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The Dutch "Digi Commissioner" (2014–2018) An Abortive Attempt at National Digital Governance

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Abstract

The Dutch governmental digital infrastructure (Generic Digital Infrastructure; GDI) is a vital element of state functioning. This article investigates the governance of the GDI as exemplified by the activities of the Digi Commissioner (officially the 'National Coordinator Digital Government'). In 2014 the Digi Commissioner was made responsible for coordinating and re-structuring GDI-governance. Early 2018 his tasks were transferred to the Ministry of Interior Affairs. Some progress was made, but according to the Digi Commissioner himself the GDI still leaves much to be desired and is far from future proof. The article will discuss the Dutch digital infrastructure by adopting several perspectives. First, by defining and describing the development of the GDI. Second, by analysing the activities and achievements of the Digi Commissioner. Third, by applying behavioural economics and securitization concepts offering relevant insights with regard to the (lack of) GDI-progress.

Keywords: Digi Commissioner, Digital Infrastructure, Digital Governance, Behavioral Economics, Securitization, The Netherlands

1. Introduction

This paper focuses on the so-called "Digi Commissioner" (National Commissioner Digital Government), who was responsible for the governance of the Dutch digital infrastructure from 2014 to 2018. The generic – or core – digital infrastructure (Generieke Digitale Infrastructuur, or GDI) is of vital importance for Dutch government and society, and ultimately for the country's earning capacity in the digital age. (See Appendix 1 for a schematic overview of the Dutch GDI.) However, this recognition has far less substance than would appear from the appointment of the "Digi Commissioner" – partly resembling the tasks and duties of a national government CIO – in May 2014. Professional attention within the bureaucracy, academia, or media remained limited. As will be seen, the GDI as a topic – as personified by the "Digi Commissioner" – was largely neglected.

The state of the Dutch digital infrastructure still leaves much to be desired and is far from future-proof, as acknowledged and explained by the Digi Commissioner himself just before the end of his tenure (Eenhoorn 2017a). This begs the question: Why? Arguably, the indispensability and potential leverage of the GDI as a government tool warrants academic scrutiny. This requires a clear understanding of the limited results of the "Digi Commissioner" initiative and – by proxy – decisions regarding the governance of digital developments. The following paper focuses on the history of the Dutch digital infrastructure culminating in the

appointment of a Digi Commissioner tasked to address GDI's feeble governance structure. An assignment he did not, and could not, fulfil for a number of reasons. The "experiment" of the "Digi Commissioner" will serve to show the importance of subtle human psychological processes at play here.

Definition issues, digital relevancy and the historical context of the "Digi Commissioner" initiative will be sketched first. Second, the outcome of this "experiment" will be assessed from a securitization and behavioral economics perspective since considerations of rationality and rational actor behavior alone fail to answer the unsatisfactory results of the "Digi Commissioner's" activities. It will be shown that connecting security issues to psychological (governance) mechanisms has more promising explanatory value. The concluding paragraph will summarize and present the research results, and provide some considerations regarding the future of the Dutch digital infrastructure.

2. Research approach

What follows is a contextual narrative description linked to a specific case study: the Dutch GDI. This approach derives from Lars Mjøset, according to whom a researcher selects the case (the "Digi Commissioner"), and then defines the context (the GDI) – i.e. those elements to be treated as the environment of the case singled out (Mjøset 2009, 46-47). The concept of analysis as a narrative owes much to the work of Hayden White and Frank R. Ankersmit. Both have argued the importance of combining facts (singularities) into a narrative plot (representation of reality) (White 1973; Ankersmit 1983). The coherency between the facts is provided by the author whose personal and professional interests and choices shape the final narrative representation (Lorenz 1998).¹

According to information technology specialist Wyatt only narrative history can do justice to the richness and complexity of the "stories", i.e. the case studies she described (Wyatt 1998, 58). In the eyes of Flyvbjerg it is often not possible nor desirable to summarize and generalize case studies, given their contextual complexity. Good case studies should in his opinion be read as narratives within their context and in their entirety (Flyvbjerg 2006, 237-241). The historical investigation below is based on literature research.² The analysis itself is contextual, and offers a narrative description of the GDI with a security and behavioral economics focus.

2.1 Security Context

The functioning of Dutch government and society are highly dependent on safe and sound GDI performance. (See paragraph 3.2 for a description of the digitalized tax service system in the Netherlands and its huge benefits depending upon secure and undisturbed operations.) Security might be at stake here, but the realization that security considerations are of relevance is not a given. Security can be viewed as a factual condition, but at the same token security is always a construct. Securitization theory recognizes this and considers security a social and

¹ A possibly unexpected, but excellent, example of how this process works can be found in the work of the Dutch scholar in medieval studies F. van Oostrom. See, in particular, his book *Nobel Streven* (Van Oostrom 2017), in which methodological issues of the kind described above figure prominently.

² Much time and effort was spent on collecting relevant and accessible primary and secondary sources in order to provide a comprehensive overview of research material. This includes the availability of recent large-scale evaluations of the "Digi Commissioner", "Delta Commissioner", and "Key Registry System" – based on hundreds of stakeholder interviews – as well as annual quantitative monitoring reports of the GDI, and the "Key Registry System" as its core component. The "Digi Commissioner" did not answer requests to discuss his GDI experience.

inter-subjective construction, whereby something is turned into a security issue by labeling it as such (speech act). By stating that a particular referent object is threatened in its existence, a securitizing actor can justify extraordinary measures to ensure the survival of the referent object. That a given subject is securitized means that someone has successfully constructed an existential problem.. Securitization thus investigates how a certain issue is transformed by an actor into a matter of security to allow for the use of extraordinary measures. To be successful the securitization act must therefore be accepted by the audience, regardless of the subject matter being a real threat.

2.2 Behavioral Context

The fusion of psychological and economic concepts since the 1990s has inspired a new field of science: behavioral economics.³ Behavioral economics differs from classical economic science in using a more realistic and complicated model for people and institutions, while differing from psychology in focusing on institutions and the organizational contexts in which (economic) decisions⁴ are made (Darling, Datta, and Mullainathan 2013). Here, behavioral economics is defined as studying the effects and consequences of psychological factors on the (economic) decisions of individuals and institutions (Camerer 1999; Wilkinson and Klaes 2012, 2-11).

Behavioral economics uses psychology to inform economics by improving the realism of the psychological assumptions underlying economic theory, and delivering better predictions about economic behavior and better policy prescriptions as a result thereof (Camerer 1999, 10575; Rehman 2017, 131). In other words, it extends rational choice theory by increasing the explanatory power of economic science through more realistic psychological foundations (Frederickson 2012, 193-218; Wilkinson and Klaes 2012, 3; Mathis and Steffen 2015, 45).

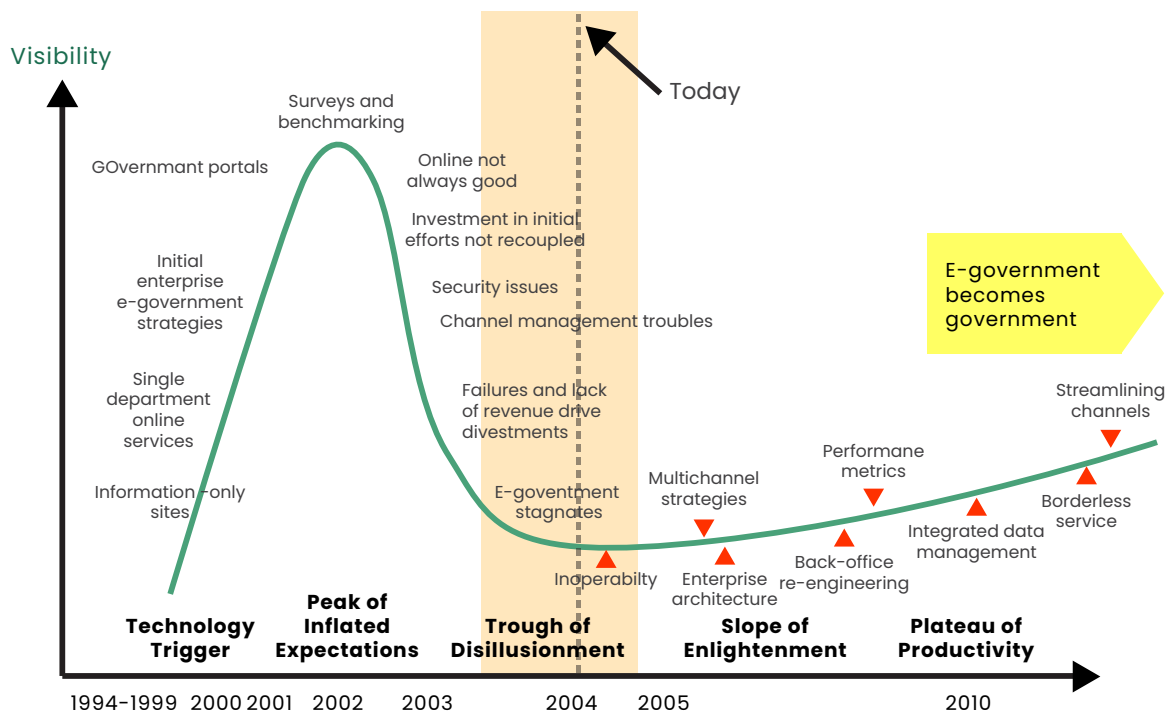
3. eGovernment and Digital Infrastructure: Definitions and Relevancy

The development of governmental digital infrastructures is linked to the existence and maturing of so-called eGovernment initiatives which surfaced in the 1990s (*e-Government Primer* 2009, 1-3). See Figures 1 and 3 below.

³ Detailed and highly readable overviews of the field of behavioral economics are Kahneman 2011, Thaler 2015, and Lewis 2016. For a good, short academic introduction to the field, see Baddeley 2017.

⁴ People and institutions have to fulfil their needs with limited resources at their disposal. Economic decision-making refers to the process of identifying and choosing between alternative options/courses of action in a condition of scarcity. For the Digi Commissioner this translated into deciding what aspect of GDI-governance would warrant his attention first: e.g. legislation, funding, security, communication, administrative support, etc.

Figure 1. eGovernment initiative, 1990s-post 2010



NB: Governments worldwide have been developing digital services as they became aware of the benefits. The timeline presented here is a visual impression of eGovernment becoming (virtual) real government.

Source: *e-Government Primer*, infoDev/World Bank (Washington, DC, 2009), 3.

This paper uses the following definitions of eGovernment and eGovernance:

"eGovernment focuses on the use of new information and communication technologies (ICTs) by governments as applied to the full range of government functions. In particular, on the networking potential offered by the Internet and related technologies, which has the potential to transform the structures and operation of government." (OECD 2001).

"Electronic governance or eGovernance is the application of IT for delivering government services, exchange of information, communication transactions, integration of various stand-alone systems between government to citizen (G2C), government-to-business (G2B), government-to-government (G2G), Government-to-employees (G2E) as well as back-office processes and interactions within the entire government framework" (Saugata and Masud 2007).

Without a digital infrastructure in place eGovernment is a non-starter. The potential leverage of a national digital infrastructure as an instrument of eGovernment policy – benefiting the state as well as its citizens and businesses – is easy to recognize. A digital infrastructure is a vital element of (digital) state functioning. By collecting, connecting, correlating, and analyzing the huge amounts of data circulating within a digital infrastructure, governments can make use of the digital opportunities on offer. This enables them, for instance, to consolidate or

broaden their tax base and/or improve government service levels in national healthcare and education. An ideal-type breakdown of benefits accruing from digital services illustrates eGovernment’s large potential and clearly shows what is at stake for its beneficiaries (see Figure 2 below).

Figure 2. Breakdown of eGovernment benefits

BENEFITS	GOVERNMENT	CITIZENS & BUSINESS
Direct Financial Benefits	<p><u>Cost reduction</u></p> <ul style="list-style-type: none"> - freeing resources for public and private innovation - increasing value of products and services 	<p><u>Burden reduction</u></p> <ul style="list-style-type: none"> - simplified administration - provision of higher valued and faster services - saving time and money - Improvement of equity
Direct Non-Financial Benefits	<p><u>Capture of investment benefits</u></p> <ul style="list-style-type: none"> - synergy across service delivery channels - sharing and re-use of data for pro-active service delivery - promoting access as part of channel management 	<p><u>Increased user satisfaction</u></p> <ul style="list-style-type: none"> - 24/7 service - Improving personalization and service quality - Improving access and equity - addressing security and privacy concerns - Transparency - Choice
Indirect Benefits (Good Governance as a Public Good)	<p><u>Legitimacy support</u></p> <ul style="list-style-type: none"> - supporting security and trust at aggregated levels - modernization and transformation of the public sector - ensuring equity - increased responsiveness - Accountability - Participation 	<p><u>Growth support</u></p> <ul style="list-style-type: none"> - improvement of business environment - creating an information society - establishment of an infrastructure for secure and reliable transactions

Source: adaptation of *e-Government Primer*, infoDev/World Bank (Washington, DC, 2009), 31.

At the same time, governments have to guard data security, and prevent breaches – accidentally or purposefully – from impairing data confidentiality, integrity, and availability. If not, this will rapidly corrode citizens’ trust in their government. When zooming in on data integrity it is clear that without maintaining the highest level of integrity, analysis of the available data will produce wrong or sub-optimal results upon which policy decisions are based. Once recognized by the general public this will lead to a reduced sense of (data) trust, and by implication a reduction of citizens’ trust in the reliability of government/state functioning.⁵ Though far from practice, cyber security should therefore be of paramount

5 See also Figure 2; items "Legitimacy support" and "Increased user satisfaction".

importance from a government’s perspective; being a far-reaching phenomenon extending into commercial life, law enforcement, and the military sphere (including both defensive and offensive measures). This includes a robust governance of the national digital infrastructure.

3.1 Dutch Digital Initiatives

The appointment of a "Digi Commissioner" in 2014 did not come about in a digital government vacuum. Governmental implementation of ICT developments has been underway for decades (Wierda 2004, 7-8, 73-74). Digitization efforts by the Dutch administration began in the 1980s with information and computer technology starting to support government administration. Figure 3 below shows eGovernment initiatives multiplying from the 1990s onwards (Memorie van Toelichting 2016, 4-60; Pieterse 2009, 36-38). The government’s awareness of digitization benefits slowly increased, translating into a national eGovernment implementation program (2009-2014).⁶ In 2013 "Digitaal 2017" envisioned the transition of all contact (either personal, by telephone or letter) between the state and its citizens to digital services towards the end of 2017 (Visiebrief Digitale Overheid 2017).

Figure 3. A non-exhaustive list of Dutch e-government programs

Year	Title	Main Points
1990	BIOS-II	For the first time ICT is recognized as a means to improve service delivery.
1994	BIOS-III	Primary function of ICT becomes service delivery.
1995	Elektronische Snelwegen (Electronic Highways)	New channels (Internet, GSM) gain attention. Internet is seen as a tool to improve services and improve internal efficiency.
1996	OL2000	Introduction of the "one-stop-shop" idea. First aimed at the physical counter, later on the online channel.
1998	Boven NAP, Herijking Actieprogramma Elektronische Snelwegen (Above NAP, Recalibration Program Electronic Highways)	Focus on the possibilities of ICT's for international collaboration and service delivery.
1998	Elektronische Overheid (Electronic Government)	Extension of the thought about making government more efficient and affective, focal point is the Internet.
1999	Digitale Delta (Digital Delta)	Specific attention for the Internet as a means to improve communication.
2002	Beter Bestuur voor Burger en Bedrijf (Better Administration for Citizen and Business)	Again attention for the possibilities of ICT/ the Internet) to reduce costs and improve customer satisfaction.
2003	Andere Overheid (Different Government)	ICT to improve services, lower costs and administrative burdens. Targets for e-service delivery (supply)
2006	Antwoord© (Answer©)	Municipalities as main portal for governmental service delivery. Although not specifically aimed at ICT, ICT is an important instrument.

Source: Pieterse 2009, 37.

6 "Nationaal Uitvoeringprogramma Dienstverlening en e-Overheid" (NUP 2009-2010), and its successor i-NUP (2011-2014).

The GDI consists of a dynamic set of generic digital basic services, products and standards which allow government organizations to set up their digital processes (Website Digicommissaris; Van der Stelt 2016). Currently the GDI consists of 37 separate components. These components are subject to modification because of technological developments or new insights. New services (or functionalities of services) can be added, and existing services can be phased out (Website Digicommissaris; Memorie van Toelichting 2016, 3). The GDI components contain a mindboggling amount of data that need to be protected as they are sensitive from a privacy, commercial, and government perspective. The more so because they can be – and are – interlinked to raise levels of efficiency and effectiveness and provide better government service.

A concrete example of GDI reality is the so-called "Loonaangifteketen" (LAK) which makes use of GDI-components and simultaneously feeds into the same or other components. The LAK is a co-operation between the "Belastingdienst" (tax authorities), the "Centraal Bureau voor de Statistiek" (national statistical institute), and the "UWV" (responsible for the mandatory insurance of employees against unemployment, sickness, etc.). Annually, the LAK receives data on approximately 21 million so-called employment/benefit relationships, enabling tax returns worth about 156 billion Euros (government budget 2017), i.e. 60% of the state coffers (Ketensamenwerking in de loonaangifteketen 2017; Website Loonaangifteketen; Veld, Meijer and Schurink 2017, 6).

Despite this telling description, most government ICT initiatives have spent little time on effects and results. Though GDI indispensability and profitability might seem obvious, progress has moved at a slow and unsteady pace, and public awareness has been virtually non-existent (Veld et al. 2017, 7). The available literature has shown little interest (either academic, journalistic, or otherwise) with regard to this topic, contradicting the value (real and potential) of the GDI, whose components consist of huge amounts of linked and sensitive data that require sophisticated governance and a consistently high level of security.

Consider – by contrast – the Dutch road infrastructure. People do tend to discuss this topic, since they instantly experience the consequences of a badly functioning road infrastructure on a daily basis. Because of this personal experience shared by all road participants societal problems, such as traffic congestions, are more easily recognized. By comparison, government ICT failures, budget overruns, and data breaches have only occasionally given rise to public discussion. Why? Because of the absence of truly disconcerting personal experiences so far, leading to significant public indignation and protest. No sense of urgency can be expected when people do not feel the consequences.

In the Netherlands the stated objective of having a digital infrastructure is to deliver better government services to citizens and businesses. Digital traffic therefore needs to run smoothly with few barriers. This requires a well-regulated system offering a reliable and secure base level of digital services, which is encouraged by connecting as many governmental organizations as possible to the GDI (Internationale quick scan 2016). Unsurprisingly, the "Digi Commissioner" described the GDI as the cornerstone for the digital transformation of the Dutch government.⁷

A generally accepted and uniformly used definition of the GDI, however, does not exist. The "Digi Commissioner" himself only offered a definition in the broadest of terms: "*The GDI consists*

⁷ <https://www.digicommissaris.nl>; Factsheet "The Dutch Generic Digital Infrastructure as a Basis for Providing Public Services."

of a dynamic set of generic digital basic services, products and standards which allow government organizations to set up their digital processes" (Website Digicommissaris; Van der Stelt 2016). Such wording disregards stakeholders representing the "consumption side" of the digital infrastructure, i.e. citizens and businesses. They profit from digital government services offered to them, as does the government from the aggregated and interlinked stream of data these "consumers" provide. The "Digi Commissioner" did acknowledge this by stating on his website: "The GDI provides government bodies with the basic digital platform to help them organise their primary processes. Thanks to the common use of the GDI, people experience coherence in the government's services, and a uniform way of communication" (see also Appendix 1).

The following GDI definition is used in this paper:

*The **Generic Digital Infrastructure (GDI)** is a collection of digital services, products, and standards, that is increasingly being used by government organizations, public organizations, and private parties, to contribute to the realization of an effective and coherent digital government benefitting the state, its citizens and businesses alike.*

3.2 The "Digi Commissioner"

Although structural problems concerning governmental ICT projects were recognized earlier, as evidenced by the establishment of a parliamentary investigative committee (Commissie Elias) in 2012, the "Digi Commissioner's" appearance in May 2014 seemed sudden and unexpected (Veld et al. 2017, 7-8). The decision was based upon a bureaucratic advice drafted shortly before, stating that government service provision could not do without an excellent digital infrastructure. Such an infrastructure was characterized as an "extremely crucial provision", which could not do without a national coordinator (Instellingsbrief 2014; Kuipers 2014, 4, 7). The choice for a dedicated commissioner was motivated by emphasizing the wide gap between ambitious digital government goals – requiring a digital infrastructure as well as sufficient financial and material resources – and the actual means at disposal.

