Bureaucracy: administrative structure and set of regulations in place to control organizational or governmental activities

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I. Definition of the Bureaucracy: new political and technical aspects

Bureaucracy is the administrative structure and set of regulations in place to control (rationalize, render effective and professionalize) activities, usually in large organizations and government\(^1\). Its efficiency is a function of the environment in which it operates.

Historically, Max Weber is the most important exponent of bureaucracy. He described it as technically superior to all other forms of organization and hence indispensable to large, complex enterprises.\(^2\)

The word "bureaucracy" stems from the word "bureau", used from the early 18th century in Western Europe to refer to an office, i.e., a workplace, where officials worked. The original French meaning of the word *bureau* was the baize used to cover desks. The term bureaucracy came into use shortly before the French Revolution of 1789, and from there rapidly spread to other countries. The Greek suffix - kratia or kratos - means "power" or "rule". Ideally, bureaucracy is characterized by hierarchical authority relations, defined spheres of competence

subject to impersonal rules, recruitment by competence, and fixed salaries.

Actually, bureaucracy becomes progressively ‘omnipresent’ and ‘omnipotent’ in the management of all the governmental activities both the implementation and, surprisingly, formulation of public policy- a situation which strengthens the bureaucracy and widens its sphere of operation. This observation fully expresses the position that bureaucracy is a form of government, exercised by officials, characterised by tendency to intervene and often to exceed its proper function.

In a situation where bureaucracy is involved in every stage of policy process, there is indeed tendency to behave extra-constitutionally and act beyond ethical framework that guards and guides its official conduct.

The State is a politically and institutionally organised body of people inhabiting a defined geographical entity with an organised legitimate government. It can also be defined as a political association with effective sovereignty over a geographical area. The State is a product of society at a certain stage of development. It can also be defined as a well-defined geographical and sovereign territory with human population and government with an interdependent relationship.³ The State in this respect is autonomous and authoritative, as it secures obedience through its authority and legitimacy. While we know that the state is an outgrowth of the society, which has its origin intrinsically from the society, it is however surprising the upsurge of almost unlimited power of the State. Finally, the State has been considered (Lock, Hobbes, Rousseau) as the product of a contract between the citizens and the government established to serve and develop their interests and ensure their liberty.

As government’s activities record an unprecedented range of tasks, state apparatuses have become massive and continue to grow. The complex

nature and differentiated functions of government call for the need to have well-trained officials to administer and manage the complexity and differentiation that characterise government’s business. To this end, government employs unprecedented numbers of people to deal with an unprecedented range of tasks and specialisation. The power of permanent and non-elective officials to apply and even initiate measures of control over national administration and economy has made the bureaucracy central to the life of the state; critics object that it is largely impervious to control by the people or their elected representatives.

For the States, it is necessary to be sensitive to the imperatives of governance. They must reproduce at all times, their belief that governance can contribute the smooth, coherent and effective public institutions to any character (political, financial, and administrative). Governance is the best method to transplant specific interests or competencies of local or regional entities –but also of other institutionalised social bodies- into the State system *lato sensu*. This evolution may shape the financial strategies of the State with respect to local conditions, without knowledge of geopolitical borders, inspired by the rules of governance.

The management of the affairs through the State system is achieved by its government. Quite the contrary, any matter of public authorities to national or international scope, or groups expressing particular interests is managed by the system of governance.

But, from this position, bureaucracy pops up its obscure dimensions and, principally, the corruption. This occurs in the public administration or the implementation end of politics and the citizens encounter it daily, almost,
at all administrative places. Politics provides the best means for deterring of bureaucratic ends.\textsuperscript{4}

The institution of the ombudsman has been one means adopted in an attempt to remedy the potential excesses of the relationship between State and its people-constructor (citizens). Others have been collective decision making and organizational structures that emphasize minimize hierarchies and decentralize the power to make decisions.

