

## **Crossing the Rubicon.**

### **The Cabinetisation of the Minister's Court in Australia and Canada.**

#### **Has the Die Been Cast?**

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#### **Introduction**

The emergence of political advisers as important third actors between politics and administration is, by historical standards, a recent phenomenon in the Westminster administrative tradition. It is only since the 1980s that countries such as Australia, Canada, Ireland, New Zealand and the UK have been experiencing growing numbers of political staff along with new patterns of institutionalizing partisan involvement in governing. The same holds true for other systems too in particular in continental Europe and Scandinavia (Askim et al. 2016, Christiansen et al. 2016, Hustedt and Salomonsen 2017). This emergence of political staff at the interface between politics and administration has attracted the attention of social scientists, leading to two consecutive waves of research on the topic (James 2007; Connaughton 2010a, 2010b; 2015 Eichbaum and Shaw 2010; 2015; OECD 2011; Gains and Stocker 2011; Page 2012; Craft 2015, 2017a, forthcoming; Maley 2011, 2015, 2017, forthcoming; Shaw and Eichbaum 2015, 2016, 2017, forthcoming; Yong and Hazell 2016).

However, political advisers in ministerial cabinets provide a historical counterpoint to the Westminster tradition. In the Napoleonic administrative tradition and the European Commission there is a long tradition of engaging ministerial cabinets as institutional habitats of partisan advisers and structural interfaces between politics and administration. This tradition goes back as far back as the 1840s, when the first Belgian and French cabinets were established. The study of ministerial cabinets and their political staff has received much attention in the past and is currently witnessing

a re-emergence in the light of the two waves of primarily Westminster special adviser focused research (Suleiman 1974, Carcassonne 1986, Quermonne 1994, Schrameck 1995, Eraly 2001; Walgrave et al. 2004; Brans et al. 2006; De Visscher and Salomonsen 2012; Di Mascio and Natalini 2013, 2016; Gouglas 2015, forthcoming; Eymeri-Douzans et al. 2016; Gouglas et al. 2017; Brans et al. 2017). Important part of this renewed focus on ministerial cabinet system advisers are studies which use tools and theoretical lenses initially developed to make sense of the special adviser phenomenon in Westminster systems (Gouglas 2015; Gouglas et al. 2015, 2017; Brans et al. 2017). This has led to novel insights especially in respect to what advisers do, as agents within highly politicized advisory structures.

In the present paper we turn the literature on its head and try to enlighten the Westminster tradition drawing on the accumulated knowledge from the study of ministerial cabinet systems and the most recent knowledge on ministerial cabinet advisers. We argue that the emergence of advisers in the Westminster (and not only) tradition can be understood as part of what Gouglas, Brans and Jaspers (2015) termed a process of ‘cabinetisation’ of non-ministerial cabinet systems, which started in the 1980s and continues till today. Broadly described as the process of transformation of ministerial offices into ministerial cabinets, and promising as this may sound, the concept of cabinetisation remains theoretically undeveloped and empirically untested. There is neither refined theory to delimit the boundaries of the concept, nor empirical studies to explain why such a phenomenon may be happening or not.

In view of this, the aim of the present paper is to theoretically develop cabinetisation. We want to take a step forward and develop it from a background concept to a systematized one (Adcock and Collier 2001), which can then be used for systematic comparative research. Thus, the main question driving the present study is: what is cabinetisation? The fundamental challenge is the delimitation of the concept in order to avoid the risk of conceptual stretching. Once the scope of the concept has been settled, cabinetisation will be illustrated by using two examples of Westminster tradition systems, Australia and Canada, where the phenomenon has arguably advanced more than in others. An interesting question here is the following. Does the organisation and logic of advisory work around the minister in those countries belong to the ministerial cabinet species? Did Australia and Canada cross the Rubicon, thus passing the point of no return, or do ministerial offices in these systems can still be classified as falling within the Westminster tradition?

The paper is structured as follows. We begin with a short note on the importance of concept definitions and the difference between background and systematized concepts. Second, we develop the concept of cabinetisation. Third, we illustrate our point by using secondary data on Australia and Canada to be found in the literature. Following this, we briefly discuss potential explanations of cabinetisation. We conclude with sketching the outlines of a potential future comparative research project.

## 1. Systematized and background concepts

The analysis and precise definition of concepts is fundamental to comparative political science. As Sartori (1970, 1984, 1991) has shown, concepts that are not well defined can lead to confusion and elusive language, generating mistakes in the ladder of abstraction. The specific risks are concept misinformation, conceptual stretching and degreeism. The fundamental problem associated with these risks is that they blur the line between *genus* and *species*. If we are not able to see the difference between cats and dogs we speak of different degrees of cats-dogs (Sartori 1991).

In order to avoid this problem we need to pay attention to the two fundamental properties concepts have: intention and extension. Intention refers to the specific properties covered by a concept, while extension represents the class of entities to which the concept applies. A concept with high intention has high discriminatory power, while one with high extension can accommodate a wide range of empirical observations. Concepts with high extension are closer to what Adcock and Collier (2001) termed ‘background concepts’, which do not typically refer to explicit definitions. On the contrary, concepts with high intention are closer to ‘systematized’ concepts.