On 28 May 2014 Bas Eenhoorn – former mayor, consultant, and VVD chairman (Dutch conservative-liberal political party) – was officially appointed the Dutch "Digi Commissioner". This appointment finally seemed to signal a shift towards a more comprehensive digital government approach. The GDI appeared to become part of the Dutch critical infrastructure at large. Taking up his post on 1 August 2014 Bas Eenhoorn became responsible for coordinating the governance, finance and content of the GDI. Was the less tangible Dutch digital infrastructure about to come on a par with its physical counterparts, like the road infrastructure, and recognized as part of the critical infrastructure?

The conditions under which the "Digi Commissioner" had to perform his duties were less than favorable. This was quickly noticed. The earlier mentioned Committee Elias paid extensive attention to the appointment of a "Digi Commissioner". Its members seriously questioned the lack of mandate and power of the "Digi Commissioner" to implement a successful GDI program. "Deltacommissioner" Wim Kuijken – responsible for the Dutch water infrastructure – did not mince his words either. Comparing his position – as described in law with an allocated yearly budget of 1.2 billion Euros – with the "Digi Commissioner" he stated that without a proper mandate, accompanying powers, nor money things do not tend to go well. In his words: "You

cannot tell someone just to go to work" (Koning and Niemantsverdriet 2017).

The "Digi Commissioner's" starting position, i.e. mandate and budget, proved feeble. The support base was insufficient and deteriorated over time. In 2017 a full-scale evaluation of the "Digi Commissioner" was conducted (Veld et al. 2017, 4-5, 52, 60-61). The evaluation findings were sobering, offering little promise for the future. Numerous shortcomings were reported, illustrated by using the recommendations of the report that spurred the appointment of the "Digi Commissioner" as a benchmark (Kuipers 2014). The comparison showed that only two recommendations had been realized: incidental GDI financing and initial GDI standardization. Six recommendations were not realized, and three only partially (Veld et al. 2017, 45).

Governance and finance matters had overshadowed the deliberations between stakeholders, leading to the neglect of important topics like content and functioning of the GDI. Disagreement among stakeholders had prevented the realization of comprehensive GDI legislation, leaving the digital infrastructure without sufficient legal assurance. Last but not least, digital infrastructure security had been seriously neglected (Veld et al. 2017, 46-49).

The commission also noted mutual distrust and soured relationships between the different stakeholders. Policy competition between government stakeholders proved persistent: between the Ministry of Interior Affairs and the "Digi Commissioner", but also between the Ministry of Interior Affairs and the Ministry of Economic Affairs. Support for the position of the "Digi Commissioner" never materialized. Some decisions regarding the GDI were taken without even notifying the "Digi Commissioner". This could be done without repercussions, given the weak mandate of the "Digicommaris". The results achieved did not meet the expectations of most stakeholders. After two and a half years the "Digi Commissioner" failed to fulfil the set tasks and goals (Veld et al. 2017, 46-48).

The "Digi Commissioner" offered no contrasting vision in his own evaluation (Eenhoorn 2017a). Some of his statements clearly echo the findings of the commission report. He put much emphasis on the lack of trust between government organizations, which he encountered after taking up his position. A position, he added, that was openly questioned in his presence. The resistance and lack of support encountered was often based upon organizational desire for autonomy. Ministries in particular, he concluded, behave like separate realms ("koninkrijkjes") serving their own institutional interests (Eenhoorn 2017, 3).

The "Digi Commissioner" himself recognized the discrepancy between tasks and resources, and the resulting dysfunctionality of his position. He offered to resign his position in September 2017, pleading for a forceful coordination of the GDI under the responsibility of a single minister with strong powers and sufficient means (Eenhoorn 2017, 6; Hartholt 2017; Van der Molen 2017; Mom 2017). The external commission evaluating current GDI governance simultaneously warned against digital government stagnation, which would seriously impair the positive effects of digital government service on society (Veld et al. 2017, 46-49). In the end, "Digi Commissioner" Eenhoorn quietly returned to his old profession as he was appointed acting mayor of Amstelveen on 1 October 2017.

Formally, the "Digi Commissioner" ended his activities on 17 January 2018. The governance of the Dutch digital infrastructure became served by a "system" of so-called government-wide policy consultation rounds ("Overheidsbreed Beleidsoverleg Digitale Overheid"; OBDO) and a

"Program Board" ("Programmeringsraad"). The coordination of the Dutch digital infrastructure now lies with the state secretary of the Ministry of Interior Affairs (Besluit instelling OBDO).

In the end, the "Digi Commissioner" constituted an abortive governance attempt for the GDI. In a final interview Bas Eenhoorn acknowledged this, stressing once again the resistance of entrenched stakeholders as a primary obstacle of effective GDI-governance. In his opinion financial deficits had been tackled, but more emphasis on legislation and his mandate would probably have mattered (De Jong 2018). By comparison, the former "Delta Commissioner" Wim Kuijken stressed the importance of the Delta Law, a strong mandate, and – above all – accompanying budget to which he alone could grant access ('t Hart 2018, 137-138, 141-142, 150-153). In his words: "Money helps of course: there is one billion Euro's a year in the pocket to spend. I am the 'gatekeeper' to that money ..." ('t Hart 2018, 139).

In the meanwhile, the "Digi Commissioner" maintained that in his opinion a "maximum, though no optimal achievement" had been reached (De Jong 2018). However, on his personal website Bas Eenhoorn sounded skeptical with regard to the future and the effectiveness of the new digital governance approach consisting of consultation rounds and program board deliberations. Noting a continued disregard of digital urgency, uniform legislation, and sufficient budgets, he argued strongly to make digital governance a top priority, or "Chefsache" (Eenhoorn 2017b).

The "Digi Commissioner" failed to achieve an autonomous and recognized position within the Dutch digital community contrary to, for instance, the "Delta Commissioner" within the Dutch water community (Van Twist 2013, 64).

The following characterization of the differences between the "Digi Commissioner" and the "Delta Commissioner" sums it up neatly ('t Hart 2018, 154-155):

As 'Digi Commissioner' Bas Eenhoorn had to deal with a larger number of ministries, services and other authorities; each wanting to give substance to digitization and e-government in their own way. He sounded the alarm, called for sessions, stamped his feet, pointed out to stakeholders the growing urgency of system innovations necessary to establish an integrated, efficient and reliable electronic government in the Netherlands. But, he largely got stuck in the [policy] trenches of The Hague.

Kuijken performed his duties ... within another constellation and with other means than his predecessors. They did not have their own budget to serve as a lubricant, Kuijken did. He came up with enough [money] to be taken seriously within the field, but not enough to simply use financial means to have people do as he wished. Kuijken also had a direct communication line to a committed, decisive and influential minister. ... On account of having been secretary-general, he had deep knowledge of and a position of authority within the ministry and the executive organisation. His task domain was furthermore tangible for each and every one, appealed to the collective memory as well as the core of Dutch identity. The threat he was supposed to help fight applied in principle to all Dutchmen.

4. The "Digi Commissioner": A Behavioral and Security Perspective

Academic research has shown that decision makers are confronted with three constraints. First, they are imperfectly informed, either about the outcomes that will occur (prospective uncertainty) or about what has transpired (retrospective uncertainty). This situation is aggravated by time constraints: the availability of limited time to make up one's mind and make a decision. Last but not least, there are unavoidable (cognitive) limitations of the human mind to evaluate and process the amount of information available (Allison 1969, 1971; Bendor and Hammond 1992).

The economist Herbert Simon coined the term "Bounded Rationality" to describe the interplay of these three elements. Even if they are intent on making rational choices, decision makers end up satisficing (a combination of the verbs satisfy and suffice). In other words, seeking satisfactory solutions rather than maximizing or optimizing their choices (*Economist* 2009). By accepting satisfactory solutions people take reasoning shortcuts in order to deal with complexity. The concept of bounded rationality thus relates to behavioral economics, which focuses on mapping the mental shortcuts that people use to come to their decisions.

The main problem encountered by the "Digi Commissioner" appears to have been governmental departmentalism. From a theoretical perspective government decision-making is the outcome of imperfect interaction between different actors in which information exchange processes play a crucial role (Allison 1969; Bendor and Hammond 1992). In this view the existence of separate realms and the wish to defend autonomous positions account for problematic (institutional) behavior and sub-optimal results. Without a shared sense of urgency vertical coordination (based on hierarchical relations with a central dominating actor) and horizontal coordination (based on trust relations) collide and fail to be combined (Hazelbag 2016, 61, 64-75, 78-85). In economic terms this outcome is caused by misaligned incentives and interdependencies called externalities: inescapable side effects of one actor's decisions on other actors. This accounts for the fact that costly deficiencies, that seem perfectly avoidable, do occur.

4.1 Securitization and Digitization

The importance of the digital infrastructure as described earlier would seem to warrant a high sense of urgency and clear recognition of shared interests into a viable and secure GDI. So how can the irrationality of the displayed behavior be explained? Securitization theory can provide relevant insights to account for the fruitless attempts to:

1. put the digital infrastructure high on the political agenda;
2. establish a unified (vertical and horizontal) approach in dealing with highly interrelated problems;
3. and allocate sufficient resources on a structural basis.

Securitization theory argues that security is a social and inter-subjective construction, whereby something turns into a security issue by labeling it as such (speech act). By stating that a particular referent object is threatened in its existence, a securitizing actor

can justify extraordinary measures to ensure the survival of the referent object. The issue is thereby taken out of the sphere of normal politics into the realm of crisis management and emergency consideration. Here, it can be dealt with faster and – most importantly – without the customary rules and delaying checks and balances of democratic policy-making. That a given subject is securitized thus means that someone has successfully constructed an existential problem (Buzan et al. 1998; Taureck 2006). In sum, securitization investigates how a certain issue is transformed by an actor into a matter of security to allow for the use of extraordinary measures. To be successful the securitization act must be accepted by the audience, regardless of the subject matter being a real threat.

Securitization involves four aspects without which a given subject – the Dutch digital infrastructure (GDI) – cannot be securitized (Brito and Watkins 2012; Nissenbaum 2005):

- A securitizing actor/agent: an entity that makes the securitizing move/statement;
- A referent object: an object (or ideal) that is being threatened and needs to be protected;
- An existential threat: an object (or ideal) that has been identified as potentially harmful;
- An audience: the target of the securitization act that needs to be persuaded and accept the issue as a security threat.

The whole process is triggered by means of a so-called speech act.

The question here is whether and how the concept of speech acts and the securitizing elements relate to the activities and (lack of) achievements of the "Digi Commissioner".

1. First of all, the "ignition trigger", or speech act for securing the Dutch digital infrastructure remains to be found. When looking back, the highly publicized Diginotar incident in 2011 comes closest. The breach of this government supplier of digital security certificates has, however, faded in people's memory, even though a (partial) government breakdown could only be avoided with great effort. Initially, the security lesson from the Diginotar case seemed to prioritize digital security efforts. In 2013 the "Taskforce BID" ("Bestuur en Informatieveiligheid Dienstverlening") was set up to strengthen information security within the government. Still, towards the end of 2014 its goals were considered to have been reached. The taskforce was replaced by an awareness campaign ("iBewustzijn Overheid") and the activities of the newly appointed "Digi Commissioner".

2. Second, the problem for the GDI is that it cannot function as a true referent object, an object recognized by everyone as threatened and in need of protection. The GDI seems too conceptual and diffuse to serve this purpose.

3. Third, the same can be said of the existential threat. Incalculable cyber threats exist, which remain difficult for the human mind to grasp. As they are not of flesh and blood people have no emotional connection with such threats and cannot identify with them. In other words, people fail to be persuaded to see cyber-attacks as existential security threats. Not in the least because they have not suffered the costs of a GDI breach with the government trying to shield the general public from the consequences of such a cyber incident.

4. Fourth, the "Digi Commissioner" was never able to function as a securitizing actor. Digital security was not on his priority list, and his primary focus on bureaucratic governance

and financial arrangements were never translated into securitizing statements.

5. Finally, it never became clear to whom the "Digi Commissioner" was speaking. What audience was addressed or should have been addressed? Ostensibly, the digital infrastructure is there to serve the general public. But the general public does not talk to 37 different GDI components, and the "Digi Commissioner" never acted as the single voice of the GDI. Investigation of the outreach of the "Digi Commissioner" indicates how limited and specialized the audience was that he managed to reach.

4.2 Behavioral Economics in a Digital Environment

Behavioral economic arguments allow for a further breakdown of the reasoning above and detailed analysis of the mental shortcuts at play that propagate choices with less than optimal results. As said before, people often do not behave rationally, i.e. they do not base their decisions on an informed rational cost-benefit analysis. They are inclined to being loss-averse and ready to dump responsibility and liability problems on others (called by economists a moral hazard effect). In addition they also use heuristics (mental shortcuts) to take snap decisions (Tversky and Kahneman 1974). People have a large set of heuristics at their disposal, which they use constantly. Several of these shortcuts have been identified, of which the availability heuristic in particular applies to the presented case of the "Digi Commissioner". In general heuristics are useful in a multitude of circumstances, but people using heuristics are prone to systematic (cognitive) biases and errors. A cognitive bias is a persistent pattern of deviation in judgment. These biases affect how people perceive their environment, which in turn affects the choices and decisions they make (Anderson 2001; Anderson and Moore 2006; Schneier 2008). From the many biases identified the hindsight and confirmation biases clearly play their part when considering the failed experiment of the "Digi Commissioner".⁸

Availability Heuristic: The availability heuristic centers around the ease with which a particular event or occurrence can be brought to mind. Availability leads to predictable biases related to the easy imaginability or easy retrievability of the event. When, for instance, an infrequent event can be thought of easily this judgmental heuristic overestimates its likelihood. To put it differently, easy-to-remember information is given greater weight than difficult-to-remember information. Another aspect of availability is the vividness of information which affects people's choices far more than abstract, factual, category based or statistical information (Tversky and Kahneman 1974, 1127-1128). In this sense personal stories are far more persuasive because people will remember vivid arguments better. This ignores the fact that memories might just be vivid because they are so extreme, and thus more unlikely to occur (Schneier 2008).

Hindsight Bias: Availability of information also stimulates the tendency to see past events as being predictable once the outcome is known. This is called the hindsight bias. Events that have happened are easier to imagine than future events, and the probability of those events is easily overestimated (Schneier 2008).

The following quote by Bruce Schneier sums it up neatly:

... (1) the more available an event is, the more frequent or probable it will seem; (2) the more

⁸ Excellent overviews of the field of behavioral economics, heuristics and biases can be found in Kahneman 2011, Lewis 2016 and Thaler 2015.

vivid a piece of information is, the more easily recalled and convincing it will be; and (3) the more salient something is, the more likely it will appear to be causal (Schneier 2008).

Confirmation Bias: The last bias to be considered applicable within the context of the "Digi Commissioner" is the confirmation bias, which describes the tendency of searching and/or interpreting information to confirm existing beliefs. Information that does not support a previously held position is less likely to be noticed and might even be discredited. It is not difficult to see that confirmation bias reduces critical thinking and promotes tunnel vision (Schneier 2008).

Plotting these heuristics and biases on to the "Digi Commissioner" and the Generic Digital Infrastructure (GDI) is revealing. The case of the "Digi Commissioner" negates the discussed availability heuristic and hindsight bias. The "Digi Commissioner" and/or the Dutch digital infrastructure cannot easily be imagined or retrieved, not by a more specialized professional audience, let alone by the general public. There is no vividness of information contained in the 37 components of the GDI, and there can be no connection with past events that allow for causal linkages and predictability pertaining to the activities of the "Digi Commissioner" or the GDI. Confirmation bias is clearly mirrored in the display of departmental opposition, bureaucratic inertia and downright disregard for the initiatives of the "Digi Commissioner" (Veld et al. 2017). Owing to confirmation bias people were never swayed in their existing beliefs, and tunnel vision could not be overcome. As a result, stakeholders chose their own path. For example, the so-called electronic identification scheme (eID) received its own governance structure even though it is part of the GDI core. And, arguably, it even received its own legislation since GDI law initiatives deal exclusively with the eID scheme (Veld et al. 2017, 46-48).

5. Concluding Remarks

Bounded rationality and behavioral economic concepts highlight important decision mechanisms below the surface that better explain the "Digi Commissioner's" lack of results. Recognition of these economic and psychological mechanisms can serve as a useful peg for improving the governance and security of the GDI. The selected heuristics and biases apply to the aforementioned five securitizing components. They clearly show that the "Digi Commissioner" – and the digital infrastructure he personified – faced a daunting, if not impossible task with no convincing speech act, while simultaneously lacking a referent object, existential threat, securitizing actor, as well as a responsive audience.

Misaligned incentives and externalities played their part, as well. The "Digi Commissioner" failed to persuade the actors involved because of differing (institutionalized) interests and entrenched bureaucratic positions. So far, these actors have not endured any real costs and/or consequences of a GDI breach and the ability of transferring (dumping) financial, responsibility and liability problems on to other actors involved. Therefore, a sense of urgency regarding the GDI never materialized, and powerful governance, clear legislation, and actionable budgets have yet to be put in place.

The development and security of a vital digital infrastructure, digital government, and digital society in the Netherlands remains a daunting task. The apparent neglect of the security aspect fails to match the importance of, for instance, the 'Loonaangifteketen' (LAK) and the

public attention awarded to cyber security incidents and their potential threats.

Given the strategic importance of a functioning and well-protected Dutch digital infrastructure it is suggested that future research should adopt a quantitative as well as qualitative approach.

- The potential of quantitative research is apparent in the annual "Monitor Generieke Digitale Infrastructuur" (external progress report of the GDI) as well as the "Monitor Kwaliteit Stelsel van Basisregistraties" (evaluation of consistency and data integrity of the "GDI core"). These quantitative investigations – accessible through the government website digitaleoverheid.nl – and can serve as an example of the possible results and bigger picture revealed when collecting, aggregating and analyzing large data sets.
- In addition, qualitative research by comparing the activities of the "Digi Commissioner" with the highly successful governance model of the "Deltacommissaris" could be considered and complemented by similar qualitative case studies of GDI core components, such as the civil registry (Basisregistratie Personen; BRP) and the cadastre (Basisregistratie Kadaster; BRK).

The ensuing results might thus provide new and valuable insights, enabling a much-needed reconsideration of GDI-governance in the Netherlands after the "Digi Commissioner".

Appendix 1. GDI-categories and components

CATEGORY	COMPONENT	
Identification & Authentication (4x)	<ul style="list-style-type: none"> Digi iDentification (DigiD) DigiD authorization 	<ul style="list-style-type: none"> Idensys (eID Program) eRecognition
Data & Registration (17x)	<ul style="list-style-type: none"> Digi linkage Digi supply Digi notification <p>THE CORE OF THE GDI</p>	<ul style="list-style-type: none"> GDI catalogue Social Security Number system <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Core Registries* (12x)</p> <ul style="list-style-type: none"> - civil registry - credit registry - cadastre - car ownership registry - trade register - etc. </div>
Service & Information Provision (10x)	<ul style="list-style-type: none"> Mijnoverheid.nl (government portal) Digital Entrepreneurial Portal Mailbox for Citizens 	<ul style="list-style-type: none"> Catalogue Linkage Mailbox for Companies Standard Business Reporting E-invoice etc.
Service & Interconnectivity (6x)	<ul style="list-style-type: none"> Digi-portal Certification (PKI Overheid) 	<ul style="list-style-type: none"> Standards List Standardisation Forum etc.

