

IPSA (RC 32) 2013 Conference
*'Europeanization of public administration and policy:
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**Europeanization of public administration in the ECE:
The challenge of participative democracy and good governance**
(first draft)

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**I. Public administration and participative democracy in ECE:
The political landscape in the "defect" democracies**

Introduction: The three stages of political system

The mainstream analyses about the public administration have usually concentrated on the formal-legal Europeanization and Democratization in the East-Central European (ECE) states, not only at the central state level but at all levels of public administration. This formal-legal establishment of the ECE institutions has been the dominant approach so far, although the big international ranking institutes have pointed out that there has been an increasing gap between the "formal" and "substantive" democracy in ECE. The public opinion surveys have also confirmed this gap, since most citizens in ECE have considered that formally there has been a democracy but it has not been working well. Actually, the main reason behind the low performance and the missing "good governance" in the new ECE democracies is the lack – or at least the miserable development – of participative democracy in its subsequent stages of development.¹

After the systemic change all East-Central European countries have undergone a radical change in public administration and public policy. This process has also been discussed in the terms of Europeanization and Democratization, and rightly so. However, the real process from the side of implementation and "domestication" of the European system of democratic institutions has been a crazy ride on a roller-coaster between professionalization and politicization, Europeanization and peripheralization, or decentralization and over-centralization. There has been an intensive research effort to study the

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public administration reforms in ECE in which this twenty year period could be and should be considered in its entirety. This paper tries to outline the common perspectives of the evolution as the general features of the ECE countries in the first part and it offers an analysis of the Hungarian case as the worst case scenario in ECE in the second part.

The main message of this paper is that the Europeanization and Democratization of the public administration and the public policy in ECE cannot be completed without the participative democracy, i.e. without the participation of the large masses of population in the new institutional structures. The paper outlines the comparative analysis of the ECE public administration and public policy developments within the EU. This "regional" ECE analysis is based on my Progress Report (Ágh, 2013a) with a big database about the gap between the formalistic and performance democracy, resulting in the democracy, governance and sustainability deficit in ECE. This paper concludes that without the major turn towards a participative democracy - providing the high performance of public administration and public policy - the ECE states cannot be competitive in the global world (Ágh, 2013b).²

The three stages of political system can be outlined following the key terms of *polity*, *politics* and *policy*. Historically, the first stage is to create the modern *polity* with its institutional system in the formal-legal framework. The second stage widens it to a more articulated and deeply structured *politics* with many actors and processes in the public sector. Finally, the "governance turn" in the 2000s indicates the long transition to the *policy* stage when the detailed and sophisticated public policy structures permeate the whole society. Analytically, as differentiating the "ideal types", these three stages can be separated and described in great outlines as the milestones for the further deeper analysis. In the real historical process, of course, they have overlapped to a great extent even in those developed states that have covered the "classical" way of socio-political development.

In the following I describe first the conceptual framework shortly in its analytical-normative structures or in a clear-cut form to identify the historical milestones for the public administration and public policy reforms in ECE with some regards to the Balkan or South-East European states. This conceptual

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framework can be summarized as the good governance pyramid with three stages or three historical faces of the developmental state. But I have to issue the warnings at the very beginning of the analysis that these historical stages with their particular tasks have appeared in ECE in a cumulative way because of its historical delay in the historical transformations, i.e. with the tasks of various stages – at least partly – at the same time. It is even more so in the Balkan region. Therefore, both the effects and counter-effects of these necessary reforms have caused many troubles and conflicts in the historical process, in which the different tasks supported and disturbed each other with their positive and negative spill-over effects and/or feedbacks. This cumulative nature of transformations has generated reform fatigue in ECE, not unknown in some former member states either, since the Southern member states were not too busy to accomplish the necessary administrative reforms before the global crisis. This is why one has to analyze the conceptual framework first in its purest form without the historical and national idiosyncrasies and just later in the colourful form of the historical coexistence of different stages in ECE.

Actually, the WEF Global Competitiveness Index (GCI) does the same, since it embraces more than hundred countries at the very different level of socio-economic and political development (WEF, 2012a,b). It identifies also three stages: (1) factor-driven (institutions, infrastructure, macro-economic stability, public health and basic education), (2) efficiency-driven (higher education, flexibility of commodity market, flexibility of labour market, and development of money market), (3) innovation-driven (development of technology, size of the market, development of business life and innovation). For the simplicity sake I can call these stages as the basic democracy, meso-democracy and top-democracy because in the first stage only the basic institutions and policies appear; than it is widened to the rich variety of institutions and policies, most characteristically at the middle level as "meso-governments"; and finally, the comprehensive structure gets a management from the top as "metagovernance". In brief, I distinguish between (1) the basic-formal democracy as the emerging democratic polity, (2) the substantive-active "political" democracy as participative democracy and (3) the inclusive-innovative democracy with sustainability as "policy" democracy. Closed public affairs in "state" stage, open

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public affairs in the "governance" (or "public sector") stage and innovative public affairs in the "policy" stage have dominated. In this analytical approach, however, in the following I try to identify also both the turning points and transitory periods between these developments.³

The stormy transformations of the public sector and public institutions in the last twenty years have pointed more and more towards the complex social and/or public management. The state capacity and the social capacity, or the capacity of public institutions with their performance in general; and the public capacity versus private capacity, or the macro versus the micro competitiveness in particular have been high on the political science agenda. The big international agencies like the OECD and the World Bank (WB) have played an initiative and coordinating role in this global trend with the project like "Governance matters", but also by elaborating the indices and rankings in public administration and public policy matters. In addition, in the last five years the advance globalization has pushed the issue of competitiveness and/or sustainability to the fore. Accordingly, the complex or composite indexing of socio-political developments has become a growth industry in political science (and beyond, since all social sciences are concerned). This great outline gives us an opportunity to characterize these three stages as "the bare bones" or the Road Map of the public administration and public policy developments in a systematic way:⁴

1. Government (state-centric democracy at the *bottom* level)

(The countries concerned: the candidate states in the West Balkans)

Public administration originally, in the early modern state and/or early industrial state with the main features: the "stateness", rule of law and basic human rights, the stability of its basic political institutions and no political violence within the country. The basic institutional structures are in the making or they have been recently created. The "stateness" figures here as a legitimate legal-political working unit (polity) based on the stability of its basic political institutions. The state is able to implement its decisions and enforce judicial sentences, and within the internationally acknowledged borders it has the monopoly of violence, i.e. the new polity works without political violence within the country. Polity emerged by the separation of bureaucracy from the public life

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at the same time by that between public and private, as a separate world on its own with its own rules and disciplines in the "Weberian" universe.

Public policy originally, in this early stage exists only in the hierarchical, "pre-public" form of state administration. The minimally organized civil society with its basic units and limited activities plays a marginal role. The basic feature of public policy is *Effectiveness* as the effective rule of state in implementing its decisions on the entire territory. All in all, the state provides only the basic functions and delivers only the basic public services.⁵

2. Governance (participative democracy at the *mid-level*)

(The countries concerned: South and East, particularly in ECE and/or NMS)

Public administration in the mature modern state or late industrial state with its main features: political participation, the fight against the corruption, political and social integration, and the clear separation of state administration and local-territorial self-governance. The re-uniting public and private takes place on the new base in the partnership structures of governance, when the capacity to deliver comes to the fore and it leads to the switching from Weberian to the Wilsonian universe.