In the present paper we are going to try and develop ‘cabinetisation’ as a systematized concept. Our strategy is to unpack cabinetisation and set its hard boundaries by specifying the collection of properties covered by the concept. In this respect it can be meaningfully used for comparative empirical research. Once we have delimited the concept of cabinetisation we are going to explore potential explanations of why this may be happening. In order to illustrate the concept and the reasons why the phenomenon may be happening, we will use data on Australia and Canada to be found in previous studies. Thus, although the theoretical aspect of the present paper is original, its empirics rely solely on literature review<sup>1</sup>.

## 2. Cabinetisation: the concept

‘Cabinetisation’ made its first appearance in a comparative study on the policy making roles of political advisers in the ministerial cabinet systems of Belgium, Greece and the European Commission (Gouglas, Brans, Jaspers 2015). As Gouglas et al. (2015) put it

‘Though neither uniform, nor equally intense, it may be argued that this process of “cabinetisation” consists of the following developments: a) increasing numbers of advisers, b) widening of the scope of advisers’ policy work, c) increased pressure towards the administration for political responsiveness, d) more blurred politico-administrative

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<sup>1</sup> Except for literature review we also rely on a series of discussions and exchanges with non-cabinet system experts in the framework of a series of international conferences and workshops for the MARC project. We also gained valuable insights from reading and discussing the first draft chapters for the Shaw and Eichbaum (forthcoming) edited volume on political advisers. Add reference here and in references list

boundaries, e) increased use of advisers for coordination, f) increased public sector and citizen concern over advisers' roles' (Gouglas, Brans, Jaspers 2015, p. 1)

Although the authors tell us what cabinetisation might consist of, they do not provide any other details as to its definition. Thus cabinetisation was first introduced as a background concept. It was initially launched to highlight the significance of studying ministerial cabinet system advisers, the argument being that their study 'could enlighten other administrative and executive traditions that have been witnessing or have been dealing with such "cabinetisation" pressures' (Gouglas et al. 2015, p.1). At the time there was no need for further elaboration.

The first attempt to better theorize and operationalize cabinetisation took place later in an opinion editorial published online by the University College London, Constitution Unit. In their effort to make sense of the establishment of Extended Ministerial Offices (EMOs) in the UK, Gouglas and Brans (2016) used the concept of 'cabinetisation', which they defined as:

'a process by which that part of the 'internal to government' policy advisory system (as defined by Halligan 1995), which comprises ministerial offices, evolves towards or fully develops into a ministerial cabinet system' (Gouglas and Brans 2016, p.2)

According to this definition, cabinetisation is a process of transformation of ministerial offices into fully fledged ministerial cabinets. As such, it was argued that it comprises six main dimensions: a) the formal establishment of large ministerial offices comprising a mix of external appointees and civil servants, b) the discretion of ministers to appoint advisory staff, c) the colonisation of the policy process by ministerial cabinet advisers, including the management of civil servants, d) the ability of civil servants to pursue careers as advisers within ministerial cabinets without this hindering their return to their departments, e) a big distance between the political and the administrative level, f) politicisation in terms of both responsiveness and meddling with civil service appointments.

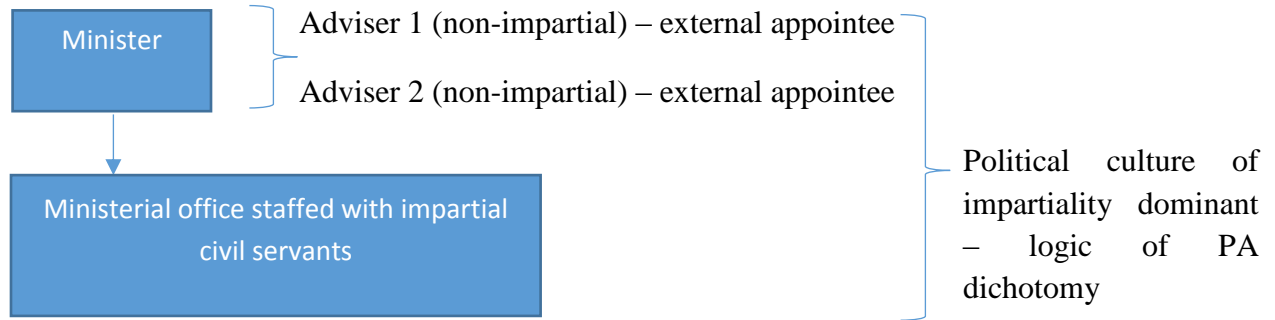
Although a first step towards delimiting the concept was taken, there still remain important challenges. To begin with, cabinetisation as the transformation of ministerial offices into ministerial cabinets implies that the process is only organisational and formal. The formal institutionalisation of extensive advisory structures in the form of ministerial cabinets is indeed at the core of the cabinetisation process. However, cabinetisation is as much about formal structures, as about formal principles pertaining the operation of these structures. Moreover, it is also about informal institutional characteristics, such as the presence of an entrenched culture of politicisation. The suggested core features of the phenomenon too are rather problematic. The intention of the concept needs to be re-worked. A first challenge is that some of the core suggested properties are not exclusive to ministerial cabinet systems. Ministerial discretion over advisory appointments, for instance, is a universal phenomenon, not one restricted solely to MCs. Moreover, some suggested components are not refined. The concept of politicisation, for instance, remains elusive and open to the risk of conceptual stretching. Last but not least, the suggested collection

of concept properties ignores certain fundamental core features of the cabinet system like for instance the principle of non-impartiality that permeates the working of ministerial offices.