*Core Registries (Basisregistraties)	
BRP	Basisregistratie Personen (persons)
BRK	Basisregistratie Kadaster (cadastre)
BRV	Basisregistratie Voertuigen (vehicles)
BRI	Basisregistratie Inkomen (income)
BGT	Basisregistratie Grootchalige Topografie (large topography)
BRO	Basisregistratie Ondergrond (below surface)
BRT	Basisregistratie Topografie (topography)
BAG	Basisregistraties Adressen en Gebouwen (addresses and buildings)
WOZ	Basisregistratie Waarde Onroerende Zaken (estate value)
HR	Handelsregister (trade register)
BLAU	Basisregistratie Lonen, Arbeidsverhoudingen en Uitkeringen (salary, work relations, and social benefits)

Source: adapted from Website Digi Commissioner (www.digicommissaris.nl);
 Website Digitale Overheid (www.digitaleoverheid.nl);
 e-Government country factsheet EU 2017

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The Impact of the EU's Economic and Fiscal Policy Measures on the Budgeting Process of Estonia

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Abstract

After the global financial crisis in 2008-2010, the governance framework of the European Union's economic and fiscal policy has undergone several changes. The Stability and Growth Pact – the core of the EU's fiscal governance framework – has been reinforced by the "six-pack", the "two-pack", the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, and the rules are grounded in the European Semester process. After 10 years since the initial major changes were introduced into the EU's legislative framework and given the current times of fiscal uncertainty as well as ongoing discussions on revising and improving the Stability and Growth Pact rules once again, it is of utmost importance to understand the impacts these past reforms have had on member states in the first place. The paper serves two purposes. First and foremost, the main goal of the paper is to build on the existing knowledge on Europeanization in order to bring into one single framework a whole set of different policy measures and their potential impact on the member state's budgeting processes. Secondly, the theoretical discussion is followed by an empirical case study of Estonia. The case study not only illustrated and mapped out potential impacts that the EU's economic and fiscal governance measures can have on a national budgetary process and demonstrated the potential degree of domestic change in response to these various policy measures, but also provided preliminary insights in the possible mediating factors that could additionally influence domestic adaptation.

Keywords: europeanization, fiscal policy, economic policy coordination, budgeting, EU, European semester, fiscal council

1. Introduction

After the global financial crisis in 2008-2010, the governance framework of the European Union's (hereinafter: EU) economic and fiscal policy has undergone several changes. The Stability and Growth Pact – the core of the EU's fiscal governance framework – has been reinforced by the "six-pack"¹, the "two-pack"², the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, and the rules are grounded in the European Semester process.

Although it has been already 10 years since the initial major changes were made in the EU's legislative framework, the research into the institutional consequences of these reforms is still emerging (e.g. see Catania 2011; Quaglia 2013; Popescu 2015; Ioannou et al. 2015; Calmfors 2015; Barnes et al. 2016; Bauer and Becker 2014; Claeys et al. 2016; Eyraud et al. 2017; Raudla et

¹ Six-pack stands for the package of five regulations and one directive aiming at strengthening the economic and fiscal governance in the EU and the euro area: Regulation 1175/2011 amending Regulation 1466/97; Regulation 1177/2011 amending Regulation 1467/97; Regulation 1173/2011; Directive 2011/85/EU; Regulation 1176/2011 and Regulation 1174/2011.

² Two-pack stands for two regulations: Regulation 473/2013 and Regulation 472/2013.

al. 2018a; Raudla and Douglas 2020, Haas et al. 2020; Verdun and Zeitlin 2018; Karremans 2021; Horvath 2018; Crespy 2020). Given the current times of fiscal uncertainty as well as ongoing discussions on revising and improving the Stability and Growth Pact rules once again, it is of utmost importance to understand the impacts these past reforms have had on member states in the first place. Furthermore, as budgeting is one of the core processes in the public sector and widely considered a core state competence, the Europeanization literature lacks studies that would address if, how and to what extent all these various changes interact and can affect the budgeting processes. Due to the increasing role played by the EU in the economic and fiscal policy-making of the member states, understanding these impacts is extremely important.

This paper serves two purposes – first and foremost, the main goal of the paper is to build on the existing knowledge on Europeanization in order to bring into one single framework a whole set of different policy measures and their potential impact as well as the degree of potential domestic change (as a dependent variable). Moreover, the paper also discusses possible domestic independent variables that can influence, trigger and explain the impact on the budgeting processes. Finally, the developed framework is tested on a single case study for an in-depth analysis. The case study is needed to test the theoretical framework and analyze in depth domestic independent variables, but it can also provide valuable information on actual policy outcomes. This paper follows Estonia, focusing on the time period when the reforms were implemented in the first place. Hence, the research questions addressed in the paper are the following: 1) What are the different theoretical possibilities of the EU's economic and fiscal governance framework to influence national budgeting processes? 2) Have the reforms had any impact on the budgeting process of Estonia? 3) How can we explain these influences (or lack thereof)?

The paper proceeds as follows. To begin with, based on the existing literature on Europeanization, a theoretical framework for analyzing the potential domestic impacts of the EU's economic and fiscal governance measures is developed. The framework will cover both coercive policy measures (e.g. coming from Fiscal Compact or from the secondary EU law) as well as policy coordination measures (e.g. the European Semester). Although currently there is no distinct framework that brings these various (legislative as well as "softer") policy measures all together – especially in terms of their potential impact on domestic budgeting process – several Europeanization studies address the influence of different EU governance patterns (e.g. Wallace 2010; Bache et al. 2011; Knill and Lenschow 2005; Knill and Lehmkuhl 2002; Kahn-Nisser 2015; Radaelli 2003; Knill et al. 2009), the mechanisms of Europeanization (e.g. Börzel and Risse 2003, 2007; Featherstone and Radaelli 2003; Graziano and Vink 2007, 2013; Risse et al. 2001; Börzel 2002; Börzel 2005 Knill 2005; Haverland 2000; Knill and Lehmkuhl 2002) and different categories of how to operationalize the term "domestic change" (e.g. Radaelli 2004; Börzel and Risse 2003).

Secondly, the theoretical discussion is followed by an empirical study of Estonia. Estonia provides an interesting case in terms of budgeting process and fiscal policies since Estonia has been praised as the role model for fiscal conservatism (Raudla and Kattel 2011). This has mostly been driven by the fundamental belief that balanced budgets (and low debt) help to ensure macroeconomic stability (ibid.). Therefore, the potential misfit between domestic processes and the new EU level requirements can be presumed to be moderate. Nevertheless, until 2014 and before the implementation of the Fiscal Compact, Estonia did not have a fiscal

rule stipulating budget balance or a deficit target in their domestic legislation (Raudla et al. 2018b). Moreover, as the Estonian budgeting process can be characterized as containing a small number of veto points and being highly centralized, with the minister of finance having historically extensive agenda setting and negotiating powers (Raudla 2010) we could assume these three aspects would interplay and trigger additional reforms in the area of budgeting processes. Furthermore, research on the implementation of the European Semester suggests that Estonia might have a better implementation record of the country-specific recommendations than other member states (Haas et al. 2020). Therefore, in light of the research questions, Estonia could be seen as having favorable conditions for Europeanization to occur and providing a good case for helping to illustrate the potential impacts EU's economic and fiscal governance framework could have on the national budgeting process. The sources of data were semi-structured interviews that were conducted a few years after the implementation of the various measures as well as the analysis of policy documents, including the relevant country-specific recommendations addressing fiscal policies and the budgeting process. The findings of the empirical analysis, discussion and conclusions are presented in the final section of the paper.

2. Theoretical discussion

Since the mid-1990s, a growing number of studies have analyzed whether, how and under what conditions EU influences its member states and beyond – starting from affecting domestic policies and institutions to reshaping beliefs, identities, norms and collective understandings (Börzel and Risse 2007; Pollack 2010; Graziano and Vink 2013). In light of these questions, Europeanization has quickly become a central concept in the EU studies (Börzel and Panke 2013, Wach 2015). Although in the broadest sense Europeanization refers to some kind of interaction between the EU and its member states, the precise definition and the scope of the concept remains debatable (Radaelli 2003; Wach 2015; Börzel and Panke 2013).

Börzel and Risse (2009) conceptualize such interaction as a two-way process consisting of so-called "top-down" (downloading) and "bottom-up" (uploading) Europeanization. In later years some scholars have incorporated top-down and bottom-up processes into one single concept (Wach 2015), emphasizing the need to apply a circular approach in research (ibid.). However, bearing in mind the addressed research questions, this paper takes the top-down process on Europeanization. Europeanization as a top-down process targets the question of *how* the EU influences domestic policies, institutions and processes (Sanders and Bellucci 2012, in Börzel and Panke 2013; Wach 2015), both in the member states and the EU candidate or neighboring countries (Balkir et al. 2013). It also allows having an in-depth view on the mechanisms of Europeanization (e.g. what triggers and influences domestic change). Hence, Europeanization is defined as follows:

Europeanization refers to multiple ways European-level processes, policies, or institutions influence domestic policies, politics and polity (Börzel and Risse 2000).

2.1 The potential impact of different EU governance patterns

Although the EU's influence on various national policies is probably one of the most studied fields in the Europeanization literature (Featherstone 2003; Graziano and Vink 2013) the EU's impact on domestic institutions and policy-making processes has so far received less attention (Börzel and Risse 2007, Knill et al. 2009). On the one hand, there are signs that domestic institutions have managed to stay resistant to the pressures of Europeanization (Anderson 2002, 818; Schmidt 2006). On the other hand, it has been argued that – at large – member states still react to the demands by the EU (Kassim 2003).

To begin with, it is important to understand that institutional adjustment in response to Europeanization can differ considerably from one country to another (Featherstone and Radaelli 2003; Graziano and Vink 2007, 2013). Moreover, interaction between the EU and the domestic institutions may vary (Wallace 2010), depending on the policy field and policy instrument used (Bache et al. 2011). Hence, examining how different modes of EU policy-making can influence domestic processes and policies is necessary to serve the purpose of this paper. The paper relies greatly on the work by Knill (2005) and his co-authors on distinguishing between different types of EU governance patterns – mainly because the governance framework of the EU's economic and fiscal policy consists of different types of policy instruments.

Knill and Lenschow (2005) argue that the EU's potential to evoke change varies with the particular governance pattern applied. To be more precise, they distinguish between coercion, competition and communication (Knill and Lenschow 2005). Moreover, all these patterns entail different incentives and behavioral rationalities that guide domestic responses and actors' behavior (ibid.). National policy-makers play a central role in this model, as they tend to follow certain general rationalities to respond to EU requirements (ibid.)

Coercive governance in general refers to legally binding legislation at the EU level (often having clear and pre-defined procedural obligations or organizational structures with a sanctioning potential), leaving little or no discretion to the member states (Knill and Lenschow 2005). This can be, for example, a requirement to create a new organization or a body (ibid.). It can therefore be expected that when coercive governance is used, member states are under a rather high compliance pressure, which in turn can influence domestic institutional arrangements, organizations and national administrative styles (ibid.). In response to these pressures member states often try to minimize domestic adaptation costs. Hence, the response to the requirements coming from the EU level is persistence-driven, which in turn can lead to incremental and gradual adjustments, as domestic change could be reduced only to the unavoidable changes necessary to comply with the EU rules (ibid.).

In the case of *governance by competition*, the influence of the EU's regulative policies on domestic institutions, processes and policies is considered to be more indirect since the measures can entail only few legally binding rules, leaving member states with broad institutional freedom to choose how to comply with the rules (ibid., 585). The domestic change is encouraged by creating a common general framework and "rules of the game" at the EU level. Therefore, pressure for domestic change is considered to arise from the need to re-arrange or improve domestic practices, institutions or processes in order to achieve common EU-level objectives (ibid.). It has been argued that this triggers a higher potential

for fundamental and profound national reforms, since the persistence-driven incentives of policy-makers are constrained (ibid.).

The third and final type of governance targets domestic institutions by *communication*. Here, instead of legally binding legislation, the emphasis is on developing best practices and a common exchange of information (Knill and Lehmkuhl 2002; Knill and Lenschow 2005, 587). The approach originates from the concept of mutual learning (Rose 1991) and includes, e.g., the open method of coordination. Former studies have indicated that by using a communicative type of policy instruments, member states can react strategically – they try to balance between justifying domestic processes vs. publicly opposing *any* domestic change (Kahn-Nisser 2015, 4; Voegtle et al. 2011). This, in turn, can lead to institutional change (Knill and Lenschow 2005; Trubek and Trubek 2005; Borrás and Jacobsson 2004, 201) because states realize excessive resistance to change could eventually lead to even stronger compliance pressure. Therefore, it has been argued that most likely some incremental change in domestic arrangements (triggered by peer pressure) could take place (Knill and Lenschow 2005). Other studies on the so-called “soft” EU policy measures support the argument (e.g. Franzese and Hays 2006; Trubek and Trubek 2005; Borrás and Jacobsson 2004). Additionally, more recent studies addressing the EU’s macroeconomic policy coordination as well as focusing on the European Semester have indicated that the introduction of the European Semester has opened the door to new ways of investigating EU policy coordination (Haas et al. 2020). For example, the actual implementation record of various country-specific recommendations diverge greatly among the member states (see, e.g., Haas et al. 2020; Verdun and Zeitlin 2018; Crespy 2020). Moreover, through the new enhanced policy coordination, ministers of finance increasingly have to negotiate and explain the direction of their policies at the EU level (Karremans 2021). On the one hand, this can reduce the room for national political alternatives (ibid.) but on the other hand, policy measures that are based on communicative governance can also give member states opportunities to present already existing processes and policies as new (Radaelli 2003, Scharpf 2003). Furthermore, European policy pressures and domestic politics can often work simultaneously and in parallel in national budgetary policy-making (Verdun and Zeitlin 2018; Karremans 2021).

Table 1: Governance patterns, actors' incentives and potential domestic change:

Governance pattern	EU-level measures	Actors' incentive for domestic change	Domestic institutional change
Coercion	Clearly defined procedural obligations or institutional structures	Persistence-driven (minimalize change)	Incremental adjustments of existing processes and practices
Competition	Common general framework and rules of the game	Performance-driven (improve domestic practices, institutions, processes)	Higher potential for fundamental and profound reforms
Communication	Mutual learning, peer-pressure and common exchange of information	Legitimacy-driven (justification of domestic arrangements)	Moderate or incremental changes, depending on the presence of a leading model and pressure to conform

(Source: based on Knill and Lenschow 2005)

In terms of domestic change, Knill (2005) has also argued that Europeanization can trigger an *institutional*, *strategic* or *cognitive* impact. The *institutional impact* of Europeanization entails primarily the adoption of legally binding rules or concrete institutions in order to regulate specific policies or processes (Knill 2005). This can be seen as the clearest form of how the decision-making process on the EU level can prompt domestic change (Knill and Lehmkuhl 2002). Secondly, Europeanization does not only induce immediate institutional change (Knill 2005), but EU rules can also influence domestic processes indirectly, altering the "rules of the game" (Knill and Lehmkuhl 2002). In those cases, the *strategic impact* of Europeanization takes place. These influences are more limited and change domestic opportunity structures – i.e. shifting the distribution of power and resources between domestic actors (ibid. 2002; Börzel and Risse 2000, 2003). Finally, Europeanization can also have *cognitive impacts*. In this case, the EU does not define concrete institutional demands but rather induces domestic adaption even more indirectly (Quaglia 2006, 161) – changing ideas, beliefs and expectations (Knill 2005).

2.2 Factors influencing domestic change

Knill and Lenschow's distinction of the EU's different governance approaches and corresponding actors' incentives to change is indeed useful since it helps to classify different EU fiscal and economic policy measures into broad categories and analyze the motives behind policy-actors' behavior. However, as they put it themselves, it requires a careful in-depth analysis to fully understand the domestic impacts of a certain policy. Hence, the triggers for domestic change need further elaboration in order to understand why the impact of Europeanization can differ from one member state to another and why some countries experience stronger

pressures to comply with the EU rules (irrespective of their coerciveness). Those factors most probably go beyond than just actors' own incentives for domestic change.

A considerable amount of literature on Europeanization shares a common suggestion that Europeanization must be inconvenient, meaning the level of domestic change depends on the "misfit" between EU and domestic institutions, policies or processes (Börzel and Risse 2000; Radaelli 2003; Risse et al. 2001. Cowles et al. (2001), Heritier (2001) but also Börzel and Risse (2003, 2007) argue that the "fit" between the EU and the domestic level provides an explanation why the impact of Europeanization differs from one state to another and why some states experience stronger adaptational pressure. Hence, the lower the compatibility between European and domestic processes, policies, and institutions, the larger the potential changes (Börzel and Risse 2003, 2007). At the same time, if the misfit between the EU requirement and existing policies is too large, the policy actors are likely to resist actual changes, or changes may be difficult to materialize in the actual practices (Börzel and Risse 2003, 2007). Therefore, they argue that transformation most probably takes place when the misfit between domestic arrangements and EU requirements is *moderate* (Börzel and Risse 2003, 2007).

However, adaptational pressures do not trigger domestic change automatically (Graziano and Vink 2013). The adaptational pressures and range of influence, coming from external rules or commitments strongly *depends on domestic institutional factors* (Börzel and Risse 2003; Bache et al. 2011; Graziano and Vink 2013). Thus, even if EU rules prescribe specific instruments and institutions, they may not necessarily lead to considerable changes to the policies. Instead, and as already explained above, the actors could be motivated in the persistence of existing routines and attempt to minimize the impacts of EU rules on actual practices (Knill and Lenschow 2005). These arguments stem from the perspective of rational-choice institutionalism, which emphasizes opportunities and constraints domestic actors might face. Whether EU pressures lead to, e.g., a domestic redistribution of power, depends on the capacity of actors to use the opportunities and dodge the constraints (Börzel and Risse 2000, 2007). Whether the actors are capable of utilizing the presented opportunities is argued to be dependent on the amount of veto points and the facilitating institutional structure (Börzel and Risse 2007). Firstly, veto points in the state's institutional structure can restrain or complicate domestic adoption (Haverland 2000; Heritier 2001): the more widely the power in the national decision-making process is distributed and the more various actors have their say in deciding the policy direction, the harder it is to find consensus to undertake changes (Börzel and Risse 2003). This is mainly because strong and multiple veto points in the domestic decision-making process provide actors with entry points to block unwanted changes. On the other hand, a smaller number of veto points can ease the adaption (Bentzen 2009). Furthermore, it has been argued that changes in the domestic decision-making processes may favor actors directly connected with the international negotiations or institutions (see also Moravcsik 1998, 2001). Therefore, it can be expected that Europeanization can strengthen the executive power instead of parliamentary power (Kassim et al. 2000; Börzel and Risse 2007).

The second dominant stream of literature in the Europeanization research follows the *constructivist perspective* that emphasizes the importance of reshaping existing domestic norms and collective understandings (Kelley 2004, 428; Börzel and Risse 2007; Checkel 2007) that, although they are deeply rooted, are nevertheless not fixed (Bentzen 2009). Hence, policy designers are likely to analyze similar policies in other countries, either with the goal

of emulating a “normative ideal” or with the goal of (positive or negative) lesson-drawing (Rose 1991). Therefore, Europeanization can lead to domestic change through the process of socialization and collective learning, resulting in the development of new identities and/or ideas (Börzel and Risse 2003). Learning from other states and a diffusion of ideas and norms can broaden the choice of alternatives considered by the actors in the domestic policy-making process in order to solve various policy problems (Knill 2005). Börzel and Risse (2000) have argued that the existence of “change agents” influences the likelihood of change in norms or beliefs.

2.3 Conceptualizing the degree “domestic change”

Finally, after establishing that Europeanization can trigger different kind of domestic impact and discussing what domestic institutional factor can influence the process, it is also useful to map out the possible degree of domestic change, in order to draw a holistic view on the possible influences the EU’s economic and fiscal measures can have. For the purposes of operationalization and measurement the categories of domestic change introduced by Radaelli (2003) and Börzel and Risse (2003) are highly valuable. Based on the different degrees of domestic change, Börzel and Risse (2003) have distinguished between absorption, accommodation, transformation and inertia. *Absorption* refers to the situation where a member state conforms to the European requirements, without substantially changing existing processes, policies or institutions. In case of *accommodation*, Member States indeed adjust existing processes, policies and institutions, but their essential features remain unchanged, leaving the degree of domestic change modest (Börzel and Risse 2003). The level of domestic change is most apparent in case of *transformation*. In that case member states replace existing institutions, policies or processes with new, noticeably different ones or adjust them to the degree that their essential structures change considerably (ibid., 14). *Inertia* does not always refer to having no domestic impact at all but can also indicate that the impacts of Europeanization materialize over the long term (Featherstone and Radaelli 2003). Inertia can also indicate that existing domestic processes and institutions already comply with the EU demands. Continuing from the work of Börzel (1999), Cowles et al. (2001), Heritier (2001) and Knill (2001), Radaelli has also considered *retrenchment* as a fifth situation. In the event of retrenchment, policy divergence might take place (Radaelli 2003).

