A NEW STATECRAFT?

OR DO PROFESSIONALS REPLACE CIVIL SERVANTS AS POLICY ADVISERS?

ASSESSED ESSAY

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CONTENTS

ABSTRACT Political scientists have observed an increasing de-politicisation in British politics since the Thatcher era and again under Tony Blair. A similar development of de-politicisation, defined as out-sourcing policy formulation and concentration on winning elections can be said about Germany. Especially the appointment of numerous expert commissions by the Schröder Government has been criticised as a threat for democracy and the political debate.

This essay assesses the work of the expert commissions appointed by Chancellor Schröder and in how far they disempower the Parliament, shape the Government's policies and lead to a technocratic style of governance. It concludes that the influence of expert commissions is exaggerated and that they rather encourage the political debate rather than restrain it.

1. INTRODUCTION

Since the social democratic Government, chaired by Gerhard Schröder, came into power in 1998, journalists found a new expression for the Federal Republic (FRG): Following the term for the worker's councils ("soviets") of the Russian Revolution, they called Germany a "Republic of Councils" ("Räterepubik"), as Mr Schröder had appointed more expert commissions and councils than any other Federal Government.

This new style of governance is similar to what political scientists in Great Britain describe as de-politicisation, a development that includes important changes in the traditional Whitehall model. Civil service, these scholars argue, is now more about managing policy programs than giving policy advice (see e.g. Campbell/Wilson, 1995; Rhodes/Weller, 2001).

Indeed: Competition in the field of policy advice has increased amazingly in Germany, with business consultancies, think tanks, expert commissions and academics at the forefront. This essay assesses the role of expert commissions in the German system of governance. Its main assumption is that that politicians distinguish between votes, offices and policies, with votes and offices being much more important than policies.

To pursue their goal of getting votes and offices, parties develop an expertise in campaigning and 'outsource' the development of new policies, for example by enlisting expert commissions. From the voters' point of view, on the other hand, policies are much more important than votes and offices. This gap between the rationality of politics and the expectation of the voters is one source of the current disenchantment with politics in modern societies.

My hypothesis therefore is that expert commissions increasingly displace the civil service and the Parliament in creating new policies. Referring to expert commissions has one major advantage: External advisors can develop new policies as a 'work in progress', as they continuously interact with the media. In a process of 'trial and error', the enforceablility of a policy can be tested and unpopular parts can be altered.

This essay specializes on an relatively new issue, and for some of the expert commissions, only a few documents were available. I therefore rely mostly on the commission's recommendations, press coverage and the usually up-to-date journal "Aus Politik und Zeitgeschichte". Even though all Commissions published very detailed reports, I do not get too much into details due to the limitation of space. This essay therefore can only give a broad overview; further research on each of the commissions might produce much more interesting results (for an overview on current research in expert commissions see http://www.expertenkommissionen.de/).

This essay starts with an overview on the actual state of research on de-politicisation (chapter 2). Chapter 3 then contains the case studies, basically four expert commissions appointed by the Schröder government. The chapter assesses the role of the expert commissions in the policy process, in how far they replace traditional methods of policy advice and how successful they were in terms of adoption of their recommendations. The final chapter (chapter 4) summarizes the findings.

2. THEORIES OF DEPOLITICIZATION

De-politicization, as it is used here, describes a political strategy that focuses on winning elections rather than representing a political idea. This view of politics is closely linked to rational choice theories that stress people's attempt to maximize utility. Or to put it in other words: Instead of convincing voters of their ideas, parties create policies along the line of the national mood.

It seems to be obvious that the antagonism between politics and policy is a common problem in advanced democracies with distinctive political careers as opposed to dignitary parliaments – Max Weber paints the striking image of living "for" politics and living "from" politics (Weber, 1919).

Today, most of the politicians in the industrialized world work as professional politicians on a regular base and rely on their income as politicians. From a rational perspective, it is comprehensible that politicians are primarily interested in staying in office and secondarily in pursuing a particular policy. This is not to say that ideas and ideologies do not play an important role in politics – they do!, but for the moment, I will assume that politicians always have to bear their own material interest in mind when deciding over a policy.

