

*Fifth Transatlantic dialogue (5TAD)*

*June 11-13, 2009*

*Washington, USA*

**PAPER for Workshop 1:**  
**Can the public sector reestablish its legitimacy?**

“Ministerial advisers: (II) Legitimate players in public policy-making?

An international comparative analysis of the public debates and reform strategies about the position and the role of ministerial advisers.”

Dr. Diederik Vancoppenolle  
Department of Business and Public Administration  
University College Ghent (Belgium)

**CONTACT:**

Dr. Diederik Vancoppenolle  
Dept. Business and Public Administration  
University College Ghent  
Voskenslaan 270  
9000 Ghent (Belgium)  
0032 (0) 472 989 537  
[diederik.vancoppenolle@hogent.be](mailto:diederik.vancoppenolle@hogent.be)

## **Introduction**

---

The legitimacy of the public sector is a much-discussed issue in political sciences literature (see for instance Barker, 1990; McSwite, 1997; Banchoff & Smith, 1999; Coicaud, 2002; Vandewalle, 2004; Korsten & de Goede, 2006). However, it is a rather loose concept as it covers and/or is determined by the legality, transparency, democracy, efficiency, responsiveness, performance, responsibility, accountability and integrity of the acts, decisions and statements of several institutions and/or actors in a politico-administrative system (parliaments, parties, governments, public services, civil servants, ...). Measuring and analysing THE legitimacy of the whole public sector thus seems to be a difficult exercise. It is however possible to study the legitimacy of distinct public institutions and/or actors: government, parliament, politicians, civil service, ... .

In this paper I will focus on a governmental actor whose legitimacy was severely questioned in several countries<sup>1</sup> during the last decades: ministerial advisers. The paper does not only focus on the *problems of legitimacy* ministerial advisers in two different countries (UK and Belgium) are facing, it *analyses and assesses as well* the strategies that both countries followed to enhance the legitimacy of these advisers. Leading question is of the legitimacy of ministerial advisers is framed, discussed and tackled in similar ways in both countries or not.

The paper will be structured as follows:

1. I will start with a short introduction to the nature and amount of ministerial advisers in both countries and will sketch why it is interesting to study their legitimacy.
2. Secondly, the public debate and reforms about special advisers in the UK will be analyzed.
3. Thirdly, the same analysis will be made for the advisers in the Belgian ministerial cabinets.
4. Finally, a comparative synthesis will be made.

---

<sup>1</sup> See for example public and political discussions in Belgium, UK, the Netherlands, France, Italy & New-Zealand.

## 1. Studying the legitimacy of ministerial advisers: Why & how?

Ministerial advisers are personal appointees of a Minister or Secretary of State who are employed on temporary basis and who assist the politician with his/her political and/or policy-making work. A lot of governments work with ministerial advisers, but their number, profile, position, statute and role seem to differ a lot in between countries as France<sup>2</sup>, the Netherlands<sup>3</sup>, Belgium<sup>4</sup>, New Zealand<sup>5</sup> and the United Kingdom.<sup>6</sup> But this variation should not surprise given the huge differences in the political and administrative systems of these countries. However it surprising to record that ministerial advisers are heavily criticized actors in all the mentioned countries.

It seems that the legitimacy of ministerial advisers is questioned and or in danger in several very distinct countries. This situation arises challenging empirical and theoretical questions for international comparative public administration research and for scholars who study the legitimacy of the public sector:

1. Is there a universal and considerable problem with the legitimacy of ministerial advisers? Or is their legitimacy only severely questioned in some countries?
2. Is the legitimacy of the ministerial advisers questioned for the same reasons? Are ministerial advisers criticized on the same aspects: their position, their profile, their role, their acts and decisions, their power, their earnings, ...?
3. How can we explain the international similarities/differences in the legitimacy problems of the ministerial advisers?
4. Do governments try to enhance the legitimacy of ministerial advisers and if so, in a similar way?

In order to answer these questions, I chose to study two very different cases (countries): the United Kingdom & Belgium. Although the number of special advisers in the UK differed tremendously from the number of ministerial advisers in Belgium<sup>7</sup>, the British discussion about the legitimacy and surplus value of the ministerial advisers was –a bit surprisingly- at least as intense as the Belgium one. Ministerial advisers in both countries had to face a lot of critiques and this debate was also held in public through articles in journals. In both countries, ministerial advisers seemed to be seen as illegitimate and undesired governmental actors. I wondered if the reasons behind the critiques and lack

---

<sup>2</sup> Suleiman (1974); Quermonne (1994).

<sup>3</sup> See De Vries (2007) & Maijenburgh (2008).

<sup>4</sup> See Walgrave, Caals, Suetens & de Swert (2004); Vancoppenolle (2009).

<sup>5</sup> See Eichbaum & Shaw (2007).

<sup>6</sup> See for instance Vancoppenolle (2009) for a comparison of the roles of ministerial advisers in Belgium, the Netherlands & UK.

<sup>7</sup> While a UK Minister has the right to appoint up to two personal advisers, Belgian Ministers each have the opportunity to choose an ‘army’ of own advisers, often comprising more than thirty people.

of legitimacy were comparable. I therefore decided to analyze the public debates about special advisers in both countries in order to answer the following questions:

1. Are the size and kind of the legitimacy problem of ministerial advisers in Belgium and the UK comparable?
2. Do both governments try to enhance the legitimacy of the ministerial advisers and if so, by means of the same strategies and instruments?

This paper tries to answer these questions by comparing the public discussions and the (intended) reforms in both countries. While the second question required a simple content analysis of official documents<sup>8</sup> about the governmental policy towards special advisers, the first question required a more complex analysis of the public debate about special advisers. The latter question is far more difficult, as subjective opinions had to be gathered and analysed in a retrospective manner. In order to study the public debate as objective and systematic as possible, a content analysis of journal articles about special advisers was made in the archives of two respectful journals, the British '*The Guardian*' and the Belgian '*De Standaard*'. Leading questions for this part of the study were: Who was participating in the debate? What were the main points of discussion? What arguments were used?

As it was not possible to analyze the debates for a very long period, I chose to analyze the journal articles in a recent period in which there was a tense public and political debate about the position and role of special advisers in both countries. I therefore decided to:

- start the analysis in 1999, a year in which in Belgium the government Verhofstadt I was formed. This government wanted to abolish/reduce the ministerial cabinets and set up an ambitious reform program.
- end the analysis at the end of 2005, as the most important discussions in both countries ended that year. After 2005, no new important elements, arguments or reforms turned up, although just recently there was again a lot of commotion in the UK around the behavior of a special adviser.<sup>9</sup>

During the research period, the UK was governed by the Labour Government of Prime Minister Blair. Belgium was governed by a coalition of Liberals, Socialists and Greens, led by Prime Minister Guy Verhofstadt.<sup>10</sup>

---

<sup>8</sup> The governmental strategies will be studied through an analysis of rules, practices and guidelines about the selection, competences, duties and behaviour of ministerial advisers.

<sup>9</sup> Damien McBride was a special adviser to Prime Minister Brown when it emerged on a political blog that he had exchanged emails –sent from his Downing Street e-mail account- discussing the possibility of disseminating fabricated rumours about the private lives of some politicians of the Conservative Party. On 11 April 2009 he had to resign and the Prime Minister apologised for what had happened.

<sup>10</sup> As a matter of fact, Verhofstadt led a first coalition of Liberals, Socialists and Greens between 1999 and 2003, but after the elections of 2003 the Greens were removed from the Government Verhofstadt II.

In the following I will make the analysis for both countries, starting with the study of the debate and the reforms in the UK. After having sketched the Belgian case, I will compare the debates and reforms in both countries to verify if the legitimacy problems are comparable or not.

## **2. Legitimacy of special advisers in the UK: Context, facts, debate and reforms**

---

To have a good understanding of the problematic legitimacy of special advisers in the United Kingdom, we will first give a rough outline of the context in which they work, the Whitehall model. Afterwards the reforms and discussions will be analyzed.

### The context: The Whitehall model and its actors

Relations between the civil service and executive politicians in the UK have always been highly distinctive (Peeters, 2004). According to Campbell & Wilson (1995, p. 15), the unique character of the politico-administrative relationship - generally known as the Whitehall model- lies with *“the civil service which constitute a prestigious profession expected to work with equal enthusiasm for any duly constituted government and enjoying a virtual monopoly on advice to it”*. They continue that *“none of these characteristics are unique to the Whitehall model, it is the combination that is exceptional”*. It is the duty of officials to provide policy advice for their Ministers: giving verbal and written submissions and briefings, drafting legislation and helping Ministers to uphold their policies in the light of scrutiny (Pilkington, 1999). Key element in the Whitehall Model is not just the mere provision of policy analysis and advice, yet the ‘monopoly’ that senior civil servants enjoy on giving *“the final advice to ministers that precedes decision making”* (Campbell and Wilson, 1995, p.18). *“Decisions simply emerge as a result of discussions between ministers and civil servants –and those discussions take place in the context of parliamentary and outside pressures and loyalties”* (Kellner & Hunt, 1980, p. 210). Although advice is also given by interest groups, it is mainly mediated through the civil service. *“Most interest groups still rely primarily on contacts with officials, not Ministers; the officials report to the Minister what the interest groups recommend”* (Campbell & Wilson, 1995, 18).