Table 2: Degree of domestic change

transformation	accommodation	absorption	inertia	retrenchment
Replacing existing institutions, policies or processes with new, noticeably different ones or noticeably adjusting them	Adjusting the existing processes, policies and institutions, without changing their essential features	Conforming with European requirements, without substantially changing existing processes, policies or institutions	No domestic impact at all (in the long run still can lead to domestic change)	Actively resisting domestic change

(Source: based on Radaelli (2003); Börzel and Risse (2003))

fiscal governance framework – was reinforced by the Six-Pack³, the Two-Pack⁴, the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union. The six-pack came into force in December 2011, and it consisted of six new legislative acts. The package was introduced to strengthen the Stability and Growth Pact, with stronger financial sanctions and more focus on debt. It also included a directive on requirements for national budgetary frameworks. The six-pack was soon after followed up by the Fiscal Compact (as a part of the Treaty on Stability, Coordination and Governance), which was signed in 2012 and entered into force on 1 January 2013. The Fiscal Compact required from the contracting parties (out of the 27 Contracting Parties to the TSCG, 22 are formally bound by the Fiscal Compact⁵) to lay down balanced budget rule in their domestic legislation. In 2013, the EU's fiscal governance framework was strengthened even further. The adoption of the two-pack reinforced budgetary surveillance and coordination for Eurozone countries. The main elements introduced with the two-pack included additional measures to strengthen the budgetary surveillance in the Eurozone – e.g. giving the European Commission monitoring and assessing powers of the Euro area members' draft budgetary plans, introducing a common budgetary timeline, additional rules on structural deficit and, finally, strengthening the national fiscal councils (European Commission 2013a). Furthermore, the European Semester introduced in 2010 plays a vital part in the EU's renewed fiscal and economic governance framework, as it brings together under a single annual policy coordination cycle a wide range of EU governance instruments (Zeitlin and Vanhercke 2018), including those that are set by the Stability and Growth Pact. The aim of the semester is to ensure that member states coordinate ex-ante their budget and economic policies, even before the national budget plans are prepared (European Commission 2010).

All in all, it can be concluded that the governance framework of the EU's economic and fiscal policy consists of different types of policy measures, giving member states both concrete institutional models and measures where such a direct enforcement mechanisms are not in place, leaving the member states more flexibility and room for maneuver.

4. Estonia

The case selection for this paper was based on numerous considerations. Estonia has been praised as the role model for fiscal conservatism (Raudla and Kattel 2011). This has been driven by the fundamental belief that balanced budgets (and low debt) help to ensure macroeconomic stability (ibid.). Moreover, the budgeting process in Estonia has been characterized as containing a very small number of veto points and being highly centralized, with the minister of finance having historically extensive agenda-setting and negotiating powers (Raudla 2010).

Budget procedures in Estonia are put into practice in accordance with the State Budget Act. The Act lays out the requirements for the form and structure of the annual budget as well as the roles and responsibilities of the legislature and executive in the budget process. The State Budget Act was thoroughly reformed in 2014 and the changes introduced were mainly triggered by the changes in the EU's fiscal governance framework (Explanatory Memorandum

3 Six-pack stands for the package of five regulations and one directive aiming at strengthening the economic and fiscal governance in the EU and the euro area: Regulation 1175/2011 amending Regulation 1466/97; Regulation 1177/2011 amending Regulation 1467/97; Regulation 1173/2011; Directive 2011/85/EU; Regulation 1176/2011 and Regulation 1174/2011.

4 Two-pack stands for two regulations: Regulation 473/2013 and Regulation 472/2013

5 The 19 Euro area Member States plus Bulgaria, Denmark and Romania, who chose to opt in; Communication from the European Commission C(2017)1200 – The Fiscal Compact: Taking Stock.

of Draft Budget Law 2013).

One of the main elements in the renewed economic and fiscal governance measures was the requirement to establish an *independent institution to monitor national fiscal policies*. In terms of governance patterns, this was clearly a legally binding coercive measure. Prior to the EU requirements, Estonia did not have such a national Fiscal Council. Hence, the requirements brought in considerable adaptional pressures to create such an institution. With the new State Budget Act, enacted in early 2014, a national Fiscal Council was established and attached to the Central Bank (Explanatory Memorandum of Draft Budget Law 2013). Already during the negotiations at the EU level Estonia did not support a requirement to establish such an institution. One of the problems seen by the Estonian Ministry of Finance was that the evaluation of fiscal policies could become difficult and more complex due to the additional opinions presented by the new Council (Interview A). The interviews also indicated that without the external pressure and EU level legislation, Estonia would not have created the Fiscal Council (Interviews A, B and C). However, Estonian government nevertheless decided not to adopt the minimizing alternative when designing the Fiscal Council (Raudla et al. 2018a), even though the Ministry of Finance had extensive veto and negotiating powers in deciding on the creation and design of the new institution. The most minimizing alternative would have been to attach the body to the Ministry of Finance (an option that would have been acceptable and was actually considered) (Interview A). Instead, the Fiscal Council was created as an independent body, supported in its activities by the Bank of Estonia (ibid.). According to the interviews with the officials from the Ministry of Finance, the Fiscal Council was attached to the Central Bank in order to avoid the creation of a completely new institution, which would also have required additional resources for organizing its work (Interview A). In practice, however, the Fiscal Council sees itself as an independent institution to whom the Central Bank only provides additional background information and office space for organizing their work (Interview C). Moreover, the creation of the Fiscal Council has clearly added a new actor to the budgeting process. The Fiscal Council evaluates the prognoses of the Ministry of Finance; they also have, on their own initiative, evaluated and commented on the draft annual state budgets (Interviews A and C).

Therefore, the creation of the national Fiscal Council shows both *institutional and strategic impacts* of Europeanization on the budgeting process. Hence, even though a strictly coercive measure was imposed, with a clearly defined institutional structure, the policy makers did not follow persistence-driven motives and did not opt for minimizing alternatives. Moreover, the choice of policy makers cannot exhaustively be explained by the amount of veto players (there were no additional actors involved in the process) nor by the prevailing norms and ideas (there was overall skepticism about the additional value of the institution; Interview A). Furthermore, the Fiscal Council has also slightly shifted the power and resources between the actors in the budgeting process – but interestingly enough, the Fiscal Council has increased its own authority in the process, e.g. through media and by providing the Cabinet and the Parliament additional background materials (Interviews A and C). We would have expected from the policy designers not to create an institution that would undermine their own powers. The degree of domestic change can be categorized as accommodation, as a new institution was created and visible changes in the domestic budgeting process have taken place, nevertheless the fundamental features of the existing budgeting process have still (at large) remained unchanged.

The second observable change in the Estonian budgeting process is connected with the *European Semester*, which can be viewed as a governance pattern targeting domestic institutions by communication rather than coercion. However, the timeframe provided by the European Semester has had its impact on the Estonian budgeting process. More specifically, it has shifted the drafting and adoption of the national Budget Strategy.⁶ As the European Semester requires member states to present their national reform programs and stability programs jointly by April, starting from 2011, Estonia had to bring forward the domestic deadline for adopting its state Budget Strategy (Interview A). Before the introduction of the European Semester, the state budget strategy was adopted by the Cabinet in May (Kraan et al. 2008). Thus, the EU-imposed rule provided moderate pressure to change the domestic timelines in the budgeting process. However, the process itself has mostly remained the same because the stability program in practice is actually considered to be the reflection of the national Budget Strategy – the main difference lies only in the format of how the EU collects its data (Interviews A and B). Moreover, the role of the Parliament has remained unchanged throughout the process, (Interview D). Drafting and approving the national Budget Strategy only includes negotiations between the Ministry of Finance and spending ministries about their plans (Kraan et al. 2008). The negotiations primarily take place first between officials from the Ministry of Finance and the relevant spending ministry (exchange between the relevant minister and the Minister of Finance to discuss the more controversial issues), and any unresolved issues are resolved at the Cabinet level (ibid.). Therefore, the Cabinet is involved in the preparation of the State Budget Strategy on several occasions before it is approved in the Government in April. Parliament, however, never has (from 2003) and still does not approve or formally even discuss the document (Interview D). The EU-level requirements have therefore not changed the internal power relations. Thus, it could be argued that a slight *institutional impact* of Europeanization can be observed with incremental adjustments to the existing practises and process in order to conform with the EU's timeline. Concerning the degree of domestic change, absorption seems most adequate: although Estonia conformed to the requirements presented by the European Semester, substantial changes to existing processes, policies or institutions did not take place.

The third essential measure introduced in the new EU economic and fiscal governance framework was the requirement to *legislate structural deficit rule* in domestic legislation, prescribed by the Fiscal Compact. Again, this was clearly a coercive measure. Before the Fiscal Compact, Estonia did not have such a requirement in their legislation. Estonia adopted the structural budget *balance* rule with the new State Budget Act (Explanatory Memorandum of Draft Budget Law 2013). Remarkably, the new State Budget Act established a stricter rule than prescribed by the Fiscal Compact. It stated that the structural budget position has to be in *balance* or in *surplus*, going clearly beyond the minimum EU requirements.⁷

Whilst already the report from the Organisation for Economic Co-operation and Development (OECD) on the Estonian budgeting process highlighted the highly conservative fiscal policy (e.g. balanced budget as a norm; Kraan et al. 2008), the structural budget balance rule was clearly introduced to the national legislation due to the Fiscal Compact. As expressed by one official in the Ministry of Finance:

6 The Budget Strategy determines the main directions of the state fiscal policy and records the general objectives of the Government, which are intended to be implemented during the budget strategy period, as well as the funds planned for the implementation. The budget strategy is prepared each year with regard to at least the next year and the following three years (State Budget Act).

7 According to the Fiscal Compact the annual structural balance should not exceed -0.5% of GDP.

If there had not been the Fiscal Compact then probably yes, Estonia would have preferred to continue with the nominal balance (Interview B).

Concerning the impact on the national budgeting process, these influences are also quite interesting. Following the theoretical framework outlined in section 2, one could argue that *strategic and cognitive impacts* have taken place. On the one hand, after the adoption of the structural budget balance rule, the authority and influence of the officials in the Ministry of Finance has indeed increased, as could be expected following the theoretical framework. Based on the interviews, this is mainly due to the complexities in calculating, explaining and evaluating the structural budget position (Interviews A and D). On the other hand, the focus on structural budget balance has also brought in additional actors to the domestic budgeting process: namely the Fiscal Council and the European Commission. This is also caused by the complexity of calculating the exact cyclical position of the budget. During the past few years, the Ministry of Finance and the European Commission have evaluated the cyclical position of the Estonian annual budget somewhat differently. Consequently, it has allowed the Fiscal Council to enter the debate and gain additional visibility in the process (Interviews A, B, C and D). Still, it cannot be argued that the introduction of the structural balance rule profoundly transformed the domestic budgeting process in Estonia as the discussions and evaluations of nominal balance are still on the table when the annual state budget is prepared (Interview A). However, the focus has strongly shifted towards the structural balance. Furthermore, according to the officials in the Ministry of Finance, thorough discussions on the structural balance clearly emerged only after the EU started to observe the structural positions of the member states' budgets (Interviews A and D). Concerning the degree of Europeanization, we can categorize it as accommodation.

In order to analyze the domestic impact of the measures on the EU's economic and fiscal policy governance framework that are aimed at facilitating communication (e.g. assessing and comparing member states in the European Semester process and annually evaluating the draft national budget plans), we have to look at the recommendations given by the European Commission to Estonia in the Annual Growth Surveys (AGS) and the Alert Mechanism Reports (AMR) and the corresponding country-specific recommendations. Based on the documents from 2011 to 2015 (European Commission 2012; European Commission 2013a; European Commission 2013b; European Commission 2014) it can be concluded that, in light of the domestic budgeting process, no substantial institutional, strategic or cognitive impact has emerged so far. Although the officials from the Ministry of Finance track the developments in the AMR, the national domestic data is still considered to be more relevant and more up to date than that coming from the EU level (Interview B).

Regarding the annual evaluation of the draft national state budget, the EU-level processes are slightly stricter than in the case of AMR and AGS. Estonia has presented its draft state budget to the European Commission since 2013. According to the evaluations by the European Commission until 2015, Estonia generally complies with the Stability and Growth Pact (European Commission 2013b, European Commission 2014). Nevertheless, some impact on the domestic budgeting process can be observed, since these evaluations have had a disciplinary purpose for the actors involved (Interview A). Hence, the annual evaluation of the draft national state budgets have had *strategic and cognitive impacts* on the budgeting process. The strategic impact derives again from the fact that the Ministry of Finance and the European Commission

calculate the cyclical position of the Estonian annual budget somewhat differently, allowing the Fiscal Council to mediate the debate. The cognitive impact refers to a more consensus-oriented domestic budgeting process, as the evaluation by the European Commission has given the officials from the Ministry of Finance additional means to put pressure on politicians to follow fiscal discipline (Interviews A and D).

Finally, regarding multilateral surveillance in the committees, due to Estonia's reputation as a country with excellent fiscal discipline, Estonia has gotten far less attention in the committee procedures than other member states (Interview A). Nevertheless, between 2012 and 2015 Estonia has received country-specific recommendations (CSRs) addressing the budgeting processes. For example, in 2012 Estonia was recommended to preserve a sound fiscal position by implementing budgetary plans as envisaged, ensuring the achievement of the MTO by 2013 at the latest, and compliance with the expenditure benchmark. Moreover, Estonia was also recommended to complement the planned budget rule with more binding multiannual expenditure rules within the medium-term budgetary framework, continue enhancing the efficiency of public spending and implement measures to improve tax compliance (similar recommendations were also given in 2013 and 2014) (D'Erman et al. 2021). In 2015, Estonia was once again recommended to avoid deviating from the medium-term budgetary objective in 2015 and 2016 (ibid.). According to the officials from the Ministry of Finance, there have indeed been some discussions concerning the Estonian structural budget position in the committee. However, since the officials have not publicly opposed to the committee opinions or the recommendations, only few other member states have taken the floor (Interviews A and B) and actually engaged in the peer-pressure exercise. Thus, multilateral surveillance in the committees has not had any considerable impact in the context of the national budgeting process, thus Estonia has not really needed to thoroughly justify its national arrangements in the Committees so far. Interestingly, however, the official assessment of the implementation of the CSRs does not fully reflect the lack of strong peer pressure. During 2012–2015, it has been assessed that Estonia has made either some progress, substantial progress, considerable improvement or no progress at all when it comes to the implementation of the relevant CSRs (D'Erman et al. 2021). For example, in 2012 it has been evaluated that:

Estonia has made substantial progress in implementing the budgetary plans mentioned in the CSR. However, no progress has been registered so far on the fiscal framework issue. The medium term objective was achieved in 2012, one year before the deadline. The temporary deviation from the MTO in 2013 is not significant and a structural surplus is forecast to be reached from 2014 onwards. The government is expected to fulfil its commitment under the Treaty on Stability Coordination and Governance and to adopt the structural budget balance rule in time. However, the authorities are not planning to introduce an expenditure rule (ibid.).

Regarding the 2013 CSR implementation the assessment was the following

Some Progress: The draft 2014 Budget was adopted as planned, however, the deterioration of the growth outlook and the lowered fiscal targets compared with the previous programme could pose a risk of a significant deviation from the Medium Term Objective in 2014 and 2015. The State Budget Act entered into force on 23 April 2014, hence the commitments made under the Treaty on Stability, Coordination and Governance have broadly been met. The new law includes a 4-year expenditure ceiling

but this is not binding within the medium-term budgetary framework. No progress on introducing a multiannual expenditure rule (ibid.).

In 2014 it was concluded that Estonia had made a considerable improvement in the fiscal framework in general: "Estonia's strengthened fiscal framework has become fully operational in 2014. No progress on addressing the recommendation related to the fiscal framework: no measures were taken to complement the budget rule with more binding multiannual expenditure rule" (ibid.).

To conclude, the domestic impacts of the main measures in the EU's renewed economic and fiscal policy governance framework can be illustrated as follows:

Table 4: Domestic impacts on the Estonian budgetary process

Europeanization	EU level measure	Impact	Degree of domestic change in the case of Estonian budgeting process
	European Semester	Institutional	absorption
	Creation of national Fiscal Council	Institutional	accommodation
		Strategic	
	Structural deficit rule	Strategic	accommodation
		Cognitive	
	Assessing and comparing Member States in the European Semester process	no influence	inertia
	Annual evaluation of the draft national state budgets	Strategic	absorption
Cognitive			
Multilateral surveillance in the committees	no influence	inertia	

(Source: based on author's synthesis of empirical findings)

5. Discussion and conclusion

All policy actors who were interviewed for the case study considered the overall impact of EU-level measures on the budgeting process of Estonia to be rather significant (Interviews A, B, C and D). Based on the case study, it can be concluded that across different EU-level measures, the impact of Europeanization and the degree of domestic change varies. The empirical study indicates a *slight domination of the strategic impact of Europeanization*. However, the degree of domestic change ranges from inertia to accommodation, and any real transformation of the budgeting process cannot be observed.

Moreover, the creation of the Fiscal Council, the adoption of structural budget balance rule

and the impacts of the European Semester in general follow the expectations proposed by the theoretical framework. However, based on the existing Europeanization literature, we would expect that domestic changes would have been reduced only to the unavoidable changes necessary to comply with the EU rules. Yet, our case study did not completely confirm the latter – as the creation of the Fiscal Council and the adoption of structural budget balance rule clearly illustrated.

On the one hand, the strategic impact of creating the national Fiscal Council indeed supports the logic deriving from the rational-choice institutionalism that Europeanization can influence domestic opportunity structures. Empirical evidence shows that the misfit between the EU-level requirements and the domestic budgeting process indeed gave the Fiscal Council new opportunities to pursue its interest and, to some extent, constrained the powers of the officials in the Ministry of Finance. On the other hand, despite the strong adaptational pressure, the Ministry of Finance was holding a solo veto power to design and limit the creation of the Fiscal Council as a completely separate institution. Nevertheless, when creating the Fiscal Council, policy makers clearly went beyond the minimum required by the EU legislation and decided not to locate the Fiscal Council within the Ministry of Finance (the EU legislation would have allowed such a solution). Thus, the arguments stemming from the rational choice institutionalism (e.g. actors' persistence-driven motives to minimize change) are not sufficient to explain these choices.

The Estonian case also demonstrates that there is a distinct connection between two measures coming from the EU's overall framework – the structural deficit rule and the annual evaluation of draft national state budget plans. The strategic impact of both measures seems to be mainly influenced by the fact that the Ministry of Finance and the European Commission calculate the cyclical position of the Estonian annual budget differently, hence allowing additional players, e.g. the Fiscal Council, to mediate the debate. Therefore, the complexity of the rule itself clearly is an important element in explaining these influences; however, it has not been identified in the Europeanization literature as an additional variable that could potentially explain domestic impacts. The cognitive impact of these measures can be explained by the fact that the annual evaluation of draft state budget plans has led to certain social and political pressures, which, in collaboration with the dominant ideology, has provided the Ministry of Finance additional arguments to push politicians to follow strict fiscal discipline. The latter follows well "the logic of appropriateness" approach.

Moreover, the domestic impacts of the structural budget balance rule (e.g. why Estonia chose to apply a more ambitious structural balance target than allowed by the EU legislation) can also not be explained by the arguments arising from the rational choice institutionalism. Based on the conducted interviews and the theoretical framework, it could be argued that applying a more ambitious structural balance target could be a strategic reaction to the annual evaluation of the draft national state budgets plans by the European Commission. As Estonia wants to hold its positive public image, it was hoped that the structural balance (rather than deficit) would provide additional safeguards in case the calculations by the Ministry of Finance and the European Commission would differ (Interview A).

All in all, Estonia has not only proven to be an empirically interesting case for studying the impacts of the EU's economic and fiscal policy measures but has also raised many additional questions about Europeanization as a theoretical framework. The case study not only illustrated

and mapped out potential impacts that the EU's economic and fiscal governance measures can have on a national budgetary process and demonstrated the potential degree of domestic change in response to these various policy measures but also provided preliminary insights in the possible mediating factors that could additionally influence domestic adaptation. Thus, the future research should go more in depth and look closely into additional explanations and arguments provided by the sociological, historical and discursive institutionalism when trying to explain these specific impacts and the factors influencing domestic responses. Additionally, the complexity of the rules imposed by EU and their possible domestic impacts could be an avenue that deserves more attention in terms of Europeanization literature.

