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Towards a European administrative space?

Johan P. Olsen

ABSTRACT Has there been a trend towards a 'European administrative space', understood as convergence on a common European model? How can we recognize an EAS if one has emerged? A methodological purist can with good reason argue that we lack the concepts, methodology and data to answer such questions. A more pragmatic approach is to accept that the public administration is a key institution of government and that understanding administrative change is an important part of comprehending ongoing transformations in the European political order. So far no unitary administrative model has emerged and differentiation is still a core characteristic. Yet administrative variance and disparities have been reduced. Common institutions have been established. Domestic ones have been adapted to European standards and administrative law has been harmonized. The challenge then is to develop analytical models with explanatory power that gives a better comprehension of administrative change.

KEY WORDS Adaptation; convergence; European administrative space; institutional dynamics; political order; robustness.

EUROPEAN ADMINISTRATIVE CONVERGENCE?

The public administration is a key institution of government and understanding administrative change is an important, but often ignored, part of comprehending the ongoing transformations of the European political order. Here focus is on whether there has been a trend towards a 'European administrative space' (EAS), understood as convergence on a common European model. The approach raises several questions: What is 'convergence' and how can we recognize an EAS if one has emerged? Is the term at all useful for analytical purposes? What indicators can be used for measuring convergence? To what extent has there been convergence and what has (eventually) been the direction of change? Which aspects of administrative systems have converged? Through what processes has convergence taken place? How can these changes be explained? What actors and forces have been encouraging or inhibiting convergence?

A methodological purist can with good reason argue that we lack the concepts, methodology and data to answer the questions. For example, the lack of an agreed-upon metric of convergence makes it possible for students of administration to observe the same phenomena and describe the situation in radically different terms. A more pragmatic view, and the one upon which this paper is based, is that the questions are too important to be ignored. The challenge is to develop analytical models with explanatory power that improve our comprehension of administrative dynamics. The aspiration of the paper, then, is to suggest a way of thinking about administrative change, rather than to give firm answers about the extent of European convergence.

The hypothesis that an EAS has emerged will be held up against two competing, or supplementing, hypotheses: a *global convergence* hypothesis and an *institutional robustness* hypothesis. Under what conditions can we expect administrative convergence?

An old, and recurring, idea is that there is a single best way of organizing administration. Scholars and practitioners have prescribed context-free, universal organizational forms which, because of their comparative functional efficiency or normative attractiveness, are expected to spread all over the world, independent of national, and other, differences.¹ Universal prescriptions not bound in time and place have, however, tended to have a proverbial character (Simon 1946) and empirical research suggests that 'good administration' and 'good government' hinge on specific definitions of ends, purposes and values. If so, there can be no truly universal generalizations about public administration without a profound knowledge of the varying political and social characteristics that impinge on the administration (Dahl 1947; March 1997).

An alternative idea is that contexts matter and that one context can be dominant in a specific time period. For example, growing international interdependencies and improved communication can make diffusion of 'best practice' increasingly efficient, globally or in Europe, reducing the significance of specific historical and cultural contexts. Global convergence can then follow if administration is a context-free activity with a single best solution, and if the global environment is currently dominant. European convergence can follow if context matters and the European context is dominant for administrations within, but not outside, the region.

A third possibility is suggested by the institutional robustness hypothesis. Here a basic assumption is that the two other hypotheses overestimate the likelihood, extent and speed of convergence, and that Europe and the rest of the world are likely to continue for quite some time with a variety of administrative models. This approach assumes that environments are more or less homogeneous and imperative, administrative reformers are more or less powerful and institutions are more or less robust (March and Olsen 1989, 1995, 1998). An implication is that we need to understand the conditions under which, and the processes through which, existing institutional arrangements contribute to continuity or differentiation, rather than convergence.

The rest of the paper is divided into five parts. First, it is asked whether

terms such as a European administrative space and convergence are at all useful for understanding institutional dynamics. Second, the theoretical ideas are developed a little further. Third, some observations on administrative convergence in the European Union (EU) are presented. Fourth, the focus is directed towards enlargement and convergence among candidate countries, and fifth, some conclusions and puzzles are presented.

A USEFUL TERM?

An EAS usually denotes that public administration operates and is managed on the basis of European principles, rules and regulations uniformly enforced in the relevant territory (Cardona 1999; OECD/Sigma 1999: 15).² Common, or similar, arrangements drive out 'local' principles, organizational forms, rules, standards and practices. A development towards an EAS then stands in contrast to national administrative systems as 'solid bedrock for nationalism', that is, idiosyncratic arrangements where the structure of public administration reflects the identity, history and traditions of a specific state and society (Nizzo 2001: 2).

'European administrative space' has symbolic overtones of European integration and unity and can be seen as part of a normative programme. Its analytical value, however, depends on the usefulness of 'administrative convergence', itself a term without a clear and agreed meaning (Pollitt 2002). At a general level, convergence implies a reduction of variance and disparities in administrative arrangements. Different administrations develop along the same path in a way that produces homogeneity and coherence among formerly distinct administrations.

One complication is that national administrative systems, and even more so the EU, are complex configurations of institutions, often with non-synchronized dynamics. There may be convergence along some dimensions and divergence along others. If so, it may not be meaningful to summarize convergence across structures and rules, agendas and timetables, rhetorical fashions, recruitment patterns, education and training, careers, training, remuneration, labour relations, the size of the workforce, external relations, resources, capabilities, practices, behaviour and outcomes. In order to do so, and eventually conclude that there is a trend of convergence, we would need to compare exact measures of current administrative distances along a variety of dimensions with similar distances at an earlier time. Few, if any, such measures of similarities and dissimilarities exist.

