

**FRAMING THE EUROPEAN COMMISSION'S ROLE: FROM AUTONOMY TO
INFLUENCE**

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Abstract

While the application of agency theory to the EU case has explained the conditions under which supranational autonomy occurs, it fails (or rather, does not seek) to account for the conditions under which the supranational institutions influence policy outcomes. This is because it focuses exclusively on the relationship between member states and the EU institutions, ignoring other external and internal factors which may be of relevance. Yet the principal-agent model does focus our attention of the issue of supranational agency and, in the case of this paper, on the agency of the European Commission. This is important. However, there is a danger that such a focus on agency could draw attention away from the particular institutional attributes of the Commission. It is argued in this paper that an understanding of both agency and structure and the relationship between them is necessary if Commission influence is to be fully comprehended and a theory of Commission influence constructed. Hay and Wincott's recent contribution to this debate (1998) is particularly interesting as it focuses attention on the concept of 'strategy' (combining and integrating notions of strategic action and strategic context), providing a useful starting-point, if not a solid theoretical base, for case-study research.

Introduction

The role of supranational institutions in European policy-making and their impact on both policy and integration has long been a source of interest to those involved in both empirical and theoretical research on the European Community. Not surprisingly however, there has been little agreement on how the Commission, Parliament and Court might be conceptualised in this respect and no consensus on how, if at all, these institutions influence and shape outcomes. This paper focuses on one of these institutions, the European Commission.¹

Conventionally, supranationalist writings have conceived of the Commission as the 'engine' of European integration, something that Metcalfe (1992) for one has criticised as an outdated and overly mechanistic metaphor. Conversely, intergovernmentalists have tended to see the Commission and the other European institutions more as servants of the EU member states, and as such lacking in autonomy and independent influence.² Neo-rationalist critiques, though soaked through with intergovernmentalist assumptions, have moved beyond questioning whether or not the Commission can play an autonomous role within the EU, to focus more on the circumstances under which it does so. Yet neo-rationalists, in true intergovernmentalist fashion, rest the large part of their analysis on the relationship between the Commission and the member states/national governments, drawing attention away from other factors that are likely to be of importance in determining the extent and intensity of Commission influence – most notably, factors internal to the Commission - which whilst occasionally acknowledged, do not form part and parcel of their model.

Thus the paper begins by questioning the appropriateness of the agency theory, and finds that although this approach has offered many useful insights into the conditions under which the Commission acts autonomously, it cannot provide an adequate explanation of Commission influence.³ The paper then reviews some of the relevant empirical literature and stresses the

¹ The paper does not address directly the literature on the European Court's autonomy and agency, though the author does acknowledge the importance of this relatively recent body of literature.

² See Matlary (1997) for a short account of intergovernmentalist and neo-functional lines on the European Commission. He also comments on the relevance of regime literature in international relations, where the question is whether international regimes have an independent impact on cooperative arrangements (p. 270).

³ Note that Matlary (1997) goes further in calling for more theorising about the Commission. He bemoans the fact that there is no theory which can explain when and how the Commission is important. He claims that 'theory about the Commission's role can ultimately only come from induction' (p. 282).

importance of considering factors both internal and external to the Commission in any assessment of the institution's influence. The agency/structure debate is considered a useful starting-point for framing this enquiry in that the Commission is deemed to be both agent and structure (in different guises). Particularly useful is a focus on strategy, which accounts for the inter-relationship between strategic action and strategic context (Hay and Wincott, 1998). However, the paper concludes that although it might be possible to frame case-study research along agency/structure lines, scope for developing a theory of Commission influence on the basis of such an approach remains at this stage a rather distant prospect.

The principal-agent model and supranational autonomy

While neo-functionalists and intergovernmentalists have been unable to agree on the issue of supranational autonomy, the debate has recently moved on. Instead of focusing our intellectual attention on *whether* the Commission is able to act autonomously or not, and whether it has any influence at all in the European policy and integration processes, we can now assume the answer to be a tentative 'yes ... but only in certain circumstances and under certain conditions'. The research question to be addressed now might seem to be '*when* and *where* is the Commission able to act independently?' Variation is the key to this research agenda. There is no assumption that Commission autonomy will be the same across issue-areas and over time, and even within issue areas.⁴ Such is the approach adopted by some neo-rationalist and historical institutionalists towards the EU.

