

THE INVISIBLE HAND OR WHAT MAKES BUREAUCRACY INDISPENSABLE? A SHORT THEORETICAL INQUIRY INTO THE BUREAUCRACY'S ROLE IN THE POLICY MAKING PROCESS

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Abstract

In the study of public bureaucracy, an intrinsic preoccupation arises concerning the balance of policy making authority between politicians and bureaucrats. In this paper we attempt to show from a theoretical point of view that bureaucracies enjoy some degree of discretion over policy making via implementation, rulemaking and enforcement activities. According to many authors it appears that the bureaucrats are entitled as well to play the role of both partners and contributors in the public policy formulation process, even if sometimes their policy preferences do not overlap all the times with the preferences of their elected overseers.

1. Introduction¹

What makes a democracy different from other political governments are its characteristics of representation and accountability. A democratic government is considered accountable when the citizens can hold it responsible for the actions it puts in practice and the decisions it takes, consequently punishing or rewarding it by using the most injurious political instrument one could imagine: the electorate's vote. The citizens' vote at election time literally splits the political actors into winners and losers; even so the winners' right to get direct access to power is not irretrievable. Here is when the democracy and its defenders will pledge for the accountability of the governments: the political actors can lose elections because they are accountable to citizens. In this sense, the electoral punishments and rewards are not randomly awarded: a voter will re-elect or will reconsider his possibility to mandate a certain candidate based on a retrospective judgment of the government actions or decisions. As this kind of reaction is one of the solely capable of ensuring the perpetuation of the democratic principle of representation, it is in the politician's direct interest to put forward the appropriate decisions and policies that would please the voters.

Furthermore, the political actors that succeed in getting re-elected come face to face with a vast array of policy issues that come before government, the complexity of these issues and the scarcity of the resources needed to address all these issues. Needless to say but in such circumstances a modern democratic government cannot function without bureaucracy and the elected politicians have no other choice than to delegate some of their responsibilities to the bureaucrats.

The tension between the necessity of delegation and the potential problems associated with the delegation underlies the fundamentally political nature of bureaucracy (Huber and Shipan, 2009). Even so, delegation is not the only process that renders the bureaucrats with some power, the policymaking process *per se* is in part both a bureaucratic and a political process. One could not state precisely how much of the policymaking process is influenced or determined by the high-ranking or middle-ranking officials, what is certain instead is that long before negotiation and bargaining process is over, resources distributed among the interests groups and laws drafted, the public officials will have been already emulated or worked the policy issue in the same appearance it is presented to the political decision makers. The detailed work that is undertaken during the policy formulation and identification renders the bureaucrats with a significant discretion (i.e. the freedom to make a choice among possible courses of action or inaction) and influence, which fact reassess that not just "implementation is the major preoccupation of career bureaucrats". Even if "most of them are administering existing programs, and not concentrating on new agenda

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items. The power of bureaucrats is often” but not exclusively “manifested in the implementation activity” (Kingdon, 1985, p. 3). For Goodsell (2004) the political power of bureaucracy is unquestionable and inevitable: the fact that the agencies implement legislation does not translate according to the author into the passivity with regard to policy formulation or shaping. The bureaucracies determine the allocation of the political values as they contribute to the mobilization of the resources. Bureaucrats are involved and influence all sorts of policies: regulatory, redistributive, distributive and constituent policies, the policy areas can even differ as bureaucracies manipulate public policy through adjudication, law enforcement, program implementation, policy initiation, comments on proposed policy changes, rulemaking, and bureaucratic routines (Meier and Bohte, 2007, p. 113).

2. Bureaucratic discretion and power in the policy making process

Bureaucracies are usually seen as threatening to democracy. The essence of the bureaucratic jeopardy to democracy lies in the fact that some well-trained and well-informed, but non-elected individuals have the prerogative of determining who gets, what, when and how in the society. The extreme fear of bureaucracy lies in the danger of latent and abusive control, and even in the menace of loosing the individual freedom (Koven, 2009). Not to defend bureaucracy but rather to justify its need and existence, Mises (2007) asserts that bureaucracy in itself is neither good nor bad. It is presented as a management method which can be applied in all spheres of human activity. In order to soften the discrepancy and the disagreement between democracy and bureaucracy, Mises advocates for an administration bound by law and budget. Hence, the functions of his bureaucratic management are debatable as they are limited to a pure compliance of the administration with detailed rules and regulations which are fixed by the authority of a superior body (mostly surely a political one). Accordingly, in the beginning or in middle of the past century no policy-making role was assigned to bureaucracy, not even at the theoretical stage.

