

Political Strategy of Senior Bureaucrats in Structural Expansion in Thailand

Arunee Santhitiwanich

Bidhya Bowornwathana

Faculty of Political Science
Chulalongkorn University
Bangkok, Thailand

Abstract

Several studies on administrative reform have shown that the senior bureaucrats in large bureaucratic structure are major beneficiaries from the reform. However, these studies have largely ignored the political behavior of senior bureaucrats who directed the reform. As a result of this, this study is set to explore the role of senior bureaucrats in the process of expanding the bureaucracy. The expansion of departments in the Ministry of Justice in Thailand during 2001 – 2010 is used as a case study. In-depth interviews and documentary research are used as main research methodology. The study found that most senior bureaucrats who played a leading role in the reform had large interests in expanding the bureaucracy. However, they employed different strategies to meet their goals depending on their political network and bureaucratic patronage.

Key Words: Administrative Reform, Senior bureaucrat, Bureaucratic Politics

1. Introduction

The political behavioral approach has largely been used in the study of politics of administrative reform which explained the behavior of actors followed in acquiring, applying and retaining their power and interests (Rehfuss, 1973: 3; Moe, 1995: 143; Bowornwathana, 2006). Scholars in politics of administrative reform, such as Page (1992), Jacobsen (2005), Pollitt and Bouckaert (2004), Gains, John and Stoker (2008) and Bowornwathana (2010) state that reform actors participated in the reform to protect and prolong their interests. The expansion of bureaucracy, which was a result of the reform, had advantaged executive politicians and senior bureaucrats.

Bigger bureaucracy has been explained in the terms of winning of senior bureaucrats' power or the resulting of negotiation of senior bureaucrats and executive politicians from the reform game (Page, 1992; Peters, 2010; Moe, 1995; Bowornwathana, 2006; 2010; Jacobsen, 2005; Pollitt and Bouckaert, 2004; Hawkesworth, 2004; Gains, John and Stoker, 2008). It is common for scholars in politics of administrative reform to study in the macro scale; structure, groups, power relation.

The administrative reform is changing personal positions, rearranging the authority and power, and redistributing other benefits of the bureaucrats (Moe, 1995: 143; Rouban, 2007: 273). The bureaucrats and politicians who are responsible of the reform may not share the same motives, perspective, and authority. A study focusing on a micro level will help us deepen our understanding on the nature of senior bureaucrats. It would also explain how and why these bureaucrats have tried to push forward the reform agenda which would in turn benefit themselves. Moreover, this would contribute to the institutional design to protect the bureaucrats or rulers reward themselves (Hood, Peters and Lee, 2003).

This study focuses on the role of some senior bureaucrats who have directly benefited from the reform and explains how the reform was organized in the way that would advantage them. The study uses the structural reform of the Ministry of Justice in Thailand representing the sign of bureaucrat's winning to enhance authority and domain of organization (Bowornwathana and Poocharoen, 2010) as a case study.

The author begins with reviewing the explanations for the expansion of the bureaucracy and exploring the role of the senior bureaucrats in this process. This case study will then be analyzed and it will show how the senior bureaucrats intentionally organized the reform in order to benefit their personal goals.

2. Assumption about Bureaucratic Size

Bureaucracy is been the centre of study on public administration (Poocharoen, 2012). Poocharoen (*ibid?*) points out that the spread of the New Public Management (NPM) movement in many countries forced many governments to downsize its bureaucracies and use market-based competition for more efficiency in public services. In governance era, bureaucracy has expected to an important part of service delivery networks.

Many Asian countries reformed their bureaucracies in accordance with NPM and Governance concepts, and yet bureaucracies have continually grown in size and power after the reform. Many studies including, Pollitt and Bouckaert (2004), Bowornwathana (2006, 2010), Gains, John and Stoker (2008), Rouban (2007) and Moe (1995), covered this phenomenon. Two sets of explanation are offered to illuminate this issue.