It may, therefore, be difficult to conclude, for instance, that a new type of system is emerging based on a mix of several national traditions, that a single national system has come to dominate in the EU, or that there is convergence around imported models from international organizations or the USA. Yet, it may be easier to conclude about crude *variations* in convergence and robustness than about absolute convergence. Therefore, an attempt is made to compare convergence in current member states and applicant countries.

It may also be possible to observe whether structural, behavioural and other adaptations may substitute for one another so that institutional dynamics include loose coupling between formal organizational charts, reform rhetoric, behavioural practices and substantive outcomes. The institutional robustness hypothesis in particular suggests that we should expect complex and mixed patterns of convergence and divergence, given that historical processes in Europe have produced different domestic administrative and political traditions. How can we then understand the conditions for administrative convergence, its direction and the processes through which convergence may take place?

ADMINISTRATIVE DYNAMICS

Conditions

The new institutionalism in organizational sociology assumes that organizations are structured by their environments and tend to become isomorphic with them. The importance of 'institutionalized environments' – organizational norms and prescriptions – is emphasized, in addition to functional interdependencies and competition. Organizations are more likely to adapt to the expectations of their environments, and convergence is more likely to occur, in situations with ambiguous goals, uncertain relationships between ends and means, dependence on a centralized resource and intense external interaction (DiMaggio and Powell 1983).

The institutional robustness hypothesis is based on an alternative view where the internal properties of institutions and organizations are key factors in understanding convergence. First, there is no a priori reason to believe that normative or functional competition will always create convergence, rather than niche specialization and variety in forms. Nor are there reasons to believe that a powerful rule-maker or controller of resources will always impose uniform structures and convergence. Second, changing the public administration implies intervention in large-scale, complex and dynamic institutions with pre-existing identities, structures, internal dynamics and resources, and administrative history is not 'efficient' in terms of adapting institutions rapidly to environmental change or reform efforts. Owing to bounded rationality, the standard institutional response to novelty is to find a routine in the existing repertoire of routines that can be used (March and Olsen 1989: 34). External change and reform initiatives are interpreted and responded to through existing institutional frameworks. Convergence consistent with an existing identity will be fairly smooth. Convergence in conflict with an identity is likely to create confrontations. Sudden and radical change is most likely in situations with obvious performance crises.

Convergence towards what?

Recently, developments in public administration have been interpreted by means of two generic models: the 'classical' or Weberian public administration

and the new public management (Verheijen and Coombes 1998; OECD/Sigma 1998a; Goetz 2001b). A favourite diagnosis has been a paradigmatic shift 'from Old Public Administration to New Public Management' (Dunleavy and Hood 1994).

The idea of an emerging EAS has roots in continental public law tradition and the 'Old Public Administration' (OPA). The idea of a global convergence has affinities with the New Public Management (NPM), primarily an Anglo-American school of thought. The OPA and the NPM are different in many ways. The OPA assumes that the core of political life is law-making, interpretation, implementation and enforcement. Law and hierarchy govern the public administration. Administrators are rule-driven bureaucrats executing and maintaining legal norms with integrity on the basis of *Rechtsstaat* principles and with the common good in mind. The OPA emphasizes reliability, consistency, predictability and accountability. Administrative dynamics is governed by legislators or announced and enforced by courts (Weber 1978: ch. XI).

The NPM stands in contrast to the idea of a unique European convergence. It suggests that convergence is global or at least common for Organization for Economic Co-operation and Development (OECD) countries and that the public sector is not distinctive from the private sector (Christensen and Lægrend 2001; Pollitt 2002). The NPM portrays a centrally organized and rule-bound public administration as outdated. The NPM represents an 'inevitable shift rather than a temporary fad' toward a more advanced administration (Osborne and Gaebler 1992: 328). Change follows from shifting circumstances, customer demands and political objectives (OECD 1995, 2001).

The tension between a legal-bureaucratic and a managerial approach to public administration and the idea that private business administration provides an exemplary model for the public sector is hardly new (Waldo 1956). Nevertheless, a focus on the differences between the two may disguise the fact that they also share important assumptions. Both prescribe a single set of administrative principles for organizing the public sector. They assume that more efficient forms over time will replace less efficient ones, resulting in administrative convergence on an organizational model with superior technical efficiency, respectively a Weberian bureaucracy and the private firm in competitive markets. They are also based upon an instrumental view of administration. They portray the administration as a tool for an external principal – a branch of government controlled by the legislative and judicial branches, or by shifting external circumstances.

In contrast, the robustness hypothesis assumes that administrative environments in contemporary democracies are not so simple, coherent and imperative. Administrative institutions have more autonomy from their environments and administrators are powerful actors in their own right.

Administrative environments seldom provide public administration with clear competences, rules, objectives and incentives. On the contrary, the administration operates in a complex ecology of institutions, actors, goals, rules, interests, powers, principles, values, beliefs and cleavages. Politicians,

judges, experts, organized groups, the mass media and individual citizens are likely to hold different and changing – not coherent and stable – concepts of ‘good administration’. They are likely to want the administration to serve a variety of changing and not necessarily consistent principles, goals and interests. For example, administrators are expected to:

- ensure administrative loyalty to the incumbent government, and yet be politically neutral and loyal to all legitimately elected governments and the principle of representative government;
- be effective policy entrepreneurs, taking initiatives and getting problems solved, but also accountable to elected leaders and the people;
- be rule-driven and guardians of the constitution, the rule of law and an impersonal legal arrangement, without ending up in excessive formalism;
- act as experts and users of the best scientific knowledge available – administration based on merit, professional competence, loyal to the principle of enlightened government – but avoid technocracy;
- be cost-conscious managers governed by the principle of economic efficiency, adapting to changing circumstances and consumer demands, using markets and price mechanisms, without producing social inequality, exclusion and protest;
- protect specific constituencies and the principle that affected parties should be heard, without giving privileges to strongly organized interests.

