

Understanding the Meaning of Politicisation of the Employment Relationship through Historical Analysis

Keri Spooner
University of Technology Sydney

Ali Haidar
Monash University

Abstract

For more than one hundred years, Australian governments have supported the principle that the employment relationship of public servants should be independent of direct control by politicians. In recent decades, concern has been expressed that the independence of public servants has been undermined and that they have become politicised. Scholarly examination of the issue has been somewhat limited by the absence of a clear definition of what is meant by *politicisation*, with the term being associated both with the exercise of control over the human resource management (HRM) elements of the relationship as well as the tasks performed by public servants. The purpose of this paper is to establish a valid definition of *politicisation* through historical analysis of the patronage and the independent civil service systems of employment.

Introduction

Many scholars (Campbell and Halligan 1992; Hawkes 1999; Keating 2002; Podger 2007; Shergold 2007; Wilenski 1986), as well as numerous journals and other general commentators have discussed the issue of public service *politicisation*. However, *politicisation* in the context of the civil/public service tends to have a variety of meanings and there is a tendency to regard all political activities of public servants as part of a *politicisation* process (Curnow 1989; Haidar and Pullin 2004; Mulgan 1998; Parker 1989a; Weller 1989). The viewing of *politicisation* in terms of the actions of public servants is problematic and has confused scholarly debate. Public servants have been regarded as *politicised* because they themselves are politically aligned or their actions are seen to be political. Public servants can be no more immune from 'being political' than any other person who holds views and votes. Similarly, public servants in implementing the policies of a government must also be seen to inevitably act politically. Parker (1989b) concluded that *politicisation* remains a very imprecise term and this lack of precision has confused the debate regarding *politicisation* of the public service.

The purpose of this paper is to establish a definition of *politicisation* which has a validity based upon historical analysis and a meaning derived through the defining of its extreme opposite, the *independent*. In Section 1 of this paper, the key distinguishing characteristics of the *politicised* employment relationship are derived through an analysis of the traditional patronage system. In Section II, the key distinguishing characteristics of the *independent* employment relationship are derived through an analysis of the independent civil system established to replace the patronage model system.

The Employment Relationship under the Patronage System

From the literature, it can be seen that patronage has a very long history in Britain and that, together with other British colonies, Australia inherited much of its language, laws, institutional arrangements and cultural aspects from England, including its system of political patronage (Spry 2000; 5-8). It is also apparent from the literature, that the development of the independent civil service model in Britain and in Australia was in direct response to the perceived evil effects of political patronage (Bourne 1986; Hanham 1960b; McMartin 1959; Spry 2000). However, the Australian system of government is not a duplicate of its colonists' and therefore the nature of patronage power of the employment relationship of administrators in Australia as well as in England must be examined in order to identify the distinguishing features of the *politicised* type.

It is apparent from the literature that important insights to the nature of political patronage power of the employment relationship of administrators can be gleaned through an examination of the experiences of the United States of America (USA) and of special interest is Eaton's (1880) seminal study of political patronage (Rosenbloom 2008; Wheeler 1919). The USA's extreme experiences of a corrupt and pervasive spoils system which dominated political, economic and social life after the American civil war (Josephson 1938) assist this study by drawing attention to the heterogeneous nature of patronage and spoils systems over time and in different national contexts.

According to Bourne (1986), the earliest use of the word *patron* in English appears to have been in the special ecclesiastical sense of the holder of an advowson, with the right of presentation to a living or benefice. He maintains that all dictionaries of consequence, from Dr Johnson's of 1755 to Webster's Thesaurus of 1976, include this aspect as part of their definition of patronage as well as general definitions of patronage in the sense of 'protection', 'benefaction', 'sponsorship', 'guardianship', 'both by gods, saints and men', although Webster's dictionary of 1890 appears to be the first to include 'the right of nomination to public offices' (Bourne 1986; 4). Bourne argues that 'the essence of patronage is... inequality, reciprocity and intimacy. Patronage is a relationship between individuals of unequal status, wealth and influence...(it) involves a bargain, a mutually satisfactory exchange of services, between patron and client' (Bourne 1986; 5). In the *Encyclopedia of Public Administration and Public Policy*, Klingner (2003) provides the following definition: 'Patronage is a public personnel system characterized by maintenance of political or personal loyalty through legislative or executive approval of individual hiring decisions; spoils is the practice by which successful electoral candidates reward individuals for personal or political loyalty, and secure their continued cooperation during their term of office by awarding them public jobs. The important difference in the meanings associated with the terms *patronage* and *spoils* lies with the latter's association with a reciprocal relationship. While *patronage* is based upon loyalties and obligations derived from class and position, *spoils* at least connote a reward in return for a favour or support. Thus, *spoils* have been associated with corruption in a way that *patronage* has not.

