The Federal Executive: Bureaucratic Fusion versus Governmental Bifurcation

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Abstract

The federal ministerial executive is a dual institution, which combines the attributes of a government and an administration. European integration has affected these two qualities of the executive in different ways. On the administrative side, progressive integration has been associated with growing fusion, through which the ministerial administration becomes part of a closely interconnected multi-level system. By contrast, the governmental dimension of the executive is characterized by growing bifurcation. Government takes place at two levels - the European and the domestic – but institutional linkage between the two levels is limited and key features of German government – party government, coalition government and parliamentary government – show few signs of Europeanization. The contrasting pattern of effects can be explained with reference to the differing opportunity structures within which officials and executive politicians operate. For officials, progressive integration provides opportunities for ‘bottom-up’ Europeanization, in that powers and responsibilities at EU level can be used for bureau-shaping in the domestic context. Executive politicians, too, have to operate at both levels, but European opportunities and
constraints translate only loosely into power gains and losses at domestic level. The chief reason for this lies in the continued non-Europeanization of key actors and processes of domestic politics and democratic decision-making. The main proposition of this chapter may suggest an association between European integration and the bureaucratization of public policy-making. However, the effects on the politics-administration nexus are more ambivalent, since politics and administration cannot be separated neatly.

**European Integration and the Federal Executive: A Long Story in Brief**

The study of the impact of European integration on the Federal executive in Germany has a surprisingly long pedigree, which goes back to the early 1970s (see Hesse and Goetz 1992 for a review of the early literature). In the rapidly expanding field of Europeanization studies, polity impacts were amongst the first to be explored systematically (Hix and Goetz 2000); and the German case has long featured prominently in this type of inquiry. There was an early focus on linkage (Goetz 2000), i.e., the institutional arrangements that connect national executives and EU authorities and the institutional practices that have evolved at the national level to support domestic-EU connections. This concentration on executive capacities for ‘reception’ and ‘projection’, to use the terminology employed by Bulmer and Burch (2001), has since remained at the heart of much writing on the executive impact. The key question has been how the German ministerial executive goes about the business of EU-related policy-making, i.e., the structures, processes and personnel involved (the ‘projection’
aspect) and how the downloading of the *acquis communautaire* affects the operation of the executive (the ‘reception’ side).

Early studies of the executive machinery for integration policy have been followed by a steady flow of empirical analyses of the executive consequences of ‘opening up the state’ (Wessels 2000); some contributions have been based on cross-country comparative designs (see, e.g., Bulmer and Burch 2000; idii 2001). At the centre of attention have been specialist linkage units, such as special EC/EU units - notably in the Chancellery, the Ministry of Foreign Affairs, and the Ministry of Economics - or the Permanent Representation of Germany in Brussels, with its specific remit to act as a conduit between the federal executive and the European institutions (for a detailed analysis of the latter see recently Maurer and Wessels 2000; idii 2001, with comprehensive references to earlier work). With progressive integration and the steady extension and intensification of the *acquis*, academic interest has widened beyond a concern with direct, highly visible, but discrete effects, such as the establishment of specialized EU units, to examine the more diffuse, but also, perhaps, more profound consequences of integration. For example, in their comparative analysis of the Europeanization of central government in Germany and the UK, Bulmer and Burch (2001) differentiate between systemic, organizational, regulative, procedural and cultural dimensions of change in an attempt to grasp what might be called the subterranean effects of integration (see also Derlien and Murswieck 1999; Wessels 1999).

As far as the dominant pattern of the institutionalization of ‘projection’ capacities is concerned, there has long a broad academic consensus on its defining features; but
there is disagreement on the issue of efficacy. Thus, when it comes to how the federal executive makes EU policy, there is a common emphasis on what Bulmer, Jeffery and Paterson (2000: 28) have called the ‘syndrome of sectoral conflict, weak coordination and the arrival at a German position only at a late stage in negotiation’. EU-related powers and responsibilities are dispersed amongst a range of ministries and the Chancellery; policy-making is strongly sectorized; and capacities for hierarchical, impositional interministerial co-ordination are generally weak. There is a ‘twin-track’ approach to EU policy (Derlien 2000), with a ‘diplomatic track’, which is built around the Foreign Ministry and the Chancellery and focuses on constitutional and polity issues; and a ‘sectorized expert track’, which deals with the specifics of public policies.