First, internal factors are responsible for the expansion of bureaucracy. This type focuses on human factor causing the expansion of bureaucracy. An example of this is what is widely known as Parkinson's Law (Rosenbloom and Bryan, 1981) which explains that bigger bureaucracy in terms of the increasing the number of personnel.

Other example is Peter Principle (Rosenbloom and Bryan, 1981) which describes the officials on a hierarchy tend to rise to his level of incompetence and then more individuals must be hired.

Moreover studies by scholars, such as Katz and Kahn, Niskanen, Downs and Mintzberg, also focus on the growth of bureaucracy. Rosenbloom and Bryan (1981: 115-116) contend that such a growth will create more opportunities for promotion, transfer, prestige, and power as well as reduce internal conflict. Downs (1967: 276) argues "*there is incessant jockeying for position in policy space by means of jurisdictional disputes as each bureau struggles to defend or extend the existing borders of its various territorial zones.*" As new functions are added into the structure, new personnel must also be recruited to accommodate the new needs. This certainly affects the size of bureaucracy.

Scholars whose main interests are in the bureaucratic politics such as Moe (1995) Bowornwathana (2006) and Painter (2004) view bureaucrats are as self-interested actors, whose primary concerns are gains and losses after the reform. They state that bureaucrats have preferred to decrease the political control. Bureaucrats, especially senior bureaucrats tend to magnify the bureaucracy because it does not only mean more career opportunities but also it would be more difficult for political institution to have control over the bureaucracy (Heady ,2001; Jacobsen, 2005; Riggs, 2009; Bowornwathana, 2010; Gains, John and Stoker, 2008)

Second, external environments also have important influence on the size of bureaucracy. The more complexity of division of labor and technological change has been referred to expansion proposal of bureaucracy (Rosenbloom and Bryan, 1981). Factors such as demographic and socioeconomic changes can impact the growth of bureaucracy. For example, in the United States Rosenbloom and Bryan (1981: 116) state that "*both national and state government had to contend with political and social problems... that are, the major clientele departments were established.*" This indicates that the government has to respond to citizens' demands.

Morone (1990 cited in Lynn, 2001: 145) stated that institutions, which are designed to enhance democracy, generally expand the scope, authority of state, and the administrative capacity. The reorganization of the bureaucracy to increase democracy leads to the bigger bureaucracy. The elected party also set up the big bureaucracy. The popular policies in developing countries have shown the voters' demand and the expanding of authority of government to implement those policies. Some of these cases, as Fiorina (1977 cited in Bendor and Moe, 1985: 772) pointed the congress did it.

However, the big bureaucracy may harmful for democracy. Poocharoen (2012: 334) pointed that studies on the bureaucracy have focused on the inherent tension between bureaucracy and democracy. She also stated that some scholars argue power of bureaucracy is no danger for democracy because bureaucracy is an important instrument to drive better democratic governments. However, strong bureaucracy to effective in administration can also threat to democratic political structure. Etzioni-Halevy (1983) argued that senior bureaucrats can use advantage on the uncertainty role of bureaucracy in democracy to enhance their organizational authority and influences on the new public issues. As many developing countries, the new functions have attached with the newly permanent agencies. No public officials say those agencies unnecessary.

To explain the bigger bureaucracy in the real world, it is hardly for us to employ only one type of explanation. The senior bureaucrats may employ the interpreted social problems for enhance their departments and powers. They can also suggest the cabinets to make a policy which benefits them.

3. Roles of Bureaucrat

Most of the public policy textbook states that the role of bureaucracy is implement the policy enacted by government. (Dunn, 2004; Bryner, 2003; Gupta, 2001; Hill, 2005) In practical, the senior bureaucrats who are accepted as administrative elites have attained the policy making since the first stage. (Gupta, 2001; Hill, 2005)

Bryner (2003) explains that there are two reasons why senior bureaucrats participating at the beginning. First, to ensure that the issue that formulate to be policy will not affect their interests. Second, to make a good relation with political bosses to find a political will support when implementation.