Each concern is a possible source of legitimacy as well as criticism, and tensions between them are a source of administrative dynamics. Throughout history conflicting role expectations have been reflected in struggles over the size, organization, procedures, competences, resources, recruitment and outcomes of public administration, as well as struggles over how the relations to other institutions, organized interests and individuals should be organized (Kaufman 1956; Jacobsen 1960). The political-administrative order involves imbalances and collisions between principles and institutions (Orren and Skowronek 1994; Olsen 2001) and, owing to sequential attention and local rationality (Cyert and March 1963), different concerns are activated over time and across institutions. As the mix of concerns changes, so do conceptions of good administration and good administrators.

During periods of transition, in particular, conceptions of the exemplary administration are challenged and can be dramatically redefined. Conventional wisdom becomes heresy. Administrative virtues are turned into vices. Old expertise is scrapped and new types of knowledge, skills and training are demanded. Trust in institutions disappears or emerges. Organizational structures, roles and cultures are branded illegitimate and new ones are legitimized (March and Olsen 1989). Because tensions are enduring rather than temporary, any prescription based on hegemonic aspirations and the universalization of a concern is likely to foster criticism, countervailing forces and the search for a new balance between institutions.

Such institutional balancing acts are usually constitutional and political and

without a correct technical answer. Organizing public administration involves a power aspect. Long (1949: 257), for example, argued that 'the lifeblood of administration is power' and Weber (1978) observed that the political masters could easily become dilettantes facing a professional administration. One implication is that we need to avoid definitions of public administration that a priori assume specific authority and power relations.³ Theorizing administrative dynamics requires understanding how balances are struck and how administrations find their place in a political order.

Processes: attractiveness and imposition

Administrative convergence can take place owing to *attractiveness*, where convergence emerges because one model is generally seen as superior, and *imposition*, where a model is preferred by a winning coalition and dictated to others.⁴ Attractiveness signifies learning and voluntary imitation of a superior model. The receivers copy an organizational form because of its perceived functionality, utility or legitimacy. Likewise, a common model can emerge through joint deliberation, or each country facing the same challenges can independently develop similar solutions. Convergence as attractiveness is likely if a single administrative prescription is generally viewed as superior to other ways of organizing the public administration, globally or in the European context.

The perceived superiority can be based on technical-functional performance and comparative efficiency. For example, functional interdependence, as a result of economic or political integration, can lead to more interaction, exposure to new solutions and possibly agreement on 'best practice'. In a more moderate version variance is reduced as some organizational forms disappear because they do not perform in an acceptable way according to minimum standards. Existing institutions, budgets or staff are not adequate to handle important tasks. There is an erosion of problem-solving capacity, performance is declining, and crises have already occurred or they are expected.

Superiority can also refer to normative attractiveness. Organizational templates then have a value of their own and a specific way of organizing public administration can be seen as the most democratic, rational or modern even without evidence of its functional superiority (Meyer and Rowan 1977; Powell and DiMaggio 1991). Then, convergence around appropriate organizational forms, processes and practices reflects that a single administrative form achieves a normative hegemony. One implication is that delegitimization of forms and reduced pride in existing arrangements are likely to reduce resistance to change. Convergence may take place as external high status forms are copied without much analysis of their performance in the new setting.

Imposition signifies convergence based on the use of authority or power. A single model penetrates the territory and weakens or eliminates established institutions. When no single way of organizing public administration is seen as functionally or normatively superior, convergence by imposition assumes a

concentration of authority or power and that administrative issues are given attention and priority among the powerful. Convergence based on coercive power implies the ability to dictate solutions against the will of administrations. Authority signifies that some external source is accepted as legitimate when it comes to create, reform or dissolve administrative arrangements. Conditionality means acceptance of organizational forms not for their inherent characteristics, but as a condition of membership, legitimacy or side-payments.

Understanding convergence through imposition requires a focus on the distribution of relevant resources and processes of mobilizing support. For example, if it is accepted that the main challenge is not to rewrite legal texts but to change and improve the actual working of public administrations (Ziller 1998: 138), there may be important differences in the resources needed to win battles over texts and formal arrangements and over behavioural practice, results, and administrative identities and cultures. The latter is likely to have larger and more complex constellations of institutions, actors, cleavages and power relations, making convergence less likely or slower to achieve.

CONVERGENCE IN THE EUROPEAN UNION

Conditions for an EAS

The European context has several characteristics that could be expected to promote administrative convergence and an EAS, but also a number of properties that could counteract this trend. One such factor is that the European order is characterized by long, strong and varied institutional histories, with different trajectories of state- and nation-building (Rokkan 1999). As a result, public administration structures and regulations vary among the current member states (OECD/Sigma 1998a: 13) – an institutional pattern likely to create variations in both the motivation and capability for institutional convergence (Olsen and Peters 1996; Pollitt and Bouckaert 2000).

Traditionally, the EU has also given modest attention and priority to administrative issues. There has been more focus on policy-making and substantive results than on administrative arrangements. The costs of changing the organization of domestic administrations have been seen as high (Hanf and Soetendorp 1998). The Commission crisis, reaching a climax when the Santer Commission resigned in the spring of 1999 after accusations of mismanagement, fraud and nepotism (Committee of Independent Experts 1999a, 1999b), moved administrative reform to the top of the Commission's agenda. Still, the Union has not developed an explicit and coherent administrative policy (Sverdrup 2002a; European Federation of Public Service Unions 1999).