In view of the above, we suggest that cabinetisation refers to the process of institutionalisation of adviser involvement in governing at the heart of which lies the principle of non-impartiality. It involves the formal establishment of usually large ministerial offices as institutional habitats of partisan advisers with hard boundaries from the administration. A key feature of those ministerial offices is that, except for external appointees, they also comprise civil servants whose smooth rotation between partisan advisory and impartial civil service careers is guaranteed by formal rules and informal practices. Finally, at the core of cabinetisation is redundant politicisation (Peters 2013). An unintended consequence of this is an embedded culture of politicisation, which is evident not only in structures, but also in informal practices at three levels: top-down interference with departmental affairs, colonisation of the policy process and meddling with civil service appointments. For a system to be classified as a cabinet system it suffices to a) have formally established partisan offices on the basis of the non-impartiality principle and with hard boundaries from the impartial administration; b) allow civil servants to freely career hop between the ministerial offices and the departments resulting in a constant state of osmosis between non-impartial and impartial roles. Figure 1 below visualizes the difference between the internal to minister advisory setup in a Westminster and a ministerial cabinet system.

Figure 1: Crossing the Rubicon: from the Westminster ministerial office to a ministerial cabinet

The Westminster ministerial office

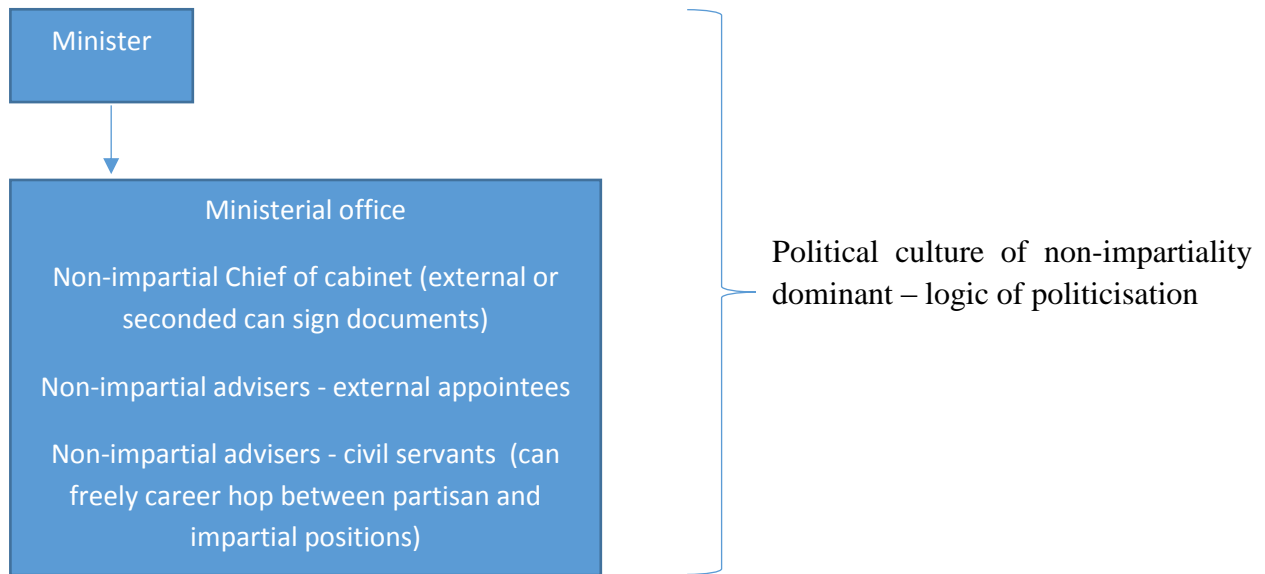


Casting the die?



The die has been cast

The ministerial cabinet system



Below we take a closer look at the core properties of cabinetisation.

### **A) Big is beautiful: large ministerial offices**

A first core property of cabinetisation is the establishment of large ministerial offices. But how large is large? The smallest ministerial cabinets are to be found in the European Commission. In August 2015, the Juncker Commission numbered 20 commissioner cabinets with 511 staff in total, out of which 158 carried the title of adviser or ‘member of cabinet’ (Gouglas et al. 2017, p. 3). This means that the average EC Commissioner cabinet in August 2015 numbered 25 staff and 8 advisers. The biggest ministerial cabinet system is that of France (Republique Francaise 2017). In August 2016, the Valls government numbered 39 cabinets with a total number of 2983 staff, out of which 563 were official ‘members of cabinet’. This in turn means that in August 2016, the average French cabinet numbered 76 staff, out of which 14 were official advisers. In the middle of the road in terms of size stand the Belgian and Greek ministerial cabinet systems (Brans et al. 2017, Gouglas 2015). Contrary to the ministerial cabinet tradition, ministerial office size is extremely small in other systems. The UK, for instance, numbers an average of 3 advisers, Ireland has a maximum of two, while Denmark numbers around two.