However, there are several views describe the role of bureaucrat in policy making. First, public choice views bureaucrats concern only short-term interests and decision in the term of their own interests not the public. (Damgaard, 1997: 243; Bryner, 2003: 307; Gains and John, 2010: 456; Poocharoen, 2012: 335). Another, administrative behavior views bureaucrats believe that they are more trained capacity and value-free than the other actors. Therefore, the bureaucrats try to limit the other actor roles in decision making process. (Bryner, 2003; Kaufman, 2001)

Last, that has been used in this study; political behavior views bureaucrats as the politics players in decision making to acquire, apply and retain their power. (Rehfuss, 1973: 3) No one likes to have a position in low status agencies and to ensure that that policy will not negative effect to them. (Dunleavy, 1991 cite in Gains and John, 2010: 456)

It is generalized that we cannot dichotomize the policy formulation and implementation in the practical world. (Poocharoen, 2012: 336) So, the senior bureaucrats who are self-interest political actor can play the key roles in policy making process. Moreover, they have power base from occupation in bureaucracy and use the several strategies to influence the policy. Such strategies are following;

First, information, practical knowledge and expertise in bureaucracy have been monopolized by bureaucrats in their respective fields. The bureaucrats, as Kaufman (2001) term, are the ‘old hand’. They can give their political boss only selected information which supporting or influencing the policy direction. (Peters, 2010: 211; Kaufman, 2001: 21; Hill, 2005: 165) In some cases, senior bureaucrats initiate their policy proposals by their long time collected information. (Poocharoen, 2012: 336) In contrast, the political executives lack of time and skills relevant the policy so they have to rely on the senior bureaucrats who are information monopoly to shape policy and to advise them about the operations of the ministry. (Peters, 2010: 21) As Miller and Moe (1983: 320) state that the political executives decision making following the rule of thumb that bureaucrats guide.

Second, power of decision of the bureaucrats. (Peters, 2010) The decision procedures of bureaucracy have more efficiency than other political institutions. Bureaucracy has no-discussion and no-voting decision procedural rules. Therefore, bureaucrats are in position to have rich information and none sensitive of political pressure. Moreover, bureaucrats can decision in quickly or delay that they want.

Third, being apolitical (Peters, 2010; Kaufman, 2001) have been used to compete successfully for influence and power in decision making. It is the best reason for senior bureaucrats to make a strong argument by claiming political neutral and expertise (Peters, 2010; Kaufman, 2001).

Career security, fourth, lets the bureaucrats used “holding strategies” for the politician’s proposal which they disagree. Bureaucrats have known that it is rarely to kick them in fire (Peters, 2010; Kaufman, 2001; Poocharoen, 2012).

Fifth, derivative power of the bureaucrats. Kaufman (2001) states that it is a directly power of bureaucrat to shape policy. The bureaucrats have official power to specify the details of the laws and regulations in action and also interpret the meaning of policy in their preference way.

Sixth, being association members. The bureaucrat usually be a member of some professional associations. Those associations will pressure the decision making of political processes (Kaufman, 2001).

Seventh, organizational networks. Most of bureaucracies have their own public relation offices dueling with the media. So, the bureaucrats can disseminate “word” that they want to publish (Kaufman, 2001).

The accelerate influence of unelected senior bureaucrats have been argued that be harmful to democracy. The powerful senior bureaucrats can influence the policy that allocating public resources and widening impacts while the politicians need the professional bureaucracy which supporting them (Etzioni-Halevy, 1983).

Therefore, the senior bureaucrats and politicians friction has been occurred. The monopoly key roles senior bureaucrats have exercised significant power in the political process by advising and manipulating the cabinet (Riggs, 2009) while the politicians cannot exercise their power in the administrative process (Kaufman, 2001; Etzioni-Halevy, 1983; Poocharoen, 2012). The senior bureaucrats are not only exercise of power but also said what is the will of state (Chapman, 1970).

Next section, the author will show the case of bigger bureaucracy. It is the expansion of departments in Ministry of Justice during 2001 - 2010 to illustrate the political behavior of senior bureaucrats in the reform game.