Bureaucracy is a concept in sociology and political science referring to the way that the administrative execution and enforcement of legal rules are socially organized. It is represented by standardized procedure (rule-following) that instructs the execution of the processes provided within the body, formal division of powers, hierarchy, and relationships. Four structural concepts are central to any definition of bureaucracy: \textit{a well-defined division of administrative labor among persons and offices}, \textit{a personnel system with consistent patterns of recruitment and stable linear careers}, \textit{a hierarchy among offices, such that the authority and status are differentially distributed among actors}, and \textit{formal and informal networks that connect organizational actors to one another through flows of information and patterns of cooperation}.

The economic and political modernization of the societies has introduced complexity into activities of the person (citizen). This modernization, expressed in particular by capitalism, transformed the traditional way of life, factors such as effectiveness of competition, freedom of movement and the flexicurity (a combination of the terms \textit{flexibility and security} in order to describe, according to Poul Nvrup Rasmussen\textsuperscript{5}, a new welfare state model with a pro-active labour market policy) of the system of social security. These factors compel the welfare State to assume

\begin{itemize}
    
    \item \textsuperscript{5} Former Premier Minister of Denmark. His political point of view has been oriented towards the formation of a \textit{golden triangle with a three sided mix of flexibility in the labour market} combined with social security and an active labour market policy with rights and obligations for the unemployed.
\end{itemize}
responsibility for the protection and welfare of the individual (worker’s security) but in the context of a dynamic economy. To help the state achieve this, it has become imperative to have a seeming standing power evolving from, but placing itself above, the society. Such power that alienates itself more and more from the society is being exercised on behalf of the state by certain institutions, structures and agencies, the bureaucracy being the most important.

This approach allows us to say that the elites everywhere are monopolizing everything but at the same time, expressing an inability to significant social issues. The elites are locked in their elitist world, working instead to the domination and the preservation of the established social order, the connivance and consensus, and not enough to the democratic debate; they played into the hands of demagogues and using the argument of the constraint to avoid discussing the fundamental policy choices.

Indeed, for these reasons, the new public management aimed at large institutional and structural reforms that allow the opening of traditional public administrative activities to external partners. Such partnerships are likely to serve the objectives of the globalization and internationalization of policies that, until recently, were seen as producing national strategies.

Here we find the opportunity to repeat that the globalization and the construction of regional institutional systems, such as the European Union, have contributed decisively to the creation of new techniques of power. The political system has become very democratic, in many cases, involving the role of elites. The debate on the modernity conceals often the inability of elites to the diversification of the relations between “dirigist” authorities and citizens, but also the emergence of new forms of government.
Bureaucracy, as an efficient administrative structure and set of regulations in place to control activities, usually in large organizations and government, must take into account all the forms of the political and administrative governance, i.e. any new behaviour in power that is determined as a new expression for public action. Governance is of particular importance for this study because it focuses on the scope of European developments. European unification process does not refer to a classical state case study. But our contemporary society, globalised and run by an original system of democracy, even "post-modern", seeks to re-define the position and the role of elites. Do not forget that today, sitting in our democracy where freedom and autonomy of each individual the most important element is added next to the effectiveness of the State of yesterday, the professionalism, then by moving to a competent State.

Governance promotes research objectives, aiming at this way, to ensure sustainable development in socio-economic development. But to achieve these objectives, governance requires a clear methodology and well structured around the demands of public policy, expressed in terms of operational techniques of public management.

According to Ali Sedjari, Governance, in its current form, seeks to contribute to the search for structures moving through public debate, to forge a kind of centrality citizen up and place the political centrality, to give rise to common values and, finally, to put in place all necessary mechanisms for conflict management but also for the regulation of social relations. Governance and change are always linked, one more concerned authorities, the other more developments of a society, but in a society

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that turns into renewing its thinking and, primarily, its forms of power exercise.

There are two possibilities to analyze notionally governance: the first possibility is that of participatory governance, while the latter reflects the shared governance. The first formula concerning the citizen, the organised social groups and the elites is built on the principle of participatory governance that derives its legality from the fact that all the (fundamental) political rights should actually be granted to all citizens without exception.

