The political control of government agencies: The effect of structure and task on ministry-agency-relations in Germany

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Introduction

The political control of bureaucracy is a topic of long-standing interest in the study of public policy and public administration. The creation of semi-autonomous public organisations ("agencies") outside ministerial departments in the past twenty years has resulted in a lively academic debate on the phenomenon of "agencification" and its effects on political control. In the literature "political control" and "agency autonomy" are often used interchangeably. This paper assumes a trade-off between political control and agency autonomy, i.e. more agency autonomy implies less political control (and vice versa) (Verhoest et al. 2004). The concepts differ in terms of their analytical perspective on ministry-agency-relations: The term "control" implies a top-down perspective on ministry-agency-relations, focusing on the parent ministry's motivation and capacity to influence agency decision-making. In contrast, "autonomy" takes a bottom-up perspective, focusing on agencies' decision-making authority as a function of ministerial control. However, the autonomy-control-balance may vary across subject matters within the same ministry-agency relation, i.e. agency autonomy and political control are multidimensional concepts (Bouckaert & Peters 2004; Christensen 2001; Flinders 2008; Verhoest et al. 2004). For instance, an agency may have little autonomy on management decisions (personnel, finances) but high autonomy on policy implementation. Thus, although agency autonomy and political control are closely related, they should be treated as analytically distinct concepts.

This paper examines how parent ministries in Germany control government agencies. The empirical basis of the paper is a comprehensive survey of all federal agencies directly reporting to a federal ministry conducted by the author in 2008 (Bach 2012; Bach & Jann 2010). The next paragraph outlines the delegation approach which dominates the study of political control of government agencies and contends that this approach has serious limitations in the context of parliamentary democracies. This paper claims that the political control of agencies in parliamentary democracies should be studied by focusing on ministry-

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agency interactions, rather than the delegation stage of structural choice. The subsequent section gives an overview of the literature on political control of agencies in parliamentary democracies and develops hypotheses on the effects of formal organizational structure on patterns of political control of government agencies. More precisely, the focus is on various dimensions of formal autonomy such as formal-legal type, the existence of a governing board, and agency independence in policy matters (Christensen 2001; Egeberg 2003; Yesilkagit & Van Thiel 2008; Bach & Jann 2010; Yesilkagit & Christensen 2010). In addition, the paper develops several hypotheses as to the effect of task characteristics (political salience and regulation as main task) on patterns of political control (Pollitt et al. 2004; Pollitt 2006; Döhler 2007; Painter & Yee 2011). This is followed by a section on methodology which also covers the organisations in the survey. Next, I present the empirical findings of my analysis. In short, the analysis shows that formal structure and political salience have significant effects on patterns of political control, which is not the case for agencies having regulation as main task. The paper ends with some concluding thoughts.

The limits of the delegation approach in parliamentary contexts

There is now a broad literature focusing on delegation to government agencies (Epstein & O'Halloran 1999; Gilardi 2002; Moe 1990; Pollack 2002; Van Thiel 2001; Yesilkagit & Christensen 2010). The general assumption of this literature (which is largely dominated by US studies) is that in the delegation stage "principals make their strategic decisions about the powers delegated to agents, and the control mechanisms established to limit their autonomy" (Pollack 2002: 206). This literature addresses questions such as: Why do politicians delegate certain tasks to agencies instead of having these tasks performed within the ministerial bureaucracy (Van Thiel 2001)? Under which conditions do legislators give high levels of discretion to government agencies instead of writing detailed legislation themselves (Epstein & O'Halloran 1999)? Why do politicians create formally independent agencies instead of agencies which can be hierarchically controlled by politicians (Gilardi 2002; Moe 1990; Yesilkagit & Christensen 2010)?