The highly corrupt and controversial spoils system evident in North America became a major focus for political reform (Eaton 1880; Stahl 1971). In contrast, patronage in Britain was 'politically insignificant basically because British politicians had never turned it into a 'spoils system' (Richards 1963; 41). Richards (1963; 17-18), however, argues that 'Patronage is of cause, an emotive word. It is associated in the public mind with a variety of abuses, for it provides obvious opportunities for corruption, speculation, undercover influence and power seeking of various kinds. All of these are not of the essence of patronage; they are merely probable consequences unless measures are taken to avoid such evil effects.' It was the British system of *patronage* that was adopted in Australia and its definitions provide important insights to the nature of the variables defining the *politicised* type: *who* exercises power over the employment relationship is an individual possessing personal power derived through birth, wealth or political power; and *how* it is exercised is arbitrary or at the discretion of the individual with patronage power. The rationale associated with patronage, *why* it occurs, concerns a social system of reciprocal loyalties.

The system of patronage which defined the unreformed Civil Service in Great Britain and its colonies, including the Australian, was founded upon 'the theory of feudal times, that public offices are the property of the ruler' (Eaton 1880; iii). Patronage in feudal times meant that the monarch could and did bestow public office as he saw fit and for his own benefit, without regard to the capacity of the person to perform his duties or the best interests of the society. Until the nineteenth century, challenges to patronage were mainly directed not at ending the system but rather at shifting the power to dispense it. Attempts by the barons from the thirteenth century onwards to limit the power of the king 'all relied on replacing royal power with power by a group of barons' (Drew 2004; 50). The first documented account of public opinion forcing some change in the use of patronage was early in the thirteenth century when the King was compelled to choose his subordinate ministers with some reference to their capacity for business (Eaton 1880; 14; Stubbs 1967; 355). The Magna Carta of 1215, signed by King John of England under pressure from the barons and other notables, provided that the king was not to make any justices, constables, sheriffs, or bailiffs but of such as know the law of the realm. It was a declaration that public offices should be occupied by those who were competent and not

merely by royal patronage. This Forty-fifth Article of the Magna Carta has been regarded as the first Civil Service Rule (Eaton 1880; iv). Hence, in terms of how appointments were made, the *politicised* type features patronage relationships, whereas the *independent* type demonstrates needed competencies.

Finer (1937; 31) argues that there have been two main periods of occupation with reform in the Civil Service in Great Britain and that the first covers the years 1689-1855 (Finer 1937; 31). The overthrow of King James II of England in the Revolution of 1689 marked the beginning of modern English parliamentary democracy and the end of the monarch's absolute power. The Crown was removed of its power of patronage over public offices but attention was not directed towards improving the quality of the officials but rather 'the political purity of the House of Commons and the electors' (Finer 1937; 31). 'Civil offices were thus a pawn in the struggle between Parliament and the King' (Finer 1937; 31). Although the power of patronage over public offices passed from the monarch to parliament, the earliest holders of such offices comprised merely the 'ministers, personal secretaries and household servants of the King, and the tradition of personal relationship to the sovereign persisted until well into the eighteenth century, when tenures under the Crown had grown to include a mass of customs, excise and postal offices. These were sufficient in number to provide a rich field for patronage. But the corruption which followed and the incompetence of a Civil Service recruited solely by reference to family or political influence, only remained tolerable while the functions of government were comparatively simple and limited' (Parker 1942; 17). Hence, as patronage power shifted from the monarch to politicians, appointments continued to be based upon a system of personal relationships rather than the competencies of those appointed.

Patronage in eighteenth century England was 'a fact of life, as unremarkable as it was obvious' and involved, to varying degrees, the whole of English society (Bourne 1986; 3 and 15). In Weber's (1968) terms it was based upon *traditional* rather than *rational-legal* powers. Although the relationship is one of unequals, the types of patronage available in nineteenth-century England were numerous and the level of inequality varied. The extent of reciprocity also varied and that the 'possession of patronage could be a curse as well as a blessing, leaving the patron victim to greed and ambition and corrosive flattery distilled from the insistent responsibilities of family, the embarrassing expectations of neighbours and friends and the intrigues of women, as well as exposing him to the ingratitude and contempt of the satisfied and the calumnies and malice of the disappointed' (Bourne 1986; 6-7). The forms of patronage in nineteenth-century England were complex and unsystematic, with the patron and client sometimes unknown to one another, the relationship having been brokered by a middleman (Bourne 1986; 7 and 13). Under the patronage system, power over the employment relationship of public service was exercised by the patron, often a politician, according to undisclosed, personal and sometimes whimsical standards. The exercise of power featured concealment from public scrutiny.