Public policy enters in this stage already as a genuine system. Therefore its basic feature is *Efficiency*, since the emphasis is on the efficient workings of political system as a whole with the functional organized interests and NGOs, advised by the professionals. The issue is not any longer whether the state can implement its decisions in order to be effective, but the new vital issue is how the state as public sector can work efficiently. Although the gap or contradiction between the formal democracy and the substantive democracy, or between the formal human rights and the effective human rights is still a great problem, the human rights have still been extended from the basic rights to a large circle of the effective human and political rights. Public policy enters step by step in many fields, from economic to cultural policy, so more and more their policy coordination becomes crucial for working efficiently.⁶

3. Metagovernance (inclusive democracy) policy democracy

(The countries concerned: North and/or the Core Continental Europe)

Public administration in a well established democracy may be characterized at the *top* level of the good governance pyramid: the openness

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(open access to state administration) with transparency, accountability (responsible democracy), and large social capacity in close cooperation with the state capacity. Various kinds of the organized interests form a system of "social corporatism" and the policy networks are also in the making. Participative democracy appears on a higher level, since both the state and the society structures have been permeated at the macro-, meso- and micro-levels by political participation. The institutional reintegration of the public administration to the public life has been accomplished through the self-regulating agencies and open-transparent institutions.

Public policy becomes the decisive side of this public administration-public policy twin, in which the basic feature of public policy is the *Efficacy*, which means that the public services are delivered at the citizen-friendly accountable, interactive and human manner. The highest value is the satisfaction of society that has been maintained with the positive feedbacks and the closest connections of the citizens to public service deliveries. In this "policy" democracy there is a coherence of public policies producing their synergy. Policy communities/networks and issue communities/networks are the main actors in public policy.⁷

Finally, the institutional structure of polity can be grasped at four levels, at two state levels and two societal levels that give the complete map of politics-policy relationships in its completed form. The upper state level (S1) appears as *politics* in the government and as *policy* below the government level (S2) with the special state agencies. The upper societal level (S3) on its part appears as the top social actors (organized interests and NGOs, etc) with the more *politicized* side and the basic societal level (S4) as the more *policy-oriented* side. These four levels give a good orientation to evaluate the progress of the Europeanization and Democratization of the public administration and public policy in ECE. In fact, the state as a collective actor is present at all four levels, at meso and basic level as regional and local state administration, as well as through the four faces of the public sector with its services. I have to add that in a democratic system the social debate as a deliberative process goes also through these four stages in a participative democracy. It starts at basic level in the widest circle with the "opinion-givers" social discussion in general (S4), it

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continues at the upper societal level (S3) as the structural social dialogue between/among the organized social actors, in which the professionals serve as "advice-givers". It reaches the state at its agency level (S2) as "policy entrepreneurs" and the process come to an end at the government level (S1) with the "decision-makers" as "political entrepreneurs", with their strict legal regulations and responsibility. This is the ideal model, again, so it is necessary to make a distinction from its distorted version in the ECE case.⁸

The conflict of public administration and public policy in ECE

The central question of this paper is how to develop the good governance in a participative democracy in ECE. Therefore after having presented the general outlines above I turn to the ECE specific issues. In the classical, organic development there has been no conflict at the polity and policy stage between the public administration and the public policy, since their developments have gone hand in hand because the hardware and software developed quasi parallel by supporting each other. This conflict is characteristic for the governance stage – as a "paradox" (Hesse and Peters, 2003) - due to the painful emergence of the "federative", multilevel structure of the EU as the birth pangs of metagovernance overburdened by the Europeanization of the national political systems. There have been periods preparing, earmarking and accomplishing the long transition between the second and the third stage in the Western world with large historical overlaps and the extreme national idiosyncrasies even among the most developed EU member states: (1) the completion of the representation of all kinds of organized interests in all fields of society, (2) the emergence of good governance with "governance turn" as a "performance democracy" or "quality democracy" and (3) the multilevel governance (MLG) both within the EU and its member states.

However, within the EU this conflict between the public administration as hardware and the public policy as software has been by far the biggest in ECE, since after the systemic change the democratic institutions have been built on quick sands. The Democratization has been the history of the corrosion-erosion

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of Western democratic institutions in ECE by the missing civic political culture. The EU accession meant first a massive institutional import, followed by several waves of policy transfer, both with its positive and negative side effects. Basically, both changes brought in a system of hardware-software at the much higher complexity, whereas it is well known that the more complex system is, the more it needs decentralization in order to have better performance. The ECE states reacted to the growing complexity of the systemic change with recentralization, they did it even more after the EU accession, and they have repeated the same mistake by answering the global crisis. As I have tried to explain it in my Progress Report, this failure in Europeanization and Democratization has led to the "triple crisis", as the follow-ups of transition crisis by the post-accession crisis and global crisis. And nowadays the long tail of these crises can be still observed as the "transition backlash".⁹

The conflict between public administration and public policy in ECE was caused by the controversial social transformation in the early nineties. The ECE countries have paid a very high social price for the political and economic systemic change, whereas the social systemic change is withering away. The systemic change opened the way for the drastic and rapid transformations to the market economy and post-industrial society that had also a devastating negative side effect on the social web. The social texture or fabrique was basically damaged, since the system of social-public functions was radically reduced. The collective life of society in ECE was violated, and deeply disturbed. The system of public services quasi collapsed in the social policy and healthcare, and was impoverished in the education, but not yet replaced by a new comprehensive public service system. The emptied social space was in many ways without its basic functions and proper institutions. The declining budgets for public policies created a social desert because some public utilities did not work and/or they could not be paid for.

This negative process in the nineties was most characteristic with the growing social gap in general, and the "social emptying" of the countryside with the huge territorial gap in particular that can be detected from the data of the increasing inequality in ECE reported by the OECD (2009,2011a,b,c,2013). As a result, given the negative social circumstances, the participatory democracy did

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not emerge and the public administration as hardware and the public policy as software collided. The essence of this conflict is that the formal structures of institutions were established but they did not have the policy content as the really working functions. The same problem has deepened due to the global crisis, i.e. even if the institutions are there, they are not able to properly deliver and the lack of "policy" leads to the corrosion-erosion of this hardware. Since so far there has been no solution in ECE for the country-wide reorganization of public functions, the social encounters as building social capital and the trust in the official institutions is on decline. And if the social fabrique is broken, or fatally damaged, then the participation may be dangerous, generating extreme reactions and extremist movements.¹⁰

Thus, these decades of the early democracy have produced the inflation of civil society with the hatred of the elite, generating split and animosity between them, since there has been no pressure, no control and no monitoring on the side of the population on the elite activities. So there has been no "breeding reactor" for the new elite, neither politically or professionally-administratively. According to the data of the Transparency International the corruption has been growing in ECE because there has been no "Chinese Wall" between the business elite and the political elite, just to the contrary, there has been a parallel, joint emergence of political and business class, with the clear separation is still missing. Consequently, the lack of participative democracy has become one of the hot topics in ECE, just emerging on the mental map of these countries in various – liberal or conservative, rightist or leftist, but predominantly populist – mindsets. This "transition backlash" or "backsliding of democracy" has to be answered by some kind of progressive social constructivism, creating new terms and ideas for the long term vision about the future developments in Democratization and Europeanization. In Hungary the young generation is nowadays in the streets, since these current student demonstrations refuse the fake participatory democracy with the false trade-offs between the incumbent government and pseudo-representative organized interests. They have developed innovative and creative ideas for their own life management with the positive perspectives and opportunities in a Europeanized democracy that invites and obliges the analysts to rethink and reconsider the developments of public

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administration and public policy in ECE in the last two decades, and after the "changing past" to offer the new conceptual framework for the future developments.