The delegation literature generally assumes that formal organizational structures are the result of rational decisions by politicians to maximize their utility. Institutional design is analyzed as a deliberate choice of politicians facing problems such as political uncertainty (Moe 1990), credible commitment (Gilardi 2002), lack of policy expertise (Epstein & O'Halloran 1999), and agency loss (Pollack 2002). The problem is that these theories do not perform very well in

the context of parliamentary democracies. In contrast to the US case, structural choice decisions in parliamentary democracies are strongly influenced by existing organisational solutions (Döhler 2005; Yesilkagit & Christensen 2010). Yesilkagit and Christensen (2010) explain this as follows:

> The reason is that policy makers in government and parliament make these design decisions in situations with considerable uncertainty as to the arrangement will work. In order to reduce this uncertainty, they are attracted by institutional blueprints that are known by them and in addition tried out in national practice. (Yesilkagit and Christensen 2010: 71)

Another explanation is that government agencies in parliamentary democracies are primarily controlled by parent ministries, who are themselves responsible before parliament (Döhler 2007). Thus, in contrast to the US where Congress may exercise direct control over federal agencies, there is an indirect control relationship between legislators and the executive in parliamentary democracies. As a consequence, the study of political control in parliamentary democracies should focus on ministerial bureaucracies, rather than legislators.

The political control of agencies: oversight patterns, formal structure, and task effects

The point of departure of this paper is that the political control of agencies by parent ministries is a function of (1) the capacity and incentives of ministries to control agencies and (2) constraints on the exercise of political control towards agencies (Döhler 2007; Pollitt 2005; Verhoest et al. 2010). The capacity of parent ministries to engage in oversight activities is first and foremost constrained by the nature of their core tasks, i.e. various forms of policy work such as drafting laws and regulations, writing answers to parliamentary questions, preparing speeches of the minister etc. These activities are generally highly unpredictable and ministry officials often work under considerable time pressure, leaving little time for oversight activities (Döhler 2007). Ministry officials follow a political logic of decision-making which is dominated by short-term orientation and a focus on solving political problems (Pollitt 2006).[1] The incentive structure of ministry officials (which is closely aligned to the incentive structure of executive politicians) does not attach high importance to

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[1] The so-called functional politicization is a widespread role orientation among (senior) ministry officials in Germany. The majority of senior officials like the political aspects of their job and agree that political skills are important for top civil servants (Derlien 2003).

substantial control of agencies (Beck Jørgensen et al. 1998; Christensen & Lægreid 2004; Pollitt 2006; Döhler 2007).

The political logic of decision-making is clearly different from the long-term orientation towards professional service delivery among agency officials (Döhler 2007). Many agencies have highly technical or scientific tasks which are hard to understand for politicians and generalist bureaucrats, creating information asymmetries (Pollitt 2006). Ministries have to "invest significant agency-shadowing resources in order to create an alternative stream of information to challenge that provided by the body" (Flinders 2008: 156). A recent empirical study shows that the "duplication" of agency tasks in the parent ministry indeed flattens information asymmetries and increase political control over agencies (Egeberg & Trondal 2009). However, as Flinders (2008) shows for the UK, parent ministries hardly ever devote substantial resources to this task. In Germany, agency oversight is usually taken care of the same unit which is responsible for policy work in the same area (Döhler 2007). Moreover, it seems plausible to assume that ministry officials value policy work much higher than managing routine and conflict-ridden operational issues (Dunleavy 1991). Among ministry officials, managing skills have a lower status, whereas policy work and interaction with political decision makers is highly valued (Flinders 2008). In sum, for ministry officials, the management and control of agencies is a duty among many others, and this duty is generally not highly ranked in the officials' priority list.

This does not mean that politicians and ministry officials do not control agencies at all. A study of government agencies in Denmark discerns two dominant patterns of ministerial control ("types of governance") over agencies (Beck Jørgensen et al. 1998: 512-514). The first type is called "compensatory governance". This type of control is used for agencies whose main tasks cannot be controlled directly because direct interventions would be considered illegitimate. Taking the Royal Theatre in Copenhagen as an example, the authors argue that because "governance cannot be satisfied by controlling art itself, governance must be directed towards aspects of the theatre, that are controllable, and that it is legitimate to control. That is the crux of compensatory governance – in this case the theatre's financial administration, pay and pension schemes, cost reduction measures, and organizational structure" (Beck Jørgensen et al. 1998: 513). This pattern of control has been identified in others studies as well. In Germany, the control efforts of parent ministries tend to focus on the allocation of resources and personnel, rather than on agency output (Döhler 2007; Bach

2010). However, compensatory control is not only used for agencies with tasks beyond the legitimate influence of politics. A possible explanation is that information asymmetries between ministries and agencies are much smaller for administrative issues compared to policy issues related to the agencies' core tasks.