In the absence of party discipline, patronage was central to the working of the constitution, the smooth running of parliament and the general political stability of the country, as it helped to ensure an administration which was acceptable to the Crown and to the House of Commons (Hanham 1960a; 16-17). Similar arguments in support of patronage are evident in more recent times. Richards (1963;17) makes the point that a 'sharp distinction between appointments made for the good of a service and those made for political reasons is clear in theory but can be obscure in practice'. Regardless of the associated stated rationale, appointments and promotions by individuals exercising their personal discretion rather than in accordance with formally established guidelines is a feature of the *politicised* type.

The patronage system features the exercise of power over the employment relationship of administrators by individuals possessing patronage power derived from their family, wealth or political influence. This power is exercised in accordance with their own personal discretion. Appointments are made to offices according to notions of *merit* defined by the patron rather than a formal test or other criteria subject to external scrutiny. Under the politicised archetype, the power of politicians is not formally derived from their family, wealth or political influence but rather from the law which grants them certain powers as elected members of representative government but their power is exercised in accordance with their own personal discretion rather than formal, legally based standards. Within the politicised archetype, it is therefore unknown as to the influence of their family, wealth or political influence upon the exercise of their power.

In 1780, Burke led the attack on political patronage and Finer (1937;32) argues that Burke 'was perhaps the first statesman to see the problem of the Civil Service as one of the efficiency of the administrative branch of government, although McMartin (1959) asserts that his motives were political and constitutional rather than administrative. Sinecures were virtually abolished and the remaining patronage was limited, restrained and increasingly regulated in the interests of efficiency (Bourne 1986; 23). Although public offices could still be filled by personal nomination, appointment was subject to a rudimentary test which could only be given to men whose merit and qualifications had been subject to some rudimentary test. These examinations were not competitive, but they tried to ensure that those who were nominated possessed a basic competence, which served in turn to justify the method of appointment. This marked the beginning of a movement away from the *politicised* civil service to the *independent* type which was developed over the ensuing century or more and encapsulated in the seminal work of Northcote-Trevelyan (1854).

The detail of how patronage was exercised during its peak in the eighteenth and early nineteenth centuries is not well documented and there has been comparatively little historical work focusing on the subject of patronage because documentary records of patronage were prone to disposal (Bourne 1986; 9-10, Hamilton 2000; 51,55, Richards 1963; 7). The Treasury was the main British department of state concerned with appointments and it traditionally destroyed its records. 'Perhaps not surprisingly, few wished to keep the mass of letters praying for government appointment that were received by any man in high public office before the introduction of competitive entry examinations. As soon as new posts were mooted, or the rumours spread that one man had resigned, or another had died in office, or even was close to death and his salary might be claimed by someone whose letter of appeal was the first to reach a man of influence, then innumerable letters were posted reciting past services and connections, often heavily salted with harrowing tales of privation, and the continuing burden of aged relatives, sorrowing wives, and numerous children' (Hamilton 2000; 50). This lack of transparency regarding *how* appointments, promotions and rewards are determined is a distinguishing feature of the *politicised* type.

The distinguishing features of the patronage system evident in Britain were also present in the Australian colonies. When first founded as a Crown Colony, NSW was administered under martial law by the governor and his officers (Parker 1942; 9). During the first fifty years after settlement, the lands of Australia were administered by officials appointed from England, paid from England, and considered part of the military. Indeed, their liability was to military rather than civil law (Kendall 1997; 230, McMartin 1959; 326). Each colony had its affairs, except where these were of a naval or military nature, administered by officials known as the civil establishment (McMartin 1959; 326). Appointments to public office, in Australia as in the English civil service, were made under a system of patronage. Laidlaw (2005;102) describes those who sought and obtained colonial office as sharing some 'common characteristics in social background'; they were mostly 'pseudo-gentry', finally insecure but aspiring to the gentry. All above the rank of superintendent held their position by virtue of a commission granted in England or were appointed by the governor, subject to ratification by the British Colonial Office (McMartin 1959; 326, Parker 1942; 19).