These institutionalist approaches evidently reject the extreme rationalist line that international institutions, especially in the EU case, are little more than 'international clearing-houses' (Garrett, 1992, pp. 534-35). Yet even for critics of a hard-line rationalist approach there is no need to reject intergovernmentalist premises. Garrett and Tsebelis (1996) find fault with a certain type of intergovernmentalism, it is true. They argue that researchers who attempt to understand European decision-making by evaluating only the decisions of the Council of Ministers are misguided and their belief that the only institution worth analysing is the one that has the last say, or the 'veto power', is deeply flawed. However, Garrett (1992) has argued that the establishment of the internal market in the mid-1980s reflects the preferences of the French and

⁴ Nugent (1997, p. 284) makes this point.

German governments at the time, and not those of the Commission. While it is recognised that the Commission has some agenda-setting power, and hence that it ought to be able to advance proposals close to its own preferences, Garrett argues that the Commission's policy proposals in fact reflected not its own preferences, but those of the most powerful EC member states. In addition, he argues that the Commission was unable to make use of its agenda-setting power for reasons which include the fact that Commissioners are political appointees and that the Commission lacks its own legitimacy. He suggests that while for the Commission any outcome was better than none, France and Germany were prepared to hold out for the best deal they could get (p. 553).

By contrast, Moravcsik (1995), Pierson (1996) and Pollack (1997a and b) each agree that there is such a thing as supranational autonomy, even if they differ in their assessment of the extent to which this autonomy matters. Autonomy of this kind finds its source in the member states' willingness to delegate political power (or sovereignty) to the supranational institutions. Delegation is, as such, the key to understanding the relationship between the member state(s) and the Commission, Court and Parliament. Using agency theory, that relationship is conceived of as one between principal (or rather multiple principals) in the case of the member state(s), and agent (or multiple agents) in the case of the supranational institution(s). The general argument goes as follows: member states delegate power to supranational institutions for a number of reasons, such as to enhance the credibility of governments as against domestic and international pressures (Moravcsik, 1995, p. 621). Supranational institutions are thus established to fulfill certain functions – the monitoring of compliance and formal agenda setting, for example. Member states attempt to control their agents, using various techniques, such as monitoring, providing incentives, using sanction and veto powers. But those controls are not always effective, again for various reasons, whether owing to the lack of member state expertise vis-à-vis that of the supranational actors, or the vulnerability of national governments that hold a short-term (election-orientated) perspective on policy matters. Thus, over time (see Pierson, 1996) and under certain circumstances, the supranational institutions may be able to break free from member state control and act autonomously, establishing and seeking to operationalise their own preferences as distinct from those of their member state principals. For various reasons (change resistant decision rules and 'sunk costs' (Pierson, 1996)) member states may find it difficult if not impossible to claw back control.

In a sense, the relationship between the member states and the supranational institutions depicted here is one of a struggle between governments who try to control their agents' actions as best they can within the constraints that they themselves face, and institutions such as the Commission that profit from the member states' incapacity to do so across-the-board. Pollack (1997a), for example, talks about the Commission's ability to exploit disagreements amongst member states, and to take advantage of decision rules. Yet even if Pierson (1996) agrees that supranational autonomy can occasionally be a function of the supranational institutions themselves, in the main it is the inability of the member states to control their agents that endows those agents with whatever 'freedom of manoeuvre' or autonomy they possess. In other words, EC institutions 'neither run amok nor blindly follow the wishes of member governments but rather pursue their own preferences within the confines of member state control mechanisms whose efficacy and credibility vary from issue to issue and over time (Pollack, 1997a, p. 110). Variation is thus taken for granted, as is the self-perpetuating effect of 'gaps' in member state control. As Pierson comments 'Gaps...open up possibilities for autonomous action by supranational actors, which may in turn produce political resources that make them more significant players in the next round of decision making'(1996, p. 147). Clearly, this makes it all the more difficult for member states to rein in and reassert their control over supranational institutions as time goes by.