The second type of control is labelled "indicator governance". Here, the ministry relies "on a number of indicators on the absence of problems. Everything is supposed to be all right, if the users don't complain, if no questions are brought up in Parliament" and if the organisation "complies with administrative rules" (Beck Jørgensen et al. 1998: 523). This is what US-scholars have called "fire alarm oversight" which they contrast with "police patrol oversight", arguing that fire alarm oversight is a more effective means of political control than permanent police patrol (McCubbins & Schwartz 1984). The problem with "fire alarm" or "indicator governance" is that the oversight behaviour of either parent ministries or parliament may only tell part of the story of how agencies are being controlled. This analytical problem is expressed by the notion of "observational equivalence" which was coined by scholars of US regulatory agencies (Epstein & O'Halloran 1999; Pollack 2002; Weingast & Moran 1983). The methodological puzzle is related to how the absence of oversight activities should be explained, as the lack of explicit oversight may imply a lack of political control, but it may also imply that everything is under control.

On the one hand, a lack of political control (i.e. explicit sanctioning of agency decisions) suggests that agencies are free to pursue their own interests which potentially conflict with those of their principals. In this "runaway bureaucracy" scenario, political control is needed to correct "agency drift". On the other hand, a lack of explicit control may also imply that agencies act according to their principal's intentions. The explanation is that "agents rationally anticipate the preferences of the principals and the high probability of sanctions for shirking, and adjust their behaviour accordingly" (Pollack 2002: 202). Thus, oversight activities are not necessary because the agency is "on track", even though it looks rather autonomous because of the absence of explicit control behaviour. In other words, because citizens and organized interests may "ring the alarm bell" at any time, oversight activities do not have to take the form of police patrols (McCubbins & Schwartz 1984).

Yet, the question remains how to tackle the problem of "observational equivalence"? This paper draws on the empirical literature which suggests that government agencies in

parliamentary democracies usually anticipate ministerial preferences in order to avoid conflict with their parent ministry (Bach 2010; Döhler 2007). Also, the sanctioning of agency decisions has to be considered as a very strong instrument of agency oversight, which naturally is only used under exceptional circumstances. Thus, the dependent variable of this paper is not whether agencies are "on the loose" or "under control" but whether and under which conditions ministry officials devote time and resources to agency oversight. In order to tackle the "observational equivalence" problem, this paper argues that empirical research has to go beyond the study of explicit sanctions by parent ministries. Therefore, in addition to this measure of political oversight, it uses the level of perceived constraints on managerial decisions by the parent ministry and various measures of contact between ministry and agency.

The effect of formal structure on political control

The delegation approach focuses on formal agency structure as dependent variable, assuming that rational politicians purposefully design agencies in order to maximize their utility. This paper sides with empirical studies that put a question mark behind this assumption for parliamentary democracies (see above). This literature claims that politicians make institutional design decisions according to well-known institutional patterns in order to reduce uncertainty as to how specific organisational structures affect actual decision-making (Döhler 2005; Yesilkagit & Christensen 2010). However, this does not mean that formal structure has no effect on ministry-agency relations. In this sense, the paper sides with the assumption of the delegation literature that formal structure does matter (otherwise politicians would not invest time and resources in structural design). Therefore, in this paper structure is used as independent variable in order to explain the control behaviour of ministerial bureaucracies (Painter & Yee 2011). In the literature, several assumptions about how structural characteristics constrain the parent ministry in the exercise of political control are proposed (Bach & Jann 2010; Christensen 2001; Egeberg 2003; Egeberg & Trondal 2009; Verhoest et al. 2004, 2010).

The most straightforward assumption as to the effect of formal organizational structure on political control is that the disaggregation of public tasks to semi-autonomous agencies diminishes political control over that task (Egeberg 2003; Egeberg & Trondal 2009). However, testing this assumption requires a research design which covers the political control of a specific task before and after structural disaggregation. Another option is to compare the

perceived level of political control of both ministry and agency officials. This method is chosen by Egeberg and Trondal (2009) who analyze survey data of ministry and agency officials in Norway and find that the latter "pay significantly less attention to signals from executive politicians than their counterparts in ministerial departments" (673). In short, structural disaggregation to agencies results in lower levels of political control. Alternatively, the level of attention to political signals could also be considered as a measure of the anticipation of political preferences to avoid explicit sanctioning behaviour.