Besides the external consultations, officials take also care of the internal deliberations with other parts of Whitehall. As *“it breaks the rules of the Whitehall game to make a policy that may affect the remit of another department without discussing the policy with the department concerned”* (Smith, 1999, p. 114), this seems to be an important task for them. Via bilateral meetings and via Ministerial Committees -shadowing the organizational structure of cabinet committees- civil servants try to coordinate policy between departments and try to resolve inter-departmental disputes before the Ministers of those departments meet in Cabinet or in Cabinet committees (Pilkington, 1999).

A special role in assisting the Minister is being played by the officials in the private office. The *Private Office* assists and supports the Minister in administrative and (internal) communicative affairs. Although it is mainly an administrative entity, the Private Office really is an important structure in British policy-making. As it connects all departmental actors with each-other, it plays a key role in policy-making. “*For the Minister civil service advice comes through private office and for the civil servants private office is the channel through which the Minister most frequently influences the policy process*” (Page, 2002, p. 16). The leading official of this office is the *Principal Private Secretary*. According to Rose (1984, p. 153), “*the Principal Private Secretary is the first person a Minister sees at work in the morning and the last at night*”.

Notwithstanding this predominant policy-advisory role for civil servants, British Cabinet Ministers are allowed to appoint up to two special advisers, although some Ministers can have more. These special advisers were introduced in 1975 to “*be an extra pair of hands, ears and eyes and a mind more politically committed and more politically aware than would be available to a minister from the political neutrals in the established Civil Service*’ (Committee on standards in public life, 2003, p. 43). They are employed to help Ministers on matters where the work of Government and the work of the Government Party overlap and it would be inappropriate for permanent civil servants to become involved (Code of conduct, Article 3). For instance in helping to brief Party MPs on issues of Government policy or representing the views of their Minister to the media including a Party viewpoint.

#### The facts: The challenging rise of special advisers

While the British Government counted only 34 advisers in 1994, in 2000 they were 78, in 2001 81, in 2003 74<sup>11</sup> and 73 in 2008. It is thus true that Blair doubled the number of special advisers in the Executive. Although politically appointed ministerial advisers are not new in British executive politics, they were never relied on this scale. It is this evolution, in combination with a discussion –in particular in the light of some incidents- about their role and position, that upset British politics the last decade. All this resulted in a load of press articles on special advisers/spin doctors (see titles in bibliography) and in several inquiries on their work, either by an official committee (Committee on standards in public life), as well as by a Parliamentary Committee of the House of Commons. Reforms were announced, but, despite the publication of a draft bill in November 2004 and a new published Bill in 2008<sup>12</sup>, they consisted only of the elaboration (and adaptation) of a code of conduct for special advisers. In the following we will describe and analyze these developments.

---

<sup>11</sup> Of which 37 were working in the offices of the Prime Minister (27), the Deputy Prime Minister and the Chancellor.

<sup>12</sup> See the Constitutional Renewal Bill, published on 25 March 2008.

### Chronological sketch of the legitimacy debate

Because discussions and reforms are intensively interwoven –as reforms happen in response to criticisms & recommendations and as discussions are held about reforms-, I describe them in one and the same section. To structure and clarify the debate, table 1 lists the most important developments in the discussions about special advisers.

May 1997	By an order in council, PM Blair allows three special advisers in Downing Street to issue orders to civil servants.
January 2000	Sixth Report of the Committee on Standards in Public Life (‘Reinforcing Standards’) recommends that there should be a separate code of conduct for special advisers.
July 2000	The Government accepts the Committee’s recommendation that a code for special advisers should be drawn up, including a duty on all advisers to respect the political impartiality of the Civil Service, as well as a section on the direct media contacts of advisers. PM Blair accepts also that an overall limit on the number of special advisers should be included in civil service legislation.
March 2001	The (cross-party) Public Administration Committee of the House of Commons says that Alastair Campbell and Jonathan Powell <sup>13</sup> should be “ <i>stripped of their unprecedented power to issue orders to civil servants</i> ”.
June 2001	Introduction of the Code of conduct for special advisers.
October 2001	First Jo Moore incident. Moore, special adviser of the Secretary of State Stephen Byers, emailed colleagues within minutes of the 9/11 twin tower attack that ‘ <i>it was a very good day to get out anything we want to bury</i> ’.
February 2002	Second Jo Moore incident. An email which suggested that Miss Moore once again was advising to make use of a special occasion (the funeral of Princess Margaret) to bury bad news was leaked to the press.
March 2002	Launch of the inquiry ‘Boundaries and relationships between ministers, special advisers and civil servants’ by the Committee on Standards in Public Life. The Government confirms that a civil service reform bill will be brought to Parliament.
May 2002	Frustrated by the Government’s delay, the Parliamentary Committee has taken the unusual step of drafting its own legislation in an attempt to clarify the role of governmental special advisers.
July 2002	The Parliamentary Committee concluded that a radical external review of government communications would be of great value. This review should also examine the roles played by other civil servants and special advisers who have a responsibility for communications.
January 2003	An independent review into the running of Whitehall’s press and spin operations is announced by Downing Street.
April 2003	Presentation of the ninth report of the Committee on Standards in Public Life, demanding: <ul style="list-style-type: none"> <li>▪ curbs on the powers of the Director of Communications and the Chief of staff.</li> <li>▪ that the existence of posts with executive powers should be a matter for parliamentary debate and agreement.</li> <li>▪ that no special adviser outside Downing Street should be permitted to</li> </ul>

<sup>13</sup> Jonathan Powell was Blair’s Chief of Staff, Alastair Campbell his Director of Communication.

	<p>instruct either civil servants or press officers on their job.</p> <ul style="list-style-type: none"> <li>▪ the recognition of special advisers in statute.</li> </ul>
June 2003	<p>Response of the Government to the report of the Committee on Standards in Public Life. The key features of the Government response are:</p> <ul style="list-style-type: none"> <li>▪ The Government commits itself to publish a draft bill for consultation once the Public Administration Select Committee's proposals for a Civil Service Act have been published.</li> <li>▪ The Government proposes a new section to the code of conduct for special advisers to clarify the relationships between special advisers and permanent civil servants.</li> </ul>
September 2003	<p>Amendment to the code of conduct for special advisers, containing the following changes:</p> <ul style="list-style-type: none"> <li>▪ The special advisers are allowed to convey to officials minister's views, instructions and work priorities, including on issues of presentation.</li> <li>▪ Special advisers can hold meetings with officials to discuss the advice being put to Ministers.</li> <li>▪ Special advisers can comment on advice being prepared for Ministers by officials, but they should not suppress or supplant that advice.</li> </ul> <p>The word <i>instructions</i> was dropped after objections of the Committee of Standards in Public Life.</p>
January 2004	<p>Draft civil service bill drawn up by the Public Administration Select Committee. Under its provisions, the number of special advisers appointed by government ministers would be fixed by a vote in parliament.</p>
November 2004	<p>Draft bill of the Government:</p> <ul style="list-style-type: none"> <li>▪ Has the intention to put the codes of practice for civil servants and special advisers on a legal basis.</li> <li>▪ Rejects any notion of cap on the number of special advisers.</li> </ul>
May 2005	<p>The Government wants to change the role of special advisers to one where they 'assist' civil servants rather than 'advise'.</p>
July 2005	<p>Adaptation of the code of conduct with regards to the proposal of May.</p>

Table 1: Overview of the UK reforms and discussions about special advisers

Within the first year after the start of the Blair government the number of special advisers grew considerably, sharply criticized from within and outside Whitehall. These criticisms dealt with the number, the cost price and the shifting role of the advisers with an over-emphasis on 'spinning'. It is striking that the criticism was partly targeted at one special adviser in particular, Alastair Campbell, the former head of communications in Downing Street.

The Government responded to these criticisms with the elaboration of a code of conduct for special advisers, as was recommended by the sixth report of the Committee on Standards in Public Life. This new code should make it clear that special advisers had a specific duty to uphold the impartiality of the civil service and had to regulate their contacts with the media.