On the whole, scholars of the executive have tended to be reticent about the policy effects of variations in executive arrangements. Thus, Wright and Hayward’s (2000) summary of the key findings of their comparative study of executive co-ordination provides many insights into types and styles of co-ordination, but offers little in the way of concrete guidance for ‘institutional engineering’, since ‘“optimal” co-ordination will depend on a host of variables, such as the nature of co-ordination ambitions and constitutional, institutional, political and administrative opportunity structures’ (ibid.: 45). Similarly, Wright’s comparative analysis of the national co-ordination of EU policy-making (Wright 1996: 165; quoted in Kassim 2000) is extremely cautious about linking institutions and effects, noting that ‘the effectiveness of a country’s domestic EU co-ordination capacity must be judged according to the issue, the policy types, the policy requirements and the policy objectives. Merely to examine the machinery of co-ordination is to confuse the means and the outcomes’.
The conclusions of a more recent comparative effort on the same subject are equally modest as regards the effectiveness of different national co-ordination systems: ‘The question of effectiveness – what is means in an EU context and whether there is a recipe for success in the form of a particular national strategy – though undoubtedly an important concern, is extremely problematic” (Kassim 2000: 254).

In marked contrast to such hesitant comparative assessments, the literature on the Europeanization of the German executive has been very upfront about seeking to establish causal links between the domestic institutional bases of EU policy-making and patterns of EU-related policy co-ordination, in particular, on the one hand, and the substantive profile of German integration policy and Germany’s role in European integration, on the other. Thus, the constraints associated with sectorization and the weakness of ‘positive’ co-ordination have long been controversially debated. For much of the time, these constraints were seen to contribute to Germany ‘punching ‘below her weight in EU policy. Reflecting long-running and unresolved rivalries between the Chancellery, the Ministry of Foreign Affairs and the Ministry of Economics, German EU policy-making is marked by the absence of a ‘single and unambiguously authoritative “ringmaster” to oversee coherence’ (Bulmer, Jeffery, Paterson 2000: 25): ‘Overall, the mind-set and institutional arrangements of the European policy-makers in the Federal Government are simply not attuned to the most effective representation of governmental policy’ (ibid.: 28). This ‘received wisdom’ has recently been challenged by accounts that apply the familiar figure of ‘enabling constraints’ (see Chapter 1) to the specific setting on intra-executive relations (Wessels 1999; Derlien 2000). Thus, Derlien (2000: 56) suggests that ‘the German pattern of ex post co-ordination, a policy style resembling management by
exception, is ultimately superior to a practice of ex ante co-ordination of all policy matters regardless of their salience. Such a strategy is counter-productive, for it leaves little room for the recurrent, multi-issue bargaining process at the European level and the informal norm of reciprocity’. At any rate, some of the traditional constraints arising from the combination of departmental autonomy and coalition politics, which both limit scope for positive hierarchical co-ordination, may be weakening, not least because of the oft-noted progressive centralization of powers in the Chancellery, which is well-documented for the Kohl chancellorship (Froelich 2001) and would appear to have continued under Chancellor Schröder (Goetz 2003).

The federal ‘European policy-making machinery’ (Bulmer, Maurer, Paterson 2001) has not, of course, been static. Governments and key personnel change; and, as many chapters in this volume attest, policy domains previously more or less untouched by the Europeanization process become drawn into the integration process, so that the role of responsible national ministries is partly transformed. For example, EMU has pushed the Ministry of Finance from an observer of EU policy into a central player, with far-reaching implications for the domestic interministerial balance of powers (Dyson, in this volume); and intensified co-operation in justice and home affairs has been associated with increased Europeanization pressures for the Ministry of the Interior (Monar, in this volume). But although it is not always easy to keep track of the changes in institutions, processes and personnel, there is a broad empirical bases on which assessments about the ‘projection’ capacities of German EU policy can draw.
By comparison, rather less is known about the adaptive requirements arising from the ‘downloading’ of the acquis into the domestic context. Of course, implementation has scarcely been neglected in the study of the effects of integration; on the contrary, it has long been a mainstay of Europeanization research. However, in the German case, the primary responsibility for the administrative implementation of EU and domestic law lies with the Länder administrations and local government, whereas the federal ministerial administration is principally geared to policy formulation and the monitoring of implementation. Accordingly, the vertical dispersal of implementation powers and responsibilities in Germany – or, in other words, the proliferation of veto points – regularly features prominently in accounts that seek to explain patterns of policy Europeanization in Germany (e.g., Knill 2001). In particular, difficulties in transposing European legislation into national law can often be traced directly to reluctance on the part of the Länder to approve legal measures in the Bundesrat for which they have prime administrative responsibilities (Haverland 2000).