The Treaties do not prescribe a specific model of administration and there is no *acquis communautaire* for public administration. On the contrary, the EU has throughout its history assumed that a variety of national administrative systems is legitimate and compatible with membership, and that different

arrangements can do equally well in implementing EU legislation.⁵ Furthermore, the Union has limited powers in administrative matters. Debates over the distribution of administrative competence have been linked to struggles over the general distribution and separation of powers in the Union. Competence over public administration is also one of the issues where the 'nature of the Union' is debated in the ongoing Convention. The draft Constitution (Article 9) states that the Union shall respect the national identities of its member states, including the organization of public administration at national, regional and local level (CONV 2003). However, the biggest party group, the European People's Party, do not want to give this constitutional protection to the domestic public administration.

Historically, member states have guarded their autonomy and have been reluctant to grant general organizational, supervisory and enforcement competence to European institutions. Most have been satisfied with laws that give the Commission direct administrative responsibilities only in specified domains, and otherwise assume that the EU will not interfere with the internal administrative organization of the member states as long as Union obligations are followed and common rules are implemented. Administrative instruments that leave discretion to member states have been more popular than those imposing specific administrative solutions (Schwarze 1996; Cardona 1999; Kadelbach 2002).

In addition to limited legitimacy the Commission's administrative capacities in terms of staff and budgets are modest compared to its tasks. The Union's administration is a 'political administration' – a staff with significant discretion (Joerges and Dehousse 2002). Administrators are, however, part of complex networks across sectors and levels of governance involved in a joint exercise of co-ordination and authority.⁶ Usually implementation takes place through national administration or by shared management. Sometimes it is organized through outside contractors such as firms and organizations. The growth in specialized autonomous European agencies has also been combined with a reluctance to give them discretion and national representatives have been placed on their governing boards (Chiti 2002; Dehousse 2002). As a result, it has been suggested that the idea of an administration 'serving some common higher "authority"' cannot be upheld in a non-unitary, non-state pluralist polity' such as the EU (Joerges 2002: 21). The conditions make the idea of a single 'principal' controlling administrative convergence less plausible.

There are, however, also actors and forces in favour of convergence. Although no grand implementation crisis has emerged in the Union, the issue of an implementation deficit has been raised (Sverdrup 2002b). Member states accept that it is in the common interest to have adequate administrative capacity to implement Union rules and that counteracting mal-administration is a common concern. Their preference for administrative autonomy then has to be balanced against the Union's need for effective and uniform implementation. For the Court and the Commission, their role as guardians of the Treaties provides a stronger power base than their limited formal administrative policy

competence (Kadelbach 2002). A high level of interaction and exposure to each other's administrative thinking could also be expected to contribute to an EAS. European administrations have for centuries studied and copied each other and they share important characteristics (Barker 1944; Markussen and Ronit 2003). Nevertheless, increased integration, interdependency and interaction have created a qualitative new situation. Because institution-building and policy-making in the Union have been unevenly developed across institutional spheres and policy areas, the adaptive pressure on national administrations will, however, vary (Knill 2001).

Finally, European convergence may be more likely because the international normative reform climate has changed. The institutionalized pressure for global administrative convergence has weakened and support for NPM is less enthusiastic than a decade ago. For example, the World Bank now expresses less firm beliefs than it did in the early 1990s. Then it 'knew' that a paradigmatic shift was needed and the prescribed medicine included a shift from a centralized, hierarchical, rule-driven administration to one characterized by management and market orientation (World Bank 1991: 38). Now, the need for in-depth understanding of the specific situation in individual countries is emphasized. There are few answers that are right under all circumstances. No single recipe or imported one-size-fits-all notion of 'best practice' will do. A good public sector is no longer a minimalist one (World Bank 1997, 2000).

In sum, the European context suggests that administrative convergence is more likely to follow from attractiveness than from imposition. Convergence is also more likely to be an artefact of substantive policies than the result of a coherent European administrative policy. If so, convergence could be expected to be incremental and putting constraints on national administrative solutions, rather than generating a full-scale exemplary model.

Observed administrative convergence

There are few systematic studies of European administrative convergence, a fact that invites tentative rather than firm conclusions. There are also few references to an EAS in Union documents and in speeches by European political leaders. The concept is mostly found in studies of public law and reports from OECD/Sigma in conjunction with the enlargement of the Union. Furthermore, there is no consensus on the extent of convergence on a common European model. On average, studies in administrative law report more convergence than studies by empirical social scientists.

A report from the Thematic Network in Public Administration argues that European public administration has a specific nature and that a gradual convergence of public administration systems in an EAS is under way.⁷ Nizzo also concludes that 'a "European administrative space", in which the areas of convergence exceed the divergences, does now exist' (Nizzo 2001: 7). Likewise, a report from SIGMA observes that while an EAS is not an established fact, the driving forces of convergence are gaining speed and power. It is asked

whether the process has reached a point where diversity is replaced by European administrative standards (OECD/Sigma 1999: 15).

A key argument is that while there is no formal *acquis communautaire* regulating European public administration, a non-formalized *acquis* has emerged. Member states with different legal traditions and different systems of governance have developed a common body of doctrine and shared understandings of principles of administrative law, standards of good practice, and the requirements for unitary and efficient implementation of EU laws. The implementation of specific policies, and the need to achieve specified objectives and results, have required member states to change national administrative law systems and modify administrative principles, structures and procedures (Kadelbach 2002). New administrative bodies and positions have been instituted, and the concept of public administration, the public sector's scope and extent, as well as its role in economy and society, have converged. Calendars, deadlines, statistics, frames of reference, etc. have been modified (OECD/Sigma 1999: 3; Sverdrup 2000; Nizzo 2001: 5). Such developments are illustrated by a study of the process through which the scope of exemption from 'employment in the public service' was defined, that is, the areas where member states can impose restrictions on the free movement of workers and discriminate on grounds of nationality. Here a functional (type of work), not an institutional, definition was developed, national conceptions of 'public service' were redefined, and during the process member states' preferences changed towards an increased willingness to recruit foreigners (Dimitrakopoulos 2001).

