisions of the minister. Despite the assumed high ideological congruence with the minister, more politicized than non-politicized SCS speak out and oppose propositions, which could potentially harm the integrity of the minister and the public service. Evidently, the common assumption that politicized SCS are ‘handy henchmen’, who move inconvenient arguments of ‘stubborn specialists’ out of the way, is questionable in the German case.

In order not to take that result at face value, we tested the equality of group variances (Brown-Forsythe; Welch) to specify whether the two respective groups of decision-makers (politicized and non-politicized) differ on a statistically significant level (0.05). Indeed, on no single vignette was a statistically significant difference between the two groups confirmed—presumably as group sizes are too small to account for systematic effects.

6 | DISCUSSION

A widespread assumption within scholarly debate is that politicized SCS would show ‘blind’ obedience that implies an understanding of loyalty strongly shaped by party-political objectives. Moreover, it is commonly assumed that politicized SCS would be more loyal to their political superiors and less bound to civil service norms than non-politicized SCS. The most remarkable empirical finding from our vignette analysis is, however, that the relation between politicization and decision-making behaviour is not as expected: politicized SCS—at least in Germany—are neither more partisan when it comes to political-tactical advice, nor are they less inclined to give substantial policy advice which is ‘frank and free’. There are even some hints that they might be more critical of political undertakings when lawfulness or other professional standards are at stake. These findings and their implications need to be discussed. Of course, one has to question whether (and under which conditions) it is warranted to make generalizations based on the observations presented. We see (a) historical-cultural, (b) structure and task related and (c) individual, mostly socialization-based factors, which could help to explain the outcome.

Several caveats against the transferability of our findings are certainly based on the historical-cultural singularities of the case at hand: as outlined above, German bureaucracy is for historical reasons much more politicized than the public service in many other Western democracies. Ministerial civil servants—at all hierarchical levels—are often members of a political party, and many of them run for political office at the local level or are actively engaged in other party-political activities. This engagement is, however, strictly separate from their job in the civil service: it is regarded as a ‘private matter’ and the awareness of ‘impartiality’ as a guiding norm in professional contexts is high. The latter has been confirmed by several empirical studies: according to the CES studies (Aberbach et al. 1981; Mayntz and Derlien 1989) as well as more recent census survey studies (Ebinger and Jochheim 2009; Ebinger et al. 2018), SCS in Germany do not identify themselves with the image of ‘citizen advocate’, ‘advocate of organized interests’ or ‘party politician intent on promoting a specific programme’. Instead, they consider themselves to be primarily an ‘expert with specialized knowledge for problem solving’, ‘implementer of political directives’, ‘representative of the state’ and ‘initiator of new projects and problem solutions’ (Mayntz and Derlien 1989; Ebinger et al. 2018). This is supported by our interview data. Hence, being a ‘politicized’ SCS in Germany does not necessarily imply acting as a proverbial ‘die-hard partisan’. Moreover, political engagement is considered to be a private decision by its nature. This ‘tamed’ partisanship could be the key for the counterintuitive findings presented above.

A second potential explanatory factor for our results is the administrative structure in which our case is embedded, and the resulting task portfolio of SCS: as outlined above, Germany has no ministerial advisers, while the ministerial bureaucracy is strongly involved in policy-making. Hence, SCS have to be both competent policy advisers to the minister and responsive partners of the minister in the political process. At the same time, they have to ensure that the ministerial staff work for and not against the minister, that is, they have to be accepted by the staff and able to control the ministry. This implies that SCS in Germany have a rather broad task profile. As Christiansen et al. (2016) describe for the Danish case (which is similar to the German case regarding the task profile of SCS), this defines rather demanding requirements including a pronounced political aspect to the job. Therefore, for an
appointment to those positions, not only professional competence but also partisan loyalty and an unconditional trusting relationship with the minister are highly emphasized (Schröter 2004; Bach and Veit 2018). SCS should be both responsive and competent as mirrored not only in our vignette analysis but also in the interview content. Competence (understood as the ability to identify good policy options and possible risks) does not, however, automatically lead to responsibility (understood as the actual use of competence by being critical of politically driven endeavours, when necessary). Thus, structural factors help to understand the high responsiveness of SCS. This might hold true beyond the German case.