Parker (1942) asserts that Governor Macquarie 'paid some regard to capacity and integrity' but his 'efforts could not overcome the tradition of appointments by patronage'. Finer (1937;33) has argued that India and the American colonies were the greatest sufferers from these 'place-men', officials appointed through political patronage and that 'owing to them the Colonies were lost'. The British, wounded by the American revolution, were intent upon ensuring a strong and competent executive in the colonial governments and in 1812 the first Colonial Office was established, regarded as essential if the British Empire was to survive (Halevy 1949; 98; McMartin 1959; 329). McMartin (1959, 1983) in his study of patronage in Australia from 1786 to 1836, found that the quality of senior officials was generally high, although there were examples of laxity and more serious offences. '[T]he exercise of patronage was, in a surprising number of instances, governed by considerations of administrative efficiency rather than of political advantage' (McMartin 1983; 11). Certainly there were problems concerning the appropriateness of some public service appointees as noted by Curnow and Page (1989;57) who note that 'reference was made in the House of the number of 'gentlemen' who had been 'found guilty of

defalcation in the Public Service” and the ‘seven or eight officers charges with defrauding the revenue of large sums of money’.

It is important to recognise that under the patronage system attention was at least sometimes paid to the capacity and competency of appointees. Such concerns did not change the fundamental nature of the patronage system: power over the employment relationship was exercised directly by patrons or politicians according to their own personal standards which may or may not have included the competency of appointees. Thus the rationale or purpose of particular decisions did not cause the patronage system to be other than what it was. A concern with the competency of appointees did not change its fundamental nature although it may have influenced some aspects of its consequences. The patronage system varied in the corruption and incompetency it exhibited. Similarly, the *politicised* archetype may include the exercise of power by politicians for purposes associated with the capacity and competence of appointees. The rationale associated with politicians’ personal HRM decisions, the personal standards which they apply, does not alter the fundamental nature of the *politicised* archetype. As discussed in Chapter 1, decisions explained in terms of *personalisation* (Weller 2001) or *responsiveness* (Keating 1999) provide no more evidence of an absence of *politicisation* than of patronage. It is the exercise of direct control by politicians over the employment relationship and the exercise of such power according to personal rather than *rational* or formal and impersonal standards which distinguished the patronage system and which are characteristic of the *politicised* archetype.

Personal relationships often underpinned the patronage relationship and provided the basis for personal communications between colonial officials and the Colonial Office in Britain was an important source of information (Laidlaw 2005; 201). Senior colonist officials were rarely appointed directly from London, but would rather be more likely to first spend some time in a more subordinate role before seeking promotion (Laidlaw 2005; 106). As officials rose in the colonial hierarchy, their role in the chain of patronage also altered and they would often become patrons themselves or brokers (Laidlaw 2005; 106-7). Parker (1942; 19) argues that the tradition of patronage was so strong in the Australian colonies that when the colonists objected, they were not concerned with ‘its manifest ill-effects on efficiency, but to the fact that the final distribution of patronage, still lay with the British Colonial Secretary’. In 1850, the NSW Legislative Council passed a resolution that the ‘advanced state of Society in the Colony’ warranted that patronage for the appointment to public offices in NSW should be ‘absolutely vested in the local Executive’ (Parker 1942:20). By the early 1880s, patronage by the British Colonial Secretary in regard to Australia was limited, except for Western Australia which was still a Crown Colony, to the appointment of governors (Powell 2005).

In summary, the exercise of direct control over the employment relationship of civil service administrators according to personal and formally undisclosed standards was the dominant characteristic of the patronage system. Control was exercised through recruitment, promotion and remuneration decisions by individuals exercising their power according to personal and undisclosed standards which were not subject to review and were lacking in transparency. The rationale associated with such decisions, whilst based upon personal values and objectives may have included concerns with efficiency, feeling comfortable with appointees and certainly with a desire to ensure that appointees were responsive to their needs. These characteristics of the patronage system provide the distinguishing characteristics of the *politicised* employment relationship.

The Employment Relationship under the Independent Civil Service Model

The distinguishing features of the *independent* civil service emerged incrementally and sporadically over a great many years and frequently movements towards the establishment of its defining features were subsequently reversed, only to be modified and latter advanced. Although the Forty-fifth Article of the Magna Carta 1215 required a consideration of appointees’ capacity, more than six hundred years passed before the establishment of a *rational-legal* requirement that appointees would be assessed as to their capacity through a formal and transparent process independent of the will of politicians and other rulers. There is certainly evidence that concerns regarding the competency of appointees were common throughout the

history of patronage, but the greatest efforts for change were focussed upon gaining power of patronage rather than upon challenging the system itself. It was not until the 1880s in Britain that control of the employment relationship of civil servants moved from Weber's (1968) *traditional* to *rational-legal* forms of domination, as the distinguishing exclusive dimensions of the *independent ideal type* began to be subject to legislation.