### **B) Non-impartiality: partisan offices with hard boundaries with the administration**

Although important and at times also impressive, ministerial office size is neither the sole nor the most defining characteristic of a cabinet system. A second core characteristic is that ministerial cabinets are formally separated from the administration as the institutional habitats of partisan advisers. Thus, ministerial cabinets are not only large, but also non-impartial. Ministerial cabinets, usually called political offices of the minister comprise a mix of external appointees and seconded civil servants who are employed at the sole discretion of the minister on a temporary and non-merit basis and most importantly are not obliged to be impartial. The provisions for non-impartiality are formally entrenched in the statutes regulating the functioning of ministerial cabinets. Thus, although the administration in the Napoleonic administrative tradition is formally constituted as impartial, ministerial cabinets and their staff are not. This is fundamentally different to systems, such as the Westminster one, where the minister’s official court can comprise both partisan special advisers and impartial civil servants (Figure 1).

### **C) Career hopping: civil servant rotation between adviser and civil service careers**

The ability of civil servants to pursue careers as advisers, without this hindering their progression or return to their past position is a third fundamental characteristic of ministerial cabinet systems. In MC systems, seconded civil servants who have worked as non-impartial, responsive advisers, have the right to return to their past position. Formal provisions guarantee the right of re-integration at all times. This, after all, is the essence of the logic of secondment. Civil servants have the right to temporarily leave their position in order to fill in a position in a ministerial office, or elsewhere in the administration. During the time of their secondment, not only do they maintain their grade and pay scale, but they also advance in seniority level, according to the standing civil service code provisions and as if they had remained in their civil service position. Thus, their work at the

ministerial office is not considered a pause, a leave, or an interruption, but counts towards their career advancement. Thus, the cabinet system does not only guarantee re-entry to the public administration, but also career continuity.

As a matter of fact, in many cases and under specific circumstances cabinets can also promote career advancement. As Brans et al. (2017, p. 62) argued, in the case of Belgium ‘the appointment of a civil servant in an MC positively affects his/her future career’. In a study of the top ten civil servants in Belgium in the year 2000, Walgrave et al. (2004, p. 8, see also Brans et al. 2002; 2007) found that all of them have previously served in at least one MC for a little while. The situation is comparable to that in France where James (2007, p. 11) has argued that previous service as a ministerial cabinet adviser is usually an essential step in the upward process of a civil servant. Career advancement, though, is neither a formal provision, nor a core feature of the ministerial cabinet system. It is largely an informal practice which links up to political parties’ desire to control recruitments in the administration or thank advisers for past services by facilitating their future career (Goransson and Eraly 2015, Brans et al. 2017, p. 62). The lines between political control and patronage politics is rather thin. At the same time, Brans and Hondeghe (2005) have found that Belgian ex-ministerial cabinets members have acquired competences that have them excel in top civil servants recruitment assessments.

Very frequently, it so happens that despite formal guarantees of career continuity in respect to pay and grade, re-integration of advisory staff as impartial civil servants is not always smooth. When the government changes, civil servants who worked as partisan advisers can find themselves politically stigmatized and for this isolated when they return to their department. Isolation can take the form of an assignment, which is politically unimportant, or, at times it can even be geographical. For instance past adviser can be sent to serve in a unit away from the core department, one that possibly has also a non-salient portfolio. In the Greek MC system such isolation positions are called ‘fridge’ positions and civil servants are said to have been ‘put in the fridge’.

#### **D) From redundant politicisation to an entrenched culture of politicisation**

Peters and Pierre (2004) defined politicisation as

...the substitution of merit-based criteria for political criteria in the selection, retention, promotion, rewards and disciplining of members of the civil service.

According to Peters (2013, p. 18) ministerial cabinets belong to a specific category of such politicisation, redundant politicisation.

Rather than replacing career civil servants when they come into office, or when they want to exercise control over a policy, a government may create redundant structures that monitor the actions of the career employees. These redundant structures may be used to create policy choices desired by the government in office.



Although the use of special advisers in Westminster systems is also a variant form of redundant politicisation (Peters 2013) the difference to the ministerial cabinets is that the latter allow for a firm hold of partisan politics on the administration (Walgrave et al. 2004, Goransson and Eraly 2015). The size of these redundant structures and their foundation upon the principle of non-impartiality is key here. As they become entrenched in the internal to government advisory system they exercise political pressure to the civil service, which formally remains an impartial institution. This pressure constitutes an informal unintended consequence, which culminates in the entrenchment of a culture of politicisation felt across three levels: a) management style, b) public policy, c) civil service appointments.

#### Top-down management

The mere size, resources and fundamental philosophy behind ministerial cabinets as non-impartial, partisan organisations allows them to develop into ‘shadow administrations’ (Brans and Steen 2007, p. 67) or ‘mini public-administrations’ (Gouglas 2015), which permit the ‘encroachment’ of their members on civil service territory. Crucial in this is the role of the chief of cabinet who is formally endowed with the power to sign documents on the minister’s behalf. Although ministerial advisers are not to give orders, or sign any documents, they do *de facto* provide political direction and management to the whole ministry (Eraly 2001; Brans and Steen 2007; Gorranson 2008; Gouglas 2015; Eymeri-Douzans et al. 2016; Brans et al. 2017).