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Interviews:

A: 4 May 2015, official in the Ministry of Finance

B: 4 May 2015, official in the Ministry of Finance

C: 8 May 2015, member of the Fiscal Council

D: 11 May 2015, former member of the Parliamentary Fiscal Committee, member of the Parliamentary EU Affairs Committee

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Orphan Implementations of Public Policy for Conflict-Oriented Issues: A Conceptual Modality of Policy Processes

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Abstract

This paper aims to broaden our understanding of public policy characterized by issues of non-consensus. The idea of *flexible, independent administrative decision-making for a conflict-oriented policy-type* is addressed in terms of chronological constructions of policy process. Distributions of limited resources are a source of public contention likely to draw *ambiguous* high-level policy decisions that lack practical administrative directives. Conflicting institutional, professional and stakeholder influences, at various levels of policy processes, illuminate circumstances fostering implementations incongruent with politically motivated macro-declarations. Yet, this does not necessarily represent failed policy. A reevaluation of administrative systems, by critical deconstruction of the dominant top-down discourse, provides a frame of reference for valid divergent implementations. A conceptual progression from field-level interpretation and adaptation of macro policy, *initiatory orphan implementations emerge as policy itself*. This revised bottom-up modality of the policy process implies a working balance of combined outputs, providing equitable *outcome* to serve largescale public interest.

Keywords: conflict and ambiguity, policy implementation, policy process, policy model, resource distribution

1. Implementations for Controversial Policy Issues in the Absence of Authoritative Directives

This paper outlines the conceptualization of *orphan policy implementation* relevant to issues of conflict. *As policy in its own right, implementation becomes a first major step in the policy process*. The deference of policymaking to independently initiated decisions made at the meso and micro implementation levels arises out of a political and practical desire to bypass heavy public controversy. When conflict threatens to paralyze resource distributions, macro decision-makers actively seek the consensus they lack. Falling back on generalized declarations with ambiguous policy goals and directives, politicians can counter opposition by paying lip service to popular social, economic or political agendas without offending others (Winter 2006, 2015).

Within classical paradigms of policy process, ambiguity of guidelines for implementation

weakens the hierarchical association between policy stages, which are expected to work linearly toward the achievement of successful policy implementation. Under these terms, avoidance of policy failure demands stringent adherence to a chronological process and has almost become a goal in itself. Policy failure is a central topic of study and discussion (McConnell 2010), particularly where issues of non-consensus or sociopolitical conflict are concerned. Parallel research in the field of performance psychology has shown that efficacy, goal commitment and task performance are negatively correlated with the human need to avoid failure (Edwards and Hinsz 2008). Given that governments and bureaucracies are dependent upon individuals engaged in the efforts of policy processes, personal and institutional avoidance of failure can severely disrupt policy action. The result could be endless administrative delays, incessant reevaluations or complete cancellation of valid policies. This would represent a costly investment of time and budgetary resources. Yet, a keen avoidance of policy failure does not guarantee successful policy implementation or a favorable *outcome* for the public interest. It may even have the opposite effect.

Well-known examples of policy failure relate to all levels of governance fostering issues of competition, contention or conflict. One case in point is the European Union’s continent-wide COVID-19 vaccine strategy, which exercised control over the bloc’s implementation policy for the distribution of a scarce pharmaceutical commodity. Hard and frugal negotiation with vaccine producers, in an attempted display of geopolitical strength and power, proved harmful to both public health and economies. Indeed, this policy failed to meet its stated goals. Some other examples of policy failure on national and local levels are couched in issues of socioeconomic conflict over land use. Urban policy implementations, intended to renew and improve city infrastructures by allocating cheap inner city lots for upscale real estate development, often cause gentrification and subsequent depletion of affordable housing stocks. Such socially unbalanced policy solutions pursue narrow agendas based on state-owned development rights employed by politicians, their star electorates, bureaucrats and nongovernmental stakeholders (Airey and Doughty 2020; El-Kholei 2020; Nussbaum and Spessot 2017).

A bulk of the literature centers on why certain policies fail to achieve policy goals while others succeed (see, for example, Hudson et al. 2019; May 2015; McConnell 2015; Mueller 2020). Of notable importance is Matland’s (1995) association of policy failure with issues of conflict where a lack of political consensus is typically coupled with ambiguous procedural directives. There is a general tendency to equate policy failure with poor clarity of process, insufficient progressive feedback and scant correlation between policy goals and implementation outputs. This rational objective perspective presumes that decisions are made at the macro level and directly regulated down to the meso and micro implementation stages of policy processes. Implementation is meant to be a simple administrative procedure for active distribution of public resources to beneficiaries that is efficiently managed in accordance with clear and accurate guidelines.

Hupe and Hill (2016) remind us that even in relation to classic hierarchical paradigms of policy process, whereby macro policy directs tenable meso and micro actions, implementation is not synonymous with goals achievement. Acknowledging a sense of overreliance on the procedural mechanics of hierarchical top-down policy stages, many scholars continue to argue that implementations must correspond with high-level government agendas and specific policy directives. Thus, criticism of established causal paradigms of policy process as

a vehicle for effective policy implementation is accompanied by a hesitation to set it aside. For instance, Lindblom’s (1959) classic description of policymaking as the “science of muddling through” would negotiate *interpretations* of macro policy, albeit from a modified-linear point of view. Policy models relying on modified-linear interpretations at implementation levels hope to achieve policy consensus, even when directives are ambiguous, without severing the chronological connections between macro, meso and micro decision-making (Hupe and Hill 2016; Matland 1995).

The need to interpret high-level decisions stems either from a lack of macro directives for implementation or from directives inappropriate at meso and micro levels. As a result, the interpretation and adaptation of macro policy at implementation levels might produce outputs that oppose established policy goals or fail to meet their potential. Indeed, the dominant linear paradigm of policy process requires adjustment in order to accommodate outputs that successfully serve larger, controversial public interests. As a measure of effectivity, democratic governments should use public policy to promote equitable distributions of public resources for the public benefit.

This paper addresses a gap in the literature pertaining to the distinction between conflict-oriented and consensus-based policies. The question is: *What would improve the effectivity and success of conflict-oriented policy implementations in the absence of corresponding authoritative policy decisions?* A reassessment of established chronological constructions of policy process for conflict-oriented issues recommends *flexible, independent initiatory decision-making at administrative levels*. The paper examines and develops the advantages of this approach.

The following section presents a focused discussion of literature relevant to the complexity of successful policy implementation for issues typically prone to conflict and ambiguity within decision-making processes. This relates to *how* and *why* such issues are impeded or facilitated, at which levels and subject to what influences. Policies involving the distribution of limited resources reflect a distinct policy-type. Modalities of policy process are grouped in terms of conflict and ambiguity and analyzed as a basis for exploring the benefits of flexible initiatory implementations. Sections 3 and 4 of the paper use theoretical foundations for hypothesis development to underpin the core argument. Under circumstances relating to conflict-oriented issues, *implementations may appear discordant with macro goals, but should not generally be mistaken for policy failure*. Instead, these implementations could legitimately be recognized as valid *orphan implementations*. Lastly, concluding remarks suggest an applicative value as a basis for practical policy proposals.

2. Policy Implementations for Complex Issues of Conflict

What is the purpose of democratic policy processes if not to distribute or allocate public resources so as to benefit the public interest (Hussain 2018; Jaede 2017; Ostrom 2012; Sadler 1996, 39; Torjman 2005). It is the ways in which government systems define *public interest*, as *relevant to modalities of policy processes*, that provide a measure of effectivity. Difficulties arise when public benefit conflicts with public interest.

Successful policy processes are relevant to the significant *distinctions and connections*

between *public interest*, *public consensus* and *policy outcome*. Policies governing the finance of public services can be expected to enjoy wide-based democratic support (Jones et al. 2011, 5-16). Such services include *public goods* like education, street-lighting and national defense. These are *non-rivalrous* and *non-excludable* in consumption; all persons have the right to benefit from them, as they cannot be depleted (Gruber 2010). They are provided fairly by government in the interest of all, usually through a redistribution of income taxes. In contrast, non-consensus is prevalent where distributions of depletable commodity resources are concerned (Portugali 1980). These are *common goods*, including non-renewable resources such as gas, timber, coal, oil, water and land. Theoretically, common goods are *non-excludable*, since commodities facilitate essential public utilities, the benefit of which may be considered a basic human right (Kymlicka 1995; Splichal 2012, 93-94). However, they are *rivalrous*, implying that the more people who benefit from them, the less there is to go around. As such, their distributions are subject to economic laws of supply and demand, as well as political and sociocultural ideals. The limited supply of commodities renders their harvesting and distribution a considerable source of conflict for policymakers. This is because policy decisions have the potential to perpetuate exclusion and empower certain social, economic or political elites to the disadvantage of others (Anderson 2003, 4; Massey 1994). Premised on this added conceptual dimension of selective rights and benefits for a complex, heterogeneous public, the public interest becomes elusive and difficult to define. When democratic norms of equitability are challenged in this way, preferential policy *outputs* could negatively affect a wider sociopolitical *outcome*. This would be considered policy failure.

Hierarchical policy models assume that successfully achieved policies rest on efficient implementations of clear and rational government decisions fully equipped with professionally objective guidelines (Gustafsson and Richardson 1979). Yet, conflict-oriented issues complicate this ideal. As public commodity distributions represent issues of intractable public controversy, they are liable to challenge legitimate governance (Gertel Groome and Hocevar 2019). In order to create public consensus that includes a multitude of stakeholder interests, decision-makers need to promote a sense of equity amenable to a large majority of political and institutional frameworks. Governments may choose to accentuate popularly supported, declarative macro political activity, thereby inoculating themselves against failure. They can also take immediate political credit for their ideas, rather than waste energy on long-term implementation strategies (Hudson et al. 2019; Weaver 2010). The resulting popular macro-declarative statements might proffer vague terms of policy implementation, not designed for the active delivery of benefits (Rein and Rabinovitz 1978; Schneider and Ingram 1990). The final designation of policy beneficiaries is deferred de facto to the flexibility and discretion of administrative levels (Richardson et al. 1982). The result implies widely varied or unaccountable implementation outputs (Winter 2006).¹

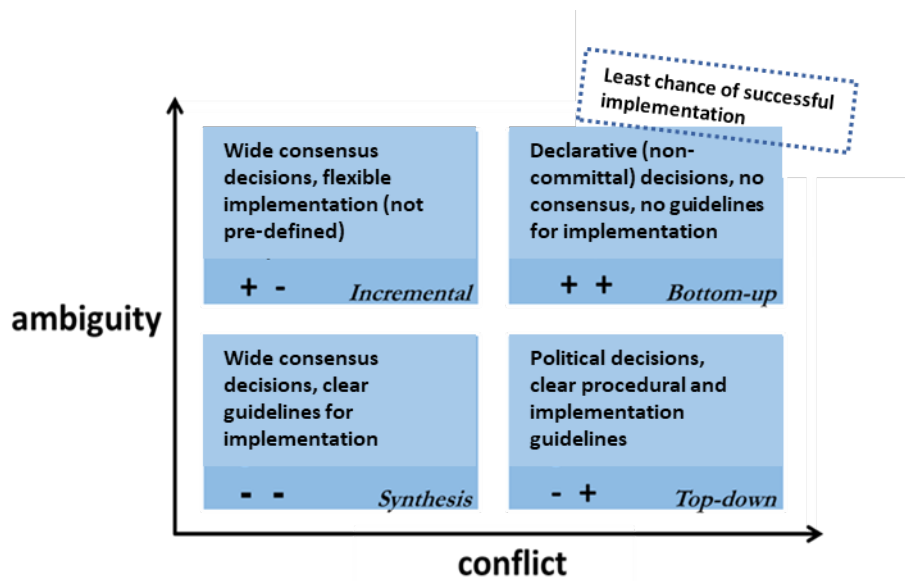
¹ Not all high-level policy decisions are expected to produce implementation output, as some are mere political declarations issued for no other reason than to generate publicity (Kingdon 2010). This paper concerns general macro-declarations born of the need to create public consensus as a basis for eventual policy action.

2.1. Models of Policy Process as Related to Issues of Conflict and Ambiguity

Abstract macro policies for issues of contention are applicable to Matland's (1995, 160) Ambiguity/Conflict Matrix. His famous categorization of political constellations combines issues of maximal conflict with ambiguous implementation guidelines. Under these conditions, socially cohesive political agendas advance political compromise at the expense of problem definition, goals and solutions. According to Matland, the *high-conflict/high-ambiguity* quadrant, where political non-consensus is combined with insufficient articulation of procedural directives, predicts policy failure - as shown in Figure 1. Exploring the likelihood of successful implementations within macro politicized policy processes, the matrix is comparable to other scholarly analyses as follows:

- The *low-conflict/low-ambiguity* quadrant, described as Administrative Implementation, is typified by public consensus and well-defined implementation guidelines. This is defined as the most feasible policy-type. It somewhat resembles Sabatier's (1986) *Synthesis* model. To promote ideal conditions for successful implementation, Sabatier's model touches on a disciplined bottom-up network based on consensus. Structured implementation defines *how* policy should be administered.
- The *high-conflict/low-ambiguity* quadrant, identified as Political Implementation, is geared toward the alleviation of conflict. Here policies are not always backed by consensus, but once goals and objectives are decided, there are very clear guidelines for expediting implementation. Within the framework of the top-down model, this is reminiscent of the style of majority rule, where hierarchy of process is observed (deLeon and deLeon 2002; Gustafsson and Richardson 1979, 434; Howlett 2017, 17).
- The *low-conflict/high-ambiguity* quadrant, labeled Experimental Implementation, is defined by active stakeholders in broad agreement about the macro policy direction who espouse various points of view on a policy's subsequent *interpretation*. High-level policy statements decide *what* public resources are distributed, while administrative policy levels deal with questions of for *whom* and *how* to accomplish this distribution. A wide consensus is implied regarding policy values and larger goals. Implementation is *incremental*, perhaps left to relevant localized actors (Braybrooke and Lindblom 1963).
- The *high-conflict/high-ambiguity* quadrant represents circumstances with the least chance of implementation, and is referred to as Symbolic Implementation. Without consensus, this type of policy process crafts declarative macro policies that are no more than mere symbolic gestures comprising scant clarification as to how policies might be implemented. In Matland's view, such purely bottom-up policy initiatives are unlikely to succeed because there is no concrete high-level policy to adapt or interpret, as the classic process hierarchy would demand.

Figure 1: Implementation of Public Policy in Circumstances of Conflict and Ambiguity



Source: Based on Matland R. (1995, 160)

Using Matland’s Model of Policy Implementation as an aid to discussion, there are two high-conflict quadrants, each presenting alternative paths of implementation. The obvious difference between them is that the *high-conflict/low-ambiguity* quadrant does not associate conflict with political ambiguity, while the *high-conflict/high-ambiguity* quadrant does. The first alternative remedies ambiguity by promoting the adoption of unwavering top-down macro political policy intentions, complete with procedural guidelines for implementation (Heywood 2002; Hupe and Hill 2016). In support of this option, Gustafsson and Richardson (1979, 434) imply that policy failure could be prevented by forcing through rational policies using top-down majority rule. Rather than address and bridge the roots of public controversy, their idea is to uphold the prevalent point of view. They posit that “*political systems may react against the increased emphasis on consensus as the goal of policymaking. If consensus policies fail to ‘deliver the goods’, then citizens/voters may demand ... a return to ... majority rule. Thus, the policy process could change from a consensus dominated system to a more conflict-orientated one.*”

Undoubtedly, systems dealing with issues of consensus are different from conflict-oriented ones. Yet, the preclusion of failure might not necessitate a reversion to an inflexible top-down process. Where largescale controversial issues are concerned, majority rule tends to exclude relevant sectors of society, endangering both policy and governance. Instead, conflict-oriented policy could garner a vague political consensus that allows for a compatible coexistence of conflicting implementations, plausibly encouraging *initiatory bottom-up* policy solutions.

In essence, much of the literature is non-committal about what happens in cases where policy issues become loose, generalized macro-declarative statements. Are they just failed policies, as Matland would have us believe? Do they remain without implementation? Are they implemented inefficiently? Or, is there a better, more effective solution? Exploring pragmatic situations where a lack of public consensus draws political ambiguity, this paper focuses on

parameters comparable to those of Matland's *high-conflict/high-ambiguity* quadrant, but from a different perspective. The inclination here is to *question the pertinence of Matland's axiom*, which suggests that ambiguity ruins the chances of successful policy implementation for issues of conflict.

Typically, Elmore's (1980) discussion of varied types of implementation outputs concedes strong elements of conflict and ambiguity within the localized role of street-level operators while remaining beholden to the limited flexibility of classic hierarchical models. Such *incremental modified-linear* modalities maintain that within macro policy, administrators should have a large degree of fine-tuned discretion as to whether and how they implement policy. Yannow (2000) stresses that the formulation of policy guidelines, from macro to implementation levels, requires room for interpretation of institutional messages and their culturally embedded multiple meanings. For Lipsky (1980), administrators and bureaucrats are important to the policy process because of the decisions they make in delivering services or interpreting laws in their local environments. They are, after all, best acquainted with specific target populations. Sabatier and Jenkins-Smith's (1999) Advocacy Coalitions Framework for policy processes entails powerful policy actors at implementation levels who leverage incentives and constraints to tailor outputs to local conditions, while doing so under the umbrella of top-down coordination. The implication engendered by incremental policy processes is of general macro consensus where disagreement is approached through limited localized adjustments to policy decisions.

Interpretations and adaptations of policy are sometimes viewed as distortions or *failures* within chronological linear policy processes because they deliver various outputs stemming from loosely defined macro declarations. Ironically, multiple outputs deriving from macro policy decisions might have little influence on larger conflict-oriented *policy outcomes* (Mandl et al. 2008, 3). Although they tend to imply a measure of flexibility, such *modified linear modalities as described in the literature may not be suited to dealing with complex policymaking dilemmas of inherent conflict*. It is conceivable, however, that existing bottom-up theories could progress to enfold implementation initiatives, which themselves form and create policy outcome. This might help reconcile policy processes with largescale controversial issues.

If blame for policy failure is often aimed at implementation levels (Hupe and Hill 2016), there is reason to relax the characterization of these processes as failures. *In certain sociopolitical constellations, such failures represent valuable policy outputs*. The association of issues of conflict with ambiguity supports the view that policies may not always be the product of specific macro decisions. It follows that flexible bottom-up policy processes could be successfully initiated at implementation levels – more so, if their purpose was not to derive from, but to feed into larger policy processes that advance wider outcome. This embodies a thoroughly *bottom-up theoretical perspective that can accommodate a policy-type comprising issues compelled by both conflict and ambiguity*, such as the distribution of limited or scarce resources.

Table 1 illustrates the leading characterizations of policy process and implementation as identified by the seminal multi-model comparisons of four theorists (Heywood 2002; Hupe and Hill 2016; Matland 1995; Potucek and Vass 2003). These, among many others (see, for example, Cerna 2013; deLeon and deLeon 2002; Pulzl and Treib 2007; Sabatier 1986), portray an overlapping progression of the various conceptual modalities, from top-down to bottom-

up (left to right). An array of models represents theoretical trends, serving primarily to refute the rigid hierarchy demanded by top-down processes. Nonetheless, some discrepancies are discernible among them. Of the four theorists, Heywood's (2002) focus is less about issues of conflict and more about avoiding localized controversy and attaining agreement through incremental rather than purely bottom-up processes. Much like Matland's low-conflict models for implementation, *hybrid incrementalism* assumes largescale macro public consensus as a basic condition of policy. (*Hybrid synthesis* is only marginally within the scope of this discussion, as it contends with policymaking for issues unrelated to conflict or ambiguity, such as the availability of non-rivalrous public standards and services.)

Reflecting on issues of conflict, Matland (1995) does not expect bottom-up implementation processes to produce policy output. Hupe and Hill (2016) and Potucek and Vass (2003) come closest to considering that there can be successful bottom-up implementations, despite a lack of public consensus and ambiguous procedural policy guidelines. Under these conditions, Potucek and Vass suggest that multiple actors, using laws and administrative rules as a framework for participation, communication, and compromise, can implement favorable policy output. Hupe and Hill go as far as to describe various implementation styles that offer *policy output, which could actually be the same as policy itself*. Similarly, Hall and Taylor (1996, 949, 954) have observed the emergence of policies without supporting actors who seem to drop from sight, the result resembling *decentralized "action without agents"*. Political responsibility for practical action is abstract, and micro level policies are not synchronized within top-down decision-making processes. This holds testimony to the phenomenon of implementation outputs that are detached from macro policies.