While such accounts of supranational autonomy reject the realist assertion that supranational institutions are merely 'passive structures' (Cram, 1994, p. 12), unable to shape outcomes on their own behalf, their arguments rest on a conceptualisation of the EU which privileges the vertical relationship between international (in our case supranational) institutions and (member) states. This is understandable, given that *autonomy* is assumed to arise out of *delegation*, a point which is recognised by Pollack (1997b) when he acknowledges the limits to such an approach:

Principal-agent models ... problematise and generate testable hypotheses about one particular dyadic relationship, namely that between the Commission and the Member States. In doing so, however, these models tend to de-emphasise (but not ignore) other inter-institutional relationships, as well as ... informal policy networks ... Perhaps most importantly, principal-agent models ... tend to adopt simple assumptions about the Commission as a competence-maximising rational actor, seeking to increase both the Union's and its own competences. ... Such assumptions can be quite helpful in

understanding the Commission's central role as the 'engine' of the integration process, but they fail to emphasize the very real importance of the Commission's *internal* structure and organisation (Pollack, 1997b, pp. 127-8).

Indeed, recent critiques of the application of the principal-agent metaphor in the US political control literature, have attacked the model's failure to acknowledge the effect of organisational factors on policy (Eisner, 1993; Desveaux, 1994; Eisner *et al.*, 1996). Desveaux asserts, for example, that policy outcomes may 'depend not only on linkages between agencies and elective political institutions but also on the shape of bureaucratic structures' (Desveaux, 1994, p. 32). In Eisner's work on the US Federal Trade Commission, changing antitrust priorities are explained by the growing role of economists within the agency, rather than by mechanisms of political control (such as congressional oversight or presidential appointments). 'Despite the elegant theorizing found in some of the principal-agent literature, there have been few attempts to model bureaucratic organizations as anything other than reactive black boxes' (Eisner, 1993, p. 149). Desveaux goes on to say that for a fuller account of policy change 'it is necessary to proceed inside the boundaries of bureaucracy and examine internal structural factors ... and their relevance to policy outcomes' (Desveaux, 1994, p. 52). Eisner accepts that 'Bureaucratic forces may or may not be influential in determining regulatory policy change.' But, as he goes on to say, 'The question has not been addressed in the political control literature ... [I]t is time to reconsider the fundamental approach to conceptualizing the political-bureaucratic relationship and the nature of political control' (Eisner, 1993, p. 146-7), to stop pitting bureaucratic politics/organisational arguments against those which rest on political control hypotheses, and to consider a wider range of variables likely to be important at different stages of the policy process.

Whilst this argument can easily be transferred to the Commission case, it is important all the same to take on board the distinctiveness of the EU. In the US 'Political control becomes necessary if one is to reconcile bureaucratic power with democracy. The efficacy of political control will determine whether the bureaucracy is accountable and responsive to elected officials' (Eisner, 1993, p. 127). The fact that the Commission was intended from the outset to incorporate both bureaucratic and political functions⁵, and the existence of a directly elected

⁵ Page (1997, p. 141) calls the Commission a 'traditional bureaucratic organization in an essentially non bureaucratic setting'.

European Parliament means that the imposition of a model designed expressly for the US case may not be appropriate. So while this is not to say that the Commission need not be accountable and responsive, the assumption that it is little more than an 'agency' or a 'bureaucracy' is open to question, though this begs certain fundamental questions which hark back to the traditional dichotomy between intergovernmentalists and 'supranationalists'. It is perhaps ironic that a model which seeks in the EU case to explain supranational autonomy, is so heavily laden with intergovernmentalist assumptions.⁶