There are several nuances in the conclusions. For example, Schwarze (1996: 800) argues that the administrative structure appears to be destined to be particularly resistant to European influence. His study of twelve EU member states documents that there are substantive and structural differences between administrative law systems, and he predicts that national administrative orders will not lose their particularized and dominant role in the near future. Nevertheless, national administrative law has undergone 'remarkable change' under European influence, creating considerable coherence. The organizational structure of the administration has been more influenced in some member states than in others and absence of a national tradition has facilitated European influence.

Ziller observes that member states look to each other for inspiration. Becoming a EU member also means accepting some common administrative standards. Yet, Ziller makes a distinction between approximation and harmonization and argues that there is neither a project nor a need for having identical administrative systems and institutions throughout the Union (Ziller 1998: 137).

Based on a study of the public service of the fifteen member states, Bossaert and colleagues are even more reluctant to accept an EAS as an established fact. European law-making and case laws in substantive fields have produced administrative change 'more or less through the back door' (Bossaert *et al.*

2001: 3; Demmke 2002: 11). However, diversity and specific national features still characterize public administration, as the part of the political-administrative system most strongly influenced by specific national traditions. There has been change but not harmonization and convergence. 'We cannot yet speak of a European Administrative Space, although trends can be seen towards a Europeanization of the public services' (Bossaert *et al.* 2001: 248, 251–2).

The approximation and harmonization of administrative law systems in the Union has primarily been the work of judges and lawyers (Shapiro 2001). It has taken place via the case law of the European Court of Justice, legislative acts and voluntary adaptation. An important challenge has been to develop a balance, which preserves the autonomy of national administration and, at the same time, ensures that Community rules are administered properly (Cardona 1999; Nizzo 2001; Kadelbach 2002). Convergence on a European model is seen as driven by the need for national administrations to obey the same laws, and a widespread interaction amongst civil servants and politicians; processes that are assumed to inevitably change the ways in which governments operate (OECD/Sigma 1999: 16; Nizzo 2001).

Conclusions about convergence depend on whether they are based on studies of legal texts or actual practices. For example, the Charter of Fundamental Rights includes 'the right to good administration'. Yet, the European Ombudsman complains that major achievements, such as new rules on access to documents, are implemented in a less than perfect way (European Ombudsman 2002). More generally, Dehousse argues that there is a mismatch between law and practice in the Union and that traditional legal categories have 'ceased to reflect adequately the actual operation of the EU machinery' (Dehousse 2002: 208). Dehousse and several of his fellow students of law conclude that an improved understanding of convergence requires detailed information about how the EU political-administrative system works in practice (De Búrca 1999; Weiler 1999; Joerges and Dehousse 2002).

Empirical studies by social scientists by and large report little structural convergence. They observe a significant and persistent shift of domestic attention, patterns of interaction and allocation of administrative resources to European-level institutions. They also find convergence in policies. Yet, the main finding is (although again with many nuances) that no new harmonized and unified European administrative system has emerged; no significant domestic convergence towards a common model has occurred; and no single prescription, in functional or normative terms, has achieved hegemony.

Governments and administrative systems have differentially adapted to European pressures on their own terms. That is, adaptation has reflected resources and traditions, the pre-existing balance of domestic institutional structures, and 'the broader matrices of values which define the nature of appropriate political forms in the case of each national polity' (Harmsen 1999: 81). Likewise, a study of ten smaller West European states – both member and non-member states – concludes that adaptations to the EU have been influenced by existing institutional arrangements and traditions (Hanf and

Soetendorp 1998). Institutional learning across national borders has been limited (Kassim 2000: 242; Maurer *et al.* 2000). Competitive selection on the basis of comparative efficiency has been a significant process in some sectors, like telecommunication (Schneider 2001: 78). Yet, selection has not in general secured convergence towards a 'best practice' across Europe (Harmsen 1999: 84).

While the NPM has had a significant impact in several member states, its role in the Union has been modest. However, the adoption of a managerial ideology is illustrated by the development of the common assessment framework (CAF). The CAF belongs to a family of management self-assessment tools and is a result of co-operation among the EU ministers of public administration. It provides a set of shared European criteria, a common database and a web-site.⁸ The CAF allows the sharing of experiences, comparison, and bench-marking and learning, yet gives many degrees of freedom when it comes to how improvement is to be achieved.

The 'open method of co-ordination' developed around the Lisbon process and the Lisbon Council in March 2000 has in particular been portrayed as an example of a new European mode of network governance and part of a general development from 'government' to 'governance' both within (Rhodes 1997) and among states (Rosenau and Czempiel 1992). Hérítier, however, questions the importance and newness of the open method. She observes that it is used in a limited number of policy areas and primarily in areas where the Union does not have a clear mandate and where its competence is contested. Usually there are elements of bargaining over targets and indicators – bargaining taking place in the shadow of government, hierarchy and legislation. The Commission also used the method earlier when moving into new policy areas where its competence was problematic, often as a first step towards legislation (Hérítier 2002). It is not obvious that more use of a non-legal policy style and framework laws will make an EAS more, rather than less, probable. Furthermore, governments have in other contexts demonstrated the ability to dissolve well-established networks (Richardson 2000).

In sum, European-level developments have not dictated convergence on a single form of administration through attractiveness or imposition. There has not been support for imposing a unitary solution in the Union. Sector-specific policies and court decisions have generated change and constrained the structural options available. Still, considerable discretion has been left to domestic actors and structural domestic diversity has persisted in spite of intensive interaction among administrators and competition between national models. European signals have been interpreted and modified through domestic institutions in ways that have limited the degree of convergence and homogenization. EU arrangements have been compatible with the maintenance of different national institutional structures and practices. Established national patterns have been resistant but also flexible enough to cope with changes at the European level.⁹

CONVERGENCE AND ENLARGEMENT

Conditions for an EAS

Many of the applicant countries (ten of them now offered membership) were in a different situation from member states. With respect to the Central and Eastern European countries (CEECs), several factors could be assumed to make convergence likely, through attractiveness as well as imposition. Established arrangements were delegitimized and the CEECs faced a bargaining situation characterized by asymmetry and conditionality. If performance crisis, power asymmetry and high priority of an issue by the powerful party are important causes of change, the applicant countries could be expected to change and possibly converge on a single model imported from outside. There were, however, also factors working against convergence.