This is exactly what Jim Bulpitt described in his 1988 article on "Mrs Thatcher's Domestic Statecraft". Instead of assessing the Thatcher Government's policies, Bulpitt

> "stresses the need to examine the activities of party leaders in terms of their statecraft – namely the art of winning elections and, above all, achieving a necessary degree of governing competence in office" (Bulpitt, 1988: 19).

To measure a government's success, Bulpitt argues, it is not the policies that are important but the government's ability to defend its position over a period of time. Based on these assumptions, Bulpitt identified five major dimensions of this kind of statecraft that are linked to each other as a "statecraft cycle": Governments must again and again show their governing competence, must again and again win elections. Each dimensions of the statecraft cycle are shown in the following graph.

FIGURE 1 The statecraft cycle developed by Bulpitt (1988: 21-22).

The description of governments as rational, utility maximizing actors adds "politics" to the process of policy formulation: Parties need to win an election first before they can implement their policies. Furthermore, they have to ensure that their re-election is not endangered by the policies they favour. Even though a government might implement policies that are highly unpopular, too much of them will inevitably lead to a voting out.

Political scientist Peter Burnham follows the same arguments in his work, although he is highly critical about this development. He describes the "politics of depoliticisation" pursued by the Blair Government as "a potent form of ideological mobilisation" that is "cloaked in the language of inclusiveness, democratisation and empowerment" (Burnham, 2001: 129). This rather cynical approach to the Blairite statecraft assumes that the Prime

Minister is the puppet player and the electorate the puppet. Depoliticisation is – from this point of view – a distinctive and evil strategy of the government in order to maintain its power.

GOVERNMENT POWER AND PARTY STRATEGIES

The Burnham thesis assumes that governments are extremely strong actors, that are able to influence the public via its (mostly symbolic) actions and rhetoric skills. This essay, however, takes a fundamentally different approach. My starting assumption is that party governments (at least in proportional voting systems as in Germany) do not act on the ground of a strong initial position, but of a relative weakness.

The German political scientiest Elmar Wiesendahl notes that parties have lost their footing as a result of the slow erosion of the social milieu they were based on (Wiesendahl, 2002: 191). With the emergence of 'catch-all' parties, the organisations lost a clear textual goal that has since then been substituted by an incremental muddling through.

The definition of political goals for parties is now increasingly complex. As Kaare Strøm and Wolfgang C. Müller point out, parties have threefold objectives: They are searching for votes, offices, and policies (Strøm; Müller, 1999). As the preferences for these goals differ enormously within the party, problems occur when the party leaders try to develop a strategy: Professionals are looking for votes and offices, voluntary supporters and simple party members are looking for policies. Political parties, Wiesendahl concludes, are therefore no homogeneous actors, but "organised anarchies" (Wiesendahl, 2002: 200). And even if politicians try to combine vote-seeking and policy-seeking (as Tony Blair did by intensively using focus groups), it is the logic of winning elections that finally drives (the professionals in) a party. And this is exactly, where de-politicisation comes into effect.

According to Burnham, New Labour adopted three forms of de-politicisation in Britain (Burnham, 2001: 137-144):

■ Reassigning tasks from the party in office to non-political bodies (for example Blair's creation of an independent Central Bank);

■ adopting measures ostensibly to increase accountability, transparency and external validation of policy (for example the Code of Good Practice for openness and transparency in macroeconomic policy); and

■ adopting binding credible 'rules' (for example the Exchange Rate Mechanism (ERM) or the support for international institutions such as the World Trade Organization (WTO).

Burnham does not clarify, however, why each of these strategies should be called de-politicisation; there are good economic reasons, for example, to have an independent Central Bank and the adoption of binding rules imposed by international organisations is nothing new, too, especially since the accession to the European Union. Furthermore, the examples presented by Burnham are only a few in number and it is therefore hard to observe a New Labour 'master plan' of de-politicisation.