Public administration reforms: From Professionalization to Politicization

The paper has been written in the spirit that "history matters" and the "regions matter". Given the long common history of the ECE region it has general features as being different from both the East European and the Balkan regions, especially in their administrative traditions. The public administration reforms in ECE can be approached from the more general dimensions of professionalization and politicization that also indicates the change in the social and political status of the administrative elite. Two main international trends can be observed in this respect, the first is the *separation* and the second is the *fusion* trend. First, the relationships between the politicians and bureaucrats in the theory of the executive politics has usually been described as a principal-agent relationship, in which the administrative side tries to maximise their independence from their principals to keep their ability to shape policy, while the political side makes big efforts to limit this "policy drift" (Hix and Høyland, 2011: 24-25). Second, there has still been a tendency of fusing between the political and administrative roles in the core executive uniting both into one unit. Traditionally, "detachment" of the administration presupposes neutrality, i.e. the refusal of the political pressure or demand by civil servants, since they "believe that the long-term interest of society is best served by their detached policy advice". Thus, the "roles have traditionally distinguished between politicians' responsiveness to society demands and bureaucratic advice rooted in experience and analysis, which require detachment from the immediate desires of citizens". But nowadays there has been a new kind of relationship between detachment and responsiveness: "However, more civil servants currently emphasise responsiveness at the expense of detached analysis (...) As a consequence, the attitude of civil servants in developing public policy is more likely to be indistinguishable from that of actors who have political functions" (Montpetit, 2011: 1250).¹¹

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Navigating between the Scylla and Charybdis of the bureaucratic rigidity of formalistic procedures and the enhanced political appointments, the developed democracies have tried to find a proper balance between the two dominant trends with a large variety from country to country, depending on the historical traditions. Thus, it is vitally important distinguishing "between patronage as a component of democratic governance (labelled *open patronage*) and patronage as a tool of corrupt or premodern governance (referred to as *closed patronage*)" with a trap situation of the enforced loyalty. The open patronage provides a form of risk-reduction for politicians, the closed patronage, in turn, is the "colonization of the state" with "clientelistic practices, and the use of appointments as rewards for loyalty or payments for previous support". The closed patronage has also been called *sottogoverno* as a system of distributing politically loyal positions in state enterprises, agencies, boards and commissions (Flinders, 2012: 269). As a bottom line, Pollitt states that there has been indeed "a discernible pattern to the public management reforms", namely "re-balancing" of the two main tendencies, the separation and fusion in a historical cycle: "Decentralizing measures are followed, after an interval, by centralizing measures", since "opting for one direction brings benefit but also inevitably penalties (...) so that a new generation of reformers turn back to the opposite direction." (Pollitt, 2011: 2-3).

Although there is a strong research interest in the West to concentrate on the impact of the NPM on public administration reforms in general and on the selection of the administrative elite in particular, it has to be stated in advance that this impact has been felt in ECE much less than in the Western democracies, or especially in the Anglo-Saxon countries. Its direct impact has only been marginal, since when it reached the "East", already serious criticism emerged in the "West" (see Rochet, 2010 and Heinrich, 2011), and the ECE states had many other vital problems to cope with (see e.g. Coombes, 2001). Certainly, the NPM trend has not been coupled in ECE with a serious change in the administrative elite structure in particular, or with that in the social, educational or career profile of the elites in general. Tremendous changes can be observed in the administration reforms with ups and downs, but it cannot be meaningfully connected with the NPM trend. The marginal effect of the NPM on NMS has been pointed out in the NISPACEE publications (see for instance Pal, 2010). Tim Bale

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also mentions that the adoption of NPM was not a condition of the EU assistance for ECE (Bale, 2008: 79). It has to be noted that other influential trends like the Neo-Weberian Administration might have been more influential in ECE.

Actually, the urgent professionalization and the perverse politicization of the ECE administrative elites have produced a divergence from these international patterns and from their balancing efforts between the separation and fusion trends. It can be clearly seen from the mainstream analysis of NISPAcee about the "enhanced politicization" with the emerging "new nomenclature", or about the drastic "closed political patronage" with the "party captures" of political administration.¹²

The ECE politico-administrative relations in the mirror of the NISPAcee

The NISPAcee (The Network of Institutes and Schools of Public Administration in Central and Eastern Europe) has been the main research centre in the analysis of public administration reforms in the new democracies from the early nineties. After the first decade of the ECE democracies the NISPAcee launched a thorough study on the "politico-administrative relations" in ECE countries by reformulating the classic question "Who governs?" into the more suitable question in the region: "Who rules?" The head of project was Tony Verheijen from the UNDP Regional Support Centre, and both the international and regional experts were involved in this effort. After one decade the general outcome of Westernization-Europeanization in the politico-administrative relations was rather dismal. The emerging system was very different from the Western model because of its over-politicization and the high volatility of jobs in the ECE public administrations, especially in the top civil service that influenced negatively its professionalization as well. The research concluded that in ECE countries "their new Civil Service systems cannot be considered **irreversible and sure to survive a change of government**. Defining the politico-administrative interface was highlighted as one of the most difficult elements in the process, as this requires a change in the attitude and role perceptions among politicians and officials alike." (Verheijen, 2001: 7). This statement has described the general features of the new ECE civil service system well and after twenty

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years the latest developments have also confirmed the validity of this in-depth analysis.¹³

The "enhanced politicization" of civil service has become the mantra of the NISPACEE analysis, meaning actually the "closed political patronage". This issue appeared also five years later when Verheijen returned to the topic and referred to the 2001 study: the emergence of the "new civil service systems is well documented, and the use of traditional European solutions to the problem of managing politico-administrative relations has so far not brought the desired results. (...) This poses the questions about whether traditional European approaches of managing politico-administrative relations will ever take root in the new EU member states." (Verheijen, 2005: 7,11). This analysis took place in 2005 when the ECE countries were already EU members that presupposed profound administrative changes in the accession process. Nonetheless, in 2010 when a next overview was prepared after twenty years of democratization, it confirmed that the enhanced politicization or closed political patronage was still the main direction in ECE. First of all the two analyses on Poland have described very clearly that the general features in ECE were the "Post-Communist Legacy" and the emergence of the "new nomenclature" (Gadowska, 2010 and Majcherkiewicz, 2010). In fact, in the analysis of the ECE public administrations the argument with the "communist legacy" has often been exaggerated, whereas the former, centuries-long tradition of state-centrism and closed political patronage has been largely neglected.¹⁴

All in all, the systemic change began in 1989-1990 in ECE with far reaching consequences in both dimensions of politicization and professionalization. In principle, the emerging democratic states have demanded a profound professionalization of public administration on one side and a decent, transparent or "open" politicization of the administrative elite in the multiparty political system on the other. Instead, both processes have been overloaded with serious weaknesses and contradictions, since the dominance of closed political patronage has led to the blurred borders between politics and administration or to the confusion between political loyalty and expertise. While some weaknesses like poor professionalization have gone through the entire period of the last twenty years, some others like the enforced political loyalty have changed

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drastically from government to government. Therefore it is justified to speak about the Bumpy Road of the ECE public administrations in general and – with the term of NISPAcee - that of the "politico-administrative elite" in particular. As a result, the social status of the ECE top civil service has declined in both social position and social prestige over the last twenty years.