The EU made no assessment of existing administrative systems during the preparation for accession in 1973, 1980, 1986 and 1995 (Ziller 1998: 138). In contrast, the EU has since 1997 placed administrative issues high on the enlargement agenda. The Union has co-ordinated administrative and accession policies, and the administrative capacity to take on obligations of membership has become an important criterion for membership. Candidate countries have been put under pressure to modernize their administrations; that is, to develop a professional civil service and build institutional capacity to implement and enforce legal norms.¹⁰

While some actors are proud of their historic achievements and do their best to protect them, others are eager to get beyond 'the burdens of the past'. The domestic administrative arrangements of the CEECs were characterized by low performance and legitimacy and were in need of radical reform. The EU was also in a stronger position *vis-à-vis* the applicant countries than in relation to members. The Union controlled entrance and could provide economic help. The EU could therefore formulate conditions for membership, including administrative conditions. Countries that wanted membership, and at the same time were less attractive members in terms of economic and administrative performance or democratic legitimacy, were in particular in a weak bargaining position. They could be expected to be candidates for administrative convergence.

Probably the most significant factor impeding convergence on a model transferred from the EU has been the absence of an agreed exemplary organizational model and a coherent reform policy in the Union. The EU has wanted reforms and improved capabilities, but exactly what kind of administration and capabilities are needed has not been clear. The Union's conditionality principle, defining the conditions that will make the administrations of applicant countries compatible with EU standards and able to implement the *acquis*, gives the most detailed guide to EU preferences. Specifications of the structures required were presented in an informal working document produced by the Commission in September 2000 and Grabbe argues that the document's informal status, explicitly not committing the

Commission, is indicative of the EU's uncertainty about how far to go in providing institutional criteria and preferences (Grabbe 2001: 1023). While the convergence criteria have become more precise over time, the administrative obligations of EU membership are still not fully specified. Inconsistent signals are also sent to applicant countries from the EU and from different member states (Grabbe 2001, Dimitrova 2002). Furthermore, owing to change over time the CEECs have had to adapt to a moving target of performance standards (Fournier 1998: 135).

Part of the explanation for EU reluctance is also that the dilemmas facing reformers are real. There are no obvious and simple solutions. For example, ensuring predictability, stability and continuity has a high priority, but reforms must not hamper later revisions and modifications, as external conditions continue to change. Therefore, stability has to be combined with flexibility, dependability with openness, and continuity with adaptability (Hesse 1998: 170). After some enthusiasm for NPM principles, going 'back to basics' and Weberian bureaucracies have been seen as more attractive. Several reports by OECD/Sigma have advised the CEECs *not* to copy business methods and NPM reforms in Western Europe. The CEECs have been recommended to 'recognize their own potential' rather than borrow from the West. Each country has to find its own way forward (Fournier 1998: 135) and reforms have to be adapted to tight budgetary constraints and a short time frame. It is 'impossible to simply adopt Anglo-Saxon administrative cultures' and such prescriptions are likely to have 'detrimental' and 'disastrous' consequences for the CEECs (Fournier 1998: 129; Hesse 1998: 176; Metcalfe 1998: 61).

Another factor is the expressed norm that the EU 'is not entitled to set conditions for future members to which current members are not subject and which they would find unacceptable' (OECD/Sigma 1998a: 15). Imposition would also reduce the trust in, and legitimacy of, administrative arrangements in the CEECs (Dimitrova 2002). Still, the Union is seen to have a right to demand administrative solutions compatible with membership. It is legitimate to suggest alternative models to serve as possible reform objectives based on the institutions and practices of member states and other modern democracies. While the EU constitutional and administrative systems differ, it is argued that there are a limited number of models and they share important features (OECD/Sigma 1998a: 15).

The tendency then is to portray administrative change as a question of attractiveness and introducing common standards of good practice. The role of the Union is to provide inspiration, give guidance, and work as a 'catalyst' or an 'accelerator' of change. Convergence is not portrayed as a question of power and imposing a particular European model (Fournier 1998: 126; OECD/Sigma 1999; Nunberg 2000: 2).

Observed administrative convergence

Administrative development in the CEECs is a developing process, and Goetz and Wollmann (2001: 882) observe that 'the present configuration of executive

arrangements [in the CEECs is] a still fluid amalgam of inherited, imported and domestically developed institutional arrangements.' Administrative capacities have been built and a variety of principles, rules, standards and regulations shared by European democracies have been introduced, constraining the set of administrative options available to the CEECs.

The 'amalgam' is, however, described in different ways. On the one hand, it is claimed that convergence has so far materialized to a limited degree. It is also argued that West–East knowledge transfer has had a marginal impact. The efforts of Western 'management gurus' and 'academic tourists' have been of little use and dissociation of law-making from implementation has created a mismatch of intentions and real changes. New legislation has been adopted even when it was recognized that the administrative preconditions for giving effect to laws were lacking and could not be created in the near future (Hesse 1998: 175–6). The administrations of the *ancien régime* have proved surprisingly resistant to radical transformation. Practices from the Communist era have survived remarkably undisturbed, yet in de-ideologized form and the 'new civil servant' is a rehabilitated version of the 'old bureaucrat' (Nunberg 1999: 257). Older national traditions have sometimes been mobilized to replace more recent and delegitimized arrangements. As an explanation, Lippert *et al.* (2001) and Goetz (2001b) suggest that structural continuity in the applicant countries has primarily been a result of the weakness of EU influence. Several factors other than EU policy have influenced administrative developments in the CEECs, but the existing institutional differentiation and robustness of domestic institutions and traditions are not seen as decisive. Limited resources have, however, constrained reform efforts.