4. Structural Reform: the Ministry of Justice in Thailand

In Thailand, Bowornwathana (2011) suggests that the senior bureaucrats have influence in every regime of Thailand. Before becoming democracy in 1932, Thailand had governed by the king. The senior bureaucrats were delegated to govern state affair in the name of the king. After 1932, the bureaucrat' masters have changed to politicians and businessmen. But the senior bureaucrats adapted govern traditions in bureaucratic polity to become the administrative procedures in present day (Ockey, 2004: 143-148).

The 1997 Constitution of Thailand had separated the Court of Justice from the Ministry of Justice. After that time, Ministry of Justice had three departments; Office of the Permanent Secretary, Department of Probation, and Legal Execution Department. The permanent secretary of Ministry of Justice, who assumed position in 2000 – 2006, said to me that "*We remained only three departments. It looked very small and dishonorable.*" The permanent secretary of Ministry of Justice appointed the structural reform commission for providing the Ministry of Justice' structure reform proposal.

The Thai Rak Thai government had assumed the power in February 2001. The Prime minister (PM), Thaksin Shinnawatra significantly announced the administrative reform was the urgent policy of the government. The permanent secretary of Ministry of Justice used this opportunity to pack the Ministry of Justice' structural reform proposal with the administrative reform policy of government.

The administrative reform policy of government was formulated by Office of The Civil Service Commission (OCSC), which giving advice to the cabinets on policies and standards of the government administration. The permanent secretary of Ministry of Justice at that time was appointed to be the committee of Civil Service Commission (CSC). So, the restructure proposal of Ministry of Justice easily packaged on the draft of administrative reform. The permanent secretary of Ministry of Justice said that "*I was the CSC therefore I directly talked with the permanent secretary of OCSC about the structure of Ministry of Justice and it was very easy and helpful.*" However, the senior bureaucrat in Ministry of Justice said that "*the key factor of success of reorganization was the permanent secretary of Ministry of Justice is brother in law of prime minister*".

The administrative reform bill was passed the parliament approved to be the Act Amending Ministry, Sub-ministry and Department 2002. From this act, the Ministry of Justice was had ten departments; three existed and new seven added. In the new seven departments, three departments; Rights and Liberties Protection Department, Department of Juvenile Observation and Protection, and Office of Justice Affairs, have been upgraded from division level and four departments; Department of Corrections, Department of Special Investigation (DSI), Central Institute of Forensic Science, and ONCB have been moved from other ministries. (Please see table 1)

Look back at the formulating time, there were two departments of the Royal Thai Police; Immigration Bureau and DSI, was proposed to move to the Ministry of Justice. The general of Royal Thai Police dissented for transferring both of two but only DSI was successfully transferred from the Royal Thai Police. The general of Royal Thai Police lobbied the Senate to reject the removal of Immigration Bureau. The interviewees stated that removing the DSI had less impact the Royal Thai Police but to move the Immigration Bureau would radically impact with the Royal Thai Police' benefits.

After implemented the reform act, The Ministry of Justice was became the powerful organization in Thai bureaucracy and society from the authorities of DSI which responses to prevent and control special crimes which seriously affect national economy, society, security and international relations through monitoring, fact finding, investigation, inquiry, bringing charges against offenders and rendering justice to the people in order to instill public confidence in justice.

Table 1: Shows the Departments of Ministry of Justice

2000	2002	2008
1. Office of the Permanent Secretary 2. Department of Probation 3. Legal Execution Department	1. Office of the Permanent Secretary 2. Department of Probation 3. Legal Execution Department 4. Rights and Liberties Protection Department 5. Department of Juvenile Observation and Protection 6. Department of Corrections 7. Department of Special Investigation (DSI) 8. Office of Justice Affairs 9. Central Institute of Forensic Science 10. Office of the Narcotics Control Board (ONCB)	1. Office of the Permanent Secretary 2. Department of Probation 3. Legal Execution Department 4. Rights and Liberties Protection Department 5. Department of Juvenile Observation and Protection 6. Department of Corrections 7. Department of Special Investigation (DSI) 8. Office of Justice Affairs 9. Central Institute of Forensic Science 10. Office of the Narcotics Control Board (ONCB) 11. Office of Public Sector Anti-Corruption Commission (PACC)

