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Introduction

In his parting reflections from his Brussels posting in July 2010, the author of a widely read column in *The Economist* describes at some length the "Brussels elite" as a unique group of individuals sharing a strong belief in the value of European integration. For Eurocrats, as he calls the officials of the European Commission, "Europe is a faith-based project" and "nationalism is the greatest of evils." Multinational, multilingual, and cosmopolitan, European bureaucrats have chosen to serve "the dream of a united Europe" instead of pursuing a career like most of their compatriots, in a national capital. Writing in the midst of the Eurozone debt crisis, this close observer of the Commission notes that European bureaucrats think of Europe as some form of higher ideal and, hence, dismiss – somewhat undemocratically – those who criticize their mission for deeper integration.[1]

The image of Brussels bureaucrats as a rather coherent group serving the ideal of European integration sharply contrasts with scholarly analyses of the Commission. Academic observers of the European bureaucracy often describe it as a fragmented organization with centrifugal tendencies that limit its capacity to act coherently. To some extent, this fragmentation is

[1] Charlemagne, "Before the Alter of Europe: Some Parting Reflections from this Columnist on the Faith and Folly of the Brussels Elite," *The Economist*, July 1, 2010.

typical of bureaucracies: Public agencies tend to be torn apart by interdepartmental rivalries, budgetary feuds, and administrative politicking. European bureaucrats, though, have much more that divide them than administrators in national bureaucracies. They come from twenty-seven countries with distinct cultures and traditions and dissimilar administrative practices. They have been through different educational systems, they have been trained in a wide range of professional fields, and they have had diverse professional experiences before joining the Commission. More importantly, European bureaucrats are thought to remain loyal to their home governments, in part because the governments help officials advance to the top echelons of the Commission. An unofficial quota system and intergovernmental bargaining helps "push" senior bureaucrats to the top ranks of the Commission. Once they get there, senior officials are thought to be acting as agents of their home countries, instead of serving the ideal of a supranational Europe – an ideal that some of their home governments of course do not necessarily share.

Is the Commission, then, a Babel-like bureaucracy that lacks coherence, or is it a hotbed of supranationalism made up of European integration devotees? This is the critical question that needs to be answered if one is to accurately assess one of the most defining elements of public bureaucracies: their autonomy from the political sphere. The unity or fragmentation of an organization can be a source of strength or weakness regardless of its formal institutional authority. The European bureaucracy is often viewed as one of the most powerful bureaucracies in the world. It can propose legislation, monitor compliance, and regulate competition in ways that affect the lives of 500 million Europeans. European Union (EU) treaties grant the Commission much more formal autonomy from the political sphere than most public bureaucracies – both national and international – tend to have. The alleged power of the Commission is a constant issue of contention for its critics, who see it as an obscure, obtuse, and opaque organization with extraordinary authority over the affairs of member states. The influential role of the Commission in the EU policy nexus is not only derived from EU treaties but it is

also because of the institutional setting of the Union. Unlike most public bureaucracies, the Commission is accountable to multiple political masters. As in the case of the American bureaucracy, the multicephalous structure of political oversight complicates efforts to control the behavior of the Commission, thereby enhancing its capacity for autonomous behavior. The institutional "space" the Commission has to exercise its authority, though, largely depends on its capacity to act as a coherent organization and in accordance with its mission. The degree of organizational unity, then, is a critical component of the power the European bureaucracy has to influence the lives of European publics.

The question of organizational unity or fragmentation is even more critical to answer today because of the political environment the European bureaucracy now operates in. In the past decades, the EU has been shaken by the active opposition, growing doubts or simply the indifference of European publics toward the European integration project. European publics, journalists, and politicians have targeted their concerns about the direction of integration against the bureaucracy, questioning its autonomy and challenging its legitimacy. Confronted with a broader legitimacy crisis for the European polity, the political overseers of the EU have not been shy about attacking the Commission to enhance their own legitimacy. The Commission has found itself, then, in an increasingly more hostile political environment and under persistent political accusations for runaway or unaccountable behavior. Moreover, the European bureaucracy has been operating in a more fluid political environment. The financial and debt crises have exposed sharp divisions among major European countries about the institutional architecture of the European polity and, more importantly, about the future of the EU. How has this hostile and fluid political environment affected the coherence of the European bureaucracy? Has it reinforced the centrifugal tendencies some see in the organization? Alternatively, has it shaken the conviction that European bureaucrats are reported to have in European integration?

This book examines the struggle of the European bureaucracy to maintain its autonomy in an increasingly more complex

institutional setting and more adverse political environment – an environment that challenges its legitimacy. We conducted a survey of nearly 200 top European officials – mostly directors general, deputy directors general and directors – which suggests that the Commission remains a rather coherent organization that shares a common culture of supranationalism. The multicephalous structure of political authority in the EU limits the capacity of European politicians to curb the autonomy of the Commission but tends to undermine the legitimacy of the organization, which finds itself under persistent political attacks. These attacks inadvertently help the organization bolster its cultural defenses against the external threats and trigger internal legitimation processes that reinforce the devotion of its employees to its institutional mission. Instead of curbing the autonomy of the organization, political adversity helps bureaucrats close ranks, thereby helping the bureaucracy uphold its mission.