One way of understanding the limits of agency theory in this respect is to make a distinction, albeit contrived, between *autonomy*, on the one hand, and *influence*, on the other. While the principal-agent relationship might be useful in conceptualising and explaining how the Commission can act autonomously, it does not account for the Commission's influence within the European policy process. This is a point worth emphasising, if only as the conditions underpinning Commission autonomy and the conditions underpinning Commission influence are likely to be different. Thus, to state that the Commission is at least potentially autonomous does not necessarily imply that it is able to influence and shape either policy content or process, or indeed the broader integration process. It merely states that a necessary condition of influence has been fulfilled. It is argued in this paper that while autonomy is necessary for the Commission to influence outcomes, it is far from being a sufficient condition. While autonomy allows the Commission the potential to influence policy and integrative outcomes, its actual influence is more likely to depend on a combination of external and internal factors (suggested by Pollack in the quotation above), not least the capacity of the Commission itself to exploit what autonomy it can muster. While the Commission may at times possess the competence and the autonomous space (Pierson's 'gap') which allows it to influence policy outcomes, it may still lack the capacity to do so (Metcalf, 1992, p. 118).⁷

Nevertheless, agency theory does make a substantial contribution to our understanding of the relationship between member states and supranational institutions. In the case of the Commission, in particular, it focuses attention on the agency of the Commission, that is to say,

⁶ Nugent (1997, p. 19) notes that the debate about Commission influence rests on different visions of the integration process.

⁷ Matlary makes a similar point about 'actor capacity'. He says that this is the crucial question to ask of the Commission: in other words, 'how do the formal and informal resources of a given actor add up in a policy area or in a specific negotiation?' (Matlary, 1997, p. 271).

the way in which the Commission can be conceived of as an actor in its own right, explaining how the Commission comes to be an (autonomous) actor. Moreover, it also explains (albeit only partially) why in some cases the Commission is able to assert itself, whilst in others this is not possible. It does not, however, explain all the conditions under which the Commission is able to influence outcomes.

Insights from the Empirical Literature

Just as there is nothing novel about emphasising the importance of bureaucratic factors within political life generally, there is also nothing new in asserting that internal factors must be taken into account in any investigation of the European Commission's role (Coombes, 1970, p. 232 and 216, for example). It seems that most researchers, even those who adopt a neo-rationalist line (see Pollack, 1997b) will concede that the Commission cannot accurately be described as a unitary actor and that internal factors are crucial to any understanding of the Commission's capacity to influence outcomes (Page, 1997, p. 134). Cram makes this point when she says that 'for a truly comprehensive analysis of the role of the Commission in the EU policy making process we need detailed analyses of the internal functioning of the Commission, its directorates and its policy units' (Cram, 1994, p. 217).

A very brief foray into the empirical literature provides a wealth of information on the European Commission, information which can be used to guide us in any choice of the factors likely to be important in determining Commission influence. While a complete literature review is beyond the scope of this paper, the accounts below suggest how we might build on existing research to inform any future framework, whilst keeping an open mind on the relative importance of the factors or variables researchers have thus far deemed to be crucial.⁸ It also highlights the point that while explanatory theories and models often play down the role of the Commission, empirical evidence consistently shows how the Commission matters within the policy process (Nugent, 1997, p. 23)

⁸ In the conclusion to Nugent's edited book on the Commission (1997), the editor shows how different authors have characterised the Commission's role within different issue areas. For example, Lawton highlights how the Commission has been able to get policy initiatives off the ground; Hooghe shows the Commission being instrumental in effecting major reforms; and Levy charts how the Commission put into place the mechanisms to ensure the effective implementation of policy (Nugent, 1997, p. 284).

David Coombes' seminal study of the Commission highlights the inherent tension between the political and bureaucratic functions performed by the institution, but sees even back in 1970 the victory of bureaucracy over politics (p. 327), a consequence of the delegated nature of the Commission's powers. In practice, the implications of such a shift were a privileging of certain functions (those of mediation and administration) over others (those of initiation and 'upholder of the common interest'). Coombes points to the failings of independent political leadership within the Commission and indeed at the Community level more generally. The Commission looked from the start to be too much of a bureaucracy, lacking in independence and too reliant on national governments for appointments, delegation of powers and authorisation of its legislative proposals (p. 295). In the early years (the early 1960s), the Commission was supported by a common partisan culture, loyalty and understanding, (p. 311) and an absence of hierarchical structures and rules. However, its size and the increasing scope of its competences conspired to enhance its bureaucratic characteristics at the expense of its more political face, as did the influx of seconded national officials which all served to create coalitions within and fragment the Commission (p. 309). Yet this analysis does not mean that the Commission necessarily mattered less in 1970 than it did in 1960 (though this is generally taken to be the interpretation of the institution post-1966); only that its role within the European policy process is biased more towards the conventional functions bureaucracies perform – mediation and policy execution, which are in many case no less politically relevant than the more overtly political functions of policy initiation and serving the Community interest.