Some solutions proposed for the bureaucracy-democracy dilemma derive from the 1980s' Blacksburg Manifesto representatives, which gathered together the defenders of the bureaucratic legitimacy. The solutions formulated are the following: (1) to stimulate citizen participation directly in the bureaucratic process and have the bureaucracy become the institution that aggregates citizen demand; (2) to create competing bureaucracies so that the actions of one can serve as a check on those of others; (3) to encourage a role for the bureaucracy as the one political contestant in a larger pluralistic struggle, which includes additional political institutions as well as interest groups and other; (4) to require adherence to the rule of law in bureaucratic actions; (5) to create a bureaucracy representative of the basic origins and values in the general population (Meier and O'Toole, 2006, p. 38). In the same sense, Olsen (2005) mentions that contrary to the past decades during which societies have been battling to banish bureaucracy, temporary democracies are facing a stringent need to rediscover and reconsider bureaucracy, as they are involved in a struggle over institutional identities and institutional balances.

“Bureaucratic organization and the success criteria in which it is embedded are still with us. Bureaucracy has a role as the institutional custodian of democratic-constitutive principles and procedural rationality, even if in competition with other institutions embedding competing criteria of success. Bureaucracy also has a role as a tool for legislators and representative democracy and is positively related to substantive outcomes that are valued in contemporary democracies, by some more than others.” (Olsen, 2005, p. 18).

The defenders of the bureaucratic power (Denhardt, 1993; Goodsell, 2004; Ostrom, 2007; Olsen, 2005; Suleiman, 2003) emphasized the positive force of the administrative discretion as well. They stated that instead of seeking to limit the bureaucratic discretion and transforming it into a subject of political control, public administrators should be encouraged to wisely exercise discretion and even use it to counter or to avoid the excess of political scrutiny. The meaning of administrative discretion incorporates ideas about judgment, discernment, liberty and license. Discretion refers to judging among competing values, choosing a best possible solution for a public problem. Discretion is often part of the way decisions are made to meet the professional, community, legal and moral norms (Vaughn and Otenyo, 2007).

Therefore, it is common to assume that in exercising their discretion, bureaucrats follow personal preferences. Such preferences may be based on family background and socialization experiences acquired thought organizational citizenship, as suggested by the literature on “representative bureaucracy”, or on rational self-interest, usually meaning some material benefit or on some perception of desired organizational or programmatic objectives (Page and Jenkins, 2005, p. 108). Referring to the intrinsic motivations of the public officials, some of the scholars consider that they are also very much driven by self-interest, which fact is plausible as no one seeks to grant the bureaucrats the privilege of a sinless and immaculate image. Downs (1967) mentions five types of motivations that reside in the selfishness of the public servants: power, money, income, convenience, prestige and security. The author classifies bureaucrats in *climbers*, which are motivated by prestige and power, the *conservers* as being driven by security, the *zealous* bureaucrats who are loyal to narrow policies, the *advocates* who are dedicated to a broader set of policies, and the last category of the *statesmen* who are loyal to the entire society. Regardless the intrinsic motivations which drive them, the administrative pursuers of self-interest will dictate the maintenance and even the growth of bureaucracy.

Despite their inner characteristic of self-interest we tend to believe that unlike their political “masters”, the bureaucrats follow some core administrative values when involved in the policy making process such as representation, economy, effectiveness, efficiency, transparency and fairness. However, one aspect is obvious: administrative discretion may contribute to a just and fair decision-making when it is used prudently by the bureaucrats, and it is sometimes depicted as a practical response to the incapacity to draw a clear distinction between administration and politics in the policy-making

process. Ironically, but it appears like the bureaucratic power emanates from its own administrative discretion. By these means, bureaucracy becomes “an expression of cultural values and a form of governing with intrinsic value” (Olsen, 2005, p. 3).

In the same vein, when taking it back to the Max Weber’s origins of the “ideal type of bureaucracy”, administrative discretion acts as a counter for the discipline/hierarchy principle, while being deeply rooted in the expertise principle, which the bureaucrats follow when illuminating the political decision makers in all technical aspects of public policies.

Referring to the expertise-discipline/hierarchy nexus Gouldner points out in his book *Patterns of Industrial Bureaucracy* that different organizations can produce different forms of bureaucracy, depending to a significant degree on the importance of expertise (Gouldner, 1964 *apud* Page and Jenkins, 2005, p. 12). In this sense one pattern of bureaucracy is that in which expertise is less dominant, being called a “punishment-centered bureaucracy” it is based on the application of the formal rules and discipline. The second, based on consent and reflecting a higher emphasis on expertise, is a “representative bureaucracy”. In a nutshell, we can preliminarily conclude that the bureaucrats that exert to a large extent their managerial discretion and benefit from a high level of expertise will tend to be more involved in the policy making process, compared to the officials whose bureaucracies are shaped by discipline and norms of hierarchical obedience, which fact transforms them in vulnerable subjects of the elected politicians’ scrutiny and control.