The conclusion Burnham draws are interesting and more extensive: "New Labour" he states, "has successfully argued for its limitations and sought to use the language of 'constraints' to restructure (that is, lower) expectations and improve its credit rating" (Burnham, 2001: 144).

De-politicisation therefore means bending the rules of the political game by denying responsibility for difficult political decision. Or, as Burnham puts it: "depoliticisation can be defined as the process of placing at one remove the political character of decision-making" (Burnham, 2001: 136), i.e. giving up sovereignty.

I would not go that far, especially because sovereignty in an increasingly interconnected and interdependent world might ironically mean being included to the international organisation community as opposed to being autonomous (see also Rifkin, 2004). De-politicisation, as I understand it means avoiding the political debate and present a Government's policies as rational and without alternatives.

Therefore, de-politicisation is often linked to "placebo politics", i.e. symbolic political statements or events that produce the impression of reaction, but it is important to say that de-politicisation has limits, too: Even in a de-politicised arena, politics has to prepare binding decisions, and each of them can be traced back to a particular government (Meyer, 2003). The sourcing out of policy formulation does not disburden a government or a Parliament from deciding on a particular issue. Therefore, de-politicisation might even be a misleading term.

This essay takes the political rationale (the fact that governments do not only care about policies but also about votes and offices) into account. Therefore, it helps to understand how politicians act and why they act in a particular way. Based on the findings of this article (and of course the work of many other scholars dealing with these issues), policy advise can be formatted more adequate to the needs of decision-makers and therefore with a much better chance of being realised (see also Buller, 1999: 710).

3. EXPERT COMMISSIONS AND DE-POLITICISATION IN GERMANY

Can de-politicisation also be observed in Germany? With the election of Gerhard Schröder in 1998, German politics changed in many ways: The Social Democratic Party (SPD) adopted Gidden's "third way", die "Neue Mitte", and developed extremely professional skills in campaigning, inspired by Britain's spin doctors (Bergmann, Knut 2002), this being a sign of concentrating on getting votes rather than developing policies.

Furthermore, the close cooperation of centre-left governments (see http://www. progressive-governance.net/) increases the likelihood that aspects of de-politicisation can also be observed in other centre-left countries (if not in all advanced Western democracies). This chapter assesses the amount of de-politicisation in Germany and especially the emergence of expert commissions as a distinctive feature of the Schröder government.

EXPERT COMMISSIONS: CHANCELLOR SCHRÖDER'S PET INSTRUMENT?

Expert commissions seem to be a popular instrument of policy formulation of the Schröder government. According to a recent study, more than 100 commission presently give policy advice to the government (Sommermann (ed), 2001).

Still, policy advice by expert commission is nothing new. But what is new indeed is that they increasingly give advice in vital and polarised policy areas like social security, ethical questions or immigration and that some of them deliberately act in the public and deliberately act as agenda setters or even policy entrepreneurs. In order to illustrate the range of

commissions, the following table summarizes the most important and most influential expert commission appointed by the Schröder government since 1998.

DATE	NAME	CHAIR
12/2002-08/2003	Sustainability in the Funding of the Social Security Systems	Prof Dr Dr hc Bert Rürup (Prof for political economics at the University of Applied Sciences Darmstadt)
02/2002-08/2002	Modern Services on the Labour Market ("Hartz Commission")	Dr Peter Hartz, Chairman Volkswagen AG
06/2001-	National Ethics Council (Genetic Engineering)	Prof Dr jur Drs hc Spiros Simitis, Prof for Law at the Johann Wolfgang Goethe-Universität, Frankfurt/Main
04/2001-	German Council for Sustainable Development	Dr. Volker Hauff, Senior Vice President BearingPoint GmbH
09/2000-07/2001	Independent Commission on Migration	Prof Dr Rita Süssmuth, former President of the Bundestag, CDU
05/1999-05/2000	Joint Security and the future of the Bundeswehr	Dr Richard Freiherr von Weizsäcker, former Bundespräsident, CDU

TABLE 1 Expert Commissions appointed by the Schröder government 1998-2005 (sample).