Coombes considers explicitly the importance of both internal and external factors in his analysis of the Commission. This comes through most strongly in his two case studies. Thus while in his case-study of the Commission's role in the Kennedy Round negotiations in the late 1960s, he points to the relevance of recruitment, organisational structure, informal organisation, decision-making procedures and roles performed by officials, he also stresses that

The success of the Commission in negotiating the Kennedy Round on behalf of the Community cannot be explained by ... internal organizational factors alone. The lack of determined opposition from any member government in the final stages, the fact that third countries were involved and the existence of a crucial deadline, were the major factors in enabling the Commission to take the initiative. It was clearly important, however, that the organization was sufficiently flexible and 'organic' in nature not to

prevent the Commission taking full advantage of this opportunity (Coombes, 1970, p. 216).

In his second case-study, on Luxembourg-Lorraine, however, the Commission is shown to be 'hamstrung' by a lack of resources and support, most notably a lack of formal powers and an explicit authority to act, and resistance to resolving the issue from within the Commission itself (p. 227 and p. 230).

Analysis of the Commission in a rather different period – post-1985 – emphasises rather different characteristics, though the importance of both internal and external factors comes through strongly here too. Edwards and Spence (1994) recall both Dinan's (1994) and Ludlow's (1991) assessment of this period by characterising the 'new sense of purpose' that the appointment of Jacques Delors brought to the institution. (p. 12). The point is clearly made however that the structure of the Commission was not strong enough to sustain the achievements of a dynamic President. Edwards and Spence stress vehemently the Commission's need for an independent base which would enhance its ability to generate ideas, allowing for continued close relations with other institutions and national governments (p. 16).

In Ludlow (1991), the relevance of both internal and external factors are spelt out explicitly. While he begins by stating that external factors were important after 1985 in setting the EC's agenda (reflecting national priorities and capabilities) and in shaping the institutional framework within the Community as a whole, he also stresses the importance of the Commission's original design, claiming that 'The architects of the 1950s and 1960s did well' (p. 86). Most important of all, however, in this account is strong leadership from within the Commission. Ludlow makes the link between leadership and the Commission's external context when he says that 'The Commission alone could not create the new Community. It was never intended to do so. Given the right context and strong leadership, however, it could and did respond effectively to the opportunities that opened up before it' (p. 86).

While Page (1997) begins his analysis defining the Commission as a bureaucracy, this, he argues, should not lead us to assume the existence of some sort of classical bureaucratic model. Rather, officials everywhere shape decisions (p.2), though the extent to which they are able to influence the policy process will vary from issue to issue and over time; and there are numerous visions (he

lists four) of what a bureaucracy is and ought to be. Page's starting-point is the internal dynamics and characteristics of the Commission, with the understanding that it is only by understanding these dynamics and characteristics that the Commission's role (externally) can be comprehended (p. 134). He begins by focusing on questions of cohesiveness and fragmentation, and caste within the Commission, but moves on to consider the permeability of the institution and the political control to which the Commission is subject. In the latter cases, the emphasis is much more on the interaction of the Commission with external players, namely interest groups, other EU institutions and national governments. Thus it is only in tying together the internal context and external relationships that one can begin to question the impact of the Commission on both specific policies and on the European integration process more broadly.