Actually, the most influential reform idea in the ECE countries was the model of "Centre of Government" (COG) already in the nineties, propagated by the OECD and the World Bank basically through the Sigma project (see OECD, 2009, and recently Nicolaidis and Kleinfeld, 2012). As the current analysis points out, "Recent studies suggest a pendulum shift from New Public Management reform measures in public sector organizations towards empowering administrative centres". The COG reform meant "to build action capacities within government(s) generally, and ambition of governmental steering of sub-ordinate agencies particularly (...) enhancing the role of Prime Ministers' and Presidential Offices". Furthermore, "Administrative centre formation has two ingredients to it: First, an *ambition* to centralise executive powers within government organizations, and second, the concentration of *power resources* around executive leaders." (Trondal et al., 2011: 86-87). In fact, this tendency came to the fore in ECE in the nineties because it promised in the centre of government, as a unit composed of politicians and professionals, more efficiency combined with more power centralization. Therefore it is still haunting the ECE public administrations, nowadays, due to the pressure of global crisis even more than before. Again, the COG reform has pointed to the good direction and served the accommodation to the rapidly changing world, but it has become distorted in ECE with the enhanced politicization and high power concentration.

These controversial processes can be clearly seen on the Hungarian case, which followed closely the general ECE tendency and has turned to the accomplished negative case during the incumbent government. Thus, Hungary offers itself as the worst case scenario, which demonstrates all the weaknesses of the ECE developments that will be analyzed in the second part.

II. The Hungarian case study: From political centralization to policy failures

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The Long Bumpy Road in Hungary over the last twenty years

Hungary was a frontrunner in the late eighties and early nineties also in public administration reforms, given the fact that "it embarked on civil service reform" first in ECE (Meyer-Sahling, 2009: 517), although it has become the latecomer by the early 2010s. This decline can be best demonstrated in the case of public administration reforms, including the role of the core executive. Hungary had a good start because there were some positive changes in public administration already in the eighties with more professionalization and less over-politicization. Hence there was no strong negative continuity in the process of systemic change, which resulted in the early reforms of public administration. Hungary was first, indeed, to pass a wide ranging reform legislation in 1992, reregulating and separating the field the of labour relations in the private market economy (Labour Code, Act XXII of 1992) from civil service (public administration, Act XXIII of 1992) and public employment (public sector, Act XXXIII of 1992) in three different but well coordinated Acts. Although this legislation had a positive effect on the fields concerned, the general ECE tendency of the closed political patronage still prevailed. This legislation was still followed by rapid over-politicization and slow professionalization on both right and left, in the Antall-Boross (1990-1994) and Horn (1994-1998) governments. The entry of the first Orbán government (1998-2002) meant however a deep negative turn towards the "spoils" in the public administration as a whole. The road was indeed bumpy for the Hungarian public administration in the 2000s with various forms of political patronage also in the Medgyessy (2002-2004), Gyurcsány (2004-2006, 2006-2009) and Bajnai (2009-2010) governments. However, the worst came with the second Orbán government in 2010, thus the present situation needs a special analysis with its perfectly "closed" political patronage system.¹⁵

The original legislation (the Act XXIII of 1992) was a piece of the classical Weberian universe of public administration. This Act introduced the "classical" system of public administration by the clear "separation" of the political and administrative positions, and it offered a stable, life-time career model with

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salaries based on seniority. It regulated all details of the workings of the system and all activities of civil servants, as well. This Act has remained a basic reference point so far in the Hungarian public administration, and it has been reinforced at formal-theoretical level by the later amendments (Act XXXVI of 2001, Act LXXII of 2006 and Act LXXXIII of 2007). This classical and "ideal" system of the "separation" (with the detachment and neutrality of the administrative elite), however, did not exist even at the time of passing the Act, since already the Antall government installed newcomers to all top positions, and in the practice of the further governments the political and administrative roles have become more and more interwoven.

Nonetheless, the practice of "fusion" was also legislated already by its first amendment (Act CI of 1997) because the new act established a system of "advisers" from the central government to the local governments as the direct partners of politicians from the prime minister to local mayors. Thus, the classical system was eroded from the very beginning by the exceptions giving special "titles" as appointments, especially at the high and middle levels of public administration, with the special higher social status and salaries, although just for one governmental cycle. Altogether, the uncertainty of this system led to a situation, in which on the "separation" side, i.e. for the majority of the civil servants, the advantages of civil service jobs with the stable career and relatively good salary disappeared. The "fusion" system with exceptional status and salaries produced hectic changes in the payments, since there were eleven re-regulations in the last twenty years, and the salary levels for all other civil servants constantly decreased with the inflation. As a result, the attractiveness of this career diminished and instead of selecting from the best applicants the situation of counter-selection entered even before the major change with the second Orbán government in 2010. Consequently, the blurred boundaries and frequent changes between open patronage and closed patronage, or between politics and administration in general, produced hectic legislation with the frequent improvisations resulting in a deep confusion about the separation or fusion of roles. The frequent changes downgraded the career models and paths of public administration, and eroded also the social profiles and social status of the administrative elite (Gajduschek, 2007,2012,2013 and Gellén, 2013).

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The Horn government introduced the term of "state leaders" comprising the top politicians and executives from the prime minister to the (under) state secretaries, i.e. all participants in the government, and regulated their legal status (Act LXXIX of 1997). It created some kind of fusion, since the main dividing line in the classical system was between the ministers and their political state secretaries (say, deputy ministers) as politicians on one side, and all the other state secretaries and under secretaries, led by the administrative state secretary, as administrators on the other. Yet, the incoming governments usually treated this block of top executives in common (even widening the circle of state secretaries beyond the government, see the Act XVII of 2002), moreover the first Gyurcsány government made this fusion transparent by qualifying all state secretaries as politicians (Act LVII of 2006). Although this was a positive step in that respect, since it turned the closed patronage into open patronage by admitting the real practice that all state secretaries were political appointments, it still created confusion in the government hierarchy and in its workings by abolishing the position of administrative state secretary and in this way seriously weakening the "separation" of the two teams.