This paper is more interested in variation of formal structure among government agencies. Agencies are here to stay. Therefore, it is important to study the effects of different ways of organizing agencies on political control. First, decision makers can decide to delegate a task to agencies belonging to different legal types. An agency may legally be part of the government bureaucracy, or it may have a legal personality of its own, either based in private or public law (Bach & Jann 2010; Verhoest et al. 2004). For instance, this may imply that some types of agencies have extended levels of financial autonomy due to exemptions from central government budgetary regulations (Christensen 2001). The legal type of an agency may also imply variation in terms of ministerial accountability and the possibility for ministers to instruct agencies (Yesilkagit & Van Thiel 2008). The question exactly which dimensions of formal autonomy vary according to legal type has to be answered for each national context, though. In general, different legal types imply different levels of formal autonomy, which leads to the following hypothesis:

> H1 ("legal type hypothesis)": The higher the level of formal agency autonomy, the lower the level of political control.

Second, agencies vary in terms of their structural autonomy, i.e. whether the agency head reports directly to the parent minister or to a governing board (Egeberg 2003; Christensen 2001; Verhoest et al. 2004). In general governing boards "are responsible for the appointment of the agency head, for the preparation of the budget, and the agency head is accountable to the board both when it comes to the implementation of policy and the management of the agency " (Yesilkagit & Christensen 2010: 63). The members of governing boards usually represent various stakeholders such as interest groups, experts and legislators (Verhoest et al. 2010), and there is little doubt that the potential for political control may also depend on the composition and the appointment of the board members (Christensen 2001). However,

compared to agencies without a governing board, the assumption is that "a board blurs political signals on their way down through the administrative apparatus" (Egeberg 2003: 123). In short, the existence of a board makes political control more difficult.

> H2 ("structural autonomy hypothesis"): Agencies with a governing board are subject to lower levels of political control than agencies which are directly supervised by a parent ministry.

Finally, whether an agency has legal autonomy or not can be considered as a particularly relevant dimension of formal autonomy. Christensen (2001) defines legal autonomy as "the authorization by law of the agency head to make decisions in his own capacity, thus forbidding ministerial intervention in his decisions as well as his consultation with the minister or the minister's advisers on decisions that, according to the law, are delegated to him" (120). The effect of legal autonomy is the protection of "policy and agency against ministerial and parliamentary interference" (130). In contrast, agencies which are not legally autonomous are subject to full hierarchical oversight by the minister. This is considered as the logical consequence of the minister's accountability to parliament in most parliamentary democracies such as the United Kingdom (Flinders 2008), Germany (Döhler 2007) and Norway (Christensen & Lægreid 2004) to name but a few. (Sweden is an exceptional case among parliamentary democracies with a very different relationship between ministries and agencies.) Therefore, whether an agency is legally autonomous or under full ministerial oversight should clearly make a difference for political control:

> H3 ("legal autonomy hypothesis"): Agencies which are legally protected from political oversight are subject to lower levels of political control than agencies which are subject to unrestricted political oversight.

The effect of task characteristics on political control

The empirical literature on ministry-agency relation has repeatedly underlined the importance of agency task for explaining variation in this relationship. A particular emphasis is put on the importance of the political salience of the agency's task for political control (Christensen & Lægreid 2004; Döhler 2007; Egeberg & Trondal 2009; Flinders 2008; Pollitt 2005, 2006; Verhoest et al. 2010). Summarizing findings on ministry-agency relations in several countries, Pollitt (2006) finds that political salience "is perhaps the most powerful and immediate

influence and the most unpredictable in its effects" (39). In another article Pollitt (2005: 128) distinguishes between issues that "may be regarded as politically 'hot' on a fairly continuous basis" which particularly applies to tasks affecting many citizens such as health and education; "issues that usually have a lower profile but also have the potential to flare up" such as prisons and food safety; and "those happy tasks that rarely cause any political steam to rise" such as statistics. Egeberg and Trondal (2009) find that political salience is the most important independent variable to explain the attention to political signals by agency officials. Christensen and Lægreid (2004) report findings from interviews with agency leaders who complain about the "reluctance by the political leadership to take responsibility until accidents or crises occur" (130). In a similar vein, Flinders (2008) contends that political salience may "override agreed boundaries, mechanisms and processes" to such an extent that "the principal may become deeply involved in routine operational decisions to the point that the arm's length principle becomes something of a veil for what in effect is ministerial government" (156). The effect of political salience on political control may be summarized as follows:

> H4 ("political salience hypothesis"): The higher the level of political salience, the higher the level of political control.