The various procedures of participatory governance are constantly seeking to make reconciliation between the citizen and the administration through the full respect of the principle of administrative transparency.

In addition, the form of shared governance reflects the interest spread between the civic obligation, on the one hand, and, secondly, the concern of one group of people, such as classical State institutions, public management experts or even the administrative officials.  

Consequently, the EU bureaucracy refers to a political Europe without a governmental practice, and which looks borrowed practices from the Member States. This primarily means corrections in administrative and regulatory derogations of Member States, enhancing of the efficiency of the public management and elimination of uncertainty (corruption) to economic actors. States have mechanisms responsible for controlling the bureaucracy. To the States, therefore, belongs the responsibility to reform the public management practices and build up a strong legal

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8 Francis Délpérée, La gouvernance en tout sens in Ali Sedjari, *Elites, gouvernance ...etc*, op. cit., pp. 46-54.
framework under conditions of predictability and transparency. For the European Union, governance is the depoliticising of public action and strengthens self-regulatory capacity of the market. The Union continues to insist on the prospect of market structure and not a single EU political system.

No central government plays a major role in EU making decision system. Only concerted actions between the governments of member states with a view to bring about a kind of civil society.

The EU has not been transformed into a great state. It remains a large market which, in turn, is still the main reference point of European Construction process and the area where its strategic axes and actions converge.

Without abandoning this approach, European governance, after forming a common operational framework for both, public institutions and civil society, seems, finally, to turn solely to serve market interests, while also attempting to impose a strong control on the strength of economic and business oligarchies. Therefore, the EU ideology linked with the EU interests. The European Union together with the Member States control the resulting public benefit in a climate of equal convergence of the individual public (national) interests at the level of perception, decision and, finally, production. Constant control system from 27 different national governmental mechanisms, render the EU more transparent and less corrupt than almost any national government in Europe.

In the case of the EU, and, previously, in the case of the World Bank, it is very interesting to study the transformation of an international organization –even sui generis- to a functional area of governance. This transformation allows the initial development of political functions within

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the EU and, then, shaping a new political centre and, ultimately, a unique institutional space.

II. Bureaucracy in European Union: a phenomenon of new despotism?¹⁰

The process of European integration that has produced the European Union (EU) is the most ambitious and most successful example of peaceful international internationalized partnership in world history. It is no longer a routine affair conducted by some technicians. It is transmuted into purely political affair.

Europe’s construction process has in the 1957 Treaty of Rome an *in vitro* federal constitution and products a distinctive culture of constitutional deliberation around it. This institutional instrument plays the role of a constitution in the straightforward sense that it establishes a stable, overarching structure of political authority in Europe.

To move goods, capital, services and people to the founding moment was the primary purpose of European integration. Today, the existence of a vast space free of obstacles remains the cornerstone of the European project, and its size is most directly felt by the citizens.

After the Treaties of Rome (1957), the United Europe tried successfully to liberalize trade, coordinate macroeconomic policies, and centralize

regulatory decision-making. The single market and single currency mean that most new European laws and regulations covering commercial and financial matters now originate in Brussels rather than in national capitals. A majority of Europe's leaders, businesspeople, and citizens believe that the EU has contributed to the spread of unprecedented prosperity, peace, and democracy throughout the region.

After the 70s, the EU has focused mainly on enlarging itself to include new partners, with the inevitable tendency to create uneven circles of differential obligations. The single market and currency increasingly appear not as the first major steps toward political union, but as the finishing touches on the construction of a European economic zone.

Unfortunately, Europe raises even less enthusiasm for the future of European unification as it had been possible in the aftermath of the address given by Winston Churchill (Congress of Europe in the Hague, 7.5.1948). The pioneer objectives, according to Jean Monnet, of free trade, the thawing of intra-European relations and economies of scale no longer attract the interest of the European citizens.