#### Colonisation of the policy process

This in turn rebalances the relationship between politics and administration, which is formally built on a hard boundary between a partisan organisation, the MC, and an impartial civil-service. According to James (2007, p. 13) MCs in France and Belgium have in varying degrees usurped the functions exercised ... by the senior civil service’. Policy making is the most fundamental such function. Goransson and Eraly (2015) have argued that MCs exclude civil servants from policy making by short circuiting the senior civil service in a process described as deresponsibilisation. Gouglas (2015) referred to it as the ‘colonisation of the policy cycle’ by MCs, meaning that ministerial cabinets have a central role in the design, formulation, implementation and evaluation of public policy. James (2007, p. 17, 51-64) argued that in MCs decision making is ‘pulled upwards’ towards the cabinet, pushing the rest of the ministry and its departments into more technical roles.

#### Appointments

Except for colonising the policy process, it may also be the case that MCs can informally control civil service appointments in order to control policy. Brans et al. (2017, p. 62) have argued this to be the case in Belgium: MCs ‘sharpen the grasp of political parties on the civil service and the wider public sector as a whole’ by facilitating the promotion of befriended civil servants. To the extent this is part of a politicisation strategy and not of patronage, sometimes, is hard to say. Even in the European Commission, though, where patronage systems are thinner due to the lack of

electoral pressures, Commissioner cabinets have been associated with pressures for politicisation, especially in the form of personnel selection and nationalisation of staff and policy (Michelmann 1978; Spierenburg 1979; Ritchie 1992; Donnelly 1993; Donnelly and Ritchie 1994; Ross 1994; Cini 1996; Egeberg and Heskestad 2010; Kassim et al. 2013; Wille 2013).

Politico-administrative friction or osmosis?

Ministerial cabinets are usually associated with politico-administrative friction. However, although politicisation pressures constitute an endemic phenomenon, its final effect on politico-administrative relations is not a one way road. Whether politicisation leads to friction between the political and administrative levels, or whether it creates conditions of osmosis depends on the specific characteristics of every MC system. In the European Commission for instance commissioner cabinets were made smaller and more multinational and politicisation pressures to a great extent have been averted (Kassim et al. 2013; Wille 2013, Gouglas et al. 2017). And if the EC is a special case, even in France, politicisation has not always been described as a source of friction with the civil service. As a matter of fact, Peters (1997) positioned France in the village life type of politico-administrative relations arguing that top officials and political executives are not in conflict. As Goransson (2008, p. 18) explained the high number of ENA graduates in the ranks of cabinets and the civil service, along with an institutionalized culture of politicisation is creating a constant politico-administrative ‘osmosis’ that very often leads to the ‘bureaucratisation of the cabinets’ and the ‘presence of a technocracy at the top of the state apparatus’.

### **3. The cabinetisation of Australian and Canadian ministerial offices. Has the die been cast?**

In the following section we apply the concept of cabinetisation to the cases of Australia and Canada. For this we will use material from the existing literature on political advisers, policy advisers and politicisation in those countries.

#### **3.1 Growing big**

Both Australia and Canada have established large ministerial offices, which constitute the institutional habitat of advisers (Craft 2016, 2017, Maley 2017a, forthcoming). In Australia the establishment of such offices took place under the Members of Parliament (Staff) Act 1984 (MOPS Act). Although their size has been fluctuating, Maley (forthcoming) informs that since 2009 the number of ministerial staff has remained steady at around 420. As a matter of fact in 2016 in Australia there were 425 federal ministerial staff, or about 50 staff for the prime minister (PMO), 13 per minister, seven per junior minister and two per assistant minister (Maley 2017, p.3, Maley forthcoming). Similarly to Australia, Canada too has established large ministerial offices whose staff are employed under the Public Service Employment Act 2003 (PSEA). According to estimates, in 2015 Canada employed around 560 ministerial staff at the federal level (Dawson 2015, Craft 2017). The situation is not only different to the norm in other Westminster countries

(Maley 2017, p. 3), but very similar to what we observe in ministerial cabinet systems. In 2014 in Belgium, one of the two historic ministerial cabinet systems, ministerial cabinets numbered 534 staff out of which 280 carried the title of adviser and 413 performed de facto advisory duties Brans et al. (2017, p.64). Similarly, in August 2015, the Juncker Commission numbered 511 staff, out of which 158 carried an official title such as adviser or member of cabinet (Gouglas et al. 2017, p.3).