This Act of 2006 was an attempt to regulate the open political patronage in general, since it defined the "central state administration organs" and enlisted also the state agencies concerned by this system of "open" political appointments. This measure in fact clearly defined the already existing two layers of the core executive, namely the "state leaders" in the government ministries, including Prime Minister's Office as the upper layer, and the "state agency or public corporation leaders" below the government as the lower one. This lower layer of core executives can be distinguished in two directions, the state agencies on one side and the public corporations on the other. The leaders of state agencies were closer to the civil service as chief civil servants, while the top managers of public corporations to the public sector, as chief public employees. In these various fields of political loyalty (or reward) were combined with different professional requirements. The core executives numbered altogether about 200 people, and in this group there was usually a high mobility with frequent, rotating changes in the positions when governments changed. At the same time, the first Orbán government and the Gyurcsány governments

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made also an effort to distinguish the senior civil servants as the chief executives - below the "politics" of the core executives but above the "administration" of the rank and file of civil servants - with their privileged positions and special career stability, although the incoming new governments immediately dismissed also this privileged group of the previous governments.¹⁶

The "privatization" of the civil service by opening the ministerial doors to the new managers coming from private companies has been relatively rare in the last twenty years. It has taken place mostly in the public corporations, sometimes also at the ministerial and state secretary circles. Thus, the cultural challenge calling public managers to share values, methods and practices with their private counterpart has not been characteristic through these channels. If it has appeared at all, it has used different channels, namely in the communication between the politicians and business leaders, even through the pressure of the "oligarchs" on public administration. In turn, the opposite direction in the "privatization" of civil service as the massive transit of the good public managers to the private sectors has taken place very often in the last twenty years. First of all in the nineties, when the private economy was under construction and it needed good managers, and attracted them from the senior civil service with much higher salaries and with better job opportunities and careers. This "bleeding out" of civil service has continued, however, in the second decade as well, with the new wave of multinationals, although mostly at the middle and lower levels of the public administration but attracting also some members of core executive. Consequently, the privatization and "multinationalization" of the Hungarian economy has not brought too much about the "import" of the NPM trend and ethos. It has not been the dominant trend, just an undercurrent in public administration, except for a failed attempt during the Gyurcsány government. But even this ad hoc, short lived reform drive was not a direct threat against the "traditional ethos" of "professional upper civil servants", since it appeared in the second decade, when the administrative elite as a group was firmly settled on its place.¹⁷

The main tendency of Hungarian public administration has been the centralization, reinforced by the current financial constraints. In the permanent budget crisis all governments have used some "conflict containers" into which

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the financial problems have been pushed down. These conflict containers have usually been at all levels of public administration that has diminished and/or inflated the salaries of the civil servants concerned and it has also drastically sunken their social positions. The contradicting trend to the worsening position of civil servants has been the reform drive for the EU adjustment that has also gone through the public administration as a whole from the central government to lower levels of public administration. The EU adjustment has had its positive effects first of all on the highest echelon of civil servants but it has also been incapacitated by the over-politicization and unstable jobs/positions. Thus, although the Europeanness of the Hungarian administrative elite has been relatively high, the traditional patterns of political loyalty to the over-centralized state have prevailed. As a result, the Europeanization inside the Hungarian public administration has been modest and contradictory, except for the core executives and the senior civil servants in the EU-oriented, inner core ministries (see Ágh, 2012 on the Hungarian EU Presidency). Therefore the young and ambitious civil servants have "emigrated" to the EU, since for them it has been the real career, thus the Hungarian Brussels staff has constantly increased.¹⁸

The merger of the politics and administration in the Orbán government

The dominant tendency of over-politicization of public administration in Hungary over the last twenty years has culminated during the Fidesz government, since this government has gone beyond the "fusion" with a complete "merger" of the political and administrative roles. Given its two-thirds, i.e. constitutional majority the second Orbán government has transformed the political system on Hungary towards a very high power concentration. Both institutional and personal changes have been introduced in this "total takeover" in a very short period. An unprecedented number of acts and parliamentary decisions have been passed to transform the institutions completely, and even in small details on one side, and the government has appointed politically loyal persons to head all positions in the central state administration for nine or twelve years. This political "clearing" has begun with core executives above, continued

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with the senior civil servants and nowadays has reached the territorial-local levels below.¹⁹

The Bertelsmann 2012 Hungary Country Report gives a full picture on the activities of the incumbent government. It notes first of all that "The main strategic priority of the Fidesz government is to consolidate its power for several governmental cycles." Later on it explains this total takeover: "Fidesz gained a two-thirds majority at the April 2010 elections (...) Fidesz now controls the public media, and has weakened the system of 'checks and balances' envisaged by the constitution. The new president of republic, the head of the state audit office, the chief public prosecutor and the president of the council supervising the mass media all have been elected or appointed by Fidesz from among its loyal party supporters. (...) In all other institutions (...) 'hostile' takeovers have taken place: the government installed a new, politically loyal leadership". (BTI 2012a: 3,8,20). Indeed, this total takeover has eroded the democracy in Hungary and it has turned the core executive, and the "government officials" beyond, into some kind of new "nomenclature".

The perverse processes of the over-centralization in public administration and the merger of political and administrative roles in the incumbent government have been diverging from the democratic norms by removing the checks and balances mechanism. This process began in the central government in May 2010 when the new government took office and by the mid-2012 reached the lowest echelons of the public administration. The structure of the incumbent government is very centralized and strictly hierarchical with four levels. The first level is the Prime Minister with his State Secretary and the Prime Minister's Office, on the second level there are two Deputy Prime Ministers with their Offices, one of them is heading also the Ministry of Public Administration and Justice and the other is supervising the "national issues", i.e. Hungarians abroad. On the third level is the Government itself with only seven Ministers with their super-ministries. Thus, the Government itself with these huge ministries is rather small, but on the fourth level in this baroque structure there are more than 120 state secretaries and under-secretaries, much more "state leaders" than in the previous central state administrations (see the Act XLII of 2010 and Act XLIII of 2010).

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At the formal-legal level the official border line between the politicians and the central government officials indicates still the classical "separation". The ministers and their political state secretaries are politicians (about 15 people at the three upper levels), and the administrative state secretaries and the entire staff of state secretaries and under-secretaries in the ministries (about 120 "secretaries" at the fourth level) are already "administrators". Beyond this "secretary" staff at the fourth level, there are also the central government officials as the heads and deputy heads at the state agencies (sometimes also called state secretaries) and of the public corporations, about 150 people. It may be altogether 300 people at the top of the government pyramid. Beyond the Acts of XLII and XLIII of 2010 at the entry of the second Orbán government on 20 May 2010, the next step was immediately taken on 21 June 2010 with the Act LVIII on the legal status of "government civil servants". This Act has opened the way for the radical transformation of the personal staff of the entire public administration and it has been followed many other related acts, four acts in 2010 and three acts in 2011. The newly introduced term embraced all those working in the state administration, separating them from those employed in the local-territorial self-governments. The new legislation has contained the rule that all government civil servants can be dismissed without any explanation, actually immediately. Actually, this measure has been extended to the remaining "civil servants" in the self-government sector by the Act CLXXIV of 2010. Thus, the biggest problem in the present system of civil service is the uncertainty and vulnerability, since the civil servants could be dismissed without any explanation.²⁰

The entire staffs of the ministries and the government agencies were around eight thousand at the start of the new government. The latest figure of the civil servants in all ministries, state agencies and state administration as "government civil servants", that has been officially reported, is 73.600. The mass dismissal at all administrative levels (reportedly 6.719 civil servants) has taken the form of political cleaning to enforce political loyalty in the situation of the deep job uncertainty. The enforced political loyalty has also appeared through recruiting new, non-professional people from the Fidesz surroundings. In the last years it has become more and more frequent practice that the positions of some

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(senior) civil servants have been suddenly downgraded, or they have been dismissed from the public administration at all because of the alleged lack of political loyalty. All appointments have been put under the direct control of the administrative state secretary in the Ministry of Public Administration and Justice who has exercised his veto right regularly. The recentralization of the state administration has been accomplished by the Act CXXVI of 2010 on 16 November 2010. The counties as the main units of state administration have been taken under the political control by the newly established "government offices" in the counties headed by the "government commissioners" who are Fidesz politicians, often MPs. The same type of reorganization has also been accomplished at the lower, district levels of state administration.²¹

Parallel with the merger of politics and administration the government has dissolved all meaningful interest representations – first of all, the National Interest Reconciliation Council and also the Economic and Social Council –, thus the tripartite type interest organizations have ceased to exist. The forum for negotiations has been shifted from the representative institutions to a new pseudo-institution renamed to the National Economic and Social Council that includes also many non relevant but loud organizations from the Churches to the representations of the Hungarians from abroad (Act XCIII of 2011). In fact, the missing system of the interest representation has been one of the main reasons for the low economic performance of Hungary with many policy failures in public administration, leading finally to a deep economic recession in 2012. The "state corporatist" system in Hungary with the state-organized, pseudo-civil representation has just been a part of the missing checks and balances system (Scheppele, 2013).