Following some incidents, the criticism increased and hardened, demanding a legislative act that would regulate the number and ‘prerogatives’ of special advisers in order to guard the impartiality of the civil service.

It looks like the Government has been delaying the elaboration of such a draft of bill, as it published it only in November 2004. It certainly was not the highest governmental priority, because for several years no action had been undertaken. In 2008 however, the Brown Government published the Constitutional Renewal Bill which comprises some articles about special advisers. Notwithstanding this breakdown of the legislative process, the amendments to the code of conduct for special advisers and the arguments used by the Government are a good illustration of the evolutions in thinking about special advisers. I describe them in the following sections.

#### Analysis of the debate: Actors, content and arguments

**Participating actors:** In the debate between 1999 and 2005 there were two parties of actors: critical opponents versus a defending Government. To the opponents belonged in the first place the official Committee on Standards in Public Life, as well as the opposition parties, a group of MP’s (Select Committee on Public Administration) and the civil service union (FDA).

At certain moments, the opposition in particular criticized very hard the “*miserable political climate of spin*” (John Major in The Guardian, March 13). Following the first Jo Moore incident, the Liberal Democrats said that her mail “*plumbed new depths of the spin doctors’ black arts*”. It is clear that the critical voices of the opponents dominated the media, although some individual defenders tried to illustrate the positive functions of special advisers. An individual adviser wrote:

*“The best civil servants see special advisers as an aid and resource, not as a threat. ... Much of the great progress that this Government has made since the election would not have happened without the energy and drive of the special advisers involved. ...The presence of special advisers actually enhances the neutrality of the Whitehall machine. They keep officials out of political work, write conference speeches, liaise with party officials on the work of the Government or brief journalists on the political aspects of their minister’s work. (Benjamin Wegg-Prosser, The Guardian, January 2000)*

It seems that the Government did not worry too much about all the fuss as it hardly tried to defend its position in the media. It made its statements in Parliament by answering questions or by responding to formal recommendations. It certainly did not alter its ideas about special advisers fundamentally, despite all reports and questions of parliamentary actors.

**Content of the debate:** The content of the debate deals with several interrelated aspects of the role and position, but also with the behavior of (some) special advisers. Based on my analysis of the press articles, four points of discussion can be discerned:

1. *Number & cost:* The number of special advisers, their salaries and the total cost price of the special adviser-system are a distinct and recurrent theme in British politics. Implicitly, these critics see special advisers as something bad. The costs of the adviser-system in particular receive a lot of attention. It seems that the payment of political work with public money does not fit with British public service traditions. This position is best illustrated by the demand that “*special advisers who are perceived to be doing a high degree of party political work should be paid from party funds*”. “*They could continue to play a party political role within Whitehall, but they would not be advisers paid for by the taxpayer*” (Tyrie, 2003).
2. The *power* they have and exert is a second point of criticism. This position is perfectly expressed by the concerns Andrew Tyrie, a Conservative MP and a former special adviser of John Major.

*“I also think it is important that we get a clearer role of the extent to which special advisers are taking part in government decisions to the point that they are actually taking the decisions rather than being merely advisers. The informal chat behind the scenes is that they take far more decisions, particularly advisers in No. 10, than has ever been the case before. They are taking on a ‘quasi-ministerial role’ in both policy-making and media relationships.”* (The Guardian, may 1999)

*“They are increasingly, and have been over recent years, been performing roles formerly performed by Ministers. They make speeches, they represent the Government abroad at meetings and they write articles in newspapers. None of these things were done by advisers in earlier days.”*

3. Their ‘*spinning role*’ is one of the most criticized aspects about special advisers. In the media they are often only being portrayed as ‘*spin doctors*’, a label that has gained a negative connotation in British prestigious and respected Whitehall-model. Not only

through the negative appreciation of the ‘spinning’-activity itself, as it finds political image more important than policy matters, but also by its affiliation with a kind of politicization. “*The government has created an ‘army of spin doctors’ which is proof of Labours politicization of the civil service*” (The Guardian, January 2000). Evidence for the institutionalization of spinning in Whitehall is given by Wheeler (2003) who stated that there has been a reconfiguration of power relations within the Government Information Communication Service (GICS). It is generally supposed that this operation was led by Alastair Campbell, former Number Ten’s Director of Communications and Strategy. He succeeded to steer the departmental communications services by his deployment across governmental departments of special advisers who were answerable to him through Downing Street’s Strategic Communications Unit (SCU) (Wheeler, 2003, p. 3). All this led to a dominance of special advisers in communicating policies and to civil servants being asked to perform more explicitly propagandist functions. It was Campbell who directed all this. His power can best be illustrated by the instruction he gave to departmental press officers “*that no Minister would be allowed to publicly speak about any policy matter without gaining a clearance from the SCU*”. No wonder he won titles as ‘the real deputy Prime Minister’ or “*the spin master supreme who held sway across Whitehall*”.

At a given moment, concern about Campbell’s role was so large that the Commons’ Public Administration Select Committee chose to investigate the politicization of the Governments’ press office (Pilkington, 1999). A group of MP’s even required that “*Campbell should be stripped of his unprecedented power to issue orders to civil servants*” (The Guardian, 13 March 2001).

The spinning role of special advisers was even further criticized after the Jo Moore incident(s), leaving the ‘spinning-activity’ with a complete hangover, placing it and its messengers in a disgusting daylight.<sup>14</sup>

4. The fourth and last point of discussion around special advisers refers to their position in the executive branch, their relation to public servants in particular. This discussion was

---

<sup>14</sup> The spinning of Damien Mc Bride (cfr. supra) was at least as embarrassing as the Jo Moore incident.

held from the moment the first Blair Government took office and was caused by two concrete intentions/decisions of the Prime Minister:

- His intention to appoint his Chief of staff to be his Principal Private Secretary, a post that has been held by up-and-coming career civil servants since the 1920's (Pilkington, 1999, p. 52).
- His discrete decision (by an order in council) that handed executive powers to some of his special advisers (Alastair Campbell & Jonathan Powell).

These two developments raised a lot of publicly expressed concerns as they were felt as an attack on the core of the Whitehall model.<sup>15</sup> The decision to give some special advisers the right to instruct civil servants in particular raised a lot of commotion. Until then, special advisers were always been held outside line management. By this decision they were inserted in the hierarchy for the first time, although this prerogative was reserved for only three advisers. The result of the public concern was that it was made clear as a general principle in the initial code of conduct that special advisers stand outside the departmental hierarchy. Nevertheless, this theme seemed to be a recurrent issue during years that followed the introduction of the code of conduct. As a consequence, the code was adapted several times, illustrating the evolution in thinking of the Government about the role of special advisers. Two important adaptations were made, the first one in 2003, the second in 2005.

- In 2003, the Government's response to the ninth report of the Committee on Standards in Public Life announced that the role of special advisers was to be expanded: "... *special advisers need to be able, on behalf of their Minister, to convey instructions and commission work from civil servants*". The response went on to say that "*The Government does not believe that this represents line management*", although it really did place for the first time special advisers between Ministers and civil servants, a role previously held exclusively by private secretaries. Although the Committee of Standards in Public Life and the Civil Service Commissioners disagreed with this<sup>16</sup>, the amendment was –apart from the omission of the word

---

<sup>15</sup> It should be mentioned that not only the content of this decision, but also its secretive character raised concerns. Changing a core principle of the Whitehall model by an order in council was never seen.

<sup>16</sup> "*We believe that the Government's proposition that special advisers need to be able, on behalf of their appointing Minister, to commission work from civil servants is wrong. ... The solution which the Government proposes will, we believe, only confuse respective roles within the executive. It would result in special advisers, in effect, giving instructions to civil servants. ... When a Minister wishes to commission work it should be done through his or her Private Office.*" (A civil service bill, Written Response by the Civil Service Commissioners to HM Government)

instructions- made to the code of conduct, together with other clauses that regulated the behavior of special advisers towards civil servants.

- In May 2005, the Governments wanted to change the role of special advisers to one where they ‘assist’ Ministers rather than ‘advise’. According to Alistair Graham, the chairman of the Committee on Standards in Public Life, this effectively would allow special advisers to write part of the advice to Ministers and would allow them to override a civil servant, giving ‘spin doctors’ new powers over civil servants (The Guardian, 16 May 2005). The Cabinet Office, however, played down the implications of these new definitions of special advisers’ roles, claiming that they merely modernized outdated definitions. The changes were approved by the Privy Council on June 22, but were not announced to Parliament, as the Government (once again) used an administrative prerogative to make the change.

Both developments illustrate the concern for a central steering role for special advisers in top of the civil service, diminishing the latter’s policy advisory role.