A study of Czech civil servants, on the other hand, observes that those most exposed to the EU are more sensitive to signals from EU institutions than from their political leadership. They are also more supportive of European integration (Drulák *et al.* 2003). Furthermore, a Lithuanian study claims that the impacts, both in scope and intensity, have been far more visible in the CEECs than in the member states. The explanation is more elaborate membership conditions, an asymmetry of power strengthened by lack of enthusiasm for enlargement of the EU, a concentration in time of the change process, as well as the weak infrastructure and in many cases the absence of formulated policies in the applicant countries. The EU prescription of market correction policies and the administrative requirements of a utopian model of a regulatory state lead to convergence and structural isomorphism. The result was depoliticization and a strengthening of non-majoritarian, technocratic institutions that was counter-productive to democratization. The preferences of the candidate countries were not incorporated into the process. They lost control over the agenda and had little time and energy left for issues like education, health, social security, and law and order (Maniokas 2003).

In sum, some see convergence as modest in spite of the presence of several factors that could be assumed to produce such change. Delegitimized institutions and power asymmetry have been counteracted by the lack of an

exemplary model agreed upon by EU members, the absence of a coherent administrative policy in the Union, and the EU norm that domestic organization should be controlled by member states. Others observe more convergence and see imposition as a key process. Such differences in perception are to be expected and it is no surprise that an observer from a small and relatively powerless applicant country is most inclined to see convergence and imposition. However, the time frame used may also be too short to draw firm conclusions about convergence.

CONCLUSIONS AND PUZZLES

To what extent is there support for the European convergence hypothesis and the vision of an emerging EAS? Variance and disparities have been reduced and convergence has occurred. Common institutions have been established. Domestic ones have been adapted to European standards and administrative law has been harmonized. Incremental constraints on the set of acceptable administrative solutions have reduced variance and may in the long run accumulate into an EAS. Nevertheless, there is also continuity. No unitary model has emerged and convergence has often involved discovering and codifying what member states' administrations already had in common. Impacts have been stronger in applicant countries than in member states. The ratio of imposition to attractiveness has also been higher in the former.

Several factors make it difficult to give more precise answers. There are no shared concepts and indicators of 'administrative convergence'. When different mixes of convergence and continued differentiation are observed, no shared metric exists to decide to what degree convergence has taken place. There are also few comparative empirical studies and conclusions vary according to the countries studied. Because different parts of public administration have different dynamics, conclusions also depend on which aspects are studied. Examples are whether the focus is on administrative law and formal organizational structures, objectives and standards, administrative doctrines, codes of conduct, roles, identities and behavioural practices.

Therefore, a focus on institutional dynamics must not be allowed to overshadow the fact that administrative convergence depends on changes in *administrators* as well as in structures, rules and resources. The NPM assumes it has self-interested, utility-maximizing administrators. The OPA assumes it has administrators socialized into an ethos of rule-following and public service. Understanding administrative convergence, however, requires longitudinal studies of the processes through which a sense of administrative identity and role is developed, lost and redefined. Such an understanding also requires an insight into the conditions under which the administration is likely to develop European and domestic identities and internalize democratic, constitutional and professional norms. An example would be whether legal rules work as external incentives affecting behaviour through calculation of the expected utility of available alternatives, or whether rules have normative power. In the

latter case administrators are governed by internalized codes of right and wrong, true and false, legal and illegal, and they act on the basis of a logic of appropriateness. For democratic governments it is easier and more legitimate to change formal administrative and legal structures than to change moral structures and mentalities that influence whether people voluntarily comply with rules of conduct. Yet, ignoring the role of change in moral and causal beliefs is likely to create surprises and disappointments in the CEECs (Cepl 2000) as well as in the West.

A firmer conclusion can be drawn when it comes to the global convergence hypothesis. The hypothesis gets little support. The NPM is part of the administrative rhetoric and practice in several member states. Still, it has played a modest role in European convergence and no general trend from Old Public Administration to New Public Management can be observed in the Union. The different perspectives of the OECD/SIGMA and OECD/PUMA reform programmes, promoting respectively the 'classical' model and NPM, illustrate the need to contextualize theories and principles, make their basic assumptions explicit and study their scope conditions. These differences also suggest a need to take into account sequential and cyclical attention to legitimate concerns, such as stability and flexibility, innovation and accountability, capacity building and slimming down, substantive results and constitutive normative principles, due process and rights. SIGMA has advised the CEECs to give priority to the rule of law, accountability, reliability and predictability, and trust-building over efficiency. PUMA has in recommendations to western countries given priority to economy and efficiency. It would be no surprise if priorities change in both regions over the next few years, among advisers as well as governments.

For students of administration European developments revive old issues, such as the need to take the historical and cultural context into account and develop a specific public sector organization theory, as a counterweight to an a-historical and a-cultural, private sector management inspired NPM. Public administration is in the midst of a balancing act where its institutional role is redefined and reorganized. It is part of a long-term process of reorganizing inter-institutional relations and redefining democratic and constitutional ideals in a multi-level and multi-centred Europe. The transformations involve a variety of change processes. Even if some actors are more influential than others, no single 'principal' is likely to control administrative convergence by redesigning laws or incentive structures.