The most characteristic feature of the merger between politics and administration is its *quantitative* extension as the increasing size of the core executives and the senior (government) civil servants as well as its *qualitative* extension by the increasing direct political control over the public administration as a whole. The extension has been followed by a big effort of systematization that has included widening the civil service regulations to all those in the maintaining and regulating public order as police and army officers. The more recent legislation in two steps (Act CXCIX of 2011 and Act V of 2012) has

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regulated this extended field of "civil service", embracing also all related jobs in the public authorities. This large "army" of "civil" servant has still been separated from "public service" at large as the "public sector employment" of medical doctors and teachers. Although this merger system is still in the making at the lower state administration, it can be considered completed in great outlines as a perfectly closed political patronage.²²

Hungary as the worst case scenario in public administration reforms

Hungary in the comparative context has proved to be the worst case scenario, which can also be illustrated by the changes on the three issues of social status, professional training and career management. First, the change of the social profile of administrative elite indicates both losing and reinforcing their relative social position within the social hierarchy, since it moves up and down with all changes in the government, but altogether this permanent rotation has basically undermined their social positions. The top executives have usually come from the middle class, or very often from the risk taking youngsters of lower middle class, so there has been a generation gap between the old guard and the "young hungry wolves" in both on the technocratic, and the political sides. Due to the recent global crisis a new concern has emerged about the elite architecture, since in the incumbent government there has been a widening generation gap between their old-timer politicians and young politico-technocrats. The main social effort of the present government has been the creation of a new middle class in its national-Christian-conservative style, although this anachronism is in fact a return to the interwar period.

Second, there has been no significant change in training and selection over the last twenty years. The training has usually been both in the business schools based on economics and in (traditional) administrative schools focusing on law. Therefore, the administrative elite partly share the professional experience in the private sector, but the moves from private sector to public sector are still rare, and they take place very often in the opposite direction. The specific elite school paths have appeared only recently with the National University for Civil Service,

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so it remains to be seen how this Hungarian "ENA" will influence the professionalization of the administrative elite.

Third, the career prospects have been very volatile because of the open/closed political patronage, or the dominant trend of political appointments in career management. There have also been cycles between the high level of professional mobility and more traditional career paths, sometimes taking into account the role of performance appraisals, but sometimes, as nowadays, the familial-personal relationships matter more. Concerning the main issue, it is quite clear that the high-level, talented students are not attracted by the careers in the civil service because of the low pay, poor social status and volatile perspectives. The new young public managers are different from the old guard as emerging technocrats and young political entrepreneurs. They have turned up, however, as the representatives of the incumbent government only recently and just at the higher echelons of public administration playing the role of the icebreakers in the merger of politics and public administration.²³

Conclusion: Deep crisis with the peripheralization in East-Central Europe

All in all, the general tendency of the ECE countries has been the emergence of the new nomenclature as it can be seen in Hungary as the worst case scenario. It was until 2010 a Bumpy Road with many hesitations and confusions in legislation with some failed and some successful administrative reform efforts. The incumbent Fidesz government, however, has accomplished this negative process of the divergence from the West, since it has over-centralized the political system and it led the administrative elite to the blind alley of the unconditional political loyalty. As a result, the new administrative elite in Hungary are less European even in the "inner-core ministries" and less able to properly govern in the terms of effectiveness, efficiency and efficacy in the policy-making process. However, this merger between politics and administration has proved to be altogether counterproductive in general in ECE, with the declining Europeanness of the ECE ruling elite that has generated a declining "quality of government".²⁴

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In the new member states the EU has undertaken considerable effort for Europeanization and Democratization of public administration and public policy. After twenty years, "history matters" also in that respect that at the historical turning point of the EU accession "the EU has had a profound impact on national executives and their relationship to other domestic institutions". However, this impact has also to be tackled with care, because there has been a large capacity of the national administrative traditions to modify, accommodate and neutralize the Europeanization pressure. Namely, resisting to the EU influence, the tradition of "far-reaching politicization" of the core executives as the main tendency has still prevailed in ECE (Bale, 2008: 83-84, see this argument first in Goetz, 2001, Goetz and Wollman, 2011).²⁵

In my former analyses of Europeanization and Democratization in ECE I have made a distinction between the anticipative and adaptive Europeanization. It is clear that all ECE states in the anticipative period made big efforts before the accession to meet the EU criteria of membership. This was more or less a successful process according to the Copenhagen criteria. But after the accession there has been a process of adaptive Europeanization that has had a transformation pressure on the ECE public administrations in general and on their core executives in particular. The ECE new member states have been coping rather unsuccessfully with the high complexity of the EU multilevel system of governance what I have called the post-accession crisis. The permanent process of the adjustment to the European politics and policy would have needed "sustainable reforms" that have not taken place in NMS, therefore the latest OECD Report on the Europeanization and Democratization of public administration and public policy in these countries has called for the "rethinking" of the EU strategy and for the "redefinition" of democracy and rule of law requirements (Nicolaidis and Kleinfeld, 2012).²⁶

Thus, in the period of the adaptive Europeanization some common features have emerged in the ECE countries as (1) the insufficient institutional reforms as reacting to the EU demands with a half-made EU policy transfer. It has been accompanied (2) by the close "fusion" and missing "separation" of politics and administration, i.e. by the over-politicization of core executives and the entire public service with the high volatility of the career prospects for the

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top civil servants. As to the institutional support, (3) no proper system of policy institutes has been developed for the strategy planning and policy evaluation in ECE, and although some efforts have been made, also the education-training systems are still relatively weak. Finally, (4) the academic debate has not been centred upon the social status and professionalization of the administrative elite but much more on their perverse and paranoid over-politicization. Altogether, the transition from "government" to "governance" has been just half-made in ECE from both the politicization (democratization with participatory partnership structures and MLG) and professionalization (expert training and involvement) sides.