The often-amended provisions of the EC/ EU Treaties are able to define an enduring separation of power between Brussels and national governments; set forth ongoing procedures for EU legislation, adjudication, and implementation; prescribe the rights and duties of individual citizens; and assure compliance with EU rules.

But, the recent form of the reformed constitutive treaty (Lisbon Treaty) does not convince us that the politicization of the common European perspective could be made hassle-free. Some authors consider that Europe is actually the fantasy that has lived.\textsuperscript{11}

According to the first Maastricht institutional experience, when the single market and agreement on monetary union followed in rapid succession, some thought the EU was heading inexorably toward nation-state status. But today this perspective seems hopelessly dated. The current European financial and economic priorities are toward not centralization but consolidation and voluntary adherence to looser "concentric circles" of commitment.

The treaties reached at EU intergovernmental conferences in Amsterdam, in Nice and more recently in Lisbon –without deleting the European Convention experience- disappoint doctrinaire "Europeans" precisely because they limit the traditional state-like political institutions of the EU to internal market and monetary matters. Most recent EU initiatives - defense and foreign policy, crime fighting, immigration, fiscal policy, and social standards - are embedded in more loosely intergovernmental.12

Larry Siedentop13 argues that the specter of "bureaucratic despotism" haunts the continent. "The rapid accumulation of power in Brussels," he warns, is transforming the EU into a centralized "tyranny." Economic liberalization has produced an ironic consequence: the triumph of the dirigist model of a centralized, autonomous state bureaucracy. The EU is becoming an alien "government of strangers" imposed from a remote capital - akin to an early-modern absolutist state. Regulation by the Brussels bureaucracy erodes local self-government and corrupts individual Europeans by breeding "fear, sycophancy, and resentment" in place of traditional civic virtues such as "emulation, self-reliance, and humility." During the recent EU history, and particularly in the post-Maastricht era, some scandals (Jacques Santer European Commission)

13 Larry Siedentop, Despotism in Brussels? Misreading the European Union, Publisher Columbia University Press, 2001
are uncovered that demonstrated the extent of EU corruption; but these cases are exceptions that prove the rule.

However, given the EU institutional structure and organization, it is impossible to attribute to Brussels mechanism, the character of a system that declares a “bureaucratic despotism”. The EU disposes a limited power control beside the Member States competencies at federal or centralized governmental level. Under these conditions, the EU reflects a post-modernity polity with a multilevel governance system, operating alongside, rather than in place of, national governments.

Therefore, if the EU continues to function exclusively as international organization, it can not be legitimated solely through economic benefits and a common liberal commitment to democracy, the rule of law, and social welfare provisions.

International Organizations (i.e. United Nations, Council of Europe) are the first authorities to institutionalize their relations with the associations of general interest (NGOs). United Nations are seeking consultative status to Economic and Social Council (ECOSOC). Similarly, the Council of Europe offers consultative status to international NGOs since 1952. Such Logic is well placed in a participation repository. It tries to express the need for the international bodies to establish arrangements for participatory democracy in the absence of legitimacy from the traditional democratic schemas.14

But, European Institutions have always refused to establish a consultative status and coordination mechanisms used in other international organizations. This practice does not differ from that in the Member States. This means that the European Commission has quickly adopted the characteristics of a bureaucracy, establishing networks of public

policy.\textsuperscript{15} This being so, the European Commission has not only developed links with the traditional interest groups and practices as applied. It has also developed innovative strategies to institutionalize relations with the associations of general interest.\textsuperscript{16}

In this regard, the EU is much like the World Trade Organization (WTO), the North American Free Trade Agreement or any other international institutional body.\textsuperscript{17} It is very interesting to study and compare their role as regulator of the international trading system between member countries (132 member countries for WTO and 3 for NAFTA).\textsuperscript{18} By the way, these three organizations, regardless of their nature or purpose, state that today’s international relations are dominated by economic or trade issues. Thus, since the objective is to seek their purpose, it is useful to determine their position in the global or regional market through their willingness to cooperate or to gain more space by competitively.\textsuperscript{19}