Thailand had been governed by *coup d'etat* from September 19, 2006 – January 3, 2008. The military government appointed the retired senior bureaucrats and administrative and law elites to be the cabinet and the member of National Legislative Assembly. This period was the valuable opportunity for the bureaucrats to change and pass the laws they want. A lot of laws which hold by the politicians and unfinished had been enacted and approved. The newly department of Ministry of Justice; Office of Public Sector Anti-Corruption Commission (PACC) had been created on military government time. The PACC proposal had been formulated since Thai Rak Thai government, 2001. It was proposed by a senior bureaucrat in Ministry of Justice who moved from the Court. This senior bureaucrat said that

“...the permanent secretary of Ministry of Justice at that time disagreed with my proposal. He also disliked me because my rival gave him negative information about me. I tried to closely work with the minister at that time to take the political support. But the draft had been rejected in the cabinet process because it had to approve many related laws”.

Finally, the National Legislative Assembly enacted the law in order to set up the PACC in 2008. The first head of PACC was the rival of the proposer.

This may show the efforts and strategies of senior bureaucrats to expand the bureaucracy in Thailand. Next section, author will discuss the behavior and power of senior bureaucrats in the cases to show how the senior bureaucrats played politics.

5. Bureaucrat’ Strategies

The objective of this topic is to answer how senior bureaucrats employ strategies to exert power to shape the structural reform to meet their preferences. The author has applied Pfeffer’s (1992) power concept to answer the question. His concept indicates six strategies to use power: assuming an authoritative position, building resource dependence, building partnership and coalition, control of information and communication, control of agenda setting, and rationalization of a proposal, followings are the bureaucrat’s behavior of each strategies.

Assuming an authoritative position is the most significant strategy since it enables senior bureaucrats to formulate a pattern of structural reform as desired .Assuming the committee of Civil Service Commission which having reform authority allowed the ex-permanent secretary of Ministry of Justice to be the inside actor of the reform.

Additionally, assuming an authoritative position is a ladder which senior bureaucrats can climb up to be given an opportunity to possess a new key position. Based on an interviewee’s view, “[he] had pushed and supported the establishment of this department so who else will be more suitable than him to serve as the head of that department”. Another case is that an ex-Permanent Secretary of Ministry of Justice said that “I see that he is suitable to be a director general. So I invited him to participate in the working group to set up a department”.

The second significant strategy is building coalition and network. To achieve the structural reform, the proposals would be approved by several organizational actors such as the Bureau of Budget, the CSC, the Council of State, the cabinets and the parliament. So, having good relation or coalition with the senior bureaucrats or the key politicians of those organizations will help the proposals through processes can be reviewed and approved smoothly and quickly.

Bureaucracy has been designed to fragment. If other agencies, especially the central agency that controls the budget or human resources, disagree on one's proposal, it will be hard for the proposal to be approved. Thus, senior bureaucrats employ an executive network from attended the career path training course which is the important condition to get the executive position of Thai bureaucracy. Other behavior was creating networks by appointed the expected key actors to be the ad hoc committee in some ministry's affair. It helped the senior bureaucrat to get in touch with their key actors. The Permanent Secretary of Ministry of Justice and the DSI director significantly used this strategy to achieve the reform.

Rationalization is the third essential strategy, which is only employed by the senior bureaucrats in line agencies. This rationalization based on the restructure of Ministry of Justice dialed with providing justification for the necessity of having a new department. These proposals cited a lack of efficiency of the old agency, a lack of direct commanding position, and a lack of proper organization culture. Some proposals even cited research as basis.

Some senior bureaucrats in this case rationalized by creating good image and personalities. Some of them discredited the opposite. Appointing the specialists to be the reform committee was also used in this strategy. Resource dependence is the fourth strategy. The senior bureaucrats who push a reform proposal can establish resources under their authority to exchange with gaining a support for structural reform proposals. DSI has authority to access information and wiretap. This authority of DSI had been used to investigate a political conflict for the political boss. Then, DSI got the political support for structural reform as well as increasing the number of bureaucrat.