Frank Walter Steinmeier, chef of the Chancellory, describes Schröder's style of governing that aims to overcome traditional blockades as "leading by consensus" (quoted in: von Blumenthal, 2003: 9). Wolfgang Thierse, President of the Bundestag, adds that the numerous expert commissions help to mobilize scholarly knowledge for the policy process and are therefore a good practice (quoted in von Blumenthal, 2003: 9). The huge number of different commissions, however (there is hardly a time where no commission is working), led to a number of criticisms (See Adam, 2001; Leersch, 2001; von Blumenthal, 2003):

■ Criticisms of general purpose are:

¬ Schröder disempowers the Parliament by appointing commissions that develop new policies – originally a distinctive task of the Parliament itself;

¬ the vast amount of new commissions leads to a de-politicisation and a technocratic style of governance; and

- the policy process is becoming more and more intransparent.

■ Criticisms that blame the commissions to be only tactical instruments are:

- Schröder only apparently searches for consensus by appointing these commissions but they have no effect on the Government's policies; and
- Schröder deliberately appoints politicians of the opposition (usually lateral thinkers) to expose the opposition.

The following chapters aim to assess these criticism by asking whether or not the commissions have an effect on the Government policies, whether the commissions lead to a technocratic style of governance and, if not, what their purpose is instead.

GENERAL CRITICISMS: A DE-POLITICISATION OF GERMAN POLITICS?

The first group of critics argues that expert commissions disempower the Parliament in terms of policy formulation, that the policy process becomes increasingly intransparent and that commissions lead to a technocratic, scientific style of governance.

DISEMPOWERMENT OF THE PARLIAMENT Critics argue that the extensive use of expert commission lead to a disempowerment of the Parliament. And indeed, all of expert commissions appointed by the Schröder government have equivalents in the form of Permanent Committees in the Parliament.

But the outsourcing of policy formulation has a specific tradition in Germany due to the relatively strong corporatism in the Federal Republic. And political scientists stress that the Permanent Committee's task, over all, is the parliamentary control of the government, not policy formulation (see Oberreuter, 2000).

Finally, empirical research shows that the Parliament (at least the governing parties) are involved in the work of the commission from the very beginning as the commission's proposals that still have to be passed by the Parliament (Müller-Russel, 2002: 86). And the MPs do not blindly pass bills that were imposed by an expert commission. Gudrun Schaich-Walch, vice-chairman of the SPD in the Bundestag, says: "The faction does not wait until it is provided with a report that is going to be implemented one-to-one. Well will prepare ourselves with our own experts to discuss the results in an adequate way" (Hoffritz, 2002).

The Parliament is, obviously, not powerless, and it is therefore unfounded to blame the expert commissions to be responsible for the Parliament's (eventual) loss of power. But the Chancellor can, by appointing expert commissions, circumvent the consensual style of bargaining within the committees and present an individual, coherent policy that is furthermore legitimized by the science (i.e. a support mechanism according to Bulpitt, cited in Buller, 1999: 696). Or as one journalist puts it: "The Chancellor has recognized that it is more difficult to oppose scientific expert knowledge than a simple opinion and he seems to be determined to use this advantage" (Adam, 2001).

INTRANSPARENCY AND TECHNOCRATIC STYLE OF GOVERNANCE Do expert commissions lead to a technocratic style of governance? Table 2 shows the four most important commissions and their composition. The data shows that no elite, neither top-executives or academics, dominate the commissions. The Hartz Commission, led by a automobile manager, has a strong proportion of business people, and the Rürup Commission, led by an academic, is predominantly occupied with academics; but over all, there is no evidence that the appointment of expert commissions might lead to a technocratic style of governance.