Like most modern polities, the EU rests instead on pragmatic political practices, consensually accepted, by overlapping cultural, social and political groups. The true pillars of the EU -economic welfare, human rights, liberal democracy, and the rule of law -appeal to Europeans regardless of national or political identity. The resulting institutional mechanism is stable not because it is culturally coherent, but because it serves the complex, increasingly interwoven interests of citizens in interdependent, advanced democracies/markets. However, the European Commission has adopted a series of public management techniques focused on the quality and efficiency, which

\textsuperscript{16} Jean Meynaud & Dusan Sidjanski, Les groupes de pression dans la Communauté européenne, Université de Montréal, 1969.
\textsuperscript{17} Fiona Mc Gillivary, Democraatising the WTO/Essays in Public Policy, no 105/2000, Hoover Inst Pr.
\textsuperscript{18} J.H.H. Weiler (edit.), The EU, the WTO and the NAFTA: Towards a Common Law of International Trade? (colected courses of the Academy of European Law), vol.9, Oxford University Press,2000
\textsuperscript{19} Mary Farrell, WTO and EU Regulatory Frameworks: Complementarity or Competition, Kogan Page, University of North London, 1999
expresses the efficiency drive of the new public management. Brussels insists the idea of establishing a hierarchical mode of governance, predominantly logical-down and taxation. This plan is applied to all the associative partners of the Commission seeking funding. These associations are required to integrate the original management philosophy developed at the European level by the political and administrative actors.

The bureaucratic constraints, in the direction designated by the traditional state and not by the classical Weberian principles, apply to the entire association, and not just those in charge of accounting. The use of EU funds involved constraints. The EU requirements assumed, in practice, development tasks, such as monitoring of accounting and reporting for Brussels. However, it is difficult to attribute any bureaucratic tendency to European institutions, especially, since the majority of associations take advantage of economic opportunities for their national governments.

The constitutional structure of Europe -taking the EU and the national systems together -already resembles the American federal model. National governments enjoy a monopoly on policymaking in many areas, primary responsibility for implementation, critical veto rights or requirements for majorities larger than 50 percent, control over federal legislation, and the power to block constitutional change. De facto bicameralism offers a strong counterweight to any potential centralization of power.

The EU's institutions -the European Commission, Court of Justice, Parliament, and Council of Ministers- do not reflect the philosophical ideals of any single national political culture but are instead pragmatic institutions designed to resolve disputes when special interests press for

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exceptions from free-trade rules and common regulatory standards. On the European Court of Justice, although this Supreme EU Judiciary tends toward judicial activism, ultimate legal implementation occurs almost entirely through national courts-an even more decentralized system than the parallel state and federal legal order of the United States.

Many experts contend that the modest level of “participative democracy” in EU decision-making undermines legitimate European social protection. But defenders of the arrangement support the widely recognized need to insulate certain political institutions -notably constitutional courts, central banks, antitrust prosecutors, foreign trade negotiators, and environmental agencies- from powerful (and often protectionist) special interests. Some scholars also question whether the emerging "multi-speed" Europe, in which countries move ahead at different speeds on different issues, can make integration acceptable to the many different European nations. Many experts contend that the modest level of “participative democracy” in EU decision-making undermines legitimate European social protection. But defenders of the arrangement support the widely recognized need to insulate certain political institutions -notably constitutional courts, central banks, antitrust prosecutors, foreign trade negotiators, and environmental agencies- from powerful (and often protectionist) special interests. Some scholars also question whether the emerging "multi-speed" Europe, in which countries move ahead at different speeds on different issues, can make integration acceptable to the many different European nations.

Space of freedom, the EU is also the vector of approximation of the principles and mutual trust. Without going to form a "common territory", with state institutions, the EU exceeds already significantly the level of mere coordination between its partners (States) and the degree of
convergence that has reached its values and conception of crime is higher than what is found in some federal states.  