According to some authors (Riggs, 2009) in terms of bureaucratic power and its relationship to politics, there are three bureaucratic variables that determine the interest and the ability of the bureaucrats to govern, as well as to perform both administrative and political functions. These variables are the tenure of the bureaucrats, their income and interdependence.

Tenure is strongly related to the long-term commitment and motivation if the bureaucrats occupy official positions for an indefinite period of time. Due to their wide experience, the career bureaucrats acquire administrative competence but “because they have a long-term interest in the preservation of their positions, perquisites, and income, they are both motivated and able to use their offices for political purpose also” (Riggs, 2009, p. 88). This aspect justifies to a large extent their involvement in the policy making process. A long tenure is more likely to rend the bureaucrats with a deep sense of wholeness over the policy issues and with an “eagle eye” for detailed and technical aspects. Therefore, the permanence of the position explains the bureaucratic politics as depending on the careerism of tenured officials (Riggs, 2009, p. 88). This scenario is especially valid in the context of the asymmetrical information. The public administrators are assumed to have an informational advantage over the politicians, for that reason they benefit from a better understanding of the policy and organizational procedures that are necessary to be executed. In this manner, the bureaucrats have both the opportunity and the incentive to manipulate politicians and processes for their own political gain (Waterman and Meier, 1998).

Income is the second variable that determines the bureaucrats to exert either their administrative or political functions. The trade off between the willingness of the public administrators to obey or to avoid the political indications differs from one government to other. In strong democratic governments, where corruption and bribery are not regarded by the bureaucrats as standard means to gain additional income, the full-time salaried bureaucracy renders the individual officials powerless in their struggle against the political representatives of power as they must do what they are assigned to do if they want to obtain and retain their legal income (Riggs, 2009). In this situation, the bureaucrats are more likely to act collectively rather than individualistically, and their direct interest is to contribute to the maintenance of the economic and financial stability of the state, since the prosperity of the state assures the security of their own earnings; the actions of the public officials will be conducted by value-judgments based on the principles of governmental transparency and accountability. Relatively to the income variable Riggs (2009, p. 90) mentions that “normally, under the control of civilian extra-bureaucratic political institutions, officials use their power potential to secure legislative authority and budgetary support for their programs. However, when these extra-bureaucratic institutions fail to work successfully, the opportunity arises for organized groups of bureaucrats to seize power and establish regimes more congenial to their interests”.

The reverse scenario portrays a weak government of a third world country in which the bureaucrats make use of bribery and corruption to increase the level of their legally prescribed salaries. In such cases the officials will tend to act individualistically, trying to take over some policy issues that could make them better-off: “The financial expectations of full-time salaried officials overload the resources of poor countries, contributing to the breakdowns that lead bureaucrats, seeking to safeguard or enhance their perquisites and uneasy about prevailing conditions, to conspire and seize power” (Riggs, 2009, p. 90).

Finally, the third variable Riggs specifies is related to the interdependence of the bureaucrats. Unlike the traditional bureaucracies, the modern ones are highly interdependent, due to the increased administrative tasks, the augmented public expectations and the growing differentiation of the bureaucratic officials' roles. The interdependence of the modern bureaucratic components can be explained through the complexity of the nowadays industrialized and technologically sophisticated societies. In this manner, the bureaucratic organizations are divided in staff agencies and agencies that carry out “line” functions, which fact determines both the policy-formulating and the policy-implementing role of the bureaucracy. Taking into consideration the three variables discussed above, it is hard to imagine these days a bureaucracy that is only in charge of putting in practice the political will and of executing the desired policies.

A somehow similar bureaucratic design is put forward in a different context again by Riggs (2009, pp. 157-158). The author uses duration in office and the qualifications of office holders as variables to explain the extent of bureaucratic power and the policy/administrative capabilities of bureaucracy. According to the length of position criteria,

the long-term officials with no qualifications will be named *retainers*, while those with high qualifications will be coined as aspiring *careerists*. On the opposite side of the spectrum, the short-term administrators with no qualifications will be known as *politicos* and those with qualifications as *consultants*. The long-term nominated careerists and retainers are seen to be more capable of exercising power and influencing the policy issues, but since they acquire more knowledge and experience they become more qualified and more suitable for administrative tasks.