The exhaustive features of the *independent* type were established incrementally during the nineteenth and twentieth centuries and were never promulgated as a comprehensive creed. This has no doubt contributed to the conceptual difficulties associated with conducting empirical research concerning whether particular public sector employment relationships conform to the principles of an independent civil service model or are politicised as demonstrated in the patronage system. Such research requires the development of a solid conceptual framework and that proposed for this study requires the identification of the exclusive and exhaustive features of the *independent* archetype which will be deduced from those of the system established to eradicate patronage.

The Northcote-Trevelyan (1854) *Report on the Organisation of the Permanent Civil Service* has been widely recognised as marking, at least symbolically, the establishment of the modern civil service in Britain, as it encapsulated and articulated the principles emerging and gradually being established to move the employment relationship of civil servants from patronage to *rational-legal* power (Butler 1993; Eaton 1880; Finer 1937; Fry 1979; Greenaway 2004; Hennessy 1989; Hoogenboom 1961; Hughes 1954; Parker 1942; Richards 1963; Spann 1973; Vandenabeele and Horton 2005). 'Ideas from Northcote Trevelyan were freely available to colonial institution builders' and the evolution of the Australian public service 'ran parallel in time with the refashioning of the UK civil service' (Smith and Corbett 1999; 31). The Northcote-Trevelyan Report (1854) was not an isolated reform but rather historically and ideologically situated within a wave of evangelical reforms which included the British abolition of slavery (Hochschild 2005). Reform of government gained popular support in the 1700s, the century of Enlightenment, amid 'the rising tide of Puritanism' (Richards 1963; 35). As the power of the King declined and that of his Ministers grew, the spread of democratic ideas slowly increased (Richards 1963).

Although a great deal of attention was focused on the difficulties caused by patronage, the root cause of the problem facing the civil service after responsible government was the lack of strong central power of administration (Curnow and Page 1989; 59). An Act of 1810 in England 'established a general and comprehensive superannuation scheme for all public officers well before the establishment of any unified regulations for salaries of public officers' (Fry 1979; 94). Whilst comprehensive superannuation might support the principles of the *independent* type, their provision does not represent an exclusive feature, as those appointed under a system of patronage, the *politicised* type, might also enjoy superannuation. Jeremy Bentham, writing between 1810-1830, proposed a general basis for the reform of patronage including a code of official appointment, including oral exams for civil servants which has been acknowledged as pioneering work toward the establishment of a civil service independent of patronage power (Bentham and Schofield 1993; Finer 1937; Rosen and Burns 1983). John Stewart Mill (1993; 209), whose writings on *Utilitarianism and Considerations on Representative Government* were first published in 1861, asserted that the machinery of government 'is good, when the proper tests are prescribed for the qualifications of officers, the proper rules for their promotion...' Finer (1937;34) argues that the substantial reforms of the 1800s to the British civil service were the result of 'the growing pressure of State activity, and the mental stimulus of the Utilitarian philosophy'.

Reform of the English Administration in India preceded and greatly influenced that which followed in Britain itself. A special school, Haileybury, had been established in 1813 for training those nominated to be Indian Civil Servants and entrants were required to undergo a difficult examination, but patronage continued to play a major role in both entry to the school and appointments (Finer 1937). An English Act of 1833 prescribed that four candidates were to be nominated for each vacancy and the nominees were then to compete in 'an examination in such branches of knowledge and by such examiners as the Board (of Power) of the Company shall direct' (S. 105) (Finer 1937; 38). In 1853, the Charter of the East India Company came before Parliament for revision and Macauley secured the complete abolition of patronage and the acceptance of the principle of open competition of all comers (Finer 1937; 39). Open

competition was thus established as the first distinguishing and exclusive feature of the *independent* archetype and was implemented first in India.

