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**[Bespreking van: Demmke, C. (& T. Moilanen) (2010)
Civil Services in the EU of 27: Reform Outcomes and
the Future of the Civil Service. Frankfurt am Main:
Peter Lang]**

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Citation

Meer, F. M. van der, & Berg, C. F. van den. (2011). [Bespreking van: Demmke, C. (& T. Moilanen) (2010) Civil Services in the EU of 27: Reform Outcomes and the Future of the Civil Service. Frankfurt am Main: Peter Lang]. *Common Market Law Review*, 48, 2139-2141. Retrieved from <https://hdl.handle.net/1887/18214>

Version: Not Applicable (or Unknown)

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Downloaded from: <https://hdl.handle.net/1887/18214>

Note: To cite this publication please use the final published version (if applicable).

COMMON MARKET LAW REVIEW

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Aims

The Common Market Law Review is designed to function as a medium for the understanding and implementation of Community Law within the Member States and elsewhere, and for the dissemination of legal thinking on Community Law matters. It thus aims to meet the needs of both the academic and the practitioner. For practical reasons, English is used as the language of communication.

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Common Market Law Review is published bimonthly.

Subscription prices 2012 [Volume 49, 6 issues] including postage and handling:

Print subscription prices: EUR 734/USD 1038/GBP 540

Online subscription prices: EUR 696/USD 984/GBP 512 (covers two concurrent users)

This journal is also available online. Online and individual subscription prices are available upon request. Please contact our sales department for further information at +31(0)172 641562 or at sales@kluwerlaw.com.

Periodicals postage paid at Rahway, N.J. USPS no. 663-170.

U.S. Mailing Agent: Mercury Airfreight International Ltd., 365 Blair Road, Avenel, NJ 07001.

Published by Kluwer Law International, P.O. Box 316, 2400 AH Alphen aan den Rijn, The Netherlands

Printed on acid-free paper.

COMMON MARKET LAW REVIEW

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Christoph Demmke and Timo Moilanen, *Civil Services in the EU of 27. Reform Outcomes and the Future of the Civil Service*. Frankfurt am Main et al: Peter Lang, 2010. 285 pages. ISBN 978-3-631-60466-3. EUR 41.90.

Though recently some empirical studies have been published concerning the nature and development of civil services (e.g. Raadschelders et al. 2007, Van der Meer 2010), truly empirical overviews and analyses of civil service systems are rather rare. Demmke and Moilanen's study fills a gap in the literature, in particular given its thematic approach: separate attention is paid to civil servants' legal status, organizational changes, ethics, and human resources reforms (recruitment, remuneration, human resources management, decentralization and job security). The book forms the latest addition to the now established research tradition at the European Institute of Public Administration, of which Demmke has been the linking pin. Earlier works in this tradition include *Civil services in the Europe of the Fifteen (1996)*, *European civil services between tradition and reform (2004)* and *Are civil servants different because they are civil servants?(2005)*. The book follows the recognizable EIPA tradition: empirical, longitudinal and truly comparative. The leading theme running through this book is the question to what extent and in what manner do national civil services deviate from what is called by the authors "traditional bureaucratic structures"? Do we observe developments towards new institutional and organizational forms? Before discussing whether the authors find a convincing answer to these complicated questions, some other issues should be addressed.

Firstly, the output of their enquiry by means of a methodical search and analysis of available primary and secondary sources and an extensive survey has produced a wealth of enlightening information. Furthermore, their systematic approach using a comparative theoretical framework deepens the quality of the analysis. Thus the comparative element becomes very valuable, one of the very rare examples of a pan-EU cross-national comparison. The analytical approach looks in principle empirically sound and theoretically helpful and contributes to furthering our knowledge in the comparative study of civil service systems. Nevertheless some critical remarks both regarding the method, findings and concluding interpretation can and should be made.