Against this background of empirically well-informed and analytically increasingly sophisticated studies of the Europeanization of the German executive, the following discussion focuses on a central attribute of the Federal executive the full ramifications of which are sometimes overlooked: its dual nature, combining the attributes of a political government and an administration. The chapter sets out to investigate how integration has affected this dual nature. Briefly, the argument developed below suggests that these two qualities of the executive have been affected in a differential way. On the administrative side, progressive integration has, indeed, been associated with growing ‘multi-level fusion’ (Wessels 1999), through which the ministerial administration becomes part of a closely interconnected multi-level system. By
contrast, the governmental dimension of the executive is characterized by growing bifurcation. Government takes place at two levels - the European and the domestic –, but institutional linkage between the two levels is limited and some of the defining features of German government, notably the defining tenets of party government, coalition government and parliamentary government, show few signs of Europeanization. This contrasting pattern of effects can be explained with reference to the differing opportunity structures within which officials and executive politicians operate. For officials, progressive integration provides opportunities for ‘bottom-up’ Europeanization, in that powers and responsibilities at the EU can be used for bureau-shaping at the national level. Executive politicians, too, have to operate at both levels, but European opportunities and constraints generally translate only loosely into power gains and losses at domestic level. The chief reason for this lies in the continued non-Europeanization of key actors and processes of domestic politics and democratic decision-making.

The remainder of this chapter seeks to substantiate this argument. After briefly commenting on the dual nature of the executive in general terms, the discussion characterizes the German executive system more specifically. It then reconsiders the differential European effect and puts forward an explanatory account that focuses on institutional opportunity structures and individual incentives. In the conclusion, the discussion turns to the question of whether the Europeanization pattern found – administrative fusion versus governmental bifurcation – supports the oft-advanced thesis of a progressive bureaucratization of public policy-making consequent upon European integration.
The Dual Nature of the Executive

The institutionalization of executives has tended to be analyzed from two distinct perspectives. The first, which is situated firmly in Comparative Government, is essentially concerned with the location of the executive in the political system. As such, it draws on, and engages with, the major comparative classifications of political systems. The location of the executive is central to the distinction between presidential, semi-presidential and parliamentary systems, and it also marks a key difference between majoritarian and consensus democracies. As regards the Europeanization debate, this ‘external’ dimension of executive institutionalization has been addressed, in particular, with a view to the impact of European integration on executive-legislative relations; domestic intergovernmental relations; and changing patterns of executive relations with the associations of organised civil society.

The second major perspective is principally interested in the inner workings of the executive; it is this perspective that is central to the following discussion. The comparative study of European executives from this perspective is placed at the interface Comparative Government and Comparative Public Administration. The first - Comparative Government - focuses on the political and governmental aspects of the executive, the executive as Regierung. It deals, for example, with the role of prime ministers and ministers in government; cabinets and cabinet committees; coalition governments, including how they are formed and terminated, how portfolios are allocated amongst coalition parties, and political decisions made; or the relationships

1 This section draws heavily on Goetz 2003a.
between governments and governing parties. One may characterize this approach as executive studies ‘from above’, in that the executive territory is typically surveyed from the vantage point of political and governmental leadership.

By contrast, Comparative Public Administration is interested, first and foremost, in the bureaucratic parts of the executive that extend beneath its thin political veneer. Such studies concentrate on the executive as *Verwaltung*, in particular, the ministerial administration and other types of central agencies; the status, organization and role of non-elected executive personnel, notably the civil service, and its relations to elected officials; and, increasingly, the importance of administrative law in governing executive action. With an emphasis on the bureaucratic foundations of executive power, Comparative Public Administration studies the executive ‘from below’.

This, admittedly, rather simplified divergence in empirical focus reflects the duality of executives as political and administrative entities. As political institutions, executives are oriented towards acquiring, securing and exercising political power. This function often predominates at the centre of government, where the requirements of political management drive the organization (Peters, Rhodes and Wright 2000). At the same time, however, executives are administrative institutions, which typically form the apex of a hierarchically structured administrative organization. Thus, in Germany, the Federal ministries are classed as supreme Federal authorities (*oberste Bundesbehörden*) and the minister is the head of the authority.

The tension between politics and administration is central to understanding the institutionalization of executives. This tension is not only about the tasks executives
are expected to perform, but, perhaps more importantly, about the most appropriate organization of the executive, including its personnel.