Another task characteristic which has received much attention is "regulation" which implies the use of public authority to impose legal rules on private actors. According to the functional logic of credible commitment, politicians delegate regulatory tasks to independent regulatory agencies and thereby credibly commit themselves to long-term policy stability (Gilardi 2002; Christensen & Lægreid 2006). Therefore, the most important characteristic of regulatory agencies is their protection from political interference in professional decisions, which supposedly leads to higher policy effectiveness. Hence, independence ensures that agencies decide according to professional rather than political criteria. Therefore hierarchical interventions towards independent regulatory agencies are considered highly problematic. This is not the case for "modern agencies" in the New Public Management tradition which are much closer to politics in the sense that formal decision authority rests with the parent ministry (Pollitt et al. 2004). In the German context, hardly any regulatory agency is formally independent in the sense of the "legal independence" dimension outlined above (Döhler 2007). However, no matter the degree of formal autonomy, the logic of credible commitment suggests that politicians will prefer regulatory agencies having a reputation of taking decisions based on professional or legal criteria over agencies under close political control.

H5 ("regulation hypothesis"): Agencies with regulation as main task are subject to lower levels of political control than agencies with other main tasks.

Method

The empirical basis of this paper is a survey of all federal agencies based in public law and reporting to a federal ministry.[2] The survey was conducted by the author between April and August 2008 in the context of an internationally comparative research project, the so-called COBRA network.[3] The questionnaire covered various aspects such as formal structure, agency autonomy, and ministerial control, and respondents could answer either via a website or a paper-and-pencil questionnaire. In total, 122 agencies were surveyed and 73 agencies or almost 60% completed the questionnaire. Most questionnaires were completed by the agencies' senior management. The respondents were asked to answer on behalf of the entire organization, and it can be assumed that these people have a very good overview of the agency and in particular its relationship with the parent ministry. Several tests of the representativeness of the data were performed, comparing the total population with the sample, but no major differences were found.

The sample includes different types of government agencies. A main distinction can be drawn between semi-autonomous agencies having no legal personality of their own and agencies with a legal personality based in public law (Bach 2012).[4] Most importantly, legally independent agencies have higher levels of formal autonomy in terms of financial and personnel management as they are not included in the federal budget plan and may be granted extended management autonomy. Semi-autonomous agencies are part of their parent ministries' budget plan and have to fully comply with all budgetary and personnel laws and regulations. Moreover, various kinds of organized interests and other stakeholders are usually

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[2] Germany has a long tradition of agencies at the federal level of government, and there have not been any major agency reforms in recent years (see Bach 2012 and Bach & Jann 2010 for more information on agencies in Germany).

[3] More information about the COBRA network and the closely related COST Action "Comparative Research into Current Trends in Public Sector Organization" (CRIPO) (2007-2011) can be found here: http://soc.kuleuven.be/io/cost/.

[4] I use generic terms rather than the "official" German terms for the different legal types (see Bach 2012 and Bach & Jann 2010 for more information).

incorporated into legally independent agencies' governance structure, usually through a governing board. In sum, legally independent agencies have more formal autonomy and supposedly operate at a greater distance from politics than semi-autonomous agencies. Most agencies in the sample are semi-autonomous agencies, i.e. they are part of the core bureaucracy.