Lord Wilson, former Head of the Civil Service, formulated<sup>17</sup> this concern as: *“I think that real risks to the proper running of Government would arise if decision taking were to take place on networks of Ministers and special advisers in departments communicating with special advisers in No 10 and the Prime Minister, and the official machine was denied a proper opportunity to give advice to the government of the day.”*

It seems to belong to the core of the Whitehall model that the contacts between Minister and civil servants are not mediated by special advisers and that special advisers do not dominate civil servants.

### **Positions & arguments**

Confronted with an increase of the number of special advisers and with their expanding role, the **opponents** called<sup>18</sup> for a cap on the number of advisers and for the back-down or stand-still of the executive powers of some special advisers. The opponents were also convinced that there should come a legislative act. Lord Wilson –former Head of the Civil Service– argued this position as follows: *“A bill would clear up the grey area about what special advisers can and cannot do in the way of communicating and in the way of instructing civil servants”* (Wilson in The Guardian of 2 November 2001). *“Laws should restrict the number*

---

<sup>17</sup> In a speech for the Commons Public Administration Committee.

<sup>18</sup> See for instance *“MPs urge to curb special advisers”* (The Guardian Unlimited, 5 January 2004)

*and role of ministerial special advisers. Clear laws should be set down barring them from directing civil servants to act in a party political way”.* (Wilson, cited in The Guardian of 27 March 2002)

Although **Blair** once<sup>19</sup> agreed with the installation of a cap, in his draft of Bill, he did not installed such a number, nor did he want to relinquish the powers of the three special advisers in No 10 to give direct orders to civil servants.<sup>20</sup> His argument against a curb on the number was pragmatic: *“The fact is that permanent civil servants will always massively outnumber special advisers. What matters is not the numerical ratio, but how well the two groups work together in support of their common political masters. The Government believes that the correct approach is to facilitate good working relations by seeking to maintain and improve the clarity and precision of the limits within which special advisers should work”.*

### **3. Legitimacy of ministerial advisers in Belgium: Context, facts, ambitions and debate**

#### The context: The organization & functions of Ministerial cabinets in Belgium

The existence of ministerial cabinets in Belgium can historically be explained by the need of Ministers to free themselves from dominant influences, firstly from the King, afterwards from the administration. According to Brans, Hoet & Pelgrims (2006), the number of personal advisers subsequently increased parallel with the growth of the welfare state after both world wars. This increase was accelerated by the fact that -during periods of highly political conflicts between Catholic, Liberal and Socialist parties- successive governments made use of informal politicization of administrative positions. These consecutive politicizations of recruitment and promotions negatively affected Ministers’ trust in civil servants and enlarged their need to have a staff of trustees at their disposal. In combination with a culture of political favours, this sphere of distrust led to a situation in which some Ministers had a personal staff of more than 100 people, fulfilling a plurality of functions. Before going to the analysis of these functions, we will first look at the internal organization of a MC.

---

<sup>19</sup> See the Government’s response to the Sixth Report from the Committee on Standards in Public Life: *“The Government believes that experience over the last quarter of a century has shown that special advisers have a useful role to play. It made it clear when it was elected that the rule would be a limit of two special advisers per Cabinet Minister or Minister attending Cabinet, other than the Prime Minister, except in special circumstances. The Government accepts that an overall limit on the number of special advisers should be included in Civil Service legislation. Once that legislation has been enacted, increases in the limit will require the consent of both Houses of Parliament.”*

<sup>20</sup> The Order in Council was revoked when Gordon Brown became Prime Minister in June 2007.

Regardless of their size, every MC in Belgium consists of a certain number of positions. One makes a difference between policy advisory personnel and executive personnel. The latter category consists among others of drivers, telephonists and cooks. The former category is organized along a certain hierarchy, comprising 'Advisors', 'Adjunct-chiefs of cabinet' and 'Chiefs of cabinet'. A distinct position is being held by the spokesperson of the Minister.

Every Minister is entitled to appoint a certain number of executive and advisory personnel, but it should be mentioned that the rules about these numbers are unclear and complex. As the rules can easily be changed by a simple Governmental decision, one can not say that there exist a cap on their number.

With regard to the composition of the ministerial cabinets, it should be mentioned<sup>21</sup> that there are working a lot of external experts and civil servants in the MC. The experts are taken from universities, pressure groups and/or civil society organisations. Besides technical knowledge and practical experiences, they bring also a lot of contacts to the Minister. The civil servants can be seconded to a MC. In that case, they are temporarily replaced in their department, but do not lose their function and seniority. These secondments give officials at the one hand the chance to experience politics and policy-making<sup>22</sup>, but they lead at the other hand to a brain drain in the civil service, as the high flying officials are asked to come to the MC.

Looking at the functionalities of MC, Brans, Hoet & Pelgrims (2006) distinguish between two categories of functions: policy functions and political functions. With *policy functions*, they refer to the central role MC play in policy-making. They steer the policy processes and are the central nodes<sup>23</sup> in the policy networks. They deliver the final advice to the Minister and support him/her in Parliament and during field visits. They often represent or replace Ministers for speeches and visits and host in his/her name visiting groups who want to present and defend their point of view to the Minister (Vancoppenolle, 2009).

According to Dewinter, the *political functions* of ministerial cabinets are related to systemic influences springing from the nature of Belgian party political recruitment and partitocracy (Dewinter, 1996). In this perspective MC function as recruitment and career mechanisms for professional politicians, as smoothening coalition government, as party control for ministers and as support to party organization (Brans, Hoet & Pelgrims, 2006). Two functions have to be discussed in particular.

---

<sup>21</sup> As this is often forgotten in public discussions in which ministerial advisers are often described as merely external party-advisers.

<sup>22</sup> To develop political antennas, understand better the political logic. These secondments however are also used in a strategic way, as administrations and agencies are seeking for representation at the ministerial cabinet to look after their interests.

<sup>23</sup> Receiving demands, demanding reactions and leading negotiations with (external) stakeholders

- Given the fact that Belgium has a tradition of coalition governments, all policies have to be approved by the parties of the majority, resulting in an incredible amount of deliberations and negotiations.<sup>24</sup> Because Ministers are not able to lead all of these talks, this is one of the most important functions of the MC. The smoothening happens via so-called IKW's (inter-kabinet-working groups). According to Tegenbos, even the smallest policy issue has to be discussed in an IKW, so that the other coalition parties can guard their (party) interests. *"The logic of the issue is thus dominated by the logic of politics"* (Tegenbos in DS, 21/12/04). At the federal level, a special smoothening role is being played by advisers of the leading Ministers of all coalition parties. These Ministers together form the 'Core-Cabinet'. It is in the lap of this 'Core-Cabinet' that all important governmental decisions are made. Because the ministerial members of the 'Core-Cabinet' have to fulfill this additional political deliberative function, they are entitled to a second MC, a cell 'General Affairs'. It should not surprise that this second MC does comprise the most party political advisers.<sup>25</sup> According to Albers, the Chiefs of cabinet of the cell 'General Affairs' in particular are very powerful people in the Government. *"They meet separately and prepare the dossiers that have to be approved by the core-cabinet. If the Chiefs of cabinet do agree, this decision is put on the agenda as an A-issue to the meeting of the core-Ministers. This label meant that it should not be discussed anymore by the Ministers. During their meetings, one also tries to work out solutions for issues on which the Ministers did not agree during the last Core-cabinet."* (Albers, in De Standaard, 06/09/03)
- Special advisers are also expected to do some work for the political party of the Minister. Giving presentations on the Ministers' policy to party sections, contributing to the preparation of party conferences, preparing elections and doing some campaign work, ... . Numerous advisers are also active in local politics, some of them occupy a local political mandate. Taking part in Government is thus very interesting for political parties. It makes that they can employ personnel with governmental resources, giving them an advantage compared to the parties of the opposition.

Contrary to this plurality of functions assigned to and fulfilled by MC, there hardly does exist an official document listing their competences and tasks. The only task description is included in the Royal Decree regulating the composition of the MC. *"They may work on the issues that can influence the global governmental policy or the parliamentary activities, they can do research and study-work to facilitate the personal task of the Minister, they can take care of the presentation (to the Minister) of*

---

<sup>24</sup> Especially at the national level, because at that level, one not only has to bridge (opposite) ideologies between the political parties, one also has to reconcile communal problems, as the interests of Flemish and Walloon parties often do not match. These communal conflicts are facilitated by the fact that in Belgium political parties have regionalized as well, what means that the federal Government consists of Flemish parties and Walloon parties. As the parties only have to give account to the voters of their region, and as both regions have different needs and cultures, coming to compromises is the most central feature of Belgian policy-making.