Menindrou (1996) sees the strategies the Commission pursues as determined as much by institutional self-interest and the Commission's own policy priorities as by external considerations, with Commission behaviour embedded in the design of the institution and in the link between institutional considerations and task expansion (p. 14). However, Menindrou also points to the importance of what she calls 'background developments' (p. 15) of which she gives a number of examples: the internal market, the empty chair crisis, and enlargement. These background developments, she claims, lead to the emergence of both new opportunities and new constraints for the Commission.

This rather selective and limited choice of studies on the European Commission provides only a taste of how empirical accounts of the Commission's role might point to a range of independent or intervening variables which are likely to affect (at one time or another) Commission influence.⁹ Two inter-related themes which arise from this brief review above are worth noting at this point. The first is the relevance of both factors internal to the Commission, such as internal leadership and organisational structures, and external factors, such as the support of national governments and economic conditions. This feeds into the second theme which is that of constraints and opportunities, so that from the above review it is possible to posit that the constraints and opportunities facing the Commission rest as much on the internal as on external circumstances. To a degree, this might seem like little more than stating the obvious. Yet, it does point to a particularly problematic issue which research on the European Commission should address: that of the relationship between agency and structure.

⁹ This suggestion is made by Matlary (197, p. 275).

Conceptualising the Commission as an actor, whilst important, does threaten to draw attention away from its institutional attributes, and can lead to some confusion as to whether the Commission is an agent or an institution, or indeed both. Using terms like ‘institutional actor’ does nothing to clarify the situation. Therefore, the rest of this paper questions whether insights into the relationship between structure and agency might help to end the confusion, and provide a conceptual framework for research on the Commission, which would address not Commission autonomy, but Commission influence, and thereby frame the Commission’s role within the EU.

Agency, Structure and Strategy

Tensions between intentionalist and structuralist approaches to social and political life continue to frame many key debates within the social science discipline.¹⁰ In the majority of cases these are implicit rather than explicit, especially in the field of political science. Contemporary contributions to the structure-agency debate have sought to incorporate both structure and agency perspectives and to emphasise the interdependence, if not the interwovenness of these two concepts (Giddens, 1984; Bhaskar, 1979). Giddens’ structuration theory, which privileges action and interaction, is perhaps the best known effort in this field.

Hay and Wincott (1998) claim that historical institutionalism has the potential to serve as a vehicle for what they claim to be a ‘distinctive social ontology’ (p. 953), which privileges neither ‘calculus’ (rational choice) nor ‘cultural’ (sociological) approaches (Hall and Taylor, 1996, p. 939) to institutional analysis. While what they really hope to see emerge is a ‘theory of institutional innovation, evolution and transformation capable of linking the subject in a creative relationship with an institutional environment’ (Hay and Wincott, 1998, p. 955), Hall and Taylor are adamant that a new social ontology within the historical institutionalist literature is still to be developed (1998, p. 960).

From this perspective, structure (or context) is deemed to be the condition under which human agency occurs, but it is at the same time the outcome of that agency (Dessler, 1989, p. 452. See

¹⁰ Intentionalists undertake their research on “insider” accounts that focuses on social practices, human agency and the rich texture of social and political interaction.’ Structuralists, by contrast, offer accounts which ‘privilege structure within the structure-agency relationship’ and in which ‘structure is largely seen to *constrain* and even *determine* agency’ (Hay, 1995, pp. 193-4).

also March and Olsen, 1989). Thus, 'structure and agency are ... not a dualism but a complex duality linked in a creative relationship' (Hay and Wincott, 1998, p. 956). Actors are constrained and enabled by the system in which they operate and all actors are structurally-embedded. However this does not prevent them from engaging in strategic action in an effort to work with the system and possibly to change it (though such change may well be unintentional). Structures respond more to some types of strategy and actors, but less to others (Jessop, 1990 quoted in Hay, 1995, p. 199) so that it is only through an understanding or knowledge of the system and the structures that comprise it (a knowledge gained through a process of social learning) that strategies may be shaped to better fit their context.