A closer look at the institutionalized practice of SCS who actively engage in the policy formulation process reveals a distinct functional logic: ‘a civil service that blindly follows the letter of the law and solely acts on scientific and professional knowledge without regard for their government’s political ambitions would be of limited use to the same, or even worse: be beyond democratic control’ (Öhberg et al. 2017, p. 272). Survey results underline that the willingness to be responsive and supportive to the minister is constantly high among SCS in German federal ministries while unconditional loyalty to the minister (in the sense of a ‘blind’ or unreflective obedience), which was once very strong, is declining (Aberbach et al. 1981; Mayntz and Derlien 1989; Ebinger et al. 2018). Our empirical findings suggest that this might be even more the case for politicized than non-politicized SCS. However, in order not to contort our findings, one has to recall that it is still only a minority of SCS that worry about supporting irresponsible propositions, and that such resistance is substantial only when questions of lawfulness are concerned. When questions of effectiveness and professional standards are touched upon, SCS with and without a political career comport themselves as political top officials, granting their ministers the freedom to act in an irresponsible manner.

A third explanation points at individual aspects from the interview data of politicized and non-politicized SCS. The interview analysis reveals that politicized SCS are more externally oriented—towards citizens and other external stakeholders—than non-politicized SCS, which might be due to their strong political interest on the one hand and due to their broader professional experience (and less pronounced bureaucratic socialization) on the other hand. This sometimes includes a noticeable distance from the minister. Their independence to act responsibly—that is, to oppose or even confront the minister when necessary to safeguard professional norms—might also be facilitated by the fact that they often see themselves and behave as entrepreneurial characters and largely independent from the minister in terms of future career options. An additional point to be considered is that the somewhat higher responsibility of politicized (i.e., politically experienced) SCS compared to non-politicized SCS might be due to higher risk-awareness concerning political obstacles and dangers for the minister of the former group. Due to their work experience in the political sphere, their ‘antennae’ might simply be more sensitive to political signals threatening the political integrity or reputation of the minister.

Summing up the discussion, while historical-cultural explanations point to singularities of the German case, the structure, the portfolio of tasks as well as individual aspects based on a more pronounced self-identity as ‘homo politicus’ help to understand our empirical findings on SCS’s decision-making behaviour on a more generalizable basis.

7 | CONCLUSION

In the article we have analysed the effect that politicization has on the behaviour of SCS. We began by arguing that SCS in Germany fulfil their tasks especially well when both competencies—to give responsive political-tactical advice to the minister and to act responsibly and safeguard the public interest and integrity in policy-making—are highly developed. The vignette analysis showed that both politicized and non-politicized SCS are highly responsive but not equally highly responsible. Responsibility is more distinct for politicized SCS. These findings do not fit with much of the existing scholarship on politicization and rebut our hypotheses: neither are politicized SCS in Germany clearly more supportive (in terms of responsiveness) nor are they less responsible.