The second key dimension of executive institutionalization concerns the relation between the formal office (including elected offices) and office holders. It has been argued that political institutions, in general, and the political parts of the executive, in particular, are distinguished by the exceptionally close connection between office and office holder (Göhler 1994). Certainly, mainstream executive studies, especially of chief executives (i.e., heads of government) and ministers, regularly note the importance of the personal qualities, dispositions and motives of incumbents and the extent to which individuals shape the office they occupy. In fact, much of the literature concerned with political leadership in Western democracies revolves around this theme. There are, of course, great differences in the degree to which individuals can remould or reinterpret the formal position that they occupy. But at the top levels of the executive, consisting of heads of government and core ministers, it would appear that the ‘man maketh the office’ as much as the ‘office maketh the man’. This is particularly the case where, as in Germany after 1945, new or fundamentally revised constitutions need to be brought to life and discredited institutional legacies must be overcome. Under such conditions, enterprising elected executives may be able to define their office in a way that sets the path for decades to come. The impact of Chancellor Adenauer on the long-term development of the German chancellorship is a case in point (Padgett 1994).

Whether executive politicians ‘make a difference’ to the offices they hold has long been subject to a lively debate, which, more recently, has spilled over to the
administrative realm. Thus, from a rational choice perspective, attempts have been made to model the behaviour of officials with reference to individual utility calculations; in this connection, the debate between those who understand officials as either ‘budget maximisers’ or ‘bureau shapers’ has been particularly fruitful (Dunleavy 1991; Marsh, Smith and Richards 2000). The degree to which office and office holder are separated or merged, i.e. the extent to which it is possible to analyze, and to generalize about, the former without reference to specific office holders, constitutes the second key dimension of executive institutionalization. European countries differ significantly in the emphasis they place on clear role differentiations within the executive; the intensity with which they seek to regulate political and administrative offices and the behaviour of office holders; and the changeability of organizational arrangements over time.

Attention to these two dimensions of institutionalization allows us to draw out the diverging impact of integration on the governmental and the administrative dimensions of the executive and, as will be argued below, can help to understand the interaction between institutional opportunity structures and individual incentives in shaping differential trajectories of Europeanization.

**The Internal Life of the Federal Executive**

Before turning to more detailed consideration of patterns of executive Europeanization, it is useful to sketch briefly the salient features of the German variant of executive institutionalization. These provide the reference point against which Europeanization effects can be assessed. As regards the politics-administration
nexus, perhaps its most notable feature is the traditionally close linkage between the political-governmental and the administrative spheres of the executive. In Germany, unlike in the UK, for example, there is little concern about the demarcation between politics and administration in the executive, and the boundaries between the two are fuzzy. Executive politicians and officials co-operate closely in the policy-making process, and there are no conventions that would bar officials from engaging in what might elsewhere be considered as work with a party-political aspect. Officials do not just advice and propose, and there are no formal dividing lines between policy and political work. In personnel policy, ministers have long taken a keen interest in appointments to top administrative positions and promotions, and they enjoy wide-ranging discretion, including the recruitment of outsiders with a party-political background. The political nature of the top civil service is formally recognized in the institution of the politische Beamte (‘political civil servants’), and it is not unknown for top civil servants to have had a previous career as party politicians, although such cases are still fairly rare. The proximity of government and administration – in functional, organizational and personnel terms – is most evident in the key co-ordination units within the Federal executive, including the Chancellery and the Leitungsstäbe in the ministries. The latter, although overwhelmingly staffed by officials, are principally engaged in political co-ordination between the executive, the governing parties, parliament and the Länder.

A second point worth emphasizing is the high degree of continuity in executive arrangements. The Federal Republic has at times been described as a Chancellor democracy, a notion associated with the centralization of powers in the office and the person of the chief executive. However, this characterization has always been
contentious, and most standard accounts of successive chancellorships have stressed the manifold restraints – constitutional, institutional, political – on the capacity of the Chancellor to set the government agenda and to impose his will on the Cabinet and the governing parties. There is evidence of a progressive increase of the involvement of the Chancellor in certain policy domains, and EU-related policy tends to feature prominently amongst the examples given. Moreover, unification has shown that the routine limitations on chancellorial authority can be effectively suspended, at least for a certain period. But, despite a strong media focus on the Chancellor, the political executive cannot be described as a prime ministerial system.