It is worth further quoting Hay and Wincott on this subject. They claim that:

Actors are strategic, seeking to realize complex, contingent and often changing goals. They do so in a context which favours certain strategies over others and must rely upon perceptions of that context which are at best incomplete and which may very often reveal themselves as inaccurate after the event (p. 954)

And go on to say that:

'Strategy' is crucial within such a framework. Its analysis encompasses calculation, action informed by such calculation, the context within which that action takes place and the shaping of the perceptions of the context in which strategy is conceived in the first place. [...] Change is seen as a consequence (whether intended or unintended) of strategic action (whether intuitive or instrumental), filtered through perceptions (however informed or misinformed) of an institutional context that favours certain strategies, actors and perceptions over others (p. 955).

Thus, the selection of strategy and strategic learning lie at the heart of any understanding of the relationship between structure and agency. It is through strategy (itself structurally-embedded) and its effects that structured contexts may be transformed (though at times not in the manner intended) and it is through strategy that actors learn more about the constraints and opportunities to which their agency is subject. What this allows is the potential for change. Although eschewing the determinism of structuralist models of old, actors do not exist in some temporal

void, but learn from past successes and mistakes 'providing the basis from which subsequent strategy might be formulated and perhaps prove more successful' (Hay, 1995, p. 201).

Such an approach provides a useful starting point for framing the Commission's role within the EU as it consciously seeks to account for both the influence or power that agents possess and the consequences of their agency. After all, agency is about power, about the ability to affect and transform structures. 'Attributing agency is therefore attributing power (both causal and actual)' (Hay, 1995, p. 191). And it is argued here that it is through exploration of the strategies pursued by the Commission that its role within the EU may be understood.

Commission agency and Commission structure

For our purposes, a focus on Commission agency speaks directly to the existing literature on that body. Over the past decade or so, numerous studies have conceived of the Commission as an 'actor'. Cram (1997a, p. 172) calls the Commission a 'purposeful opportunist' and says that '...agency of the EU institutions is increasingly recognised' as they perform various functions within the European policy process, while Matlary deems that 'The Commission is an actor like any other, with its own political resources: formal powers, expert knowledge, right of initiative...' (Matlary, 1997, p. 271). Menindrou (1996) defines the Commission as a 'strategic actor' and in doing so focuses attention on the cohesive qualities of the institution, most notably the collegiality of Commission decisions (fn.1). Fitzmaurice (1994) talks of the Commission as a 'central actor' within the Community (p. 179) and defines the Commission's role as one of animator, impresario and manager, 'the player-manager of the Community system' (p. 181).

However, while the Commission is often identified and labeled as an actor in its own right, this is fact a form of shorthand. It is perhaps more accurate to claim that the Commission is an institutional arena in which actors, often speaking for and representing the Commission, act (Hooghe, 1997).¹¹ The Commission houses actors, both collective and individual. More often than not, when commentators claim that the Commission is an actor, they have in mind a

¹¹ Hooghe (1997) makes this point explicitly. Cram (1994, p. 200) notes that concentraing on the overall role of the Commission does not take on board the fact that the DGs themselves have considerable autonomy. Moreover, seeing the Commission from this perspective gets around Menindrou's criticism that seeing the Commission as an actor tends to emphasise its cohesive qualities at the expense of a recognition of its fragmentation (1996).

particular DG or possibly several DGs, the President, the College of Commissioners or part of it, a group of individuals within the Commission sharing common cause, or even an individual official. However, because these actors' roles are inseparable from the institutional context they inhabit, it is not inaccurate to talk of Commission agency. It is the fact that the word 'Commission' has so many different connotations and definitions that causes much of the confusion (Cini, 1996; Nugent 1997; Cram, 1994, p. 198). Understanding Commission agency requires an understanding of Commission strategy (or rather, an understanding of the strategic action and goals which are pursued by individuals and groups within the Commission), as well as an understanding of the characteristics or character of those individuals and groups. It should be added that the adoption of rational choice assumptions is not necessary for such an approach to be operationalised.