### **3.2 Growing partisan**

In a recently published article Maley (2017, p.2-3) highlighted that

‘In Australia and Canada the ministerial office and the public service are two distinct formal institutions, embodying different values: the minister’s office is defined as a partisan organisation while the public service is definitionally impartial’

This in turn means that the ministerial staff constitute ‘a cadre separate from the public service, in a special type of political employment, and are not required to be impartial’ (Maley 2017, p. 3). This has important implications for the recruitment and work of advisers. In both Australia and Canada, ministerial staff can be both external appointees or civil servants who perform the job of advisers. Maley (2017, p. 3-4) informs us that in 2016 in Australia about 20% of all ministerial staff were civil servants, while in Canada, in May 2007 there were only 44 such public servants employed in federal ministerial offices. The Australian numbers are much closer to what is the norm for ministerial cabinets in comparison to Canada. In Greece about 25% of staff employed in ministerial cabinets are civil servants, while in the European Commission the ratio is 3 out of 7 official advisers (Gouglas 2015; Gouglas et al. 2017). Numbers offer an indication of the level of civil servant rotation between the political and administrative levels. It is also an indicator of the penetration of the political level in the administration. However, it is not numbers but the fundamental logic behind hard boundaries and partisanship, which makes Australia and Canada similar to the ministerial cabinet system norm. Employment of both external appointees and civil servants is at the discretion of the minister; temporary, that is linked to the minister’s term and the work of all staff is partisan; and separated from any need for civil service impartiality. This disengagement from the civil service while working at the minister’s office, especially for appointed civil servants, is not only a significant departure from the Westminster tradition, but also from other systems ‘where ministerial offices are hybrid spaces populated by both partisan and impartial public servants’ (Maley 2017, p.3).

### **3.3 Hopping between ministerial offices and departments**

In her recent article Maley (2017) investigated the mobility of impartial civil servants to partisan ministerial offices and back. These ‘temporary partisans’ (Maley 2017) pose a fundamental challenge to the impartiality of the civil service in both Australia and Canada. The challenge is addressed by both established formal rules, which regulate mobility, and a set of informal practices, which regulate re-integration of staff. The ability of civil servants to hop between partisan adviser and impartial civil service careers constitutes a fundamental core feature of the

ministerial cabinet tradition. In this respect both the Australian and the Canadian ministerial offices have fully adopted the ministerial cabinet system logic. What differs is the formal and informal rules of re-integration and the way they deal with the challenge of impartiality and partisanship (Maley 2017). We saw above that ministerial cabinet systems view re-integration and career continuity as a civil servant right. Although not a default characteristic, in certain occasions the passage through a ministerial cabinet is also positive to career advancement. Australia is a much closer fit to the ministerial cabinet system ideal of guaranteed rotation and re-integration than Canada. As Maley (2017, p. 7) informs us, in Australia ‘there are fewer controls by the public service over the transitions, and fewer barriers to the movement of staff’. Australian civil servants who have worked as partisan advisers in a ministerial office have the right to return to their agency immediately afterwards. As a matter of fact, ‘underpinning the Australian rules is a strong sense of the rights of the public servants who make the transitions’ (Maley 2017, p.7). Moreover, the Australian approach to re-integration via informal practices is also a close fit with what we know to be the case in ministerial cabinet systems. ‘Tagged’ staff are considered to have the right to fair treatment and in this respect are to be protected when they return to their department. This happens via locating them carefully within the department upon re-entry. Much like in ministerial cabinet systems positions are decided by the department’s head and whether they take some form of ‘isolation’ or golden parachute depends on the size of the partisan tag. On the contrary, ‘embedded in the Canadian rules are conditionality and concerns about partisanship’ (Maley 2017, p. 7). To begin with, entering the ministerial office is not as straightforward, as leave to join such offices can be blocked by departmental heads. Moreover, returning back to the civil service is also more difficult for Canadian staff. There is no automatic right of return to a department and public servants need to apply for internally advertised positions. This in turn explains both the very low numbers of civil servants working in ministerial offices in Canada, as well as the very little numbers returning back to the civil service (Craft, forthcoming). In this respect, although Canada has taken a major step at cabinetisation by having adopted the idea of rotating between partisan adviser and public service careers, in practice the hurdles of exempt staff to re-enter into the public service is an indication of resistance to this process.

### **3.4 From redundant structures to shadow / mini-administrations?**

The creation of large and powerful ministerial offices as partisan organisations with hard boundaries from the public service is evidence of redundant politicisation in both Australia and Canada. These redundant structures monitor the actions of the career employees and shape policy choices by pushing the politico-administrative boundary. However, it is debatable whether ministerial offices in Australia and Canada have developed into ‘shadow’ (Brans and Steen 2007) or ‘mini’ public administrations (Gouglas 2015), which manage departments top-down, ‘colonise’ policy and interfere with civil appointments. In Australia, there are strong indications that this dimension of cabinetisation is quite advanced. Maley (forthcoming) informs us that

‘the growing influence of ministerial offices was accompanied by administrative reforms that deliberately weakened the public service, especially department heads, and put it under enormous pressure to be responsive to ministers’.

And in what is an indication of pushing the boundary of the administration Maley (2017b, p.1) adds

‘While political staff have been embroiled in controversy at times and have been blamed for undermining the authority of the public service and its capacity for long term policy making, these criticisms have had little purchase amongst the political class’.

Political staffs in Australian federal government remain ‘large, influential, anonymous and without public accountability for their actions’, they are ‘an unchallenged and permanent part of Australian politics (Maley 2017, p.1).

The situation in Canada is somewhat different. On the one hand, Savoie (1999) argued that the expanded Canadian federal government ministerial offices are influential inner courts that have displaced the traditional public administration, a concern that was also articulated by Aucoin (2008). On the other hand, such claims are considered as a bit of an exaggeration by other scholars (Craft 2016, Wilson 2016).