To understand the struggle of the European bureaucracy to maintain its autonomy, Chapter 2 brings together a number of distinct theoretical approaches to identify the main factors affecting bureaucratic autonomy. In addition to the formal institutional mandate of a public bureaucracy, the chapter discusses three other dimensions: the degree of system fragmentation, political legitimacy, and cultural coherence. It first examines each of these three factors in national political settings and then examines how they affect the autonomy of international bureaucracies. The same framework is then applied to the European Commission. When it comes to autonomy, the Commission benefits from the fragmented structure of political oversight but suffers from the legitimacy challenges this structure helps generate. The degree of cultural coherence becomes, then, the most critical factor affecting its autonomy.

Chapter 3 outlines the methodology of our survey, discusses the political context in which it took place, and sketches the profile of our interviewees, highlighting their diverse origins, training, and experience. Chapter 4 examines the autonomy of these senior bureaucrats by asking them to describe their role in the EU policy nexus, their sources of information, their relations

with their political overseers, and their interaction with interest groups. Chapter 5 examines one of the most important attempts to curb the autonomy of European bureaucrats by assessing the effects of the Kinnock reforms. Chapter 6 reports the findings of our survey on the culture of the European Commission, and Chapter 7 analyzes the internal legitimation processes of the Commission. Chapter 8 reports the views of top Commission officials on some of the most controversial policy initiatives of the EU. Chapter 9 concludes by summarizing and discussing the main findings of the book and by positing venues for future research. It suggests that the supranational ethos of the Commission will allow it to capitalize on the divisions caused by the Eurozone debt crisis to push for deeper integration.

2

The Autonomy of National and Transnational Bureaucracies

The term "bureaucratic autonomy" is often used to denote different things. By autonomy we mean the capacity of a bureaucracy to "take sustained patterns of action consistent with [its] own wishes, patterns that will not be checked or reversed by elected authorities, organized interests, or courts" (Carpenter 2001: 14). To possess the capacity for autonomous action, bureaucracies must have a high degree of insulation from other actors in the political system like elected politicians, organized interests, and societal groups. For the purposes of this book, it is particularly important to demonstrate that a bureaucracy has homogenous preferences that set it apart from its political overseers. A bureaucracy can be thought to be autonomous when it has the capacity to influence policy independently of the preferences of its political masters and in accordance with its own wishes, especially when political and bureaucratic preferences diverge. Bureaucrats want autonomy either because they want to see their own policy preferences adopted or because they want their bureaus endowed with greater resources. "Autonomy gives an organization a reasonably stable claim to resources and thus places it in a more favorable position from which to compete for those resources. *Resources* include issues and causes, as well as money, time, effort, and names" (Wilson and Clark 1961: 158, cited in Downs 1967: 8; italics in original). Autonomous

bureaucratic organizations are much more powerful political players than those lacking the capacity to undertake action that is inconsistent with the preferences of their overseers. In this sense, the autonomy of public bureaucracies strikes at the heart of "who governs" (Dahl 1961) and captures the very essence of "politics" – the strife to share power or to influence the distribution of power (Weber 1946: 78).

Autonomy goes beyond the formal institutional authority granted to a public bureaucracy by administrative procedures, legislative statutes, or constitutional design. If bureaucratic autonomy purely rested on institutional foundations (e.g. Huber and Shipan 2002), there would be less of a need to understand how it occurs. The task of controlling public agencies would simply be a function of the contractual arrangement between political principals and bureaucratic agents. The autonomy of public bureaucracies often takes center stage in political controversies because it is thought to be external to this contract (Carpenter 2001: 17).[1] By having and acting on a distinct set of preferences, bureaucracies go beyond their institutional mandate, thereby challenging the political power of their overseers and creating the need to control them. Hence, in the same way that bureaucrats are trying to maintain their autonomy, their political overseers are struggling to exercise effective oversight over their bureaucratic agents.

The struggle between politicians and bureaucrats for power is well documented in various strands of political science literature (e.g. public administration, American political development,

[1] Autonomy does not necessarily mean independence, although the two are interrelated. Independence indicates a sharper separation between the administrative and the political sphere, which is usually associated with regulatory bureaucracies and safeguarded through formal institutional mechanisms (e.g. by a country's constitution). Political principals have much more limited means to exercise control over independent bureaucratic agencies (e.g. they usually lack control over the budget of independent agencies). The Commission is in some ways a regulatory bureaucracy, but it is also a more typical bureaucracy in that it is formally and directly accountable to executive and legislative overseers (e.g. Haftel and Thompson 2006, 255–257; see also Abbott and Snidal 1998; Majone 2001; Venzke 2010).

comparative politics) and rooted in the uncomfortable coexistence of administrative and representative institutions. "The problematic relationship between these two institutions is perhaps the distinctive puzzle of the contemporary state, reflecting as it does the clash between the dual and conflicting imperatives of technical effectiveness and democratic responsiveness" (Aberbach et al. 1981: 3). The clash between bureaucracies and governments constitutes one of the most reliable vote winners for politicians, who often present bureaucrats as usurpers of political power at the expense of elected officials and unsuspecting publics. Their fears about runaway bureaucracies and their attempts to control them have led to the deprofessionalization of public agencies (e.g. Suleiman 2003; Lewis 2008) and the placement of political appointees and loyal advisors to top bureaucratic positions (Page and Wright 1999: 275–279).