	Labour Market (Hartz)	Bundeswehr (von Weizsäcker)	Migration (Süßmuth)	Social Security (Rürup)
Politics	3 or 20%	4 or 20%	**8 or 37%**	4 or 15%
Economy	**7 or 47%**	2 or 10%	—	7 or 27%
Associations	3 or 20%	1 or 5%	5 or 24%	5 or 19%
Academia	2 or 13%	**5 or 25%**	2 or 10%	**9 or 35%**
Civil Society	—	3 or 15%	6 or 29%	1 or 4%
Bundeswehr	—	3 or 15%	—	—
Others	—	2 or 10%	—	—
Altogether	15 or 100%	20 or 100%	21 or 100%	26 or 100%

TABLE 2 Members of expert commissions by profession (please note that the numbers are only proposals; in some cases, members could be allocated to more than one group. In this case, I took the most important one).

The policy process did, however, become more intransparent due to the huge number of commissions (see Adam, 2001; Leersch, 2001 or Sommerman (ed), 2001). Often, the Government's appointment leads to the appointment of another commission by the opposition and maybe by the parliamentary committees. Sometimes, the Government even appoint two commission for the same policy arena, e.g. in the case of the Bundeswehr reform (Fleckenstein, 2000). It is therefore not surprising that the opposition asked the Government to give information on the amount of money spent on advisors, studies and expert commissions (Deutscher Bundestag, 2004).

SPECIFIC CRITICISM: ARE EXPERT COMMISSIONS ONLY TACTICAL INSTRUMENTS?

The second group of critics argues that the commissions are only used to legitimate the government without influencing its policies. Furthermore, the critics argue, they are only used to expose the opposition by appointing oppositional politicians as chairmen.

This has been the case of the Commissions on the Future of the Bundeswehr and in the Commission on Migration which were both chaired by a member of the oppositional CDU. But this did not stop the opposition to criticise the reports. Instead, the CDU in-

stalled another commission in the latter case, chaired by Peter Müller, prime minister of the Saarland, who clearly draws a line between his commission and Mrs Süssmuth's:

> "In our commission, we formulate the position of the CDU. Mrs Süssmuth's commission does not work along party lines. When both commissions present their results, we will see where they overlap and we will also see where there is dissent, and this will surely enrich the political debate." (Müller, 2000)

In this case, the appointment of the commission led to the creation of an oppositional commission on the same issue in order to find alternative policies and publicly attack the Government's commission with another one. This strategy has also been pursued in the case of the Rürup Commission and seems to be an appropriate answer to the increasing use of Government Commissions.

But do the commission have an influence on the Government's policies? Do they shape how policies are made? Critics like the journalist Jutta Hoffritz argue that this is not the case: „Real decisions are rarely made in these commissions – and if they are, they scarely realised. Almost no commission has led to drastic reforms. Until now, the Hartz Commission is the exception" (Hoffritz, 2002). But let us look at the details:

Besides the commission on **JOINT SECURITY AND THE FUTURE OF THE BUNDESWEHR**, many other commissions gave their recommendations on the reform of the Bundeswehr. It was especially unpleasant that the Minister of Defence himself, Rudolf Scharping, asked a second expert to produce another report. Both reports agreed in many points, but they also differed in fundamental ways (Fleckenstein, 2000). The influence of the Commission can therefore be classified as marginal.

The Süssmuth **COMMISSION ON MIGRATION** recommended to introduce a point system along the lines of the Canadian system that allows immigrants to come to Germany under certain conditions (Independent Commission on Migration, 2001).

The new immigration laws, finally passed in 2004, pick up the general idea of fostering labour migration without adopting the point system (Bundesministerium des Inneren, 2004). In this case, the Commission's role can be described as a pace maker "as it put the issue of migration on the long-term political agenda" (Müller-Russel, 2002: 86). The Commission's task was therefore to prepare the ground for new immigration laws – and indeed the Commission changed the political debate on immigration in Germany.