### **Has the die been cast?**

The evidence in hand reveals that in Australia the ‘internal to government’ advisory system, in particular ministerial offices, has evolved into a different species. The Australian minister’s court has been cabinetised. Australian ministerial offices are large, formally partisan institutions with hard boundaries from an impartial administration. They allow departmental civil servants to career hop between the administrative and political levels. Formal rules safeguard right of civil servants to re-integration, while informal practices ensure that this happens smoothly. Australian ministerial offices are also elements of redundant politicisation. They also appear to colonize the policy process, although there is no evidence of management practices and civil service appointments resembling the hierarchical top-down management practices and meddling with appointments to be found in ministerial cabinets. Heads of staff in Australia cannot sign official documents on behalf of the minister and thus the scope of their discretionary authority is limited to informal practices. In view of this it may be argued that the Australian ministerial office system can be classified as a variant of the ministerial cabinet type. Unless there is a radical shake up of the MOPS Act, the die for Australia has been cast. Australia appears to have passed the point of no return.

By contrast, it is difficult to say whether the minister’s court in Canada has changed species or not. Canada too witnessed the formal establishment of large partisan offices with hard boundaries from the administration. The adoption of the impartiality principle is one out of two sufficient conditions that Canadian ministerial offices need to meet in order to be classified as ministerial cabinets. The

other is the career hopping of civil servants in and out of cabinets. This unrestricted movement between partisan and non-impartial roles is not present in the Canadian case. This indicates that the culture of impartiality is still dominant in the system. Thus, although Canadian ministerial offices exercise pressure to the administration to be more politically responsive, especially in the domain of policy-making, it is doubtful as to whether they meet the criteria to be classified as cabinets. Canada, has reached the Rubicon, but did not cast the die.

### **Discussion: cabinetisation outcomes and explanations**

Cabinetisation does not start by decree. No political authority formally decides to create a cabinet system. The exception here being the traditional cabinet systems, adopted by countries within the Napoleonic administrative tradition. Although the formal establishment of a cabinet system may be officially discussed, like in the UK in the 1960s, cabinetisation usually evolves informally, as governments re-arrange advisory resources (staff and structures) around them. Cabinetisation is 'neither uniform, nor equally intense' across systems (Gouglas et al. 2015, p.1) Empirical data from past studies on political advisers support this (Eichbaum and Shaw 2010, 2015, OECD 2011, Craft 2015, 2017, Maley 2011, 2015, 2017, Shaw and Eichbaum 2015, 2016, Yong and Hazell 2016). Even though Australia appears to have been cabinetised and 'cabinetisation' has advanced significantly in Canada, this is not the case either in the UK, or New Zealand. In Ireland too cabinetisation has been rather absent (Connaughton 2017). The same holds true for continental European and Scandinavian systems where Germany and Sweden appear to have taken more steps down the path of cabinetisation than have the Netherlands and Denmark.

Thus cabinetisation is a process that starts informally, has multiple paths and can lead to numerous outcomes. At the far end of the process sits transformation into a different species: the ministerial cabinet system. Australia appears to fit well into this outcome. Differences appear to be of degree, not of kind. Canada, by contrast, appears to be better described by the word adaptation. Although flirting with becoming a cabinet system, having adopted some of its core properties, Canada still resists full transformation. Cabinetisation may also not start at all as a process, although small scale redundant politicisation of the special adviser sort described by Peters (2013) is like planting the seed of the process. At the other end of the cabinetisation outcomes is retrenchment. The establishment of Extended Ministerial Offices in the UK for instance (Gouglas and Brans 2016) and their abolition a few years later is a good example. What explains differences in outcomes and why do countries differ?

#### Critical junctures

The literature on ministerial cabinets reveals that the emergence and development of cabinets has taken place under unique historical circumstances (Molitor 1973, Van Hassel 1988, Brans et al. 2006, Gouglas 2015, Brans et al. 2017): break from monarchical rule (France and Belgium), creation of the European Economic Community (European Commission), democratisation in the aftermath of fascism (Italy) or following the collapse of military dictatorships (Greece, Portugal

and Spain). In view of this, we argue that cabinetisation is kick started at critical junctures, in the aftermath of some type of critical political-historical event, which interrupts institutional continuity and leads to radical change by the creation of new institutional structures (Mahoney and Thelen 2010). The juncture is critical because once an option of institutional change is adopted the system passes the point of no return. Critical junctures usually follow critical events. Yet not all critical events are linked to regime change as is the case with the creation of the historical and existing cabinet systems. In established democracies critical events might culminate in critical or watershed elections. After such watershed elections new governments seek to a) emancipate themselves from what they perceive as a hostile to their aspirations political or administrative status quo and b) implement a programme of deep change. This in turn leads to attempts at controlling the state apparatus, among others via the increase of political personnel or even the establishment of formal political structures at the interface between politics and administration. Maley (2017, p. 19) informs us that in Australia for instance the critical juncture was 1984 and the 'distinctive design choices made at this time'. Labour's bruising encounters with the Treasury department and the 1975 political crisis that lead to the sacking of an elected government, created a critical juncture which made major institutional change possible (Maley 2017). Although in the emergence of large partisan ministerial offices in Canada is located in the 1980s it is rather unclear from the literature whether Canada experienced a critical juncture, similar to Australia.