The constraints on the personalized exercise of power are largely explained by the specific institutional underpinnings of the political executive. These institutions reflect the character of the executive as a cabinet government, coalition government, party government, parliamentary government, and a government that operates in a federalized political system. The interlocking of these principles is most evident in the elaborate machinery for policy co-ordination that has developed over the decades. It is notable that accounts of executive co-ordination in Germany tend to emphasize institutions – be they coalition rounds, interdepartmental working groups, joint executive-parliamentary working groups or other such devices – at the expense of personalized administrative networks. Whilst it used to be argued that the bottom-up nature of the Federal policy process provided the head of the highly specialized policy sections (Referate) with a great deal of influence over the shape of public policy (Mayntz and Scharpf 1975), there is evidence to suggest that the strengthening of political co-ordination units noted above has increasingly reduced the mainline units to a more reactive role (Goetz 1999).
Despite an inevitable degree of tension between the political and administrative rationality and between office and office holder, the German executive system has shown a remarkable degree of continuity over time. Such continuity is particularly evident in the internal ministerial organization, which is regulated in great detail in the Common Standing Orders of the Federal Ministries and has not altered fundamentally over the last three decades. Perhaps surprisingly, the division of the Federal ministerial administration between Bonn and Berlin has not been accompanied by a more far-reaching reorganization addressing long-standing points of critique, such as the proliferation of small sections. Even in the Chancellery, the basic organizational building blocs have remained largely intact since the time of Chancellor Schmidt, a degree of continuity that is all the more remarkable given the eminently political nature of the Chancellery’s work. Unlike in many other European states, there has also been no major change in the status of senior ministerial personnel.

**The European Effect Reconsidered**

Let us now turn to consider in more detail and depth the effects of progressive integration on the two key dimensions of executive institutionalization. The most influential account of the Europeanization of the German federal executive has been put forward by Wolfgang Wessels, in collaboration with Dietrich Rometsch (Rometsch 1996; Wessels 1999; Wessels 2000, the latter with a comprehensive bibliography). Their chief argument is that progressive integration is accompanied by a process of horizontal and vertical ‘fusion’ in which the governments and administrations of several levels - EU, national, regional - share in the process of
political-administrative decision-making. Politics and administration in Germany have reacted to this increasing fusion of statehood with a political-administrative Europeanization pattern that shows ‘comprehensive mobilization and a co-existence of decentralization and co-ordination’ (Wessels 1999: 26; emphasis in the original). There has been an ‘administrative-political multi-level fusion’ (ibid.).

What is the evidence for such an assessment? As far as the administrative component is concerned, there is a great deal of quantitative and qualitative data that can be adduced to support the fusion thesis. Clearly, there has been both a steady intensification of multi-level interaction and a continuous expansion of national administrative resources devoted to supporting effective German participation in this multi-level system. At the EU level, one finds evidence of a continuous growth in the number, frequency of meetings, and workload of the decision-making and implementing committees in which national officials participate. Not only has this necessitated a correspondent expansion in the staffing of the German Permanent Representation in Brussels, which acts as key link between the Brussels and the Bonn-Berlin bureaucracies (Maurer and Wessels 2001); perhaps more importantly, more and more officials from Bonn and Berlin participate directly in the Brussels committee system, so that as many German officials appear to take the shuttle between Brussels and Bonn or Berlin than between the latter two. New Councils of Ministers; the broadening of agendas as the *acquis* widens and deepens; resource-intensive forms of co-operation and co-ordination, such as the open method of co-ordination, which go beyond legislation and the monitoring of its implementation and rely on the administrations of the member states rather than the European Commission; and the close involvement of existing members in accession
negotiations and applicant vetting have all meant that many national ministerial officials spend a growing amount of their time in Brussels.

This intensified participation in all stages of the EU policy-making process has required a qualitative and quantitative expansion of domestic administrative resources devoted to EU business. Whilst the Federal ministerial administration as a whole has been shrinking since the mid-1990s, resources devoted to EU matters have continued to increase. The most visible sign is the increase in the number of divisions and sections with an explicit EU remit, which, by 2001, reached 9 and 99 respectively (Sturm and Pehle 2001: 45). Growth over the years has been particularly marked in the case of the Ministry of Finance, which witnessed a massive expansion of its EU related activities as a consequence of EMU. After the change of government in 1998, Oskar Lafontaine cemented the centrality of the Finance Ministry in the domestic EU process by insisting on the transfer of the Economics Ministry’s key European division to his own department.

Of course, such specialized EU units are merely the tip of the iceberg. Already in 1987/89, some 20 per cent of all ministerial units were involved in European business (Wessels 2000: 313) and it would not seem unreasonable to assume that this percentage has at least doubled since. Of course, this trend has not affected all ministries uniformly. As the policy-oriented studies in this volume highlight, patterns of Europeanization continue to differ markedly across policy areas and there remain central domains of domestic public policy, perhaps most notably social policy, where Europeanization is, at best, incipient (Haverland, in this volume). Yet, in the field of justice and home affairs, long considered a hard ‘core’ of state sovereignty,
Europeanization is progressing rapidly, requiring adjustments on the part of the relevant ministries – notably the Ministries of Justice and the Interior - which have not always able to keep pace with the dynamics of policy developments (see the comments by Monar, in this volume, on the Ministry of the Interior).