The Commission on **MODERN SERVICES ON THE LABOUR MARKET** ("Hartz Commission") advised the Governments on the restructuring of the German Job Centre. Its main proposals were transforming the Job Centres to one-stop-agencies and increase the rate of re-employing people profiling, performance-related pay and new criteria of reasonability (e.g. in terms of mobility) for the unemployed. Finally, Personal-Service-Agencies, administered under private law, should help to shorten the time of unemployment (Schmid, 2003).

Many of the proposals of the Hartz Commission were adopted by the Schröder Government. Peter Hartz and other members of the Commission, however, noted that the Job Centres still need more and better trained staff to operate properly (Arnold, 2003).

The Commission on **SUSTAINABILTY FOR THE SOCIAL SECURITY SYSTEMS** handed its report over on 28 August 2003. Its main proposals were an uprating of the retirement age and the inclusion of all citizens in the National Health System as opposed to additional private insurance (so called "Citizen Insurance"), or alternatively the total privatization of the health system (i.e. a pay-out of the non-wage labour costs; so called "health bonus") (Federal Ministry of Health and Social Security, 2003).

The fact that the Commission itself could not agree on one or the other model says much about the discord within the experts: Whereas Bert Rürup pleaded for the privatization of the social security systems, especially the members sent by the trade unions and the employer's association wanted to keep the national social security system (see Hoffritz, 2002). This, of course, gave the government a broad elbow-room for its own policies. Again, what seems to be the most important feature of the Commissions seems to be the ability to test particular policies and see if they are acceptable for the broader public. With his self-conscious and radical appearance, Bert Rürup perfectly fulfilled this role.

As one can see from the examples, most of the commissions indeed had no direct influence on the Government's policy. But, on the other hand they did not act only to legitimize the Government's policies either. Instead, they fostered the political debate in the public and – by encouraging the opposition to appoint counter-commissions, also in politics.

4. CONCLUSION

Can we witness a new kind of statecraft, where professional advice replaces the traditional policy advice given by the Parliament, the Ministries and specific advisory bodies? There are many signs for this argument: Ever more organisations and individuals now offer advice to the government, ever more knowledge is needed to decide over things in an increasingly complex world and parties are becoming more and more specialised in campaigning and at the same time have fewer and fewer members.

Politicians, was the assumption of this essay, are rather searching for votes and offices as opposed to policies, as they have a material interest in reaching government positions. Therefore, the develop expertise in how to get votes and not in particular policies, thereby outsourcing the development of new policies to external advisors.

In Germany, these advisors have especially been the numerous expert commissions that were appointed by Chancellor Schröder. The sheer number of commission made observer worrying about the state of democracy in Germany and caused fear of a new, technocratic form of governance, where alleged or real experts make policy instead of elected representatives.

The analysis of the different commissions, however, shows that those fears are exaggerated: The Parliament (and particularly the governing party) still has a voice in the process of policy formulation, even when this is done by an expert commissions, as it is the Parliament that finally decides over an issue. Furthermore, the opposition has the option of appointing a counter-commission, a strategy that can be extremely useful to attack the government.

This does also mean, that it is unlikely that the use of expert commissions leads to a technocracy: Firstly, there are different views (and often more than one commission) on a particular issue, and secondly, the analysis shows that the composition of the expert commission is relatively heterogeneous and thus averting an elitist bias.

Most importantly, the influence expert commissions have on Government policies is relatively weak: Many of their proposals were not implemented later (with the exception of the Hartz Commission, whose report was due short before a general election). It seems instead that the commission's task was mostly to prepare the ground for legislation in a particular policy arena through changing the tone of the debate, the way of thinking and finally through starting test balloons for particular ideas. In these cases, the commissions indeed proofed to be rather successful.

Summarizing the argument, we cannot observe a particularly strong de-politicisation in Germany. Much of the policy formulation is still done by the Government, the Ministries and the Parliament. The expert commission contrariwise can foster the political debate instead of paralyzing it. It is another issue, however, whether the government wastes ideas and money by appointing such a huge number of commissions only to foster the political debate.

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