Our findings have several noteworthy implications for future research. First, our claim that responsiveness and responsibility are not extremes on a continuum is confirmed. While in practice presumably these are often
indistinguishable when actors ostentatiously ‘take sides’, they describe related, but distinct, obligations that sufficiently autonomous actors are able to ‘optimize’ independently. The analytical dismantling of the usually confounded ‘responsiveness/responsibility’ dimensions can help to gain a more reflective understanding of how SCS prioritize values and norms in the decision-making process. This does not preclude, in practice, that trade-offs between the two dimensions eventually take place at some point. Second, historical-cultural singularities of national political-administrative systems play a substantial role not only in defining the degree, but also the effect, of politicization on SCS’s behaviour. For historical reasons, the German bureaucracy is much more politicized than, for instance, the bureaucratic system in Westminster democracies. But at the same time, the politicized bureaucrats do not engage aggressively in partisan behaviour. Third, the impact of structure and task portfolios at the ministries’ apex seems to be substantial: broader, more political tasks ask for more strongly functionally politicized SCS with a higher responsiveness (see Christiansen et al. 2016). Hence, structures shape the actors’ behaviour by defining necessities. Fourth, the idea of safeguarding democracy by establishing a civil service that is not only efficient and professional, but also filled with ‘active democrats’, has turned out to be correct in the German case. Those civil servants who are actively engaged in democratic politics (the politicized group in our sample) are less susceptible to the after-effects of authoritarian traditions in an administrative culture. In other words, due to their socialization in politics and administration, the politicized SCS are ‘both free in spirit and proficient in practice’ (Wilson 1887, p. 207).

We conclude that the issue of politicization in a system where SCS are largely recruited from within the bureaucracy (as in the German case) is much more complex, but at the same time much less threatening, than its widely discussed US sibling imposed onto administration via presidential appointment. We do not intend to apply an uncritical understanding of party politicization and its risks. But the widespread assumption of a linear function, which implies that the decision-making behaviour of party-politicized SCS is more dependent on the minister and less responsible towards the public, is oversimplified and cannot be transferred from one political system to another. According to our interviews, those top bureaucrats with a career background close to politics (and often with comprehensive political experiences beginning in their youth) reveal a high awareness for bureaucratic norms and standards. Hence, politicization in the sense of recruitment of SCS with professional experience in the political sector or in civil positions close to party politics seems not to be a problem as such when embedded in a stable system adhering to meritocratic principles. To delineate under which circumstances politicization becomes detrimental to the functionality of administration is a matter of further research. Research on SCS and decision-making in public settings in general is at the point of making a decisive leap forward when new techniques and approaches are added to existing data and experiences. The combination of an established quantitative experimental approach with a reasonably scaled and funded, systematic qualitative approach based on in-depth expert interviews supported by ethnographic methods and text-analysis could pave the way for a new and fuller understanding of this very important phenomenon.

ENDNOTES

1 Christiansen et al. (2016, p. 1233) state that only a ‘civil service that provides this kind of [political-tactical] advice is, in our definition, functionally politicized’. We do not agree with this limitation as our empirical data show that the exact way in which ‘policy advice’ is given varies greatly, depending on a multitude of individual and institutional factors.

2 In the following, the term politicization refers to the recruitment of civil servants with a strong party political attachment. In other cases, the term functional politicization is used explicitly.

3 Of the 40 interview partners, 28 were former Administrative State Secretaries, nine were former Heads of Directorate-General, one was Deputy Head of a Directorate-General and two were former Heads of Unit. To check for potential confounders in the individual characteristics of our interviewees, an analysis of variances (test for equal population means and variances after Welch and Brown-Forsythe) was conducted for effects of party membership, government level, hierarchical position, career type, education (e.g., legal studies), specialist/generalist role and gender. Very few of these factors defined statistically significant different groups on single vignettes; none had an impact on more than three vignettes at a time. The risk of sample-induced bias can hence be considered negligible.
Rotation method: Varimax with Kaiser-Normalization. The responsiveness-dimension ‘lost’ one indicator (V4) to the responsibility-dimension. This could be explained by the involuntarily double-barrelled formulation of the vignette (‘information that is relevant, but ... biased’). In turn, two vignettes switched from responsibility to responsiveness (V6, V7). Interestingly, these are the only two vignettes in which the lawfulness issues are formulated as ‘opinions’ of the actor himself, and not as a given or as expert opinion. Obviously, the interviewees consider personal reservations ‘only’ as a matter of responsiveness, not as triggers for ‘responsible’ behaviour. This is an interesting finding and stresses the importance of nuances in the wording of vignettes. When considering these results, the possibly limited analytical power of the PCA because of the rather small N of our sample should be kept in mind.