The fifth and sixth strategies are controlling information and agenda setting to be reviewed by an authorized person. Both strategies are only employed by senior bureaucrats at the central agencies where their working system is in a form of committee which a final decision is made by the Chairman who is political boss and has no information. Thus, the head of central agency can shape the committee's decision by means of controlling the agenda and information proposed at the meeting.

For example, The Office of Public Sector Development Commission (OPDC), which separated from OCSC, does not put structural reform proposal of DSI in the OPDC's meeting agenda even though the Cabinet assigns this topic to be an urgent agenda. However, the director of DSI lobbied his political network to charge the OPDC to approve the DSI proposal.

6. Strategies and Situations

The study found that the behavior of senior bureaucrats to push their structural reform proposals achievement had subjected to the situations. From the cases, it can summarize the pattern of behavior of senior bureaucrats on different contexts as follows;

First, when the reform proposal had the negative externalities which affected the other domains, the proposer became playing politics and rationalizing the reform.

The moving of DSI and Immigration Bureau to Ministry of Justice negatively effected with the Royal Thai Police authority. So, the structural reform commission of Ministry of Justice referred the inefficient and the patronage culture of the Royal Thai Police to make a social pressure to support the proposal. At the same time, the permanent secretary of Ministry of Justice used the coalition and personal networks both senior bureaucrats and political bosses to support the proposal of Ministry of Justice. However, the Immigration Bureau was still subordinated the Royal Thai Police by the senator's amendment.

Second, the fundamental achievement was only born. In Thailand, the ministry and/or department have created by the laws. If the structural reform law was enacted, then, the related resources; men, budget, office, etc., would be allocated later. However, the related resources were authorized by the other ministries in bureaucracy which their senior bureaucrats get in touch relationship.

The structural reform drafts had been more supported by the appointed members of national legislative assembly than the elected members of the parliament. The members of the parliament have different demands and many coalitions whereas the members of national legislative assembly were chiefly the senior bureaucrats and the administrative elites. As the PACC was created on the *coup d'etat* time.

Third, referring the urgent and necessary reasons was mainly used to break down the organizational expansion limited regulation. The reinventing government concept has dominated the administrative reform in Thailand to control the size and its population. Because bureaucracy expansion will lead to increase the new bureaucratic positions and the new offices which effect to permanent public expenditures such as utility costs, salary, fringe benefits, stationary and office equipment.

The creation of the Rights and Liberties Protection Department and PACC had claimed the necessity and urgently problem to break the expansion limitation regulation. The proposers of the Rights and Liberties Protection Department used the work load and a number of bureaucrats in its job to rationalize the necessity of democratic citizenship awareness. On the other hand, the PACC' proposer argued the extensively corruption problems in Thai' society for urgently and importantly setting the PACC to protect and investigate the public service corruption.

Finally, setting the head of new departments was a matter. The director generals of all new departments of Ministry of Justice had been predetermined. Most of them were appointed to be a chief reform committee. After the reform law enacted, then, the chief reform committee was appointed to be the director generals of new departments. One of the chief reform committee of DSI said "*I had known after the department set, where I will be sit. So, I paid intently effort to do it*".

7. Conclusions

To successfully achieve structural reform, it was found to be necessary for the actors to co-operate with others in authority and real power (Pfeffer, 1992; Yitzhak, 2005: 114). Those with similar interests coalesced to satisfy the desires of the reformer.

This research confirmed the argument of Miller and Moe (1983: 319-320) that the administrative reform was not designed to discover the social ends. The more powerful actors were the winners in this reform game as they had authority and controlled the rules of the game. As Moe (1995: 146) stated the game of structural politics never ends. Battle lost today can be won tomorrow. The case of Ministry of Justice' restructure showed that the senior bureaucrats who stayed in office in long-term learned and waited the windows of opportunity opens to change what they wanted.

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