<sup>25</sup> A Minister formulated this as follows: "Those who are working very intensive with me have to have the sensibilities of the party in their fingers" (Minister Anciaux in De Standaard, 26/07/2003).

*the dossiers of the administration, they can do the secretariat of the Minister and can handle the letters and requests for the Minister, as well as the communication with the press.*"<sup>26</sup> It may become clear that this description is rather unclear and insignificant with regards to their real policy work.

The facts: Ambitious intentions, unimplemented reforms

The description of the composition and functionalities of MC in the previous section has made clear that MC are very important institutions in Belgian policy-making. Nevertheless, the former Government (led by Guy Verhofstadt) had the ambition to abolish them. In this section, we will sketch this ambition and will look at the implementation of it. To structure and clarify the description, we listed the most important developments in table 2. These developments will be explained afterwards in the text.

July 1999	Start of the Government Verhofstadt I.
February 2000	Publication of the Copernicus-plan to the press by the Prime-Minister and the Minister of public service affairs. One element of this plan was that the MC would be abolished.
February 2001	The spokesperson of the Prime Minister guarantees that the MC will not exist anymore in the next Government. But Ministers will still be able to install a political secretariat, comprising 13 people: 5 advisers & 8 assistants
April 2001	The reduction of the MC will save money, says the Prime Minister. The Ministers will only keep their political secretariat and the members of the core cabinet will be entitled to a separate policy cell 'General Policy/Politics'. As a result, the total number of special advisers will be 500 people (in stead of 1000). However, in the implementation decrees, a cap was not included. It will be up to each Government to determine the size of their assisting cells and secretariats.
July 2001	Approval and publication of the Implementation Decree on ministerial cabinets. The decree states that the roles of the MC will be taken up by two different entities: the 'policy-making cell' in the departments and the 'personal secretariat' of the Minister. It also foresees in the right for the members of the 'Core-Cabinet' to keep their cabinet, although it will carry another label ('cell General Policy')
February 2002	Opposition leader Yves Leterme (from the Christian-democrat party) says that the MC keep getting more expensive. The spokesperson of the Prime Minister responds that it will be the last time the opposition can say this, as the MC, in a few months, will partly be disappeared.
January 2003	It becomes clear that the reduction of the ministerial cabinets after the elections of June 2003 was not written down in the budget for 2003. According to Luc Van den Bossche, at that time Minister of the public service, it was forgotten.
April 2003	In the pre-election period, opposition party CD & V (the Christian-Democrats) promises that it will reduce MC to a cell of 5 à 10 people.
July 2003	During the negotiations for the formation of the new Government, it was decided to keep the MC, although their name and position was changed. The people in the 'Policy Cell' (before it was 'Policy-making cell) will not be appointed anymore by the leading civil servant, but the cell will be composed completely free by the Minister.

<sup>26</sup> Royal Decree of 4 mei 1999.

July 2003	Governmental decision on the size of the policy cells: -Each Minister can have a policy cell of 24 people, of which 12 executive people. -This cell can be complemented by a political secretariat of 12 people (of which 7 executive personnel) -Ministers who have more than one competence, can add 12 people, of which 6 from the public service. -Vice Prime-ministers will be allowed to install a cell ‘General affairs’
-----------	---

Table 2: Overview of the Belgian reforms and discussions about MC

Before the elections of 1999, all political parties agreed that the ministerial cabinets should be reduced (Tegenbos, DS, april 1999). A Minister should only have a small team of political advisers in addition to an administration who should do all the policy work. Given this political agreement, it is not surprising that after the elections of 1999 (who were lost by the Christian democrats of Prime Minister Dehaene), the new coalition of Liberals (VLD & MR), Socialists (SP & PS) and Greens (Agalev & Ecolo) announced the abolition of ministerial cabinets. This reform made part of a much larger reform for modernizing the public service at the federal level, the so-called Copernicus-reform<sup>27</sup>.

It was the Prime Minister himself who announced this revolutionary reform of the federal administration, including the ‘abolition’ of ministerial cabinets. In the future, Ministers would use the expertise of a ‘policy-making cell’ in the civil service to elaborate their policies. This cell would be composed by the highest civil servant of the department and would only comprise civil servants. This change meant that the specialists who were doing the policy work in the MC (experts from the administration or external people) would be replaced by specialists in the civil service. They would be selected by the public service recruitment office (SELOR) and they would get a contract for the length of the legislature. Ministers would only have a small (5 people) personal and political secretariat. (DS, 17/02/2000)

However, despite these good intentions, the Government did not realize its ambition and made - in an incremental way- important amendments to its plans. An overview:

- in February 2001, the size of the personal secretariats was fixed. These secretariats would count up to 13 people per Minister, although the Government had said before that they would count only five advisers.
- in April 2001, the Prime Minister said that each Vice-Prime Minister would have the right to install a separate cell ‘General policy’. This cell should take care of the negotiations between the coalition parties and should guard the parties’ interests. They would do the real party-political work.
- in July 2001, an implementation decree was published. It dealt with the transfer of competences of the MC to different entities. Only the ‘policy-making cells’ would be filled with civil

<sup>27</sup> See Hondeghe & Depré (2005) for an overview of the Copernicus-plan.

servants. The ‘personal secretariats’ and the cell ‘General policy’ would still contain special advisers who were personally appointed by the Minister. It thus became clear that the intended ‘abolition’ de facto was going to be a reduction.

- in January 2003, the opposition had noticed that the budget for 2004 did not take into account the scheduled reduction of the MC after the elections of June. They interpreted it as an indication for the unwillingness to abolish or reduce the size of MC.
- in July 2003, the new coalition (liberals + socialists) decided that the composition of the policy (making) cells in the administration should be not decided by the leading civil servant, but by the Minister self. Additionally, the people working in these cells would not have to report to the leading civil servant, but to the Minister. This de facto meant that the policy (making) cells were withdrawn from the administration, re-installing a kind of ministerial cabinets in between Minister and administration. As only the label changed, one could speak about an operation of ‘old wine in new bottles’.
- According to the Governmental decision of July 2003, the composition of the MC ‘new style’ once again was changed/enlarged. Apart from a personal political secretariat (counting 12 people, where of 5 advisers), every minister was authorised to install a policy cell comprising 24 people (only 12 policy advisers). For every additional competence a Minister would be able to add a supplementary cell of 12 people, partly to be taken from the administration.

Although one had the initial ambition to transfer the policy-making work to the civil service and to install small cells of special advisers for the party-political work, at the end nothing had changed. It is however interesting to get a better understanding of the debate surrounding these reform intentions. In the following section, we will make this analysis, focusing on the actors, the content and the arguments.

#### Analysis of the debate

Before sketching the debate, we think it is important to say that MC have received a lot of attention in the Belgian press during the last decennia (see titles in bibliography). There seems to exist a kind of fascination in the media for the figure ‘ministerial cabinets’. This can be drawn from the amount of articles about MC. For instance, in times when a new Government comes into office, the media is conscientiously reporting over the appointments in the MC: Who is who? Who are the Chiefs of cabinet and where do they come from? What will these appointments mean for the ministers policy? ... Following this specific interest in the figure of MC, it should not surprise that the press paid a lot attention to the reform ambitions.

**Participating actors:** As mentioned above, before the elections of 1999, all political parties were convinced to abolish or reduce the MC, the theme was even used during the election campaign. The

Government Verhofstadt I made from its Copernicus-reform –containing the abolition of MC- the spearhead of its Governing program. Not only was it the first chapter in their Coalition Agreement, they even consulted every single citizen about the Copernicus-plan via a public survey. The plans of the Government were covered positively by the media for months. But from the moment that the opposition and the media felt that the Government was not willing or able to implement its promises, they started to monitor every progress and began criticizing the operation. It should be mentioned that some journalists seemed to be really fascinated by the figure of MC. They followed conscientiously every evolution in size, narrowing the debate on special advisers to one of numbers.

Summarizing one could say that the debate about the reduction of the MC was mainly being held among politicians and journalists. Civil servants did not participate in that debate, although they (by way of the civil service unions) reacted strongly against other elements of the Copernicus-reform. It is important to note that all parties said they wanted a reduction of the number of advisers. Everyone was against the MC, no actor argued for this institution.

**Content of the debate: Points of discussion and arguments:** With regard to the debate about the special advisers in the MC, we have found the following points of discussion in the press articles.