The post-accession crisis, deepened by the global crisis, has also had a special feature. In the Europeanization process the EU has made a special effort to influence administrative practices through the top civil servants. Hence, this situation can be described as the "centrality of the role of core executive" in the Europeanization process. There has been an important distinction between the inner and outer core ministries. The inner core ministries are those whose policy area is heavily intertwined with EU competence and therefore they focus on the effective transposition of EU legislation (Ladrech, 2010: 58,68,70). Obviously, the core executives from the inner core ministries have been much more concerned with the EU style of public administration, and they are more influential within the administrative elite, than those working in the outer core ministries. In the Europeanization process the top civil servants in the inner core ministries have been mostly Europeanized but they have been unable to influence the political elites of their countries concerned to elaborate the proper EU strategy. Therefore, the ECE countries have underperformed in the EU and they have had a declining competitiveness both in the EU and in the global arena. The ECE public administrations have been riding on a "roller-coaster" with ups and downs in both professionalization and politicization, and their main tendency has been the increasing political patronage, the perverse politicization (see Kopecky et al, 2012).²⁷

The final conclusion is that the global crisis has broken the catching up process in ECE within the general frame of the increasing Core-Periphery Divide in the EU. As the international press has recently reported, the ECE story has

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become the "Europe's forgotten crisis" (Handelsblatt, 2013), since so many other crises are more important now, and the revival of the ECE Europeanization and Democratization may only follow the overcoming of the EU general crisis in the mid-2010s.²⁸

Annex:

List of the relevant public administration legislation in Hungary:

(1992) Act on the legal status of civil servants (Act XXIII of 1992, 2 May 1992). This Act has been accompanied by the Labour Code (Act XXII of 1992, 30 March 1992) and by the Act on the legal status of public employees (Act XXXIII of 1992, 5 May 1992). Both Acts have been amended several times between 1992 and 2012.

(1997) Act on the legal status of the members of Government and state secretaries (Act LXXXIX of 1997, 1 July 1997).

(2010) Act on the ministries of the Republic of Hungary (Act XLII of 2010, 20 May 2010).

(2010) Act on the organs of state administration and on the legal status of the members of Government and state secretaries (Act XLIII of 2010, 20 May 2010).

(2010) Act on the legal status of the Central Government Officials (Act LVIII of 2010, 21 June 2010).

(2010) Act on the amendment of the Act LVIII of 2010 on the legal status of the Central Government Officials (Act CXXVI of 2010, 16 November 2010).

(2010) Act on the amendment of the Act LVIII of 2010 on the legal status of the Central Government Officials (Act CXXXVIII of 2010, 29 November 2010, "Lex Szapáry").

(2010) Act on the amendment of the Act XXIII of 1992 on the legal status of civil servants (Act CLXXIV of 2010, 23 December 2010).

(2011) Act on civil servants in public service (Act CXCIX of 2011, 19 December 2011). This Act has been accompanied by the Act on the establishment of the National University for Public Service (Act XXXVI of 2011, 16 March 2011) and by the Act on the National Economic and Social Council (Act XCIII of 2011, 4 July 2011).

(2011) Act on the Local Governments in Hungary (Act CLXXXIX of 2011, 19 December 2011)

(2012) Act on the amendments of the former Acts on civil servants in public service (Act V of 2012, 20 February 2012).

(2012) Act on the amendments of the former Acts on civil servants in public service (Act V of 2012, 20 February 2012).

(2012) Act on the establishment of the administrative districts (Act of XCIII of 2012, 25 June 2012)

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Notes:

¹ The ECE countries are Poland, Czech Republic, Slovakia, Hungary, Croatia and Slovenia, in addition to ECE, the Baltic States, Bulgaria and Romania are new member states (NMS). This paper deals with the ECE states, with some regards to all NMS and the Balkan states as well, but it does not deal with the special national developments of the ECE countries, since it relies on the NISPACEE research that has covered all of them with their idiosyncrasies. I have written a Progress Report on NMS with a large database (Ágh, 2013a), hence I use this database in this paper. In the second part of this paper Hungary as the worst case scenario will be analyzed.

² There has been a large literature on the public administration in ECE, and this paper relies on these former analyses, for instance see Goetz, 2001, Goetz and Wollman, 2001, Meyer-Sahling, 2001, 2004, 2009, Zubek and Goetz, 2010,

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Zubek, 2011. See also Ágh, 2003, Ágh, 2009, 2010a,b, 2011a,b, Ágh and Kádár, 2005. On the widening meaning of governance, see recently Tollefson et al, (2012) summarizing the result of the Symposium. On party patronage in public administrations in the EU – including the ECE states – see Kopecky et al, 2012.

³ Bertelsmann Transformation Index (BTI, 2012a,b) has presented a conceptual innovation by separating these status-indices (SI) from management indices (MI) how the given country is able to perform. This system has been even more sophisticated in the Sustainable Governance Index (SGI) for OECD (ECE inside, the Balkans still outside). The indicators have become more and more complex and composite, embracing all social sciences, yet "Political science has probably the longest relationship with public administration, given the importance of the bureaucracy for governing" (Peters and Pierre, 2003: 7).

⁴ Actually, there is no space here to completely describe this model that can also be presented e.g. in the case of the three levels of citizenship (legal, political and social, see T. H. Marshall). I have developed this conceptual framework in my Progress Report (Ágh, 2013a), but I have tried in this paper further develop and systematize it. For instance the good governance pyramid in its simplest way can be described at the three levels as (1) the stateness, rule of law and basic human rights, the stability of its basic political institutions and no political violence within the country; (2) the political participation, the fight against the corruption, political and social integration, and the clear separation of state administration and local-territorial self-governance; and (3) openness (open access to state administration) with transparency, accountability (responsible democracy), and large social capacity in close cooperation with the state capacity.

⁵ There is also a large literature on the Balkan administration reforms, it is enough here to mention Juncos, 2012, Kopecky et al, 2012, Kopric, Kovac and Musa, 2013, Nakrosis and Gudzinkas, 2013, Thiel et al, 2013, Tollefson et al, 2013 and Whitford and Lee, 2012.

⁶ The *Handbook of Public Administration* provides a precise overview of the transition from the first to the second stage and makes indications to that from the second to the third stage. Thus, "The growing interest in governance during the 1990s highlighted these forms of cooperation between the state and civil society. The governance perspective draws on broad strategies of interest mobilization across the public-private border. This is a pattern which has for long been established in the 'corporatist' democracies in Western Europe." (Peters and Pierre, 2003: 3). Afterwards, the dominating trend is in managing the public sector "to reduce the distance (both physical and intellectual) between the bureaucracy and the individual citizen" or "the comprehensive strategy of bridging the distance between citizens and the public service" (Peters and Pierre, 2003: 3) in the top stage.

⁷ The main criteria of public policy – effectiveness, efficiency and efficacy – have changed their importance from stage to stage, and efficacy as the social satisfaction of those concerned has become the highest value in the top, "policy" stage in the North, or in the Scandinavian countries: "Lessons of effectiveness are also important as governments are increasingly being judged by their capacity to deliver, and the contemporary emphasis on performance management provides quantitative indications how well governments are doing

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their jobs". Yet, "efficiency may be the least important value for the public sector, especially in the eyes of the public. They may mind much more that services are delivered, and that they are delivered in an accountable and human manner" (Peters and Pierre, 2003: 8).

⁸ For the larger theoretical background see Bale, 2013, Best et al, 2012, Bevir, 2011, Brincker et al, 2011, Coombes, 2001, Crouch, 2004, Hesse and Peters, 2003, Kelemen, 2011, Ladrech, 2010, Levi-Faur, 2012, Nemec and Peters, 2010, Pal, 2010, Peters and Pierre, 2003, Peters et al, 2005, Rabrenovic, 2001, Roberts, 2009, Trondal et al, 2011 and Verheijen, 2001.