Only one solution, Siedentop maintains, can now save Europeans from the tyranny that befell their seventeenth- and eighteenth-century forebears: a written federal constitution that unambiguously defines the rights and responsibilities of the EU and of national and local governments. This constitution must avoid existing European models with its complex separation of powers, split both horizontally (among branches of the EU) and vertically (among Brussels, the member states, and sub-national bodies such as regional governments).

Most scholars today view the EU as a series of pragmatic responses to economic and geopolitical interdependence, influenced by all three of its most important member states (France, Germany, and the United Kingdom). Yet the EU's quasi-federal structure, as well as its substantive emphasis on free trade, antitrust policy, high agricultural prices, and an independent central bank, stemmed from German proposals, and its most recent emphases on economic deregulation. Andrew Moravcsik thinks that, for the study of the EU today, the most important weakness of neo-functionalism is that its focus on ‘ever closer union’ obscures the emergence over the past decade of a stable constitutional equilibrium – a European Constitutional Compromise. This compromise is unlikely to be undermined by substantive, institutional, or ideological developments over the medium term – because current constitutional arrangements are substantively effective, institutionally protected, and democratically legitimate.

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It is true that within the European Neighbourhood Policy (ENP) the EU offers our neighbours (third Mediterranean countries, East European countries, Black Sea countries) a privileged relationship, building upon a mutual commitment to common values (democracy and human rights, rule of law, good governance, market economy principles and sustainable development). The ENP goes beyond existing relationships to offer political association and deeper economic integration, increased mobility and more people-to-people contacts. \textsuperscript{25} The level of ambition of the relationship depends on the extent to which these values are shared. Spreading peace and prosperity across the borders of the EU prevents artificial divisions and creates benefits for the ENP partners and the EU alike. The ENP is a cooperation institutional schema for reform that offers “more for more”: the more deeply a partner engages with the Union, the more fully the Union can respond, politically, economically and through financial and technical cooperation. As the partnerships develop, within the common ENP framework, the policy’s operation is becoming increasingly differentiated.

The EU bureaucracy is in fact tiny, leaderless, tightly constrained by national governments, and almost devoid of the power to tax, spend, or coerce. Indeed, the EU lacks nearly every characteristic that grants a modern European state its authority. Of the 20,000 employees of the European Commission, the EU's permanent bureaucracy, only about 2,500 have any decision-making capacity, the rest being translators and clerical workers. The commission thus employs fewer officials than any moderately sized European city and less than one percent of the number employed by the French state alone. Implementation of EU rules necessarily falls to national officials.

Brussels bureaucracy is not all-powerful, and executive power in the EU is so weak The European Commission enjoys some control over the

legislative agenda, but new laws must also secure a significant proportion of weighted national-government votes. New policies, major institutional changes, and budgetary matters generally require absolute unanimity. Moreover, the commission's legislative initiative on issues where greater public involvement is customary (environmental regulation, consumer protection) is in practice falling to the directly elected European Parliament. Strasbourg institution must give final assent to such legislation. Finally, the few areas of effectively autonomous EU activity - such as Luxemburg Court interventions, central banking, multilateral trade negotiations, and antitrust enforcement - are precisely those excluded from direct democratic control in most national polities, to allow the smooth and fair functioning of government.

Last and perhaps most important, the EU's legal scope remains essentially limited to a single project that is now almost complete (i.e. the creation of a single market for goods, services, and capital). National governments, by contrast, have a comprehensive constitutional mandate. Were the EU the only means for political representation in Europe, one might have reason to be more concerned about whether it encourages the establishing and, mostly, the functioning of an active participative democracy. In fact, the EU has hardly any direct involvement in the national political issues that dominate modern European politics: social welfare provisions, cultural identity, education, and family policy. Its role is modest in other intermittently prominent matters such as labor, immigration, energy, transportation, defense, and foreign policy.