1. Number: As already mentioned before, the press kept track of the numeric evolutions on the number of advisers in the MC. But not only the press was fixated on numbers, the Government and the opposition focused also on the size of MC. The Government used numbers to prove that they would employ less advisers than the former Government, the opposition used numbers to prove that in reality nothing changed. Suetens (1999) argued that at a given moment the debate was obsessively focused on numbers. Installing less advisers than the former Government seemed to be the leitmotiv of the new Government. *“Having 5.35 or 9.89 special advisers is less important than a rational and open debate about the real needs of Ministers. It should be better to give more attention to that.”* (Suetens & Walgraeve, 2001)

2. Inefficiency: A lot of articles mentioned the cost-price of the system of ministerial cabinets. Most of those articles gave only the monetary cost, some mentioned also the fact that MC by definition are inefficient as they double the work of civil servants.

3. Their politicization-impact

With regard to the launch of the Copernicus-reform, some journalists welcomed the decision to reduce the MC, as this would lead to the strengthening<sup>28</sup> of the administration. Underlying assumption was that policy-making would become more objective and less politicized, leading

---

<sup>28</sup> It would lead to better civil servants, being less frustrated and less alienated from politics.

to better policies. *“The result of the existence of MC is that policy-making is too political, not evidence-based. ... By reducing the MC, the influence of pressure groups will get objectified and will be channeled by the administration. (Tegenbos, De Standaard, 18 February 2000)* This was also the main **argument** for the reduction of MC: it should make Belgian policy-making less political and should enhance trust in public services. The argumentation ran like this: *“Ministerial cabinets are exemplary for the existence of distrust between a Minister and his administration. If this symbol of distrust continues to exist, how can we expect any trust in Government from the citizens.”*

#### **4. Ministerial advisers in Belgium & the UK: comparable problems of legitimacy?**

In the former sections, I analyzed the reforms and the debates about special advisers in two different countries, the UK and Belgium. In order to explore the universality of the legitimacy problems that ministerial advisers seem to have to face, I will now compare the findings of both analyses. This section will be structured along two questions:

1. Are the size and kind of the legitimacy problem of ministerial advisers in Belgium and the UK comparable?
2. Do both governments try to enhance the legitimacy of the ministerial advisers and if so, by means of the same strategies and instruments?

First, I will compare the debates in both countries to verify if the legitimacy problem is similar. I will look at the debating actors and at the points of discussion and arguments. Secondly, I will compare the reform strategies who tried to enhance the legitimacy of ministerial advisers.

##### Ministerial advisers in Belgium and the UK: Similar legitimacy problems?

The analysis of the debates makes clear that on the one hand the debates bear a resemblance to each other, but it was –on the other hand- also clear that they differ in considerable measure. Despite the fact that both countries share the fact that special advisers are heavily criticized actors and despite the fact that the number of special advisers, their salaries and the total cost price of the special adviser-system seem to be recurrent critiques in both countries, the criticism is expressed by different actors and the points of discussion are not completely the same. Table 3 illustrates all this.

	UK		Belgium	
	Contra MA	Pro MA	Contra MA	Pro MA
Debating actors	-Committee on standards in public life -Several MP's, in particular the Select Committee -The opposition -The civil service union, FDA	-The Government -Some individual special advisers	-Political parties (majority and opposition) -The media, some journalists in particular	-Some academics
Points of discussion	-The (increased) number of special advisers -Their cost price -The fact that governmental money is used for party political work -The assignment of powers to some advisers in Downing street -Their relation with civil servants (=their position in Whitehall) -Their spinning role		-The number of special advisers -Their cost price – The total inefficiency by doubling the administration -The politicization of governmental policies	
Positions	-Calling for a cap on their number -Demanding the revocation of the executive powers given to three advisers in No 10 -Calling for a legislative act to uphold impartiality	-Increasing the number of special advisers -Willing to expand the role of special advisers	-Calling for the abolition or a reduction of their number -Leading to the handing over of their policy-making work to civil servants	-The debate on MC is not properly held
Arguments	-They threaten the (impartial) policy advisory role of civil servants -They politicize policy-making -They spin too much	-Number is negligible -They are functional to the Whitehall model = they shield the officials from politicization -They bring progress	-A reduction will depoliticize policy-making and will regain trust in the public service -A reduction will enhance efficiency	-MC are functional and necessary for Belgian politics and policy-making

Table 3: Comparison of the debates on special advisers in Belgium and the UK

It may be clear that both countries differ in the **actors participating** to the debate. It is surprising that there was in Belgium hardly an actor who was in favour of the existence of MC. Even the governing political parties (who have clear interests in the existence of MC) did not dare to defend the figure of MC in public, notwithstanding they were canceling the decision to reduce the MC. At several moments there were only some academics who argued for a more realistic and subtle view on the functionality of MC. In the UK, the latter position was taken by the Government itself. In Belgium, the Government as well as the opposition called for a reduction of the number of special advisers, but the debate became polarized from the moment the Government did not realize the scheduled reductions. Strangely enough, the Government kept on promising that there would follow a reduction.

Further, it became also clear that in Belgium the civil service itself was not participating in the debate, while in the UK both the civil service union (FDA) and the Commission on Standards in Public Life were taking positions in the debate. Reviewing the contributions of the press, we have the impression that some Belgian journalists did take clear positions against the special advisers, while in the UK the journalists are merely channeling the opinions of others.

With regard to the **points of discussion and the arguments**, more important differences can be noticed behind the common and general criticism that there were too much special advisers.

- 1) In both countries the *number* of ministerial advisers is a matter of debate, as in both countries it was argued that there were too much ministerial advisers. However the numbers differ a lot in size. In the UK, the doubling of the number up to 80 advisers under Blair raised a lot criticism, in Belgium the fact that the ministerial cabinets counted more than 500 members was problematic. In the UK, no target figure for an ideal situation was presented, while in Belgium some politicians had the ambitions (or dreams) to abolish them completely. Overall, one was satisfied with a reduction leading to a number of 300 or 400 people.
- 2) The *cost price* of ministerial advisers was being criticized in both countries. However, the arguments behind this position did differ. In the UK, the cost price criticism had been given as one did not want to subsidize the party work of the governing party. Such an argument was not used in Belgium, although one could say that the existence of ministerial cabinets does lead to an unbalanced situation in which the governing parties receive a lot of benefits (knowledge, direction and job opportunities) compared to the opposition parties. The main argument in Belgium about the cost price of MC is that their existence is inefficient, as they double partly the work of the administration. In the UK, this was no argument. By contrast, the individual wages of top special advisers were a subject of discussion in the UK, but not in Belgium.
- 3) The most important and most surprising difference between both countries is that in Belgium the *hierarchical position* of ministerial cabinets is not questioned, while this is the core of UK criticism. The fact that not elected non-public actors can use the authority of their Minister to instruct civil servants is not an issue in Belgium<sup>29</sup>, while it is the most delicate aspect of the role of special advisers in the United Kingdom. Given the intense reactions to Blair's successive decisions and adaptations of the code of conduct for special advisers, we even think that it is a core-aspect of the Whitehall-model. In the UK it seems to be unthinkable that the access for civil servants to the Minister is blocked by special advisers or that their advice would be modified by special advisers.
- 4) The *spinning* of special advisers is rather not an aspect of criticism about MC in Belgium. Moreover, Belgium has not known the spinning incidents that happened in the UK (see e.g. Jo

---

<sup>29</sup> Moreover, in Belgium it is found normal that non-state actors can instruct, add and/or rewrite the advices of civil servants.

Moore). We see different possible explanations for this. First, it may be that Belgian ministerial advisers fulfil this role yet longer than their British colleagues. A second explanation could be that the move to spinning happened too fast in the UK. A third (and/or additional) reason could be that spinning is not the main function of Belgian MC, while it may be the most important role for UK-advisers. A fourth reason may be that the spinning activities come faster to the surface in the British politico-administrative system, known for its one party-government assisted by a neutral civil service.

- 5) Another difference is that Belgian criticism is not targeted towards one *particular person*, as it was the case in the UK with Alastair Campbell. This however does not mean that the (former) communication adviser (Noël Slangen) of Prime Minister Verhofstadt was irreproachable. He was criticized heavily by the opposition and the public, but the reproaches in general did not concern his spinning or politicisation work or the figure of special advisers in general, as he was being criticized mainly on other<sup>30</sup> reasons.
- 6) The British code of conduct contains some rules about working for the party or participating to elections. Such *rules* do not exist in Belgium. In reality, several Belgian ministerial advisers take on a lot of party-political work (assist in the preparation of Party conferences, present the parties policies to members and sections, prepare the elections, ...).

### ***Comparable reform strategies?***

Given the fact that ministerial advisers in the UK are accepted, but criticized, while they are criticized and not accepted in Belgium, the reform strategies do differ.

In Belgium, it seems like no one is willing to do any effort to enhance the legitimacy of the ministerial cabinets in their current shape. According to the public debate, their legitimacy problem would only be resolved by abolishing them and/or by replacing them by career civil servants.