Meanwhile, 'an extensive and careful inquiry' into the state of the establishment of the Treasury and various Departments was established by a Treasury minute of November 1848 (Finer 1937; 40-41). Its primary purpose was to secure a greater degree of efficiency among the 'body of permanent officials' (Fry 1969; 34). At the request of Gladstone, the inquiry was directed and in large part written by Sir Charles Trevelyan, the highest ranking official at the Treasury, who was later joined by Sir Stafford Northcote, an aspiring politician (Bulmer-Thomas 1965; Fry 1969). The linkages between the reform of the Indian and that of the British civil services are strong. Trevelyan, brother-in-law of Macaulay, spent time at Haileybury before joining the staff of the East India Company for fourteen years in India (Richards 1963; 42). Trevelyan also clearly played a role in the establishment of the Inquiry which he subsequently conducted. In 1848 he made a number of recommendations before a government Committee for reorganisation of the Treasury administration and these would later be included in his and Northcote's Reports. The recommendations were the 'culmination of many years of thought and work, mainly on the part of Trevelyan' (Hart 1960; 106). The reports cover about 450 pages, including the General Report by Northcote-Trevelyan (1854), *The Report on the Organisation of the Permanent Civil Service*. This was the first time that the term 'Civil Service' was used in reference to Home Establishments (Finer 1937; 40). The report was issued in November 1853, together with an educational opinion upon it by Benjamin Jowett, who collaborated with Macaulay in developing the reform proposals for the Indian civil service. It was published in 1854 and was reprinted in the *Public Administration* journal (1954).

The report found that the Civil Service was overstaffed and filled with individuals incapable of performing their duties and that those who sought to enter the Service were not the able and ambitious but 'those whom indolence of temperament or physical infirmities unfit for active positions.' There was no advancement by merit, but by seniority, and entrants were for years, perhaps forever, doomed to the drudgery of mechanical copying. Their incompetence... necessitated appointments from outside to the higher posts... civil servants were habitually superseded because they were incompetent and incompetent because they were superseded... Examinations were held in some Departments... but the system was dominated by incompetence and corruption... The Departments were their own appointment authorities' (Finer 1937; 41, Northcote-Trevelyan Report 1854; 5-6).

The proposals contained in the Northcote-Trevelyan (1854) Report consisted of those which Macaulay's Committee on the Selection and Training of Candidates for the Indian Civil Service was at about the same time recommending for India (Finer 1937). They concerned the abolition of patronage, the admission of young people into the Service at prescribed ages by means of open competitive examination, the appointment of a central board 'composed of men holding an independent position' (Northcote-Trevelyan Report 1854;11) for the purpose of conducting these examinations, a short period of probation, promotion of officers on the basis of merit rather than seniority, the treatment of the Civil Service as a unified whole rather than as separate department units and the establishment of a classification system which distinguished between the intellectual and routine work of the Service (Bulmer-Thomas 1965; Finer 1937; Northcote-Trevelyan Report 1854; Richards 1963). 'The general principle, then, which we advocate is, that the public service should be carried on by the admission into its lower ranks of a carefully selected body of young men... That with average abilities and reasonable application they may look forward confidently to a certain provision for their lives, that with superior powers that may rationally hope to attain to the highest prizes in the service...' (Northcote-Trevelyan Report 1854;9)

It proposed that a unified examination system be established to test the suitability of candidates for Civil Service positions and that the right of competing should be open to all persons 'of a given age' subject only to their providing satisfactory references regarding their 'moral conduct and character' and medical certificates to verify that they have 'no bodily infirmity likely to incapacitate them for the public service' (Northcote-Trevelyan Report 1854; 13). It was envisaged that in virtually all cases, appointment should be subject to a competitive examination which could test the 'intelligence as well as the mere attainments of the candidates' and that in the case of 'the superior situations(,) endeavours should be made to secure the services of the

most promising young men of the day, by a competing examination on a level with the highest description of education in this country' (Northcote-Trevelyan Report 1854; 11). The exclusive features of the *independent* type were thus emerging.

There was a great deal of opposition in Government to the recommendations of the Northcote-Trevelyan (1854) Report and no action was immediately taken but the public criticism of perceived administrative incompetence associated with the Crimea War contributed to a gradual introduction of the Report's recommendations (Richards 1963). Even Trevelyan's own practice of pressing the claims of relations for civil service positions and his approval of 'the practice of appointing official's sons' was inconsistent with his stated views (Hart 1960; 98). In the aftermath of Northcote-Trevelyan, the Civil Service evolved 'in a Lindblomian fashion' to gradually encompass the ideas outlined in the 1854 report (Cline 2008; 148). In 1858, legislation was passed establishing open competition for some appointments in India and the Order-in-Council of 1870 'directed that all vacancies in a list of offices be subject to open competition: the Foreign Office was excluded from the list. Thus 1870 is the watershed' (Richards 1963; 53). A Civil Service Commission was established to ensure the suitability of candidates, although appointment decisions remained with the departments.