The institutional robustness hypothesis differentiates between change that is consistent, or not, with an institution's identity and between situations characterized by a performance crisis, or not. Verification/falsification is sometimes difficult because the distinctions do not predict precisely when convergence is expected to take place. The hypothesis is, however, supported by the fact that many elements of the public administrations have survived not only in member states but also in applicant countries. A shared European context, common policy-making and extensive interaction have produced

modest convergence. The often-alleged inflexibility of public administration has, however, not been observed. Administrations have shown a willingness and an ability to change, rather than rigidity and insulation.

One reason may be that European involvement has provided interesting tasks and made administrators more central participants in policy-making – changes that are unlikely to collide with institutional identities and impede change. Administrations have succeeded in coping with changing environments, but they have done so in ways influenced by existing administrative arrangements. In a world of Weberian bureaucracy it is no surprise that formal structures are maintained, since it is irrelevant whether rules come from Brussels or national capitals. Yet, the institutional robustness hypothesis is supported by the observation that member countries have been able to cope with common challenges, both in Brussels and at home, through their different ways of organizing public administration.

Observations of European developments create two puzzles for students of formally organized institutions. A foundational belief among students of formal organizations, as well as practitioners, is that ‘organization matters’. The assumption is that purposes and substantive rationality are embedded in formalization. Well-organized institutions, working properly, govern behaviour and achieve in practice the purposes they were designed to serve. Designing and redesigning institutions changes behaviour and improves substantive results (Goodin 1996; Offe 2001; Stinchcombe 2001). In this perspective, students of administrative convergence face two puzzles: first, loose coupling between formal organization and behaviour and, second, loose coupling between formal organization and substantive results.

The first puzzle is that stability in organizational structures and behavioural flexibility have come together. Intense interaction among European administrators, changed patterns of attention and resource allocation have taken place without radical structural change and convergence. The observation of loose coupling is not new in the study of formal organizations (March and Olsen 1976; Weick 1976). It is well known that the degree of coupling, and the degree to which organizational structure governs, behaviour and shapes results, vary. On the face of it, the loose coupling of organizational structure and behaviour also seems to support an interpretation of formal structures as ‘façades’ and ‘myths’ (Meyer and Rowan 1977; Brunsson 1989). A more careful consideration, however, shows that the observation in the European context is the opposite of the expectations of this literature. Here the prediction is that organizations facing changing environments will change their formal ‘façades’ and protect their behavioural cores. In the European context formal organizational structures have been fairly stable while practices have changed.

The second puzzle is that the EU has been successful in terms of common policy-making and economic and political integration with rather modest administrative convergence. While it is uncertain exactly how unified domestic implementation of EU policies is, no implementation crisis has emerged. Differently organized administrations have been able to cope with new

functional tasks and changing normative environments. They have succeeded in producing acceptable, and sometimes outstanding, substantive results under new conditions, basically within established administrative structures.

Possibly, the two puzzles are false and due to the fact that students of European convergence lack adequate, fine-grained categories for analysing organizational structures, behavioural patterns, substantive results and their interrelations. It is, however, also possible that the puzzles are real. If they are, they challenge students of public administration to rethink the varying relations between organization, behaviour and outcomes, and 'how organization matters'.

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NOTES

- 1 The belief in the study of administration as a context-free technical question is expressed by Urwick (1969: 49): 'It is the general thesis of this paper that there are principles which can be arrived at inductively from the study of human experience of organization, which should govern arrangements for human association of any kind. These principles can be studied as technical questions, irrespective of the purpose of the enterprise, the personnel composing it, or any constitutional, political, or social theory underlying its creation.'
- 2 SIGMA, or Support for Improvement in Governance and Management in Central and Eastern European Countries, is a joint initiative of the OECD Centre for Co-operation with Non-Member Economies and the EU's Phare Programme.
- 3 An example is defining public administration as 'the organizations which are directly subordinated to political power and which are at the service of the executive in the policy making process' (Bossaert *et al.* 2001: 17).
- 4 The distinction is well known in the literature (Olsen 2002) and overlaps partly with DiMaggio and Powell's (1983) distinction between coercive, mimetic and normative processes.
- 5 The Commission emphasizes, both in the White Paper on Governance and in its communication to the Convention, that implementation of common policies must be 'as decentralized as possible' and that the diversity of local situations must be better taken into account (Commission 2001, 2002).

- 6 Wessels and Rometsch 1996; Kohler-Koch and Eising 1999; Hooghe and Marks 2001.
- 7 The Thematic Network in Public Administration, supported by the EU since 1997, has focused on the promotion of a European dimension to public administration education. The main conclusion reported from the June 2000 meeting was: 'the need for public administration education in Europe to find its own identity; public administration education continues to be dominated by literature and approaches "imported" from the USA. There is still little evidence that a specific European "mode" of public administration education is emerging, regardless of the very specific nature of public administration in Europe and the gradual convergence of public administration systems in the "European Administrative Space"' (Report by Bernadette Connaughton, University of Limerick, from the Third Annual Plenary Meeting of the Thematic Network in Public Administration, University of Hamburg, 9–10 June 2000. <http://www.nispa.sk/newsletter/f3-epan.html>).
- 8 http://www.eipa.nl/CAF/en/CAF2002_introduction.htm
- 9 Page and Wouters 1995; Mény *et al.* 1996; Rometsch and Wessels 1996; Egeberg and Trondal 1999; Harmsen 1999; Hanf and Soetendorp 1998; Kassim *et al.* 2000; Maurer *et al.* 2000; Radaelli 2000; Börzel and Risse 2000; Börzel 2001; Bulmer and Burch 2001; Cowles *et al.* 2001; Goetz 2001a; Goetz and Hix 2001; Jacobsson *et al.* 2001; Ladrech 2001; Trondal 2001.
- 10 Fournier 1998: 111; Verheijen 1998: 28; OECD/Sigma 1998b; Nunberg 1999; European Council Presidency Conclusion 2001; Grabbe 2001; Lippert *et al.* 2001; Dimitrova 2002.

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