Although all political parties argued strongly for a reduction of the MC and although a reform plan was set up, in practice nothing changed.<sup>31</sup> At the opposite, ambitious public rhetoric about their abolition was been replaced by silent governmental decisions about reductions and by secret agreements to continue with the figure of ministerial cabinets. At the moment, there still has been no reduction to the ministerial cabinets and their public legitimacy is still problematic, but the topic has disappeared completely from the federal political and policy agenda. However, after a recent incident in which some special advisers would have tried to influence the decision of a court of justice, for the

---

<sup>30</sup> Although he was also criticised that he was responsible for the ‘good-news’ show of Verhofstadt –one spoke about the ‘*verslanging*’ of politics (a kind of politics whereby the form is more important than the content, Brinckman, De Standaard 2002)- the main criticism consisted in an accusation of a conflict of interest between his advisory role and his private consultancy work. Other critics dealt with his own no-nonsense opinions (See his opinion that it should have been better if some Ministers had not become Minister, De Standaard)

<sup>31</sup> The Copernicus-reform tried to integrate the ministerial advisers within the civil service, but this trial failed.

first time the proposal was launched that it would be good if there would be a written code of conduct for ministerial advisers.

In the UK, the existence of the special advisers was not a subject of discussion, but their potential hierarchical relation towards civil servants, their acts and behavior were highly debated. The reform strategies tried to deal with some of these problems.

- The authority to give orders and/or commission work from civil servants was restricted to only a few special advisers in Downing Street. As the opponents kept on criticizing the order in council, Prime Minister Brown revoked it at the beginning of his term. In the Code of conduct one tried to express very precisely the relations between special advisers and civil servants.
- The code of conduct was mainly established to mark the task and role division between special advisers and civil servants, although its purpose was also to mark the boundaries of the behavior of special advisers. The ambition to define the position and the role of special advisers in a (civil service) bill, would make these demarcations more important.
- Although no cap on the number of advisers was installed, it is clear that it would not be accepted to raise again the number of ministerial advisers.

## **Conclusion**

---

In order to examine the extent to which the legitimacy problems of ministerial advisers are comparable in between countries, I analyzed in this paper the debates and reform strategies with regard to ministerial advisers in Belgium and the UK. The comparative analysis showed that the debate about special advisers is being held slightly different in different countries, although some arguments and critics are similar. These differences point to a different position and to other roles and functions that special advisers in Belgium fulfill. It may be clear that in the UK, the homeland of the politically neutral civil service, one is especially concerned about the influence of politically appointed advisers on Whitehall, known for its political neutrality civil service, its merit-based career system and its high-skilled officials. In Belgium, the fact that ministerial cabinets politicize public policy-making and that they are too costly (as they would double<sup>32</sup> the work of the civil servants) are the main arguments.

Despite all the incidents and the political discussions that took place in the UK, I think the legitimacy of the special advisers is less in jeopardy in the UK than it is in Belgium. Although ministerial cabinets are the most important actors in Belgian executive policy-making, their existence is –strangely enough- criticised by all actors: political parties, media and citizens. However, abolishing them is –to my opinion- not possible as they are the nodes in our politico-administrative and policy-making system.

---

<sup>32</sup> In my own Phd-research (Vancoppenolle, 2006) I found that ministerial cabinets were not merely doubling the work of civil servants, but were also (and mainly) complementing and steering the civil service.

## Bibliography

- Banchoff, T. & Smith, M. (1999). *Legitimacy and the European Union: the contested polity*. London, Routledge. 226 p.
- Brans, M., Pelgrims, C. & Hoet, D. (2006). Comparative observations on tensions between professional policy advice and political control in the Low Countries. *International Review of Administrative Sciences*. 72(1): 57-71
- Barker, R. (1990). *Political legitimacy and the state*. Oxford : Clarendon.
- Campbell, C. & Wilson, G.K. (1995). *The end of Whitehall: death of a paradigm?* Oxford, Blackwell publishers. 342 p.
- Civil Service Commissioners (2005). A civil service bill. Written response (22 februari 2005) by the Civil service Commissioners to HM Government. Afgehaald van het internet via <http://www.civilservicecommissioners.gov.uk>.
- Coicaud, J.M. (2002). Legitimacy and politics. A contribution to the study of political right and political responsibility. Cambridge, University Press. 259 p.
- Committee on Standards in public life (2003). *Defining the boundaries within the executive: ministers, special advisers and the permanent civil service*. Ninth Report. Stationery Office limited. 90 p.
- De Vries, M. (2008). *Politiek assistenten en hun rol als liaison*. Afstudeerscriptie NSOB. Juni 2008.
- Eichbaum, C. & Shaw, R. (2007). Minding the Minister? Ministerial advisers in New-zealand Government. In *New Zealand Journal of social sciences online*. Vol. 2, pp. 95-113.
- Graham, A. (2005). Revision of the code of conduct for special advisers. Statement by the chairman of the committee on standards in public life. 21 july 2005.
- Hondeghem Annie & Depré Roger (Red., 2005). *De Copernicushervorming in perspectief*. Veranderingsmanagement in de federale overheid. Brugge: Vandenbroele. 492 p.
- Kellner, P. & Hunt, L.C. (1980). *The civil servants: An Inquiry into Britain's Ruling Class*. Londen, Macdonald future. 352 p.
- Korsten, A. & de Goede, P. (2006). *Bouwen aan vertrouwen in het openbaar bestuur: Diagnoses en remedies*. 's Gravenhage, Elsevier Overheid.
- Maijenburgh, M. (2007), *De politiek assistent: verkenning van een politiek-bestuurlijk fenomeen*. Utrecht, USOB.
- McSwite, O. (1997). *Legitimacy in public administration: a discourse analysis*. Thousand Oaks (Calif.): Sage.
- Miller, C. (1990). *Lobbying, understanding and influencing the corridors of power*. Oxford, Basic Blackwell. 250 p.
- Page, E.C. (2002). *Civil servants at work*. Interim report april 2002. 16 p.
- Peters, G. & Pierre, J. (2004). Politicization of the civil service in comparative perspective. The quest for control. London: Routledge.
- Pilkington, C. (1999). *The civil service in Britain today*. Manchester University press. 183 p.

- Quermonne, J.L. (1994). *La « mise en examen » des cabinets ministériels. Pouvoirs n°68 - Qui gouverne la France ?* pp.61-75
- Rose, R. (1984). The political status of higher civil servants in Britain. In Suleiman, E. (Ed.), *Bureaucrats & policy making. A comparative overview* (pp. 136-173). New York, Holmes & Meier.
- Smith, M. J. (1999). *The core executive in Britain*. Londen, MacMillan. 280 p.
- Suetens, M. & Walgrave, S. (2001). Depolitisering vraagt duidelijke communicatie. In *De Standaard*, 1 maart 2001.
- Suleiman, E. N. (1974). *Politics, power and bureaucracy in France. The administrative elite*. Princeton University Press. 440 p.
- Van De Walle, S. (2004). *Perceptions of Administrative Performance: The Key to Trust in Government?* Leuven : K.U.Leuven. Doctoraatsverhandeling Faculteit Sociale wetenschappen.
- Vancoppenolle, D. (2006). *Ambtelijk beleidswerk verkend en getoetst in meervoudig vergelijkend perspectief: een two-level analyse van de rol van Vlaamse ambtenaren in de Vlaamse beleidsvorming*. Leuven: KUL, doctoraatsverhandeling.
- Vancoppenolle, D. (2009). *Beleidswerk door ambtenaren en kabinetmedewerkers: Feiten achter de stereotypes. Een verkenning in de Vlaamse overheid*. Van den Broele, 398 p.
- Walgrave, S., Caals, T., Suetens, M., de Swert, K. (2004). *Ministerial cabinets and partitocracy: a career pattern study of ministerial cabinet members in Belgium*.- Antwerpen: Universiteit Antwerpen, Faculteit Politieke en Sociale Wetenschappen, 22 p
- Whelan, N. (2005). Let's look at what special advisers do before we condemn them. *Irish Examiner*, 2005, March 17.
- Wilson, G.K. & Barker, A. (1995). The end of the Whitehall Model? In *West European politics*, 18, 4, pp. 130-149.
- Wilson, R. (2002). *Speech to: Portrait of a profession revisited*. 15 p.