Under the top-down paradigm, policies incongruent with hierarchical decisions cannot achieve predetermined policy objectives. Conversely, bottom-up models might produce combined policy outputs that could serve as foundation blocks for developing the concept of *independent initiatory outcome*; defined as policy itself.

Table 1: A Multi-Model Comparison of Decision-Making and Policy Implementation Output

Theorists	Top down		Hybrid		Bottom up
			Synthesis	Incremental	
Richard Matland (1996)	Political (macro) <ul style="list-style-type: none"> Conflict on values, goals + on guidelines for implementation <p style="text-align: right;">Conflict + Ambiguity –</p>	Administrative <ul style="list-style-type: none"> Smooth transition from decision to implementation <p style="text-align: right;">Conflict – Ambiguity –</p>	Experimental <ul style="list-style-type: none"> Consensus on values, goals Interpretive, flexible implementation <p style="text-align: right;">Conflict – Ambiguity +</p>	Symbolic <ul style="list-style-type: none"> No political consensus No procedural guidelines <p style="text-align: right;">Conflict + Ambiguity +</p>	
Martin Potucek and Lazlo Vass (2003)	Authoritative (macro) <ul style="list-style-type: none"> Hierarchical control of all levels Clearly planned instructions for the entire policy process 		Participative <ul style="list-style-type: none"> Indirect control tactics, set goals Adapt policies handed down by negotiation, cooperation 	Endless learning <ul style="list-style-type: none"> Optimal solutions Trial, error, flexibility 	Coalition of actors <ul style="list-style-type: none"> Multiple actors Participate, communicate, compromise
Peter Hupe and Michael Hill (2016)	Control (macro) <ul style="list-style-type: none"> Adopting the legislator’s intentions 	Technical <ul style="list-style-type: none"> Applying policy instructions 	Institutional <ul style="list-style-type: none"> Institutional mandate defined by preconditions 	Normative <ul style="list-style-type: none"> Realizing ideal or optimal goal 	Comparative <ul style="list-style-type: none"> Varying implement styles <u>The output is policy itself</u>
Andrew Heywood (2002)	Belief systems (macro) <ul style="list-style-type: none"> Irrational, unpredictable, compromising Individual value-based self-interested decisions Can attempt to change legislation Planned procedural guidelines 	Rational actor <ul style="list-style-type: none"> Logical, goal oriented National, institutional altruism Min. costs, max. benefits 	Bureaucratic organization <ul style="list-style-type: none"> Structured process Reflection of institutional core values and customary behavior Consensus on ideological values 	Incremental <ul style="list-style-type: none"> Continual negotiations, bargaining Multiple actors 	

3. Toward Flexible Administrative Operatives for Conflict-Oriented Policy

3.1. Trends in Literature

Lester and Goggin (1998) have referred to implementation as both a dependent and an independent variable in public policy. Yet, aside from some management and business policy models accommodating bottom-up market forces as effective processual catalysts (Goedertier and Vanthienen 2006), there is scant discussion of *independent, flexible, initiatory policymaking at implementation levels of policy processes*. A theory advanced by this paper is that implementation is not always a separate, final phase of a policy process; instead, it is often a non-linear working component of a wider policy cycle, capable of setting successful policy decisions in motion.

Of the two theoretically polar models of policy process, top-down implementations support objectives that command hierarchical continuity (see, for example, Hogwood and Gunn 1984; Mazmanian and Sabatier 1983; Pressman and Wildavsky 1984; Sabatier and Mazmanian 1980; Van Meter and Van Horn 1975). Such implementations are inflexible, representing either successful policy outcome or complete failure. Ambiguity is minimized because proposed implementations that would not necessarily meet set policy goals are hindered or blocked as

a matter of prudence. In comparison, hybrid and bottom-up modified hierarchical theories adjust linear policy methods to reduce contentions within policy processes. Yet, they do so mainly at parochial levels, thereby promoting assorted outputs that are incongruent with other outputs and/or macro policies. This sectarian flexibility may be construed as a failure to achieve originally stated goals as well as the overall outcome.

Similarly, some arguments continue to attribute policy failure to a lack of support at implementation levels, as linked to deficient policy preparation and design (Hudson et al. 2019; May 2015). The development of meso and micro interpretive adaptations of macro governing decisions redresses the risk of failure by relying on varying designs of policy instruments (Borrás and Edquist 2013; Howlett et al. 2015, 298–210; Yannow 2000). Common to most of these discussions is the top-down linear association between high-level policy and active implementations.

The general avoidance of policy failure is accompanied by hybrid and bottom-up convictions that the *greater public interest* must not be left wanting, especially in circumstances of political and procedural vulnerability. Notably, such implementation models advocate semi-autonomous administrative power within coinciding multi-level processes. They emphasize the significance of the relationship between policymaker and policy-deliverer (see, for example, Braybrooke and Lindblom 1963; Elmore 1980; Hjern 1982; Hjern and Hull 1982; Hjern and Poerter 1981; Lipsky 1971, 1980). Conflict relating to public policy is a multi-faceted concept with a wide circle of participants who either serve the public or benefit from public services. Hybrid and bottom-up flexibility regarding implementation is embedded in ambiguous high-level policy decisions. The focus is on flexible negotiation on the part of policy actors and bureaucrats at implementation levels (Braybrooke and Lindblom 1963; Dobuzinskis 1992; Dror 1964; Elmore 1985; Etzioni 1967; Goggin et al. 1990; Keeley and Scoones 1980; Lindblom 1959; Majone and Wildavsky 1978; Ripley and Franklin 1982; Sabatier 1986; Sabatier and Jenkins-Smith 1999; Scharpf 1978; Winter 1990). However, this localized flexibility is not always enough to produce *equitable policy outcome*.

Varying measures of policy success and failure may also be considered a function of policy-deliverers' work environments, which shape and are shaped by *institutionalist* considerations (Scott 1995). Civil servants experience professional constraints, incentives and conditions, such as budgetary and manpower allocations, institutional norms and procedures or adequate work space (DiMaggio and Powell 1983). Attention should also be paid to actors' personal benefits, as well as their cultural belief systems and values, all of which pertain to their interpretations of policy and its transformation into practice (Mohanty 2001; Pulzl and Treib 2007). Administrative decisions involving issues of conflict can be significantly impacted by, or dependent on, dominant institutional, professional and private stakeholders' world-views, values and loyalties (Oliver 1991; Radaelli et al. 2012). Certainly, institutional, social, cultural, economic and human resources are subject to competition and conflict, requiring negotiation and political flexibility (Nicholson-Crotty 2005).

Recent emphases are placed on the importance of recognizing complexities within policy systems, reiterated and developed in terms of innovative policy design or integrative policy mix (Rogge 2018). Solutions are sought to unpredictable, uncontrollable and conflicting elements within policy systems. These are identified as part and parcel of the traditional

hierarchical model (Braithwaite et al. 2018; Mueller 2020). Practical, scientifically objective models enable *evidence-based* responses to difficulties as they arise (Amanpene 2017; Ansell and Geyer 2016). Intended to minimize ambiguities in policymaking, this approach can be relatively devoid of moral and philosophical reasoning and limited in its ability to consider the dynamism of human nature in space and time. More flexible processes identify vagaries of the political cycles and other difficulties, such as dispersed levels of governance. These are seen in the light of complex cross-mapping throughout the lengthy policy process (Hudson et al. 2019; McConnell 2015; Norris et al. 2014). Remedies, such as interactive policy-tracking and ongoing professional implementation support, are suggested to provide flexible, on-the-spot direction for policy success.

In relation to complex, theoretical models of policy process, the term *pragmatism* is generally preferred to *flexibility*, perhaps because it respects the hierarchies of decision-making (Ansell and Geyer 2016). Richardson, Gustafsson, and Jordan (1982) have discussed *administrative flexibility and discretion*, primarily intended to offset strict macro policy directives and allow for some interaction between macro, meso, micro, social and economic or political actors. Yet, even as Lo (2015) debates the merits and limitations of *flexible implementation* with respect to desirable outcome (for policy and regulation of clean energy), he refers to the *adaptation and interpretation* of set policies, accepting only slight deviations from central government directives at decentralized levels of governance.

3.2. Independent Initiatory Outcome

The presumption that all implementation outputs directly derive from top-down macro goals is probably insufficient where policy issues do not inspire public consensus. This may cause politicians to promote abstract policy statements (Schneider and Ingram 1990). As such, paths for the implementation of ambiguous policy issues will rest on identifying conditions that produce controversy. The distinction between policies aimed at direct funding of public service goods and those regulating distributions of conflict-oriented commodity resources represents a pertinent condition that is often ignored. If issues regarding distributions of limited resources comprise a discernible policy-type characterized by conflict and ambiguity for decision-makers, relevant implementations should benefit from bottom-up policy initiatives.

In a democracy, official macro policies are expected to reflect the heterogeneous public interest equitably through conflict management. Micro interpretations or adaptations of ambiguous macro-declarations risk the inadvertent creation of imbalances among potential policy beneficiaries. Administrative advocacy is a complex exercise when various stakeholder roles are contingent on individual and sectorial potentials for gain, loss, favoritism and discrimination on local and national levels. The administrator's role in interpreting policy favors various implementation outputs to benefit specific publics. In these circumstances, the public benefit is not necessarily maintained on a macro or national level. When threatened political and democratic processes impede policy implementation, wider political conflicts may be exacerbated rather than resolved.

The interpretation and adaptation of high-level policies, as well as the design of policy instruments (Howlett et al. 2015, 298-310; Yannow 2000), is typically directed toward solving a specific implementation problem. As noted, outputs applicable to set macro goals that employ actions within measured or limited degrees of freedom may be unable to produce a valid institutionalized outcome in service of the larger, more complex public interest (Mandl et al. 2008, 3). In this way, conflict-oriented realities fall short of success by not allowing sufficient *scope of flexibility* to enable the initiation, formulation and achievement of higher policy goals at implementation levels.

The literature surveyed primarily endorses two main constructs, within modalities of policy process, that are relevant to implementation outputs for issues of conflict as follows.²

- *Congruent policy output* (policy congruence) – pertaining to democratic macro policy guidelines that adhere to, widely agree with, or correspond with the direct interest of a public majority (see, for example, Ferland 2021; Rasmussen et al. 2021).
- *Adaptive/interpretive policy output* – pertaining to creative options that permit limited design flexibility relevant to narrow public sectors, at meso and micro levels, without deviating from macro policy objectives (see, for example, Howlett et al. 2015; Yannow 2000).

Reflecting a need to prioritize public policy performance, effectivity and impact, both constructs largely respect the chronological hierarchy of decision-making. *Congruent policy output* (shown in Figure 2 below) is akin to top-down solutions for issues of conflict, leaving no room for ambiguity and flexibility. In support of hierarchical modalities of policy process, the theoretical argument that implementation outputs will always meet policy outcome is reiterated. Here, outcome somehow appears synonymous with policy goals, despite practical occurrences of policy failure, or *incongruence* of various outputs with set macro objectives. This construct relies on majority versus minority rule, possibly risking the stability of governance.

Conversely, the *adaptive/interpretive policy output* construct (shown in Figure 2) espouses flexibility by legitimizing varying implementations. Where policy issues are ambiguous, modalities of policy process strive for compromise through local consensus. This is also reflected in hybrid incremental models. Progression to high-level outcome is hardly addressed.

Given the theoretical debate concerning successful policy implementations not derived from authoritative macro policies, it seems reasonable to contend the necessity of an additional construct pertinent to the *high conflict and ambiguity policy-type* (Matland 1995). This proposed third construct represents conditions for policymaking that harbor inherent conflict accompanied by ambiguous directives for implementation. Comprising the sum of policy outputs initiated at meso and micro bottom-up levels, it should produce an effective and expansive impact. This construct can be referred to as:

- *Independent initiatory outcome* – respecting implementations flexible enough to provide a variety of outputs for issues of contention. The aggregate of these outputs, each centered on specific situations, form a balanced outcome in the interest of the general public.

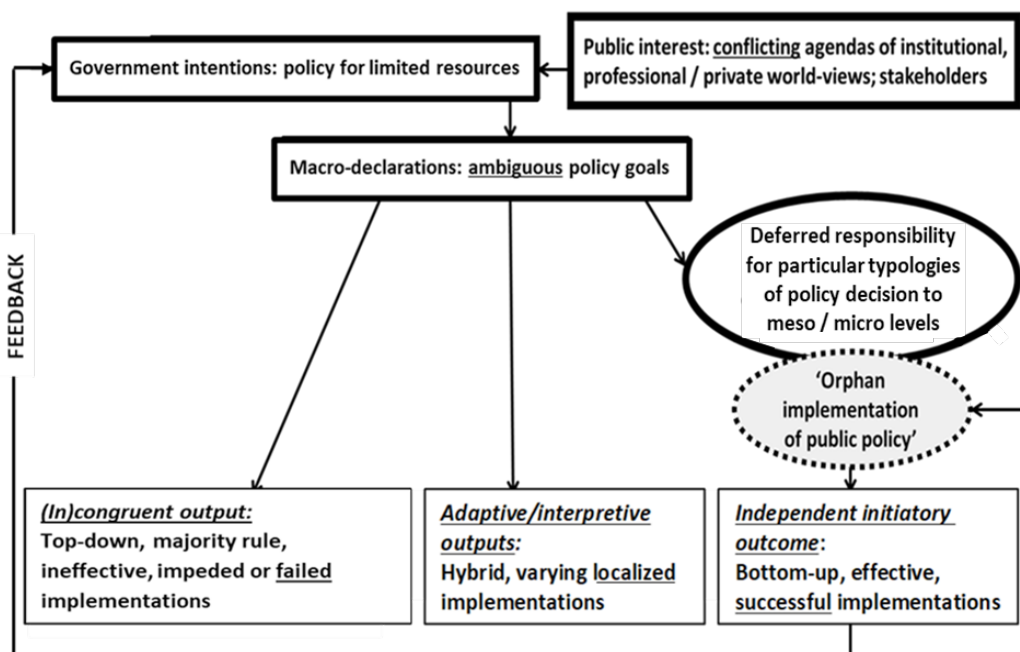
2 Note that the literature cited in this paper is not comprehensive but merely representative of categories of thought combining different perspectives and insights. This includes mixed-method studies determined by clarity and strength of argument as well as loose chronologies of publication.

If policy output is a means to achieve the larger purpose of public policy, Mandl et al. (2008, 3) suggest that the combination of various practical implementations, operating simultaneously, can yield a wider, more inclusive outcome. Such implementations would be considered beneficial to their target publics as well as to the larger public interest. Effective policy outcome relating to conflict-oriented issues can develop within a flexible policy process. Thus, practical solutions to problems are initiated independently at implementation levels, ultimately looping back to encompassing macro *parent policies*. These are *orphan implementations of public policy*. Here, the combined sum of implementations would provide maximal public benefit in the form of outcome, while minimizing conflict. In doing so, implementers require an acute awareness of political atmospheres and public contexts, as these provide an essential backdrop for *independent initiatory outcome* (as portrayed in Figure 2).

4. Conceptualization of Orphan Implementations of Public Policy

Figure 2 refers to the question of *how and to what extent the public interest or benefit is achieved under contention*. It illustrates the dilemma surrounding the adoption of ambiguous statements which could either stymie, miscarry or positively generate effective policy solutions. Deliberately ambiguous policy goals, designed to avoid underlying favoritism or exclusion of stakeholders, can confound and impede implementation, as per Matland’s (1995) theory. Alternatively, ambiguity can offer unprecedented freedoms to initiate policy at the meso and micro levels. The discussion pertains to the implementation of policies for conflict-oriented resource distribution. It is conducted in terms of the three modalities of policy process, *top-down, hybrid and bottom-up*, which serve as a frame of reference for relevant constructs.

Figure 2: Modalities of Policy Process for Issues of Conflict and Ambiguity Relating to Distributions of Limited Resources



The first of the modalities refers to classic hierarchical processes. Here, anything other than the production of *congruent output* might be considered policy failure (Hupe and Hill 2016). Issues of contention and ambiguity jeopardize effectiveness and may derail valuable implementations that stray from high-level decisions. Resulting outputs can be incongruent to existing substantive top-down policies or to other policy actions and hence rejected.

Outside of dominant linear constructions, it is evident that labeling policy implementations as either failures or successes matters far less than the extent to which the public interest is served by effective outcome. Fear of failure to achieve macro goals along with a conscientious dependence on macro decisions tend to disrupt the alignment of policy implementation outputs necessary to produce outcomes favoring the general public interest. If policy successes were measured based on *effectivity of performance within the framework of valuable public benefit or aggregate outcome*, instead of set objectives, existing models could move closer to resolving issues of conflict.

The difficulties attached to defining the public interest, or achieving any form of policy consensus regarding competition for resources, are further compounded by functional norms within administrative bureaucracies. Accordingly, institutionalist theories involve a multitude of policy actors, government regulators, bureaucracies, non-governmental institutions with intellectual and organizational resources, lobbies and collective or private stakeholders (Jacobs and Brown 2012, 115-138).³ Ideologies and social realities motivate all these actors, who are, in turn, subject to constraints of political and public interests and agendas, organizational resources, electoral cycles and moods, and national and regional systems (Heywood 2002). Policy implementers may be personally bound by biases implicit to emotionally charged issues carrying social and moral implications (Gertel and Alterman 1994). Thus, in shaping implementation outputs, public administrators represent institutional and personal identities, in addition to an array of public and private stakeholders. Evolutionary, cultural and historical outlooks affect the social or economic legitimacy, and possibly the very survival of government (DiMaggio and Powell 1983; Scott 1995).

The hybrid construct of *adaptive/interpretive policy* allows administrators to take advantage of an absence of clearly defined goals and objectives. The superimposition of political ambiguity on issues of conflict offer pragmatic flexibility and attentiveness to the immediate needs of various cross-sections of the public. Such modified-linear policy processes produce an array of administrative implementation outputs, each applicable to a distinctive local field-level situation (Mueller 2020). With limited flexibility to stray from macro objectives, these provide specific benefits tailored to particular populations (Borrás and Edquist 2013; Braybrooke and Lindblom 1963; Howlett et al. 2015, 298-210; Yannow 2000). Processes relying on this construct are unlikely to offer largescale consensus-based policy outcomes. This is because localized outputs are not equipped to relate back to the conflicts and complexities of relevant high-level political declarations. For example, popular consensus broadly supports macro policy for the use of natural gas. But if the meso and/or micro policy levels are not advised on how to set ceiling consumer prices or contend with contracts for harvesting, implementations are free to vary. In the absence of clear directives for implementation, policy actions typically come to fruition through decentralized solutions tailored to local environmental contexts.

³ Stakeholders can also be policy entrepreneurs, negotiators, academics and opinion leaders, civic representatives, citizens, politicians, legislators, judiciary, and/or civil servants.

It is therefore conceivable that, in all running cases, various implementation outputs may consistently benefit independent service providers over the consumer public. Countering the norms of social justice and fair practice, which dictate that parallel outputs should also reward other contenders, consumers are in this case overlooked. Here, a consequence of implementations formulated in isolation from greater national contexts is the inadvertent endorsement of socioeconomic imbalance.

As an extension of the bottom-up modality, the third *independent initiatory outcome* construct is set to optimize the *conflict ambiguity policy-type* by incorporating viable and sustainable parity among conflicting political and altruistic ideals. Moreover, the premise and purpose of effective, and hence valuable, public policy should include flexible bottom-up implementation outputs as part of improved processes. *Successful decision-making for the conflict ambiguity policy-type lies in the variety of implementations operating concurrently to yield integrated policy outcome.* This demands that *orphan implementations* be cognizant of their subsequent impact on high-level policy, which is achievable by inverted reflection on macro/political situations. The concept presumes that multiple independent implementation initiatives facilitate one or more loosely defined macro-declarative *parent policies*. These in turn, offer retrospective legitimacy for decisions originating at administrative levels. This enables a bottom-up feed of initiatory outputs into broader more inclusive macro government policy processes.

When non-consensus draws abstract political decisions, bottom-up modalities present a foundation for successful solution-driven policy outputs that advance significant outcome. In this regard, vague political statements are auspicious to the balance of the public interest. To preserve the integrity of governing mandates, high-level controversy concerning the designation of policy beneficiaries and non-beneficiaries may precipitate a *conscious deference of decisions to implementation stages*. Implementers can offer decision-makers administrative and procedural options that are already shaped, molded and complete with reasonable arguments for sustaining general macro policies. Such suggestions might be amenable to political decision-makers at opportune times and attributed to a range of general, declared macro policies that have already gathered wide consensus.