To this picture of administrative engagement must be added the many officials occupied with the management of bilateral and multi-lateral communication, co-operation and co-ordination involving current and prospective EU member states. The intensity of these relationships is best documented for the Franco-German alliance. Whilst not all aspects of such relationships are directly connected to the EU integration project, there can be no doubt that it has decisively contributed to their growing intensity.

Effective participation at European level of a large number of German administrative actors requires a well-functioning co-ordination machinery within the federal executive. As noted earlier, there is broad agreement in academic comment on the main features of the German co-ordination culture (amongst more recent accounts see Bulmer, Jeffery and Paterson 2000; Bulmer and Burch 2001; Derlien 2000; Bulmer, Maurer and Paterson 2001); disagreements centre on the effects of co-ordination on Germany’s capacity to shape European policy, with some authors stressing the restrictive effects of dispersed powers, whereas others highlight their – potential – enabling effects. The main features of the co-ordination machinery were established in the 1950s (Hesse and Goetz 1992), and it was only in the 1990s that major changes were effected (Bulmer and Burch 2001) with the decisive extension of the range of core ministries involved in routine co-ordination, and the transfer of key co-ordinating
responsibilities from the Economics Ministry to the Finance Ministry. Before the 2002 federal elections, Chancellor Schröder had mooted the creation of a specialized Ministry of European Affairs, with the Minister located in the Chancellery (‘Schröder macht Fischer die Europapolitik streitig’, FAZ, 19 March 2002; Eckart Lohse, ‘Die Europapolitik als Streitobjekt’, FAZ, 20 March 2002). This plan was dropped after the elections in the face of strong opposition from Foreign Minister Joschka Fischer, but, for the first time, a dedicated devoted exclusively to EU matters was established in the Chancellery, asserting Schröder’s claims in this policy domain.

Wessels’s assessment of a comprehensive mobilization of the ministerial administration in Germany is also supported by the fact that the German ministerial bureaucracy is principally oriented towards policy formulation and the preparation of political decision-taking, rather than implementation, which is largely left to specialized non-ministerial authorities, and, in particular, Länder administrations and local authorities.

A central point to note about the Europeanization pattern on the administrative side is the functional, institutional and personnel linkage between the EU and federal levels (and also the Länder). Federal officials do not just operate at two or three levels; but their activities at one level have direct implications for what they can and cannot do at another. In other words, the multi-level system is closely integrated. Both top-down and bottom-up Europeanization are clearly in evidence here, as federal officials need to respond to legislative and policy initiatives emanating from the EU level and are able to use ‘Brussels’ to gain policy leverage in the domestic contest. This point is explored is the next section.
The present account departs from the fusion thesis is when it comes to the political-governmental aspects of the executive. Here, the pattern of Europeanization cannot be described as fusion, but rather as bifurcation. To be sure, federal executive politicians do, of course, operate at both levels, European and domestic. Federal executive politicians certainly need to spend a growing share of their time on European business, in EU councils and meetings and on the bilateral and multilateral preparation of EU decision-making. But key arenas of domestic executive governance - party government, coalition government, and parliamentary government – show few signs of Europeanization.

Analyses of ‘government at the centre’ in Germany regularly point to the intricate patterns of political management in Germany’s ‘negotiation’ and ‘co-ordination’ democracy (Holtmann 1991; Padgett 1994; Goetz 2003). The Federal government is a parliamentary government and parliamentary accountability is not only secured through formal means, such as the right of parliament to elect the Chancellor; regular reporting requirements imposed on the government; parliamentary questions and interpellations; the exhaustive scrutiny of bills introduced by the government; or the detailed parliamentary monitoring of the implementation of the federal budget. There are also many informal mechanisms by which parliament reaches into the executive process (Saalfeld 1998), such as regular meetings between ministers and MPs from the governing parties to consider forthcoming legislative initiatives. The majority parliamentary parties and the government are, accordingly, said to constitute a ‘composite actor’ (Handlungsverbund) (von Beyme 1997: 358). The Federal government is also party government. It is constituted after the federal elections on
the basis of coalition negotiations between the main representatives of the national parties and their parliamentary groups; majority party leaders typically join the government as ministers or, in the case of the largest party, Chancellor; major political initiatives are usually approved by the governing parties’ national decision-making bodies prior to their submission to Cabinet; and the withdrawal of support by one of the political parties that make up the governing coalition inevitably spells the end of the government. Political parties do not just decide on the formation and termination of the government; given the interwovenness between government and majority parties the latter can themselves be regarded as governing institutions. Finally, the federal government is a coalition government, and coalition management is an abiding preoccupation of both the Chancellor and other key figures in the government.