However, it is impossible to understand the power or influence of the Commission without also taking on board its institutional attributes in a wider neo-institutionalist sense, as well as the perception of those attributes by those Commission actors concerned.¹² This suggests that the Commission is more than simply the sum of its parts, or the individuals that comprise it, but is an 'organized pattern of socially constructed norms and roles and socially prescribed behaviors...created and re-created over time' (Goodin, 1996, p. 19). Conceptualising the Commission as from an institutional perspective might focus our attention on the organisational structures (Menindrou, 1996, p. 13-14; Ludlow, 1991, p. 86) which frame, though not necessarily determine, the cohesive or fragmentary nature of the Commission. Rules and procedures, whether formally spelt out, or informally taken for granted, are important institutional features, for they shape the day-to-day working context of the Commission (Vahl, 1992; Matlary, 1997). Rules of this sort determine staffing policy within the Commission. While many of these are set out in the Staff Regulations, but they might also include shared understandings about the role of Commissioners' cabinets in the appointments process, for example. Formal rules also shape the scope of the functions performed by Commission actors, though these too are subject to working practices that are not found in any EU text. Finally, cultural factors, too, are extremely important institutionally. These principles, values, ideologies, ideas, and belief systems (social, psychological, administrative, political and economic), whether cohesive or fragmentary, tell us a

¹² Definitions of institutions vary immensely in the social science literature. See Hall and Taylor 1996) for some alternatives.

great deal about the Commission (Matlary, 1997; Cini, 1996). They also focus our attention of how actors give meaning to the context in which they find themselves.

Internal institutional factors and meaning attributed to them matter as they can both enable and constrain Commission agency. Enabled, the Commission (that is, the particular actor or actors within it) is able to respond to opportunities as they arise (Ludlow, 1991), exploiting external events and relations in line with their own preferences and identities, and using effectively the tools at their disposal (Edwards and Spence, 1994). Potentially, they are able to do this by facilitating agreement and taking account of national interests, setting the agenda, framing and packaging issues and problems in such a way as to ensure external support, setting the parameters for future policy, mobilising interests and selecting the participants in the decision-making process, preparing the ground for future action by promoting or undertaking research, facilitating the emergence of policy windows and promoting certain types of policy (Matlary, 1997, p. 275; Cram, 1994, p. 173; Edwards and Spence, 1994, pp. 17-19).¹³

These institutional characteristics of the Commission are part of the strategic context within which Commission actors determine their goals and pursue their strategies. The context informs strategic action by Commission actors, but is also affected and altered by it. Of course the strategic context within which such actors act stretches well beyond the confines of the Commission, to incorporate institutional and environmental factors external to it and any theory of Commission influence would have also to take this on board. But what is emphasised here is that the Commission is both agent and structure, and that neither is entirely comprehensible without consideration of the other.

Conclusion

According to Dessler (1989, p. 443), the 'agent-structure problem' arises from the inability of social theory to provide for an empirical research programme on the basis of an understanding of the agency-structure relationship (see also Gregson, 1989). This suggests that such an approach is likely not to be particularly fruitful, if our aim is to further investigate the conditions under

¹³ It is more usual to focus on institutional constraints than on institutional opportunities. Clearly, when constrained by the institution, agents of the Commission will be unable to exploit these functions effectively.

which the Commission is able to influence policy and integrative outcomes. However, Giddens makes the point in the case of his structuration theory that debates about agency and structure can still be used as 'sensitizing devices' (1989, p. 294) for empirical research in a rather indirect way, rather than as a way of 'providing detailed guidelines for research procedure' (1989, p. 294). Hay and Wincott (1998, p. 955) go some way beyond this limited aspiration to provide us with the beginnings of a framework for research, revolving round their notion of strategy (see the quote on p. 14 of this paper) . This would involve breaking empirical research down into four (albeit inter-related) foci: (1) calculation undertaken by Commission actors; (2) the action undertaken, as informed by calculation; (3) the context within which action took place; and (4) the shaping of perceptions of the context in which strategy was conceived.

Although those who would like to see a theory of Commission influence spelt out at this stage must be disappointed, this framework could help to inform and structure case-study research on the Commission, allowing for comparative conclusions to be drawn. Such comparative case studies could then be used to generate hypotheses and even, if possible, to build ultimately a theory of Commission influence. Indeed, it is by adopting such an approach that a resilient theory might ultimately be constructed.

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