In sum, conflict-oriented policy issues relate to rivalrous resource distributions. They present a uniquely definitive *conflict ambiguity policy-type*. Predisposed to the adoption of vague macro policies that comprise ambiguous directives, this policy-type generates the need for different, coexisting implementation solutions to policy problems that together serve the public interest. The proposed remedy is original initiatory policymaking at the meso and micro levels, termed *orphan implementations of public policy*. Here, bottom-up segments of policy processes determine collaborations of outputs equipped to initiate outcome. This process is supported and strengthened by high-level policy systems where political decisions uphold socially progressive macro-declarations. The flexibility of ambiguous, politicized declarations is harnessed to support administrative actions. The actions become policy in and of themselves. Indeed, the impact or outcome of *orphan* policies depends on the extent to which implementation levels operate with an eye to greater, more comprehensive political awareness. This should represent a more pliable style of decision-making, tethered only by a need to benefit all sectors of the public in a fair and equitable manner.

5. Concluding Remarks

Established models of policy process highlight macro decisions, clear implementation directives, limited freedoms of interpretation, and output in agreement with set objectives. Within this chronology, there is a looming risk of failure or inaction. Yet, in avoiding policy failure, we must not avoid valuable progress, especially for issues of public controversy. Mainstream modalities of policy process endorse deliberate top-down regulation, leveraging power majorities in relation to weaker social or economic standards. Attempts to mitigate conflict by means of *interpretation* or *adaptation* of macro policies benefit certain publics at the expense of others. Such localized policy implementations are potentially discordant to the greater issues at stake. Under heightened partisan politicization of conflict-oriented issues, implementations should use flexibility to proffer largescale inclusionary outcome.

Proposing a reevaluation framework for policy processes, this paper represents an effort to examine the theoretical gap intrinsic to effective policy for conflict-oriented issues. The recognition of the integrity of *orphan implementations* as a practical medium for managing distributions of commodity-based public resources should expand the relevance of multi-model analyses for matters of contention. Ideally, policies initiated at administrative levels hold the capacity to improve, strengthen and sustain the quality and resilience of power-sharing within democratic systems. Practical solutions can contribute to the building of a more dynamic policy model that is ready and able to meet the challenges of increasingly complex ideals and values, while minimizing discriminatory bias in favor of social justice.

A formal acknowledgement of meso and micro initiatory decisions, generating enhanced autonomy for operative administrators, needs to inspire a more responsible and appropriately monitored hub of meaningful policy leadership. Active accountability and transparency in dealing with volatile socio-ethical principles must necessarily encourage the development of mechanisms for shared and balanced management of sensitive human rights dilemmas.

Hopefully, critical deconstruction of the dominant top-down discourse can contribute to the enrichment of academic and professional dialogue. The purpose is to nurture a greater understanding of how issues of conflict and ambiguity are decided, at which levels and relative to what influences; as well as why and for whom undeclared or unclarified policies are promoted. In seeking to expand the foundation for building modalities of policy process, further examination and analysis of the circumstances fostering divergent implementation outputs are suggested. The idea that successful policy can be decided at initial administrative levels, effectively *orphaned* from macro-declarations, might be bolstered by a research agenda focusing on catalysts for decision-making at various levels, to include the idiosyncrasies of political actors and other stakeholders. Use of case studies to map policy processes for distributions of resources and their outcomes are recommended to help investigate and advance comparative perspectives.

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The Japanese Civil Service: Paradox of a Reform Driven by but Ignoring Emotion

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Abstract

This essay, based on a public lecture, deals with the last Civil Service (CS) Reform in Japan, which had been attempted since the 1990s and was completed in 2014. Bureaucrats enjoyed a "summer" where they actively were engaged in policy-making. But a series of policy failures and scandals revealed in the 1990s were attributed to their excessive autonomy, and centralized personnel control by the prime minister was introduced. However, discourse analysis of the Diet (Parliament) during the period of Reform indicates that there was neither a shared understanding of the meaning of CS impartiality, nor of the values to be borne by the CS. The driving force of the Reform was mainly people's fury. It therefore resulted in relegating bureaucrats to being "lackeys" of the prime minister, ignoring their self-respect. This has given rise to various undesirable consequences. Will the CS see another "spring" in Japan?

Keywords: Japan; Civil Service; Civil Service Reform; Japanese Diet; personnel control; Westminster Model; Wittgenstein's language game; impartiality; bureaucracy

1. Introduction

Since the end of the 20th century, many early-modernized countries pursued Civil Service Reform to tackle perceived dysfunctions of the public administration. Japan was no exception; its reform of political structure started in the mid-1990s, then Civil Service Reform followed to complete the structural breakout from the postwar convention system.

I joined the Civil Service in 1986 and worked for 33 years as a legal official specialized in the Civil Service (CS) system and personnel policy-making. Almost half of my service occurred in the 20th century, the other half in the 21st century. The behavior required of civil servants has become completely different from that in the first half. It was almost revolutionary.

In 2015, when I was seconded from the government to Ritsumeikan University for one year to concentrate on research, I thought that it would be of some use to academically analyze what the Reform had brought to the Civil Service, utilizing my close observation. Hence, I started writing a thesis, published in 2020 (*Impartiality: The Bureaucratic Consequences of Political Leadership*), and I received a Ph.D. for it in March 2021. The current essay is based on a public lecture that draws on several parts of this thesis (which contains copious references and annotations, the most important ones being added to the bibliography below, even if not directly cited), as well as entirely new material.

My consistent research question during all this time has been under what conditions the

Civil Service can fulfill its role. To answer this question, that role must first be clarified. The originality of my thesis is that I demonstrated, using the framework of Wittgenstein's language game, that a shared understanding of what it was all about never existed during the Reform. Few have recognized this absence. What follows is an outline and overview of the Reform and my analysis thereof, primarily for a non-Japanese audience. The lecture style has been fully retained.

2. Bureaucrats in "Summer"

Before explaining the recent Reform, let us briefly look at the history of the CS in Japan.

The modern CS was established in the mid-19th century, modelled on Prussia, immediately after the Meiji Restoration in 1868, before the first Diet (Parliament) was called in 1890. Fully-fledged party politics was not realized until 1924. Reflecting this historical path, and not atypically globally, Japanese bureaucrats believed themselves to be above the Diet, and looked down upon party politics. This attitude is often called Transcendentalism in this context.

After defeat in the Second World War, democratization started under United States of America (US) Occupation, and the new Constitution was enforced in 1947. Public officials were changed from the Emperor's Officers to "servants of the whole community, and not of any special groups" (Article 15 II). The Civil Service Act was newly enacted, modelled on the US. But once Japan restored independence in 1952, the pre-war tradition of the CS returned. Thus, the CS system became a strange mixture; an open system in theory but a closed system in practice.

Japan quickly recovered from the devastation of the war and maintained a high level of economic growth. From 1956 to 1973, the average GNP growth rate was over 9%. It was called a "Japanese Miracle". After a recession caused by the Oil Shocks and yen revaluation in 1973, the growth rate slowed down, but still on average it was around 4%, until the bubble economy collapsed in early 1991.

There were several characteristics of the public administration during the period of economic growth. Firstly, there was no change of power. The Liberal Democratic Party (LDP) was formed in 1955 as a unification of conservative groups, and it mostly remained in power since its formation, obtaining a majority in free elections.¹

Secondly, under the LDP regime, bureaucracy maintained a very active role. Since the Meiji Era, the CS had been a prestigious profession, and top students from top universities, in particular from the law faculty of Tokyo Imperial University, had been recruited into it. This structure did not change much in the postwar time, even after all imperial universities omitted "imperial" from their names. The salary of the civil servants was rather humble compared with that of their ex-classmates in the private sector, but once they retired, posts outside of the government were prepared by the ministry. This system, called "golden parachuting", kept officials motivated to put in hard work and loyal to the ministry they belonged to. The more contributions an official made, the more rewards were given in the end.

Bureaucrats in Summer (or *The Summer of the Bureaucrats*) is the title of a well-known semi-fiction book by Saburo Shiroyama, published in 1975. It describes the role played by officials of the Ministry of International Trade and Industry² (MITI) in the Japanese economy. The main

1 The LDP was out of power in 1993-1994 and 2009-2012.

2 In 2001, its name was changed to the Ministry of Economy, Trade and Industry (METI).

character's model was Shigeru Sahashi, who became the permanent vice-minister of MITI in 1964. The typical line of the character is: "We are employed by the state, not by the Minister." It well represents the mentality of civil servants from the late 1950s to the early 1960s. After the LDP's dominance became clear, the CS came to collaborate with the LDP politicians and worked energetically as a coordinator of various stakeholders in society.

As mentioned, I personally joined the government in 1986, in the middle of the bubble economy. Many of my classmates also chose the CS. Nobody sought budget maximization for their ministry, whatever their textbooks of politics assumed; everyone was simply fascinated by the job to contribute to a better society and to design the future. We did not realize that winter was around the corner.³

3. Who Governs? Two Theories

Since the era of the "Japanese Miracle", a frequent question has been, "Who governs Japan?"

The most wide-spread theory was "Bureaucracy governs". This theory – let us call it Theory X – was proposed by Kiyooki Tsuji (1969, 1991) from Tokyo University. He insisted that bureaucracy enjoyed autonomy, without receiving democratic control, and that the CS designs the economy. Many foreign scholars who were puzzled by Japanese economic growth also supported this view. Famous examples are "Japan as Number One" by Ezra Vogel published in 1979 and "MITI and the Japanese Miracle" by Chalmers Johnson published in 1982.

But there was another theory, insisting that "Politics governs". It was proposed by Michio Muramatsu (1981, 2010) from Kyoto University.⁴ Let us call it Theory Y. Based on his research on US pluralism, he pointed out that Japanese bureaucrats were undoubtedly active but worked as an entrusted agent of the LDP, so they were not completely autonomous. The Principal's will is well understood in advance (anticipated reaction). Like a rugby "scrum", politics and bureaucracy are inseparably tied together by a shared aim. Another point was that the LDP did not behave as one team. The LDP was an aggregation of intra-groups, and each member became a client (called "zoku" or tribe) of partial interests and influenced the ministry in charge. Notorious sectionalism, or a silo mentality, of ministries was sustained by these tribes. Economic growth according to this theory was not attributable to MITI's one-sided planning; it was mainly due to the efforts of private companies, such as Honda, Panasonic, Sony, etc.

It is natural, therefore, that each theory issued different prescriptions when the Japanese public administration came to show what was perceived as dysfunctions in the 1990s. We will examine this later.

4. Bureaucrats in "Winter"

Summer does not last forever. In retrospect, the mid-1990s were the turning point. *Bureaucrats in Winter* (or *The Winter of the Bureaucrats*) is the title of a book by an ex-bureaucrat at the Ministry of Finance, Professor Hideaki Tanaka, published in 2019. He analyzed changes of the CS since the end of the 1990s and tried to come up with a recipe for solving dysfunctions. Numerous books have been published on the same topic, but the triggers pushing the CS into

³ "Administrative Reform" had started in the 1980s, but its nature was different from the one that was to come, because it was well organized by closed councils of stakeholders (Makihara 2013, 82).

⁴ Ramseier and Rosenbluth (1993) also take this position.

winter are commonly pointed out as follows.

a. The collapse of bubble economy caused a huge overhang of financial debt.

Japan was always a country of small government, both in taxation and the scale of its public sector. Increases in expenditure had been covered by high economic growth, but once stagnation started in 1991, the enormous burdens for social security caused by the low birth rate and increasing lifespans became tangible. The debt was worsened further by the clumsiness of the government in dealing with the financial sector.

b. The shrinking pie and globalization of economy weakened coordination between stakeholders.

The iron triangle between politics, administration and business worked well in the period of stable trickle-down. But increasing financial debt made it ineffective. In order to share the burden from a shrinking pie, centralized coordination came to be required instead of competition among ministries. The globalized economy accelerated this problem, because it was beyond control by prior coordination inside Japan.

c. Voters' behavior changed because of the end of the Cold War.

Japan never had a tradition of social democracy equivalent to Europe. Voters had no option but to vote for the LDP, unless they wished for a socialist regime. But after the collapse of the USSR, electorates started to vote without ideological concerns, sometimes to "punish" the LDP when they were not satisfied with specific policies.⁵ The government began to face continuous pressure from voters.

Government's reaction to these drastic changes was slow and obtuse. Many ministries, especially the Ministry of Finance (MOF), attempted to protect their vested interests at the cost of, as it turned out, ordinary people. Following the collapse of many major banks and security companies, the MOF was found to have neglected proper inspection because of corruption. Until that time, while politicians had been regarded as more or less corrupt, the CS had been regarded as arrogant but competent and clean. Its most prestigious Ministry crushed this long-standing reputation by its own hand. It was enough to shake the foundation of trust to the CS. Not only in finance, but also in other fields, scandals such as bribery from the construction industry, mutual entertaining of officials using public funds, HIV-tainted blood products, etc. were reported.

After such corruption and incompetence had been revealed, a reform of the CS became inevitable. Mass media, supported by numerous intellectuals, came to demand two things: To strip the CS of life-time privileges, especially golden parachuting, and to smash the iron triangle which had ignored the interests of common people. The latter required a fundamental reform of the political system. Therefore, CS Reform was positioned as the final piece to complete the large-scale structural reform, "new wine" to be poured into "new wineskins".

The idea was for "wineskins" to replace the fragmented decision-making in each ministry and the "tribe" members tied to it by the centralized initiatives of the prime minister. For that purpose, the Westminster model was adopted, i.e. a change from the medium-sized electoral district system, which had allowed plural LDP members to be elected with the help

⁵ In 1993, the Socialist Party (JSP) joined the non-LDP coalition government and was then given the premiership in the new coalition government with the LDP in 1994.

of intra-party bosses, to a single-seat constituency system, and to establish strong executive offices to help the prime minister's policy-making. The new electoral system of the House of Representatives commenced in 1996⁶, and the reorganization of ministries and agencies, with a strengthening of the Cabinet Office, etc., in 2001.

After these major reforms were achieved, the CS Reform bill to revise the Civil Service Act was submitted to the Diet four times, in 2009, 2010, 2011 and 2013. After the first bill was dropped, the LDP lost a general election, so the second and third bills were submitted by the DPJ (Democratic Party of Japan) government. But running the government was extremely difficult from 2007 to 2012, mainly because of *nejire kokkai* or the "twisted" Diet (Stockwin 2018), under which the majority of the Upper House (the House of Councilors) was taken by opposition parties. Thus, achieving CS Reform had to wait until the LDP regained the majority in both Houses. The fourth bill passed in April 2014 and came into effect one month later.

5. How the CS Should Behave: Language Game in the Diet

To understand the main "idea" of CS Reform, I conducted a discourse analysis of the Diet discussion from 1947 to April 2019.

The keyword I focused on was the "中立性 *chūritsusei*" (impartiality or neutrality) of the CS.⁷ Impartiality/neutrality is stipulated as one of the main norms of the CS in law or regulation in Germany, France and the United Kingdom (UK). In Japan, this word is not used in the Civil Service Act, but all newly recruited employees are obliged to swear an oath to implement their duty "impartially and fairly". So all textbooks of public administration state that impartiality is one of the essential norms for the CS. But this "common sense" is not shared outside of academia.

"Impartiality" of the CS appeared more than 1,500 times in the Diet discussion. Some said that impartiality should be observed, others insisted it was harmful. But surprisingly, this word was used in each speaker's own meaning. The "language game" (Wittgenstein 1953) had not been properly established. Everyone freely played their own game, based on their interpretation, without having a proper interpreter. It was like the situation when Humpty-Dumpty declared in *Alice through the Looking-Glass*; "When I use a word, it means what I choose it to mean."

According to my analysis of the Diet proceedings, one can categorize the usages of "CS impartiality" into five types.

- A:** CS should stand aloof above party politics;
- B:** CS should insulate itself from party politics;
- C:** CS should serve any government sincerely as an expert;
- D:** CS should obey any government, including the latter's party inclination;
- E:** CS should escape from politics.

⁶ 300 seats were allocated to single-seat constituencies, but 200 seats were kept for proportional representation in regional blocks.

⁷ C. Schmitt (1931) categorizes various concepts of the 'neutrality' of the state. In Japan, this was sometimes confused with the 'neutrality of the CS' (Shimada 2020a).

The vertical relationship between politics and bureaucracy expected by each interpretation is visualized in **Figure 1**. From the standpoint of the expected behavior of the CS, five types of impartiality can be located using two axes, i.e. the degree of autonomy and the degree of involvement in policy-making, cf. **Figure 2**.

Figure 1. Five different Interpretations of CS Impartiality: Expected Vertical Relationship

- A: Standing Aloof above Politics (Transcendentalism)
- B: Insulating from Politics
- C: Serving any Government Sincerely
- D: Obeying any Government
- E: Escaping from Politics

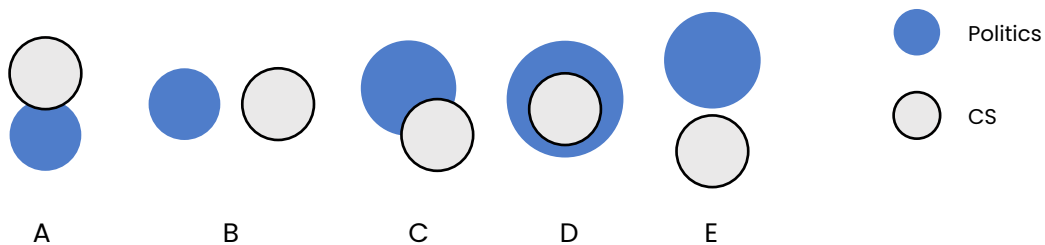
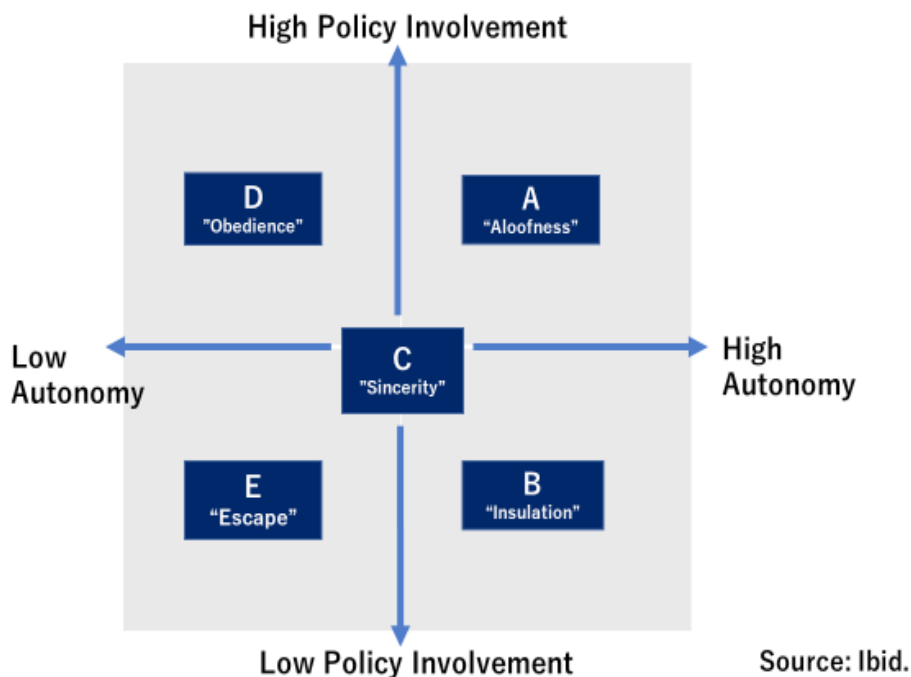


Figure 2. How the CS should Behave: Expected from Each "Impartiality"



These types contradict each other, but very few seem to have realized this. Various combinations of "understanding impartiality" (word interpretation) and "how the CS should

behave" (value judgement) appeared. The recognition of the current situation also differed. Roughly speaking, the mainstream of the LDP, as well as those who supported the CS Reform, tended to use "impartiality" in the sense of either A or E and thought that the CS should move to D. In contrast, a small number of members interpreted "impartiality" as either C or B, and that the CS should be C in policy-making. But the players failed to see this axis of conflicts, so discussion never progressed and led to frustration. It was like the Tower of Babel. The debate on CS Reform remained emotional and lacked genuine communication.