Whereas there is, as noted, ample evidence to support the notion of administrative fusion, evidence of Europeanization of parliamentary, party and coalition government is scant. Neither the federal parliament (Saalfeld, in this volume) nor political parties (Niedermeyer, in this volume) are part of an effective multi-level system extending to the EU. More importantly, for the present argument, the institutional arrangements underpinning parliamentary, party and coalition government – especially the elaborate network of formal and informal mechanisms for synchronization between government, parliament and governing parties – show no signs of effective functional or institutional linkage with the EU level. Of course, there is overlap in key personnel – the Chancellor or the Minister of Finance are central figures both in domestic management and at the European stage – but otherwise linkage is weak and, as will be argued below, even the identity of actors should not be overestimated in terms of
linkage effects. It is certainly true that much less is know about the Europeanization of executive government than administration; for example, I am not aware of studies that would have investigated, e.g., how the time budgets of German executive politicians and the relative share accorded to EU business have changed over the years; what share of cabinet time is taken up by the discussion of EU matters; or how frequently the latter are part of the agenda of coalition committees. The apparent non-Europeanization of central arenas of government may, therefore, at least in part be attributable to the fact that relevant systematic evidence has not been collected. But it is noticeable that analyses of structures and procedures of German government regularly highlight domestic rather than external sources of change (Helms 2001; Holtmann 2001; Manow 1996; Niclauß 2001; Saalfeld 1999).

**Fusion versus Bifurcation: Towards an Explanation**

How can one account for the differential pattern of executive Europeanization? Why should there be administrative fusion but governmental bifurcation? The pattern described here certainly cannot be reduced to one explanation, but, in line with the general approach outlined in Chapter 1, the combination of institutional opportunity structures and individual incentives is of critical importance. Briefly, the opportunity structures within which officials operate provide them with strong incentives for ‘bureau-shaping’, in the sense of translating EU-level powers and responsibilities into their domestic settings. They operate both under pressures of top-down Europeanization and it is in their interest to explore opportunities for bottom-up Europeanization. By contrast, national political institutions – and notably the logics of
parliamentary, party and coalition government – act as shields for executive politicians from Europeanization pressures from above. At the same time, domestic payoffs for bottom-up Europeanization are, on the whole, fairly restricted, so that executive politicians only exceptionally act as strong Europeanizers.

This argument requires some further elaboration. As noted earlier, federal officials are closely involved in the political policy process and they are used to operate in an environment in which officials have a proactive role in the policy process rather than being seen as agents for carrying out ministers’ wishes. The extension and intensification of the *acquis* and new forms of European co-operation and co-ordination mean that they are inevitably drawn into the administrative multi-level game, for, in the German case, ministers do not act as gatekeepers to the European process. In other words, officials expect to act with considerable discretion and can be assumed to seek to protect, if not increase, such discretion when it comes to EU matters. Officials are at least as likely to seeks opportunities for bottom-up Europeanization than to respond to top-down pressures. The strength of national bureaucracies in EU policy-making implies that Europeanization provides a means of escaping some of the constraints associated with a domestic decision-making process in which parliament and political parties reach deeply into the executive; at the same time, Europeanization provides effective justification for seeking additional competences and resources (notably personnel) in the domestic departmental context. There are then not only functional and institutional ties binding together administrative actors in a linked multi-level system; but officials also have a personal incentive to strengthen such linkage.
However, German officials are also unlikely to be tempted ‘to go native’, in the sense of distancing themselves from the political core concerns and objectives of their departments, as, in the German executive, close involvement of officials in the political policy process comes at the price of close involvement of executive politicians in personnel policy (Goetz 1997; 1999). Although a career system, the higher federal ministerial civil service allows a great deal of scope for politicians’ involvement in ministerial personnel policy – notably decisions on promotions – and this discretion is used at least from the level of head of section upwards, i.e. it is not limited to the ranks of administrative state secretaries and heads of division, which are officially classed as ‘political civil servants’, but reaches at least two ranks below. Being visible to ministers and parliamentary state secretaries (in effect, deputy ministers who must be members of the Bundestag) is, thus, an important facilitator, if not, in fact, a precondition, for individual advancement. This helps to explain why ambitious German officials are often reluctant to be seconded to the European authorities.