Political fears of autonomous and uncontrolled bureaucracies are often overblown, of course, because representative institutions tend to have more authority over bureaucracies than they are willing to admit. As British Labour ministers found out in the mid-1940s, newly elected governments in modern democracies can go a long way in implementing their policies without having to fill top bureaucratic posts with "their own" (Wilson 1989: 257). That being said, even in those systems where political authority is somewhat centralized, one must not underestimate the autonomy of public bureaucracies. Hugh Heclo's analysis of social policy in Britain and Sweden, for example, suggests that public officials had more input in the policy-making process than political parties or interest groups (Heclo 1974, as discussed in Skocpol 1985: 11–12). As Theda Skocpol points out, "collectivities of administrative officials can have pervasive direct and indirect effects on the content and development of major government policies … even within constitutional polities nominally directed by legislatures and electoral parties" (1985: 12).

Varying structures of political authority can have a distinct effect in the capacity of public bureaucracies to act in accordance with their own preferences. The degree of control politicians have over bureaucrats can be higher in political systems where

political authority is concentrated in a single political overseer; it is arguably lower in fragmented political systems in which political authority is dispersed. As James Wilson suggests in his study of government agencies, "it is only a slight exaggeration to say that what Prime Minister Thatcher wants she gets." Even in parliamentary systems in which the prime minister relies on a coalition of parties, "political authority is concentrated in one set of hands, those of the executive" (Wilson 1989: 297–298). By contrast, the American political system – which is characterized by a strong legislature and by the access it gives to private interest groups at various phases in the policy process – limits the capacity of the executive to control the bureaucracy. As Joel Aberbach and Bert Rockman note in their study of the Nixon bureaucracy, "The problem remains, however, as to which elected leaders are to be followed. The framers of the Constitution designed a government of separate but shared powers. The rise of an immense bureaucracy with its own constituencies, not visualized in the original design, has further complicated a system that was not designed to give any branch of government or major actor a clear mandate to lead" (1976: 468). In this system, "the bureaucracy is far from the helpless pawn of whatever control measures the president seeks to put in place. In this respect it welcomes the fact that it has two masters, for though it may prefer one that is benevolent and supportive, it prefers two if one turns out to be hostile or meddlesome" (Wilson 1989: 274). Based on these insights from the American political system, it can be expected that the degree of fragmentation of political authority can have an important effect on bureaucratic autonomy. The more fragmented a political system is, the larger the scope for bureaucratic autonomy. Should such autonomy emerge, it is more likely to be an unintended consequence rather than the intended outcome of institutional design.

In addition to the likely effects of system fragmentation, the discussion of bureaucratic autonomy must also take into consideration the degree of political legitimacy a bureaucratic organization enjoys. As Daniel Carpenter suggests, "legitimacy is the foundation of bureaucratic autonomy in democratic regimes"

(2001: 14). In his study of American political development, he argues that "autonomy prevails when agencies can establish political legitimacy – a reputation for expertise, efficiency, or moral protection and a uniquely diverse complex of ties to organized interests and the media – and induce politicians to defer to the wishes of the agency when they prefer otherwise" (Carpenter 2001: 4). *Legitimacy* is defined here as the "the capacity of the system to engender and maintain the belief that the existing political institutions are the most appropriate ones for the society" (Lipset 1959: 77); or similarly, as "the belief that in spite of shortcomings and failures, the political institutions are better than any other that might be established, and therefore can demand obedience" (Linz 1988: 65). The legitimacy of a bureaucratic organization is important for a polity, because as Robert Dahl (1977) suggests with his reservoir metaphor, as long as the level of legitimacy is maintained at a certain level, stability can be maintained. People will not oppose the organization, nor will they reject the actions of its agents.

To establish legitimacy, bureaucracies rely on legal authority, which gives them the power to rule:

> Our modern "associations," above all, the political ones, are of the type of "legal" authority. That is, the legitimacy of the power-holder to give commands rests upon rules that are rationally established by enactment, by agreement, or by imposition. The legitimation for establishing these rules rests, in turn, upon a rationally enacted or interpreted "constitution." Orders are given in the name of the impersonal norm, rather than in the name of a personal authority; and even the giving of a command constitutes obedience toward a norm rather than arbitrary freedom, favor, or privilege. (Max Weber 1946: 294–295)

According to Weber (1946: 299), "bureaucratic rule was not and is not the only variety of legal authority, but it is the purest." Bureaucracies gain their normative capacity to rule by claiming to apply the general and impersonal rules formulated by their political masters.

Apart from legal authority, bureaucracies also gain legitimacy from their technical expertise. The possession of technical knowledge gives bureaucracies the authority to command the obedience