6. The CS Relegated to Lackey: Original "Cocktail" into the Westminster Model

The main achievement of the Reform in 2014 was the introduction of centralized personnel management of high-ranking officials under the Prime Minister. For that purpose, the Cabinet Bureau of Personnel Affairs (CBPA) was established in the Cabinet Secretariat. Before the Reform, appointments were carried out within a ministry, under the name of a minister but in practice by means of peer review. Those who had gained respect among their colleagues as well as from "tribe" members, after working for two or three decades, were selected. But this autonomy came to be criticized as cultivating loyalty to their own ministry, not to the state as a whole. After the revision, all personnel of permanent vice-ministers, directors-general and deputy directors-general (about 600 posts) came to be under prior scrutiny by the Prime Minister and the Chief Cabinet Secretary (CCS).⁸

This new personnel style is not in the Westminster model; on the contrary, in the UK there is a long tradition for politicians to abstain from intervening in the personnel of the CS, up to the permanent secretary. Thus the CS Reform in Japan ended up pouring an original cocktail into the Westminster wineskins.

Under the new structure, those who are loyal to "tribe" members or vested interests are no longer treated favorably, while those who faithfully fulfill the Prime Minister's aspirations are rewarded. This idea goes well with Theory X, which attributed a series of policy failures to the autonomy of the bureaucracy. Controlling slack or drift in the bureaucracy was believed to be a cure-all. There were two implicit, rather bold assumptions behind this notion; that the Prime Minister represents the people as a whole, and that the CS is competent enough to achieve anything.

Once the new system came into effect, it became obvious that it sought the D type of impartiality. The Prime Minister can order officials to bring the exact outcomes he aspires to; if they cannot, they are regarded as disobedient and replaced. High-ranking officials should remain actively involved in policy-making, but they now are involved with no autonomy. Professor Naoto Nonaka called this turning the CS into "lackeys" (Nonaka 2020); the king makes wishes, lackeys realize them.

Let us compare this system with that in Germany, France, the UK and the US, from the standpoint of CS impartiality.

In Germany and France, the CS is supposed to represent the public good. So traditional "impartiality" is close to type A. But executive officials are under a special scheme to work

⁸ The Chief Cabinet Secretary is the head of the cabinet secretariat, a ministerial post for politicians. It has gradually become more important and is now often regarded as the No. 2 in the cabinet, after the Prime Minister.

as sincere supporters of the government of the time, sharing the same directionality. At first glance, this scheme looks similar to the new framework in Japan, but in these continental countries, the CS is given special social standing with economic security, like a life-time voucher. Bureaucracy is vested autonomy as a solid group in order to serve the state as a whole.

In the UK, impartiality of the CS is clearly type C. Policy-making is collaboration between politics and the CS, but each is expected to make different contributions. Each role is made clear in codes of conduct. Ministers have to respect informed and impartial advice from civil servants in reaching policy decisions. The CS bears the duty to speak truth unto power, giving ministers an honest opinion, including a polite "No" (Burnham and Pyper 2008, 3).

In the US, under the strict separation of three powers, policy-making is, in principle, the role of politicians and political appointees, whereas the CS is in charge of implementation. So the ideal relationship between politics and the CS is type B, i.e. Insulation. The word "impartial(ity)" is not used in law or regulation, but the concept of "neutral competence" for the CS is deeply rooted in the system.⁹

In these countries, impartiality is accepted as a main norm of the CS in practice. Its interpretation differs between countries, but its meaning is shared within each society. Each interpretation is sustained by the belief that the CS should bear values which cannot be realized by party

politics or the majority rule, yet which are important and beneficial for the country as a whole. In Japan, however, this belief has neither been imported nor recognized during the Reform, because it was driven by emotion. No other country demands the CS to be unified with politics as a convenient tool of the latter.

7. Consequences of the CS Reform

Now let us examine how the Japanese CS has been changed by the 2014 Reform.

7.1. Reaction to the Prime Minister's Implicit Will

Shinzo Abe was the Prime Minister at the time of enactment. Yoshihide Suga, who had closely supported Abe as the Chief Cabinet Secretary, succeeded Abe in 2020 (he stepped down in October 2021, just when this essay went to press). Several cases where nepotism or favoritism by the Prime Minister was suspected have been reported under these administrations.

Best-known is the Moritomo School case. State-owned land was sold to the school at an unusually low price (one-ninth of the one originally estimated). During the negotiation with the MOF, the President of Moritomo often boasted of support from Akie Abe, the Prime Minister's wife, showing off a photo taken together. Akie's secretary (an official sent from the METI) also made an inquiry to the MOF to check how the sale was progressing. When this deal was reported by the media, the Director-General of the MOF was called to the Diet but categorically

⁹ In reality, this principle of insulation or separation has never been observed, and type D of CS has been praised since the 1980s, mainly by rational choice institutionalists. However, since the beginning of the 2000s, various theorists, such as D. Carpenter (2001), G. Huber (2007), S. Gailmard and J. Patty (2007, 2013), etc., came to criticize such obedience as bringing harm and support the CS's behavior under certain autonomy (Shimada 2020b).

denied any political influence on this discount. Subsequently, the formal document recording the sale process was secretly rewritten to make it consistent with his answer; the names of Akie Abe and other politicians were deleted. The MOF's front-line official, who was forced to do this rewriting, committed suicide a few days later.

The second case concerned Kaké School, whose owner was a long-time close friend of the Prime Minister. The Ministry of Education, Culture, Sports, Science and Technology (MEXT), which had not given permission to any university to start a veterinary faculty for 52 years, gave a special permission to Kaké. The MEXT kept a record that they were told by a high-ranking official of the Cabinet Office that "giving permission is the will of the Prime Minister". The Chief Cabinet Secretary denied this remark, saying that the record in MEXT was forged for a sort of negative campaign.

Under the Suga administration, a serious case of breaching the Civil Service Ethics Act was brought to light. High-ranking officials of the Ministry of Public Management, Home Affairs, Posts and Telecommunications (MIC) were reported to have been invited to an expensive dinner hosted by a film corporation where Suga's son, an ex-secretary of his father when Suga was the Minister of MIC, was working. The company was under the supervision of MIC as the competent authority, so receiving such an invitation was clearly illegal. Many officials resigned after receiving disciplinary penalties.

In all of these cases, the reaction of the top officials involved was the same: They denied the Prime Minister's involvement, and refused further explanations in detail because of their "poor memory". They eventually received all the blame and resigned. But had they not been found out, those who had behaved in such anticipatory compliance with the Prime Minister's assumed reaction would have been promoted.

History shows that politicians tend to pursue their own interests; support from the majority is not the same as representing the whole society. Moreover, in the world of politics and governance, it is impossible to realize *every* aspiration. If anyone is forced to bring about certain outcomes by all means, the simplest solution is to "make up data when reporting results" (Krause and Meier 2003, 294-295).

7.2. Neglected Data and Limits of the CS

Another phenomenon is that the CS has come to strive to realize the Prime Minister's agenda, even at the cost of statistical evidence or their own health.

The Ministry of Health, Labour and Welfare (MHLW) became notorious in this respect. To realize the ambitious Work-style Reform, one of the core policies of the Abe government, supporting statistics on working hours in the private sector, was submitted to the Diet. But the figure was apparently unnatural. These statistics were later withdrawn, and the related revision was finally dropped. Another case centered on statistics of monthly working conditions of private companies, which had been the basis for determining employment insurance, etc. After the Prime Minister's Secretary showed dissatisfaction with the figure, its processing was changed in 2018 so that the growth rate of salary was moved up. In both cases, opposition parties suspected an intentional falsification to cater to the Prime Minister's wishes, but the MHLW denied such intention.

Another neglected factor is the limitation of resources, especially of time and health of the CS. Kasumigaseki, where most ministries are located (and also a term for central government as a whole, like “Whitehall”), has always been known as a “never-sleep spot”, but the recent situation has become aberrant. In the office taking measures against the COVID-19 pandemic, for example, admittedly the extreme case of a large-scale emergency, one official was reported to have been forced to put in 378 hours of overtime per month in addition to working 7 hours 45 minutes a day.¹⁰ Although the government’s guideline to avoid *karoshi* (death by overwork) sets 80 hours as the limit, this case was not exceptional. Officials in that section were reported to have also been harassed by the Minister.

Regarding the establishment of the Digital Agency, which had been given top priority by the Suga government, the bill was prepared with a speed “beyond the common sense of Kasumigaseki”, which resulted in numerous mistakes. Ministers neither paid attention to the exhaustion of the CS, nor did they make any attempts at prioritization, for these are trifling matters for them compared with the sublime task to realize what voters aspire to.¹¹

7.3. Evasion of Competent Young People

The number of applicants for the CS has fallen since 2011, even after the recession started in 2018. The resignation rate of young officials has also been increasing. Moreover, the type of applicants has come to change. The majority of new recruits via the highest level of examination were traditionally Tokyo University graduates, but in 2018, only 20 percent of new recruits were from that university.¹²

Needless to say, there must be various reasons for the relative new unpopularity of the CS among young people, apart from the CS Reform. Mass media were concerned with this phenomenon and conducted various interviews and surveys. According to these, top university students regard the CS as unrewarding and uncreative, being forced to work long hours but being imputed with the blame from politics. That result coincides with similar findings from US research about the trade-off between political control and CS competence (Gailmard and Patty 2007, Huber and McCarty 2004, Stephenson 2007, etc.).¹³

An attitude survey conducted by the National Personnel Authority (NPA) in 2017 also indicates changes in young officials:¹⁴

10 <https://digital.asahi.com/articles/ASP353SJNP35ULFA00G.htm> (last accessed 20 May 2021).

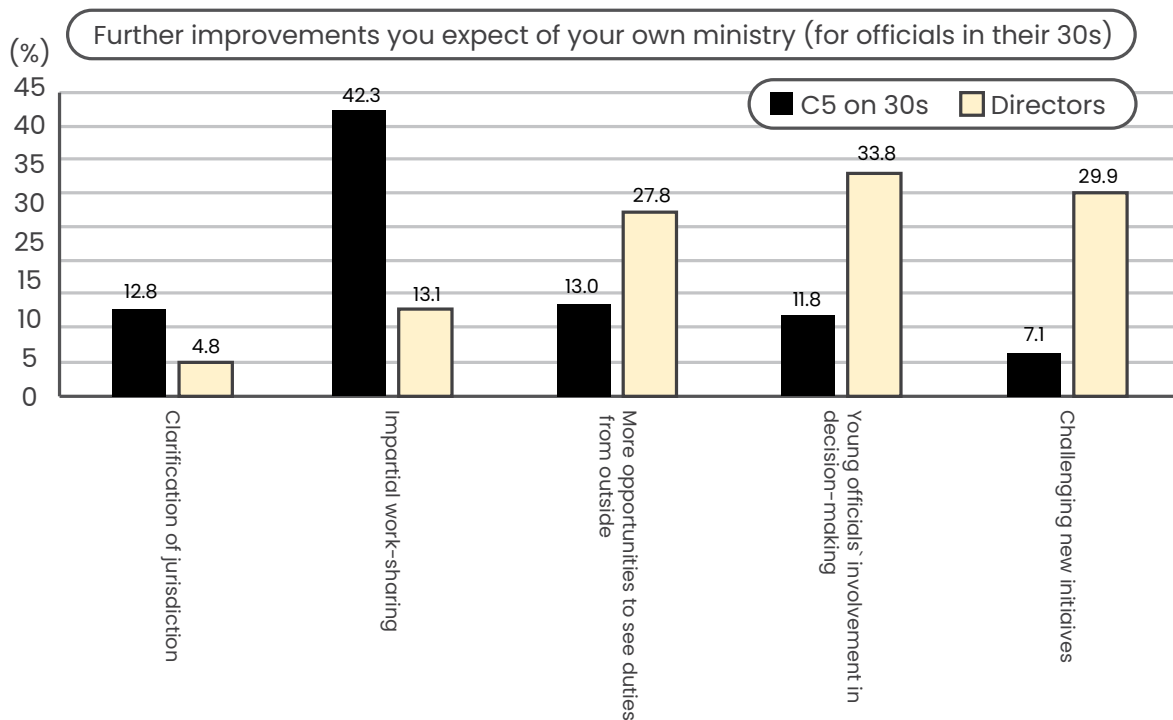
11 Civil servants are excluded from the protection of a compulsory upper limit of working hours, so that “ministers can order overwork when there is special or urgent need for the public service” (The National Public Service’s Working Hours and Leaves Act, Article 13II).

12 Since Tokyo Imperial University, especially its Law Faculty, was established primarily for bringing up future bureaucrats, it was a shock to society that its graduates no longer gave priority to the CS (Shimada 2020a).

13 For details, see Shimada (2020b).

14 <https://www.jinji.go.jp/en/recomme/annual2017/pdf/05-2Part2.pdf> (last accessed 20 May 2021).

Graph 1. Extract Attitude Survey of the CS (Source: NPA 2017 Annual Report)



In the graph, black indicates the percentage of answers chosen by officials in their 30s, and white indicates those by their directors, to the question, “What do you expect of your ministry for further improvements for officials in their 30s?” This shows that young officials do not want to be involved in policy-making or challenge themselves with new tasks, contrary to their superiors’ beliefs. What young officials demand is a balanced amount of work and a clear range of responsibility. They are exhausted and declare, “We make policy as ordered by politics. Its result is none of our business.” While the Reform attempted to achieve type D of Obedience, what is appearing is type E of Escape.

8. Reform Driven by Emotion, Ignoring Emotion

In short, high-ranking officials have come to satisfy the Prime Minister, conjecturing his aspirations, and taking the blame when breaches of regulations are revealed. They have no other option for making their living, because they have been devoted only to the CS for over 30 years. Younger officials, in contrast, have come to dodge imputed blame. The CS has become less competent; data and records have become less reliable.

These consequences are not surprising. Aspirations were not always feasible. Nobody wants to be relegated to being a lackey. All of this is simple wisdom. The question is why such simple wisdom was overlooked during the Reform. Two reasons can be suggested:

Firstly, the Reform was led by the emotions of the people.¹⁵ As the discourse analysis in the Diet demonstrates, there was neither a rational analysis of the causes of policy failures, nor systematic research of precedents in other countries. The driving force of the Reform was

¹⁵ Makihara (2013) points out that the reforms since the 2000s differ from earlier reforms, which were investigated minutely by experts to keep consistency with other systems.

fury, "The elite officials should be punished, for they deliberately neglected their duty." All parties, both ruling and opposition, blamed the CS for policy failures. It was true that many high-ranking officials betrayed the trust of the people by pursuing their own interests. There is no room for excuses. But there were also other structural reasons why policies failed to satisfy people's expectations since the 1990s. Japan was bound by its own memory of past success. Fury of the people might be partially attributed to the tradition of paternalism; realizing the public good had been left to the CS since the Meiji Era and was not the business of the people.

Secondly, the Reform, ironically enough, ignored the emotion on the side of the CS. Officials were assumed to be emotionless machines or automata; if they were kicked hard, the proper product would come out. Mainstream academia supported this view. Since the

1990s, quantitative research came to sweep Japanese political science (Uchiyama 2003), unmeasurable factors of the CS, such as norms, culture, history, pride, sense of duty, patriotism, fight, etc. were condemned as "irrational" or "unscientific".

Another reason for ignoring the emotions of the CS was the spell of Max Weber's ideal type of bureaucracy. In his book *Politik als Beruf* in 1919, he said: "*Sine ira et studio*, 'without anger or partiality' – that should be the official's motto in the performance of his duties. He should therefore abstain from doing what politicians ... must always necessarily do, namely, to fight. For taking sides, struggle, passion – *ira et studium* – are the politician's element" (Owen and String 2004, 53-54).¹⁶ But "bureaucrats should" is not at all the same as "bureaucrats actually do" or "can". Officials in reality are made of flesh and blood, like employees in the private sector, and are easily hurt by politicians' bullying and infuriated by unreasonable insults, and they invariably take ownership of their projects. In addition, what Weber was talking about is the realm of implementation; he did not refer to the realm of policy-making. Insofar as the CS is required to be highly involved in policy-making, its job inevitably demands, and produces, a certain "politician's element".

I interviewed several high-ranking officials in 2015 and 2016 and found that all of them were split between their sense of honor and their actual duties. They undergo an emotional conflict whether to tell unpleasant truth to power or not, swaying between their long-cultivated passion as serving the public good and the new demand for obedience, which they perceive as contradicting the former.

9. What Values to Be Borne? To Fly out of Humpty-Dumpty's Bottle

If the consequences brought by the Reform are not what is desired by the experts' proposals or statements (Shimada 2020a, 129-159), the best way is to go back to the starting point and find out where one might have made a wrong turn. I have shown that in the Diet, while there were lots of remarks on the "impartiality" of the CS, real communication was impeded by Humpty-Dumpty-esque self-righteousness. To reach a mutual agreement, I suggest changing the questions as follows, "to show the fly the way out of the bottle", following Wittgenstein.

1. What values cannot be realized by majority rule?

¹⁶ Weber also mentions inevitable conflicts between the rational matter-of-factness of the bureaucracy and public opinion being born of irrational "sentiments" (Gerth and Mills 2009, 221).

2. To what extent should such values be borne by the CS?¹⁷
3. How can such values be ensured, when they conflict with the majority's aspirations?

It is still not easy to answer these questions, but one should recall at this point that Japanese political reform since the 1990s adopted the Westminster model. In the UK, the role of the CS in policy-making is formalized in the Civil Service Code. The duties of the CS include "basing advice and decisions on rigorous analysis of the evidence" (objectivity) and "acting solely according to the merits of the case and serving equally well governments of different political persuasions" (impartiality). In the Ministerial Code, Ministers are given the duty to give fair consideration and due weight to informed and impartial advice from civil servants in reaching policy decisions. There is no room for misunderstanding the expectation that the CS should "speak truth" to power.

To ensure this role, there is a tradition of political self-restraint from intervention in the selection of the CS, up to the top level, at least in theory, but also as concerns significant practice. After reforms under David Cameron, for instance, prime ministers can now select a permanent secretary for each ministry from short-listed candidates, but they are still excluded from the selection process. There are also various checking measures, from the judiciary to Select Committees of the Houses of Parliament, against the abuse of power by ministers.

Needless to say, this is not the only path to follow for Japan. Again, the reality in the UK surely diverges from the coded principles, and the Westminster System's downsides are well-known. But the most important lesson in the current context is that in the UK, there is no room left for misinterpretation of the values borne by the CS. Once a clear agreement on this is achieved in Japan, it will be much easier to keep checking comprehensively whether the reform goes in the right direction.

10. Conclusion: Will Bureaucrats See Spring Again?

The CS in Japan, after having enjoyed summer, is now in the middle of winter. CS reform was indubitably necessary in order to adjust to drastic changes in the domestic and international environments. But the actual CS Reform was driven by emotion, as Max Weber had predicted, and – therefore – resulted in a less competent CS. This emotion was caused by corruption in the CS, so it was a well-earned punishment. The real problem is that it also brought about undesirable consequences to the society as a whole, which needs a competent, motivated CS, not least in a country like Japan.

Will bureaucrats see spring again?

Spring will come if people accept that their own aspirations might not always be realized by the majority rule and find that the truth conveyed by the CS, even if unpleasant, will bring benefits to society at large in the long run – like a patient trusting a medical doctor who gives unpleasant advice. People know that doctors have their limits but still believe that relying on their expertise brings the best results possible at that time.

¹⁷ The CS is certainly not the only entity to bear such values, but one has to bear in mind that in Japan, change of political power seldom occurs, and judicial review is very weak.

But can the CS achieve such trust again?

I can think of one promising case. It is the change of people's attitude toward the Self Defense Force (SDF). The Constitution established after the Second World War stipulates that Japan retains no army, but facing the outbreak of the Korean War, the government formed the SDF, encouraged by the US. So the SDF was regarded with suspicion among the people, often associated with the atrocities of militarism before or during the Second World War. But following SDF participation in rescue activities, including the two great earthquakes in 1995 and 2011, its image has dramatically changed. Members came to be known for their sincere and devoted attitude toward suffering people, showing real sympathy for the weak. Nowadays, the SDF is consistently at the top of "trusted public entity" public opinion polls.

As for officials who are involved in policy-making, they have a long and brilliant history of being trusted as competent and unselfish. So why can they not regain this trust by showing real devotion to suffering people, like a medical doctor? It will be very difficult indeed, as Max Weber pessimistically stated, but it is not impossible.

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