#### Political control and the search for responsiveness

Political control means ability to devise, develop and deliver partisan policy goals. A shared concern among politicians in Westminster systems in the 1980s has been that the public service is unresponsive - unwilling to accept and follow the policy preferences of politicians and instead promoted its own policy and public administration agenda. They thus attempted to secure improved 'responsiveness' from the public service and machinery of public administration. We know from past research that the growing use of political advisers and the creation of redundant structures across Westminster systems, for example the emergence of political advisers, is linked to the quest of governments for more political control over the civil service. In the case of Australia, Maley (2017, p. 19) informs us that the reforms of the 1980s were driven by a desire for increased political control over the apparatus of government, shared by all major parties. In the period 1972-1983 there was a clear loss of faith in the public service by both major Australian parties and experimentation with new forms of political assistance. Similarly, in the case of Canada, 'shoring up control through a more muscular political arm of government consisting of political appointees is thus a natural response. In fact, it is a phenomenon that stretches past party lines' (Craft forthcoming). Under this light, Canadian advisers in expanded ministerial offices emerge as part of the search for greater political control, increased responsiveness from the public service, and attempts to increase political and policy capacity, especially in conditions of a fragmented administration (Craft forthcoming).

#### Leftism: are cabinets creations of the Left?

Although cabinetisation is linked to governments' need for greater political control, one interesting observation that emerges from the literature on ministerial cabinet advisers is that the creation of cabinets, at least the most recent wave in the Napoleonic south, has been a development associated with the rise of mass left wing parties to power (Gouglas 2015). The empirical literature on special advisers in Westminster systems (Yong and Hazell 2016; Connaughton forthcoming; Maley 2017) appears to corroborate this. As Maley (2017) described, in 1972 in Australia, the Labour party 'came to office after 23 years of Coalition rule and brought a new style of ministerial office into government, which featured partisans from outside the public service, with expanded functions which included policy advising'. In Ireland too Labour appears to have always wanted 'a new kind of official operating within the civil service with managerial expertise and a political brief to monitor policy in party terms to ensure that the coalition kept to its agenda' (Connaughton forthcoming). An interesting question here is the extent to which leftist parties are more inclined to be attracted by the sirens of political control than others, and proceed with more radical institutional re-arrangements of the internal to government advisory system?

#### Resistance from the civil service

The extent to which the quest of governments for greater political control succeeds or not also depends on the resistance posed by the civil service. Under conditions of regime change, such as those present in the historical ministerial cabinet systems, civil service resistance is very often swept aside. Resistance, although present, frequently gives way to adaptation and survival. New forms of 'symbiosis' emerge (Spanou 2001). Such deep regime change did not happen neither in Australia, nor in Canada. This allowed the civil service to successfully resist changes. In 1975 for instance, when the conservative coalition government returned to power in Australia, MP Malcolm Fraser was advised by the public service to abandon the new system of advisers (Maley forthcoming). In Canada career hopping between the political and administrative levels is vehemently resisted and turned much more difficult. The reason is protection of the impartial nature of the Canadian civil service. A similar example of civil service resistance is the 1960s attempt to establish cabinets in the UK, and just recently the failed attempt to establish Extended Ministerial Offices by the Conservative – Liberal coalition government. Thus, a central hypothesis here is that successful civil service resistance is a sufficient condition to prevent cabinetisation from leading to transformational change.

#### **Conclusion**

In the present paper we attempted to develop 'cabinetisation' into a systematized concept. Summing up the concept, we argued that cabinetisation refers to the process of formal and informal institutionalisation of partisan involvement in governing, at the heart of which lies the principle of non-impartiality, and has four characteristics: a) establishment of large ministerial offices; b) establishment of formally partisan offices (non-impartiality principle) with hard boundaries from



an impartial civil service; c) career hopping of civil servants back and forth from partisan to impartial posts in the political and administrative level respectively; d) politicisation evident in: style of management (top-down mini-administrations), colonisation of policy-making, civil service appointments. From the four characteristics the second and third are sufficient conditions for a ministerial office to be classified as a cabinet, while size, political control and politicisation are necessary conditions. Using secondary material from the literature on political advisers in Westminster systems we showed that the Australian ministerial courts have been cabinetised, while the Canadian ones, despite advances toward that direction, have not. We pointed out that cabinetisation does not start by decree and is not a uniform process. We opened a discussion as to the reasons why cabinetisation across-systems, across-time may be happening or not. We also highlighted the importance of critical junctures, political responsiveness and political control over the civil service, leftist politics and resistance of the civil service.

What does the future hold? The agenda around this new concept is wide open. First, the concept of cabinetisation needs to be better operationalized and thoroughly discussed. Second, it would be useful to map ministerial offices in non-cabinet systems on the basis of empirical evidence collected not only from the literature, but also from primary data collection efforts. Third, we need a better theory of why cabinetisation is happening, or not, across-system, across-time. We offered here but an overview of some potential explanations. To conclude, all this calls for studies that are internationally comparative and longitudinal and rely on systematic analytical methods.

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