Incrementally and sporadically the Northcote-Trevelyan (1854) recommendations were implemented and extended. The powers of the Civil Service Commission in relation to recruitment were extended during the 1870s and from 1876 its powers in relation to promotion were also established (Richards 1963; 54-5). Despite these changes, the MacDonnell Commission of 1912 identified 'remnants of patronage which it consistently condemned', identified that professional posts were still being filled by heads of departments often without public notification of vacancies and proposed 'that all professional posts should be publicly advertised, and that the preliminary selection of candidates submitted to the Minister should be made not by any individual but by a committee including a representative of the Civil Service Commission' (Richards 1963; 57). The classification structure of the career civil service was subject to significant changes between 1870 and 1949 (Fry 1969). It took more than 50 years before the recommendations of the Northcote-Trevelyan Report (1854) were implemented in full (Vandenabeele and Horton 2005) and were finally given final shape by Warren Fisher in the early 1920s (Butler 1993).

Examination of the Northcote-Trevelyan Report (1854) and of subsequent legislation provides the basis for identifying the distinguishing exclusive features of the *independent* type. Some of the features of the civil service employment relationship promulgated by Northcote-Trevelyan (1854) relate to historically bound notions of *merit* and do not pass the test of time to remain principles guiding the establishment of a *rational-legal* system of public administration. Specific references to entry at a young age, to limitations placed upon women, to the actual content and form of examinations, to infirmities and to the need to distinguish between intellectual and routine work are time relevant descriptors of *merit* which are not at the core of the principle values promulgated. The distinguishing and exclusive features of the *independent* type are the formal legal establishment of a body or organisation independent of politicians with officials appointed to discharge power over the employment relationship of civil servants in accordance with formal standards including: appointment on the basis of merit as determined by a formal and transparent process of examination to which all suitably qualified citizens are eligible to apply; a formalised career structure open to all appointees; a system of tenure supporting membership of a career service; promotions throughout the career service available to all its members through formal and transparent processes.

The application of the principles of an independent civil service 'to the Australian public services was simply a bodily transfer of some of the already well-tested English ideas' (Parker 1942; 19). In Australia, the nature of patronage changed over the years from British colonisation, through the establishment of responsible government in the colonies and up to the federation of Australia. By the 1830s, new land regulations and salary reductions meant that the new patronage offices did not carry with the benefit of financial gain associated with earlier periods (Laidlaw 2005; 108). Even after the colonies were granted constitutions and responsible government was established, no colonial government attempted to deal with the civil service by legislation until 1862 when the Victorian parliament passed an Act dealing with the subject of examinations (McMartin 1959; 326). Indeed, the movement for public sector reform in Australia

began in Victoria where in 1856, the year after the proclamation of the Colony's constitution, the Public Service was declared to be in such a state that the government appointed a royal commission to report as to the 'strength and efficiency of the several departments of the public service' (Parker 1942; 21, Spann 1973; 365-6). In 1862, the Victorian parliament passed legislation establishing a qualifying examination for appointment to the public service, but appointments remained in practice in the gift of Ministers (Parker 1942; 21).

The 1895 New South Wales (NSW) Royal Commission revolutionised the system of recruitment and power of the employment relationship and the principles adopted in the NSW Act of 1895 were incorporated in the Commonwealth Public Service Act of 1902 (Bland 1944). The 'evil effects of political patronage and official nepotism' were of considerable concern to those drafting the Australian Constitution and the rules that would govern employment in the Commonwealth public service (Spry 2000; 5-8). Benefiting by the experience of the States, the Commonwealth passed its *Public Service Act* in 1902. An independent agency exercising power over the employment relationship, appointment on merit, access to promotion and tenure subject to satisfactory performance comprise the key elements of the traditional career public service in Australia (RCAGA 1976; Spann 1973; Spooner and Haidar 2005). The 1902 Act vested power of the Service in a single Public Service Commissioner, appointed for seven years and eligible for reappointments; it also provided for up to six Public Service inspectors. The Commonwealth Service was divided into four divisions. Admission to it was to be by open competitive examination (*Public Service Act 1902* (Cth)). The Commissioner was required to make recommendations to the Government regarding management and improve methods of work, and also to report annually to Parliament on possible improvements, especially for ensuring 'efficiency and economy' (*Australian Constitution: S. 28*, Spann 1973; 370). A career service was established which protected the public service 'against appointments and promotions by political influence and the official nepotism (whilst) aiming at rationality, consistency and fairness in classification, pay and promotions. In practice it took the form of recruiting all except techniques and professional staffs directly from school; guaranteeing progression in salary to the level of a family income' (Parker 1989c; 20).