In order to gain a full comprehension of how bureaucracies acquire access to policy making, some knowledge about how bureaucratic agencies obtain resources and autonomy is essential. Meier and Bohte (2007) suggest that one is capable of penetrating the quintessence of a bureaucratic organization only by analyzing it in the frameworks of its environment. For a better illustration of the causes and consequences of bureaucratic power, the authors constructed a model that depicts the environment of a public administration organization (Figure 1).

The model sketches an agency that receives from its environment a series of inputs consisting out of demands and supports. In the agency's power setting the proximity of the inputs is indispensable. The reduced immediacy of the agency to the Level 1 inputs, such as culture, history, economics and technology, is affecting mainly the life cycle of the organization, meaning its existence in terms of creation, termination or merge. All together, the inputs corresponding to Level 1 are only capable of influencing the development of the bureaucracy. According to the author a close examination of the Level 2 inputs can divulge the reason for which some "bureaucracy gains political influence at the expense of the other political institutions" (Meier and Bohte, 2007, p. 43). The environmental influences in Level 2 are more perceivable than in Level 1. This level narrows down the framework and the arena in which the bureaucracy exists. The four factors that are included in the second level can be explained as follows: (1) the nature of politics – decides what questions are considered in the realm of politics and what questions are the sphere of professionals and administrations? (2) the organization of the government – how is the political power of the state distributed among governmental institutions? (3) task demands – determines what tools are necessary to perform the tasks of government effectively? (4) the nature of the bureaucratic function – asks how does implementation generate additional power for bureaucracy?

The most important level is the third one as it determines if the bureaucracy will or will not have policy power. A bureaucracy's support includes support from both citizens and government officials whose activity are somehow related to the procedures and tasks undertaken by the agency. The policy environment is mainly explained by the area of the policy, which can be regulatory, redistributive or distributive. The internal factors refer to the knowledge of the bureaucracy, meaning the information and the expertise, cohesion that regards the commitment of the public personnel towards its organization and goals, and, finally, leadership which includes the effectiveness of the managing process from the highest authority.

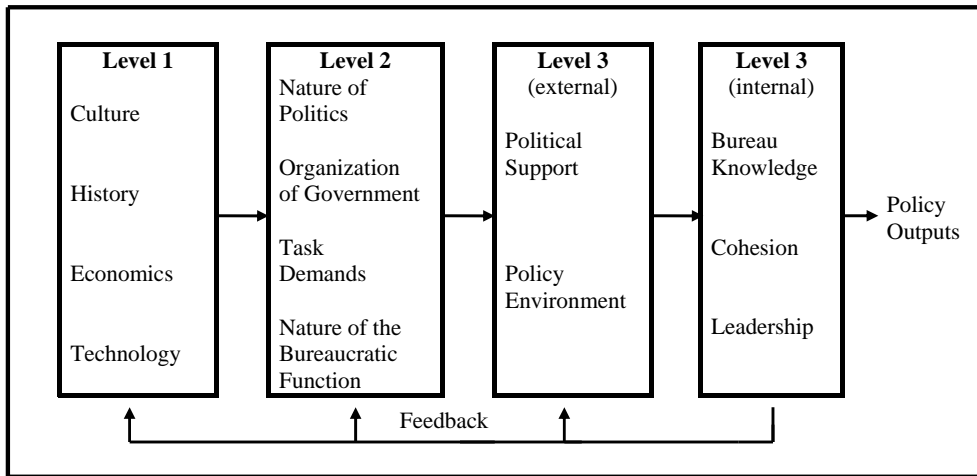


Figure 1: The environment of a bureaucratic agency that explains the causes and consequences of the bureaucratic power

Source: Adapted from Meier and Bohte (2007, p. 43)

In exercising its primary tasks an administrative agency establishes policies, makes decisions, and delivers goods and services. Looking at our model all these actions feed back into the environment (Meier and Bohte, 2007, p. 44). In this sense the bureaucracy not only reacts and answers to the environment which sets the basis of its existence, but also shapes the environment, by interfering in the policy making process.

3. Conclusions

Nowadays, no one could vehemently deny the fact that bureaucracy is a political institution. It becomes extremely obvious especially under the circumstances of a shared, multiple-actor and participatory policy-making process. The direct implications of the bureaucracy in the policy process is not regarded as being damnable or even threatening taking into consideration the shift from the paradigm of “government” to that of “governance” which brings “new sites, new actors, and new themes” (Hajer and Wagenaar, 2003, p. 3) into today’s democratic societies.

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