Turning to the institutional opportunity structures and individual incentives of executive politicians, it is clear that they differ decisively from those of officials and rarely favour active Europeanization or effective multi-level linkage. The opportunity structures are most closely resemblant when executive politicians are considered purely in their capacity as heads or deputy heads of department. In this role, they can, indeed, be assumed to seek to protect their departmental turf in the process of top-down Europeanization and to exploit opportunities for bottom-up Europeanization in an effort to enhance departmental powers and resources. Oskar Lafontaine’s determination to transfer decisive EU competences of the Economics Ministry to the
Ministry of Finance, justified with reference to the need to match the superior co-ordination capacity of the French and the British in the EMU project, provides an instructive illustration (Dyson, in this volume). This motivation is likely to be most pronounced if the case of technocratic ministers, who have been appointed for their specialist policy expertise and identify closely with the particular mission of their department. However, the experience of the Kohl and the Schröder governments shows that such ministers quickly come to be seen as dispensable, unless they invest time and effort in building a solid basis of support in one of the governing parties. Put differently, ministerial effectiveness depends decisively on political capabilities and standing within the party. Nurturing such a basis is, therefore, an abiding preoccupation of successful ministers. Yet, in this respect, EU-level powers and responsibilities are of little help – Oskar Lafontaine was able to raid the Economics Ministry because he was leader of the SPD at the time, not because of his EU level competences, and Hans Eichel, his successor as Finance Minister, has no effective veto position in the government, since his position in the party is not unassailable. In short, the linkage between EU-level and domestic power and influence is much looser in the case of executive politicians than in the case of officials. What matters just as much, if not more, are party political standing, support in the parliamentary party, close links to relevant interest groups, and, more and more, skilful media management and presence.

The incentives for executive politicians to act as Europeanizers are, therefore, much less powerful and more ambiguous than in the case of officials. With the exception of technocratic ministers, their departmental role is but one they have to fulfil (as noted, they have a strong incentive to seek to become members of the Bundestag and to
assume leadership positions in the party); and effectiveness in leading the department and exercising power in cabinet depends at least as much on political capital than on formal powers and resources. The politician’s decisive battles are won in the interlinked arenas of cabinet, party, parliament and coalition, giving a strong external orientation to his work; by contrast, although officials certainly require political craft (Goetz 1997), their scope of action is much more narrow and inward-looking. Moreover, the generally low salience of European policy amongst the electorate (Niedermeyer, in this volume) and the low visibility of EU level successes and failures compared to political battles won and lost in the domestic arena mean that executive politicians face few, if any, electoral incentives to devote scarce time to EU issues. Only if these are subject to controversial domestic debate, will politicians be encouraged to take an active lead.

**Is Bureaucratization Inevitable?**

The above analysis would appear to suggest that there is, indeed, a strong link between Europeanization and the bureaucratization of public policy-making. Whereas officials operate in an integrated multi-level system, executive politicians do not, and key arenas of national politics with which the political executive is inextricably intertwined – party, parliament, coalition – seem virtually immune to Europeanization. Germany would, thus, appear to provide support for the oft-voiced thesis that the EU is not only a ‘Europe of executives’, but, more specifically, a ‘Europe of administrations’.
However, before subscribing to such a characterization, at least two points need to be considered. First, as noted, politics and administration are closely intertwined in the executive in functional, organizational and personnel terms. True, few ministers and even fewer parliamentary state secretaries have a background as senior federal officials, and it is still fairly uncommon for administrative secretaries or heads of divisions to be recruited from amongst the ranks of former party politicians, although such cases certainly exist. But whilst their career patterns are clearly distinct (Goetz 1999) and there is no tightly integrated politico-administrative élite, executive politicians and officials certainly do not constitute rigidly separate caste. The institution of the ‘political civil servant’ provides for a flexible passage between administration and politics and, in functional terms, policy and political work are closely intertwined, especially in political co-ordination units, which have gained in strength over the years (Goetz 1997). In short, whilst it makes sense to distinguish politics and administration analytically, in reality the distinction is fluid rather than dichotomous.

A second consideration concerns the capacity of political actors to direct and control the activities of officials. Are there reasons to assume that officials’ discretion when they participate in decision-taking at EU-level and in the domestic handling of EU politics than in a purely domestic setting? In the domestic setting, the close linkage between government, governing parties, and parliament makes for a policy process in which politics is ever-present and the scope for bureaucratic drift is small. The weak Europeanization of these arenas certainly provides increased opportunities for administrative discretion. Moreover, as argued above, executive politicians will have weaker incentives to track officials’ activities at EU level than in a domestic context.
The conditions for bureaucratization are, therefore, certainly favourable, but close political involvement in promotions for senior administrative posts means that officials have an incentive to second-guess politicians’ intentions rather than to circumvent or undermine them.

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