Although the APS from its origins in 1902 was governed by the principles of an independent career service, there was an on-going quest to actually achieve these standards. For the first twenty years after the establishment of the APS there was a good deal attention focused on reviewing and of changing aspects of the workings of its employment relations system. Between 1914 and 1928, there were twelve Royal Commissions or Select Committees which inquired into the management of the APS (Spann 1973; 370). The 1902 Act was replaced by the *Public Service Act 1922* (*Public Service Act 1922* (Cth)) and this survived, despite numerous modifications, until its final replacement with the *Public Service Act 1999* (*Public Service Act 1999* (Cth)). Entry to the Australian public service never was entirely restricted to young people for junior roles and as the level of education and of competencies expected of appointees rose, more graduates and older people with experiences outside the public service were appointed (Spann 1973). Despite legislative and other efforts designed to ensure promotions be made based upon considerations of ability and aptitude, the 'preservation of seniority' remained an important factor for many years (Parker 1942; 191). The structure of the independent body exercising power over the APS employment relationships was altered from consisting of a single Public Service Commissioner to the establishment of the Commonwealth Public Service Board consisting of a Chairman and two Commissioners (Spann 1973) and later to the Australian Public Service Commission. Over time, the allocation of responsibilities in employment relations matters shifted between the independent body and departmental heads. However, from its establishment in 1902 until to the period concluding this study, the legislation governing the APS continued to espouse the essential core principles of the independent civil/public service model (*Public Service Act 1999* (Cth)).

The key distinguishing characteristics of the *independent* archetype derived from the analysis above are mirrored in the literature concerning the public service employment relationship established in Australia. Many writers have identified the distinguishing characteristics of the *rational-legal* system of public service employment established in Australia and in Britain as those defining a *career service* epitomised by the following characteristics: recruitment on merit, a unified service, control of recruitment and of the conditions of employment by a body independent of politicians; and where the rights of career servants are protected by regulations

which discourage the recruitment of 'strangers' or outsiders to positions above the base grade and by legislated protection against arbitrary dismissal (Bland 1944; Colley 2002; Curnow and Page 1989; Fry 1969; O'Neill and Hughes 1998; Spann 1973; Woodard 2005).

In summary, the *independent* archetype was not so much proclaimed but established incrementally. Whilst the recommendations of the Northcote-Trevelyan (1854) Report have come to epitomise the establishment of the independent civil service, it can be seen that process toward this end began well before their seminal report and its full elaboration may never have been made, even to this day. However, its key principles were clear and the British notions of an independent civil service were essentially adopted in Australia. The principles, the exclusive features of the *independent* archetype can be clearly identified both from the prescriptions, the principles, detailed in the various relevant reports and legislation but also through the values which underpinned these. The independent civil service model was established to fight and eradicate the patronage model. Much of the motivation for this development can be best explained in terms of the *tasks domain*: the patronage system had arguably resulted in an overstaffed and inefficient civil service and it was the objective of the independent civil service model to ensure that the civil service was economic and efficient. This grew to include the notion that 'efficiency' meant that civil servants should be able to provide 'frank and fearless' advice and be able to service any government.

The promulgation of the exclusive features of the independent civil service model, the exclusive distinguishing features of the *independent* archetype, was motivated by values associated with ensuring the quality, efficiency, independence of politicians and continuity of incumbents of public sector positions through the establishment of a body, a Board or a Commission, itself independent of politicians. This body would exercise power over the employment relationship according to formalised, impersonal and stable rules to ensure that recruitment was open to all and based upon a competitive system, that promotions would be based upon the merits of the applicants, that remuneration would be reflect the work performed according to a formal scale and that employment would occur within a career service offering tenure and pensions. Thus power would be exercised by a formal legally established body rather than by politicians, according to formal rules which would be transparent and subject to appeal.

Conclusion

It is clear from an historical review of the development of the civil service in Britain and the public service in Australia, that certain principles concerning the exercise of power over the HRM domain of the employment relationship of civil/public servants were at the core of how reformers viewed the necessary steps to insure a movement away from the system of patronage. The critical factors differentiating a system of patronage, a *politicised* employment relationship, from an *independent* type, are concerned not with the *task domain* but rather with the *HRM domain*. The distinguishing characteristics of the *politicised* employment relationship, derived through analysis of the patronage system, concern the exercise of direct control by politicians over the key HRM processes of selection, promotion, remuneration and termination. The exclusive features within the HRM domain of the *independent* ideal type are: exercise of power by a body independent of politicians, recruitment and promotion through open competitive processes, employment within a career service which offers pre-determined remuneration based upon the job rather than the person, employment security and tenure. These definitions provide the basis for empirically examining the presence or absence of *politicisation*.

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