From a methodological point of view, in comparative research it is always problematic to develop a framework that on the one hand provides ample space for a meaningful and adequate

comparison while at the same time not disregarding the particular nature of the individual (in this case) national systems. A common challenge in this context is the risk of the Procrustean bed: a bed in which all empirical data are squeezed until they fit. The manner in which the authors define a traditional civil service seems rather exclusively inspired by the manifestations of the civil service in France and Germany. In this sense, the French and German systems are elevated to a kind of universal archetype of a civil service, and all other models are judged from the perspective of how much they resemble the specificities of the French and German systems. As a result, there seems to be an analytical over-concentration on these models throughout the book, which is disadvantageous from both a theoretical and an empirical point of view. In reality, there has been a great historical pluriformity among traditional civil service systems across Europe, rather than a common European unified traditional concept. It is regrettable that this rich historical variation seems to be downplayed by the particular analytical framework that the authors have chosen.

Secondly, the authors understate the distinctive aspects of government and public employment. This leads them to overlook certain highly relevant features (both theoretical and practical) of the nature of public employment and therefore miss some important counterarguments to their line of thought. Employment at will, for instance, can be considered a very detrimental element of a civil service system from a constitutional, democratic, and effectiveness point of view. In addition, the discussion on the special nature of professional ethics in the public sector quite easily dismisses the relevance of distinguishing between professional ethics in private sector and public sector organizations, thereby ignoring large parts of the staple literature in political science and public administration. Also from a descriptive point of view, the evidence that this easy dismissal is empirically justified, remains lacking in this study.

A further problem is situated in a perceived change from a traditional bureaucratic to a post-bureaucratic civil service. If the post-bureaucratic civil service has not substantive defining features, just its practical manifestation after the traditional-bureaucratic civil service, than its value as an analytical model remains rather vague and non-descript. This is especially the case since the post-bureaucratic turn is presented quite strongly, and counter-trends are given very limited attention. Examples of such counter-trends are the introduction of civil service legislation in Central Eastern European Member States (late 1990s and early 2000s) and in Britain (2010), which in Demmke and Moilanen's framework should be interpreted as moves towards a traditional bureaucratic civil service.

There are some specific critical notes regarding the collection and interpretation of data. Some questions and answer-categories in the survey are too crude ("Do civil servants in your country have a public law status? Possible answers: "Yes" or "No, we do not have a system based on public law") or suggestive. Due to the way in which the survey questions were formulated, the authors find that the Netherlands does not have "a civil service which is structured in careers and/or corps". In reality, a corps system is an important feature of key parts of the Dutch civil service (around 25%), as the police, the foreign service, the judiciary and the military are organized as corps. Moreover, towards the end of the 1990s a career system for top civil servants has been introduced. Similar interpretation problems can be seen for other countries across the table. Also, the analysis pays little attention to the notion that in administrative reform, a clear distinction should be made between rhetoric, reform plans and reform announcements on the one hand, and actual reform implementation and accomplished results on the other.

It seems that Demmke and Moilanen's argument is too strongly focused on Human Resources Management-type and new public management-related considerations popular from the 1980s, and that, as a result, legal, constitutional considerations and the requirements of good democratic governance have come under pressure in the analysis. This limitation applies to the two final chapters in particular. While the purpose of these two chapters is likely to spur a debate, the arguments pro and contra are presented in an uneven way. The choice of treating the French term *bureaucratie* and the English term *civil service* as meaning the same thing (p. 253), is rather telling: *The civil service is dead. Long live the civil service* has as its French version on the same page *La bureaucratie est morte. Vive la bureaucratie*. This points to the weakness of

the book equating bureaucracy (in strict and rather one-sided Weberian interpretation) with civil service. Such a statement illustrates the limitations of the book in conceptual terms and stresses the advantages of the use of an institutional civil service system notion, which could have been helpful here.

In spite of these critical observations, we regard Demmke and Moilanen's book as a highly important contribution to a political and societal debate that is becoming ever-prominent in many EU-Member States. It is well written and academically rigorous, and deserves a wide readership both in the academic field and in practice.

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COMMON MARKET LAW REVIEW

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