⁹ The book *The Future of Representative Democracy* (2011) by Sonia Alonso, John Keane and Wolfgang Merkel has described that the key pillars of the representative democracy are facing a crisis of confidence everywhere in Europe. But this crisis is much deeper in ECE in its current "transition backlash" (Neil Buckley "Transition backlash in eastern Europe" in *Financial Times*, on 13 March 2013, p. 2). See The NISPAcee Journal 2012-2013 the Special Issue on The Politics of Agency Governance (and also Batory, 2012) presenting Agency Governance in CEE as supposedly independent professional organizations operating in fact "at arms' length of government".

¹⁰ According to the World Economic Forum Annual Reports – see my Progress Report – the ECE countries are among the worst as far as the trust in the political institutions is concerned.

¹¹ The OECD (2011a: 102) has offered the following definitions: "The general government sector comprises all levels of government (e.g. central, state, regional and local) and includes core Ministries, agencies, departments and non-profit institutions that are controlled and mainly financed by public authorities. Public corporations are legal units mainly owned or controlled by the government which produce goods and services for sale in the market."

¹² It has to be emphasized that although the NISPAcee deals with a large group of Central and East European (CEE) countries – even with the countries of Central Asia –, the differences between the Central European, East European and the Balkan regions are rather big, and I deal in this paper only with the ECE countries in general and in second part with Hungary in particular.

¹³ In the Progress Report I have given a large overview of the democratization literature in ECE. As regards administrative reforms, for instance, Andrew Roberts (2009) gives an analysis of the quality of democracy in ECE, but he reduces this concept to the responsiveness of political elites to the preferences of the electorate, which is an important, but just one aspect. He analyses five factors for evaluating democratic quality: authoritarian legacies, constraints of transition, socio-economic modernization, civil society traditions and political institutions as common features in ECE. On the political and administrative elite see also Real-Dato et al, 2012.

¹⁴ Meyer-Sahling (2009: 512) points out the "limited effect of communist traditions" and argues that "the administrative history of East Central Europe cannot be reduced to some ideal-type communist administration that has generally inhibited post-communist administrative reforms", since there are "many different legacies of the past".

¹⁵ Therefore the OECD Report has characterized Hungary in the following way: "In the Czech Republic, Hungary and Turkey all positions change

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systematically in the two top echelons after the election of a new government." Indeed, the Table 18.1 indicates that in Hungary in five categories out of six in senior staffing there was a turn-over of civil servants with a change in government (OECD, 2011a: 94,95).

¹⁶ Each group of "state leaders", the "public agency leaders" and "public corporation leaders" numbered about 60-80 people, the three groups as the core executive together around 200-250 people. The senior civil servants as the chief executives were around 400-500 people, actually at the end of the Bajnai government, when the second Orbán government entered, they numbered 479 persons.

¹⁷ The Gyurcsány government had a failed effort to introduce the "light" version of NPM. Gábor Szetey, who had an international career in the multinational firms, was state secretary for administrative affairs between 1 July 2006 and 31 January 2008, but he had to give up, since the NPM approach was alien to the Hungarian public administration.

¹⁸ The EU jobs are very attractive for Hungarians and they are well represented in the EU institutions, altogether 711, 71 and 166 Hungarians work at the different levels of the European Commission, the Council and the European Parliament respectively, altogether 2.16 per cent of all staff (see Gyévai, 2012). As to the national elites' preferences on the Europeanization of policy making, their preferences were close to the EU average in selecting the proportion of policy areas between the EU and national governance. The leading policy areas to be Europeanized according to the Hungarian elite are environment, immigration and fighting crime (Real-Dato et al., 2012: 72). On the Europeaness of the Hungarian elites and their policy preferences see Ágh, 2011a at length.

¹⁹ There has been very hectic and low quality legislation in this legislative-governmental term since May 2010. In 2010 (after 20 May) 143, in 2011 215 and in 2012 213 new acts and amendments were passed, twice as usual in the former legislative terms. For instance, in 2011 the Act on Civil Service was amended dozen times. These weakly and hastily prepared draft bills have demonstrated the low efficiency and created legal uncertainty for both the country as a whole and especially for the civil service.

²⁰ This has also been underlined by the Bertelsmann Country Report: "The Act on the Legal Status of (Central) Government Officials on 21 June 2010 (Act LVIII of 2010) introduced the rule that civil servants can be dismissed without any explanation. As a result, hundreds of government officials were fired and replaced by inexperienced, politically appointed newcomers. (...) The most damaging case was the dismissal of the leading officials preparing the Hungarian EU presidency, a few months before the presidency commenced." (Bertelsmann, BTI 2012: 21). Ronald Dworkin has expressed his worries about the decline of the Hungarian democracy in a Budapest lecture (Dworkin, 2011,2013).

²¹ The Act XXXVI of 2012 has introduced the separation of MPs and other positions of core executives (except at government level), since the number of MPs will be reduced from 386 to 199 in the next legislative cycle.

²² These Acts (Act CXCIX of 2011 and Act V of 2012) are very long (261§ and 62 §) and contain very detailed regulations. In the same spirit, the Act XXXVI of 2011 has established the National University for Civil Service unifying the education of the civil servants, army officers and police officers. The academic

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support has been laid in the National Institute of Public Administration (www.nki.gov.hu) with a Public Administration Academy.

²³ It may be indicative of all changes in the incumbent government the nepotism has appeared even at the highest administrative level, since nowadays it has been more and more frequent that close relatives of the Fidesz leaders have received posts as top executives. For instance, the wife of a high Fidesz leader has been appointed to be the almighty head of the National Judicial Office.

²⁴ Discussing government effectiveness, Whitford and Lee (2012) have confirmed by analyzing cross-national evidence that the decline of democratic character produces also decline in the effectiveness that can be well illustrated with the incumbent Hungarian government, but the other ECE governments have also worked at a low performance.

²⁵ In a long paper Nicolaidis and Kleinfeld has called for a strategy, "for a radical overhaul of the manner in which both the EU and aspiring member states define and implement what the Copenhagen criteria refer to as the 'Rule of Law' in pursuit of the elusive goal of sustainability" (2012: 6). There have been many papers indicating that the decline of democracy in ECE and/in NMS has necessitated to redefine the Copenhagen criteria as a message of the West Balkan states. The "transition backlash" syndrome has also indicated in the Financial Times – and elsewhere in the international press – that with the present situation of the Hungarian democracy Hungary could not become an EU member state.

²⁶ Ladrech (2010: 195) refers to my distinction between anticipative and adaptive Europeanization. It would be indeed interesting to analyze the anticipative Europeanization before the membership through the Sigma and Puma programs with their continuing effects (e.g. centre of government, COG), see later. Zubek (2011) has described in great detail the Europeanization of the Hungarian, Polish and Czech core executives in both periods.

²⁷ Actually, Meyer-Sahling differentiates among the patronage systems according to their penetration levels. In Czech Republic, Hungary and Slovenia the politicization is very high at the top three levels, but at the fourth level well below it is already a grey zone less affected by the patronage, while in Poland and Slovakia even this lowest level is highly penetrated (Meyer-Sahling and Veen, 2012: 10-11). In fact, in his other paper (with Krisztina Jáger, 2012: 163-164) Meyer-Sahling is much more critical about the Hungarian situation based on the latest information.

²⁸ See Lucas, 2013 on East-West Divide and the Eurobarometer, 2013 on the recent EU identity. But see first of all the demand for the "rethinking" of the ECE situation in Nicolaidis and Kleinfeld, 2012. On the European perspectives to overcome the global crisis I have developed my ideas in Ágh, 2013a,b.