### **Journal archives UK**

- The Guardian, 1999, July 6. Ingham attacks Labour advisers
- The Guardian, 1999, May 17. UK advisers 'deputise for ministers'
- The Guardian, 2000, January 12. Moaning mandarins. Whitehall should learn to love special political advisers like me.
- The Guardian, 2000, January 2000. Sleaze committee calls for curbs on government spin doctors.
- The Guardian, 2000, July 15. How No 10 put spin on staff to impress BBC.
- The Guardian, 2000, July 26. Spin and the government.
- The Guardian, 2000, July 27. Labour agrees curb on special advisers.
- The Guardian, 2000, November 15. Special advisers, mandarins and lobbyists hold public sector power.
- The Guardian, 2000, November 5. Blair's adviser bill rises to £11m.
- The Guardian, 2001, March 13. Cut back Campbell's powers, urge MPs.
- The Guardian, 2001, November 2. Call to clarify role of spin doctors.
- The Guardian, 2001, October 10. A product of Mandelson school of manipulation.
- The Guardian, 2001, October 17. A further look at ministerial advisers.

The Guardian, 2001, September 11. Blair special advisers face inquiry.  
 BBC news, 2002, June 28. Special advisers under scrutiny.  
 The Guardian, 2002, Augustus 22. Tories attack Blair as unfit to oversee No 10 spinners.  
 The Guardian, 2002, February 26. MPs put adviser role in spotlight.  
 The Guardian, 2002, February 28. The Blairites have wrecked the best of the civil service. Whitehall must restore its impartiality or kowtow to ministerial liars.  
 The Guardian, 2002, July 2. Blair's early warning system on exploding cabinet ministers.  
 The Guardian, 2002, June 27. Inquiry to examine inner workings of Whitehall.  
 The Guardian, 2002, March 27. protect us from politicization – top civil servant.  
 The Guardian, 2002, March 27. Top civil servant demands curbs on Whitehall spin.  
 The Guardian, 2002, March 31. Spin doctors.  
 The Guardian, 2002, March 4. Advisers to be subject to new laws.  
 The Guardian, 2002, March 5. Warring in Whitehall. Now is the time for civil service reform.  
 The Guardian, 2002, May 13. Frustrated Mps take action on advisers. Unusual move to prevent new Jo Moore fiasco.  
 The Guardian, 2003, April 8. Spin doctors get parliamentary check-up.  
 The Guardian, 2003, April 9. Lex Campbell. Spin doctors should be defined by law.  
 The Guardian, 2003, April 9. Move to curb rule of Whitehall by advisers.  
 The Guardian, 2003, January 16. Whitehall spin machine faces new inquiry. Independent review follows controversy over special advisers.  
 The Guardian, 2003, July 16. Wages of spin reach £5.4m  
 The Guardian, 2003, July 17. Fewer advisers, but they cost more.  
 The Guardian, 2003, June 19. Former mandarins attack hasty reforms.  
 The Guardian, 2003, June 22. Civil service fights the spin.  
 The Guardian, 2003, November 3. A balancing act.  
 The Guardian, 2003, October 29. A tip for the service.  
 The Guardian, 2003, September 11. New watchdog and code for advisers.  
 The Guardian, 2003, September 12. Watchdog attacks PM's rules on advisers.  
 The Guardian, 2004, December 13. The sofa of total power.  
 The Guardian, 2004, February 23. Spin doctors 'still eroding trust'.  
 The Guardian, 2004, January 20. Whitehall, lobby and media 'to blame for lost trust'.  
 The Guardian, 2004, January 5. MPs urge law to curb special advisers.  
 The Guardian, 2004, November 15. Ministers reject cap on special advisers.  
 The Guardian, 2004, November 16. Special advisers' numbers may rise.  
 The Guardian, 2005, July 19. Watchdog attacks silent change to civil service code.  
 The Guardian, 2005, July 20. Blair strengthens power of advisers.  
 The Guardian, 2005, July 27, Top official warns against civil service legislation.  
 The Guardian, 2005, July 27. Full text: Sir Andrew Turnbull's speech.  
 The Guardian, 2005, May 16. Special advisers to get more power over policy.

### **Journal archives Belgium**

De Standaard, 1999, April 21. Federale kabinetten moeten inkrimpen (Federal ministerial cabinets should shrink)  
 De Standaard, 1999, Juli 28. Vlaamse kabinetten een derde kleiner (Flemish ministerial cabinets will reduce with one-third)  
 De Standaard, 1999, Juli 3. Vlaamse Regering nieuwe stijl krijgt hoogstens 150 politieke raadgevers (Next Flemish Government will have maximum 150 political advisers)  
 De Standaard, 1999, Oktober 27. Vlaamse kabinetten nog onder personeelsbudget (Flemish ministerial cabinets stay beneath permitted size)  
 De Standaard, 1999, Paars-groene kabinetten hebben samen 183 chefs (Belgian ministerial cabinets count 183 'bosses')  
 De Standaard, 2000, December 12. Babelse verwarring over Copernicus (Babel-like confusion about Copernicus)

De Standaard, 2000, Februari 18, Beleid voeren zonder kabinetten kan. (Policy-making can be done without ministerial cabinets)

De Standaard, 2000, Februari 2. Cabinetards: trouwe soldaten van regime werken zich te pletter. (Advisers of ministerial cabinets are loyal soldiers and work extremely hard)

De Standaard, 2000, Februari 17, Beter bestuur zonder kabinetten (Better governance without ministerial cabinets)

De Standaard, 2000, Juni 30. Sauwens: Kabinet enkel om collega's op te volgen (Ministerial cabinets only to follow-up other Ministers)

De Standaard, 2000, Maart 1. Drie tot vijf kabinetsadviseurs volstaan (Three to five ministerial advisers suffice)

De Standaard, 2000, May 23. Kabinetten nog altijd kleiner dan onder vorige regering (Ministerial cabinets still smaller than under previous Government)

De Standaard, 2000, Mei 22. Kabinetten Verhofstadt kosten meer dan 2 miljard (The ministerial cabinets of the Government of Verhofstadt costs more than 2 miljard belgian francs (50 000 000 euro)

De Standaard, 2001, April 20. Afschaffing kabinetten is besparing (Abolition ministerial cabinets saves money)

De Standaard, 2001, April 21. Afschaffing van de kabinetten (Abolition ministerial cabinets)

De Standaard, 2001, April 4. Vlaamse kabinetten blijven omvangrijk (Flemish ministerial cabinets stay sizeable)

De Standaard, 2001, Augustus 14. Kabinetten waren ook sluis en kweekschool. Zonder kabinetten is er meer toekomst voor parlementsleden (Ministerial cabinets are also a channel (for influence) and a breeding ground. Without cabinets there will be more future for Members of Parliament).

De Standaard, 2001, December 24. Ministeriële kabinetten fors duurder (Ministerial cabinets a lot more expensive)

De Standaard, 2001, Februari 14. In volgende regeerperiode bestaan kabinetten niet meer. Ministerial cabinets will not exist anymore in the next legislature.

De Standaard, 2001, Februari 16. Afschaffing van kabinetten is inkrimping tot helft of kwart (Abolition of ministerial cabinets is reduction with 50% or 25 %)

De Standaard, 2001, Februari 22. Geen kabinetschefs meer (No chiefs of cabinet anymore)

De Standaard, 2001, Juni 15. Geen spindokters, maar voorlichters aub (Please no spin doctors, but information officers)

De Standaard, 2001, September 18. Vlaamse kabinetten met 40 krachten uitgebreid (Flemish ministerial cabinets expanded with 40 people)

De Standaard, 2002, Augustus 1. Kabinetten kosten ons steeds meer (Ministerial cabinets cost more and more)

De Standaard, 2002, Augustus 2. Luc Van den Bossche betreurt bestaan kabinetten (Luc Van den Bossche, former Minister of civil service, regrets the existence of ministerial cabinets).

De Standaard, 2002, Augustus 21. Beleidsvoorbereiding gebeurt in Vlaanderen al door administratie (Policy-making in Flanders is already done by civil servants)

De Standaard, 2002, Augustus 21. Onderzoekers twijfelen aan verdwijnen kabinetten. Academics call in question the abolition of ministerial cabinets)

De Standaard, 2002, Augustus 8. Federale kabinetten niet groter maar wel duurder (Federal ministerial cabinets not larger, but more expensive)

De Standaard, 2003, April 5. De copernicus-blues.

De Standaard, 2003, April 9. CD&V wil "echte" Copernicus adopteren. CD&V -the Christian-democrat party- wants to adopt the good things of the Copernicus-reform)

De Standaard, 2003, Januari 7. Regering vergat geld voor kabinetten te schrappen (Regering forgot to cancel the money for the ministerial cabinets).

De Standaard, 2003, July 3. De kabinetten blijven. (The ministerial cabinets will stay)

De Standaard, 2003, Mei 14. Kernministers behouden wel een kabinet. (Core-ministers keep their ministerial cabinet)

De Standaard, 2003, Mei 21. Kabinet als springplank voor politieke carrière (Ministerial cabinet as steppingstone for political career)