5 The terms ‘representative of the state’ and ‘citizen advocate’ are our own translations.

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REFERENCES


APPENDIX

Responsiveness

V2 The minister has to make a decision in a complex case where the choice is between option A and B. You are of the opinion that both options are defensible, although both A and B will probably be criticized by the interest groups involved. Your boss asks you to draft a memo with a recommendation for a decision. He adds that the minister has a preference for option A. He asks you to focus solely on option A. Will you follow the directions from your boss?

V4 Your section is responsible for drafting a report which the minister has to give to the national auditors at short notice. The draft report in your opinion basically gives the information that is relevant, but you also find that it is biased in its focus on the positive aspects of the minister's involvement in the case in question and that it is phrased in a way that downplays the importance of information pointing in a negative direction. Will you contribute to the report in its present form?

V8 In the eyes of his party and the public, the minister represents a certain tendency regarding social welfare policy. Owing to the government programme and ongoing discussions within the cabinet, it becomes evident that a legislative initiative will be launched which may lead to a bill that stands in contrast to the minister’s political position and for which he will be ultimately criticized by the public and his party. Due to the cabinet principle, the minister is bound to support the decision of the cabinet to the full extend. The minister decides to introduce the initiative to the Council of the European Union, with the surety that an initiative coming from the EU will be considered superordinate and will inevitably have to be implemented. The initiative would thus be considered European instead of being attributed to the government. The minister could eventually disclaim responsibility for this unpopular policy measure even though he initiated the process. Will you follow the minister in this?

V9 After a change of government, a conflict between the new government programme and the hitherto practised departmental policy begins to show. The newly appointed minister insinuates in his first official statement that he plans a policy change on a subject that lies within your area of responsibility. You have been working on this topic for a long time and have invested considerable effort. At worst, the envisaged policy change implies that this topic will not be followed up on any more. The minister asks you to draft a note that summarizes facts which support the policy change. Will you draft such a note for him?

Responsibility

V1 Your minister is to provide parliament with some statistics concerning a central field of welfare policy. Last week the minister at a hearing in the standing committee covering the field indicated a continued decline in figures that are appraised positively from a political point of view. Now there are figures available for the past
three months indicating an adverse increase in the figures. The minister argues that the recent figures are subject to uncertainty, and that you should wait for further analyses from your economic department before the statistics are made public. The answer to parliament therefore should be based on the figures from the previous three months. Will you follow the minister in this?

V3 The minister wants a rapid change in the rules within your field of responsibility. He is of the opinion that this can be dealt with through a decree. Your section finds that a revision of the statute is needed, as the law does not provide sufficiently clear authorization to issue a decree. However, the minister insists that the issue is too unimportant to bother parliament. Will you assist in helping him with this?

V5 You work on a specific case and are informed that your minister would be happy to see a decision in favour of implementing the case. Media attention to the case is strong, and it is apparent that there is widespread public sympathy for this decision. Furthermore, the minister will be met with a strong headwind in case of a rejection. In your opinion neither the law nor established practice allows for a decision in favour of implementing the case. Will you assist in preparing a positive decision?

V6 Your minister wants to tighten up regulation and intends to present a bill to this effect. In your opinion there is a risk that the European Court of Justice will find that the specific changes violate EU law. Your minister has been informed accordingly, but insists on presenting the bill to parliament. In the comments on the bill, he will provide information on the government’s grounds for finding the bill to be in accordance with EU law. Will you assist?

V7 You work on a policy draft launching new initiatives by the government. Among experts there is agreement that three focus areas in particular will be crucial for a positive development within the policy field. However, the minister estimates that it will not be possible to mobilize political support for any of these focus areas. Therefore, he wants to focus on two other measures that in your opinion are less effective. Will you assist in the drafting of a policy paper based on the latter measures?