There are various sub-types which among other things differ in their legal basis, their structure and their main tasks (Bach 2012). There are three major subtypes of semi-autonomous agencies. (1) Federal Institutions can be created by ministerial decree and usually do not perform any regulatory tasks. Most of these organisations have research and policy advice or internal administrative services as their main task. (2) Intermediate Authorities can be found in a limited number of policy areas such as border police, waterways, or tax and customs. These policy areas are defined in the constitution as those in which the federal government, rather than the state governments, is responsible for policy implementation (Bach & Jann 2010). Intermediate authorities are groups of decentralized organizations with similar tasks operating throughout the whole country. (3) Higher Federal Authorities are created by statutory law. Higher federal authorities usually perform some kind of regulatory task. This is the most common type of semi-autonomous agencies in Germany.

The legally independent agencies may also be subdivided into three types: (1) Institutions of Public Law perform a wide variety of tasks, ranging from financial regulation to broadcasting. In recent years several Higher Federal Authorities have been transformed into Institutions of Public Law as a way of increasing formal management autonomy while retaining ministerial oversight authority (Bach & Jann 2010). (2) Statutory Bodies typically run various types of social security (e.g. unemployment, health insurance). With very few exceptions, these agencies do not report directly to a federal ministry and are therefore not included in the survey. Those Statutory Bodies that responded to the survey are analyzed together with the Institutions of Public Law. (3) Foundations of Public Law are mostly small agencies which usually run museums in the field of culture and historical commemoration.

Results

This section summarizes the results of the empirical analysis. First, I provide descriptive statistics for the dependent variables. The hypotheses are tested using crosstabulation, whereas multivariate techniques (such as multivariate regression) are not used because of

skewed distributions of the data and categorical independent variables.[5] Although more sophisticated statistical techniques to tackle these problems are available, this choice is motivated by the wish to keep the analysis as simple as possible and to ensure accessibility for a broad audience.

Table 1 summarizes the descriptive statistics for the dependent variables. The first variable measures frequency of ministry intervention in agency decisions ("How frequently are policy decisions of the agency changed or overturned by the parent ministry?"). More than 70% of the agencies report that interventions happen "never" or "seldom", whereas about 30% of the agencies experience hierarchical interventions "sometimes" or "often" (no agency reports interventions taking place "very often"). These findings corroborate earlier, case-study based research on the ministerial control of federal agencies in Germany (Döhler 2007) on a comprehensive empirical basis. The dominant pattern of ministerial oversight can best be described as fire alarm rather than police patrol oversight.

Table 1: Descriptive statistics (dependent variables)

	N	Min	Max	Mean	SD
ministry interventions (a)	54	1.00	4.00	2.22	0.66
ministry constraints on management	65	0.00	1.00	0.54	0.25
contact generalists staff level	72	4.00	7.00	6.40	0.74
contact specialists staff level	72	4.00	7.00	6.31	0.93
formal contact top management	69	2.00	7.00	4.81	1.18
informal contact top management	67	1.00	7.00	5.79	1.34

(a) This question was only asked to organisations which are not formally independent from ministerial oversight in policy matters.

The second measure of political control is a question the respondents' perception whether the parent ministry puts constraints on the management of the agency. In contrast to the item measuring the frequency of ministerial interventions on policy matters (i.e. policy implementation), this variable focuses the management dimension of agency autonomy and political control. Moreover, instead of focusing on agency decision authority on specific

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[5] In addition, the findings based on crosstabulation were checked using bivariate correlations between independent and dependent variables. This analysis largely confirms the findings reported in this paper.

subject matters as the most common approach to study agency autonomy (Bach 2010; Painter & Yee 2011; Verhoest et al. 2010; Yesilkagit & Van Thiel 2008), the agencies were explicitly asked to assess the parent ministry's influence on agency management in a more general way. The results show a very mixed picture: Most agencies report an intermediate level of constraints, and there are more agencies reporting very high levels of constraints than agencies perceiving no constraints at all.

Finally, several items measuring the frequency of contact between the agency and the parent ministry are used in the analysis. These cover contacts on the staff level, distinguishing between generalists dealing with administrative issues such as finances or personnel and specialists dealing with the core task of the agency (e.g. environmental protection policy). The analysis reveals that contacts at the staff level are very frequent, usually on weekly or monthly basis. Moreover, the survey covers the frequency of contact at the level of the agency and ministry top management (including ministers), distinguishing between formal contacts (with a written agenda, minutes etc.) and informal contacts (phone calls, email, direct contact). Perhaps little surprisingly, the analysis reveals that contacts at the top management levels are less frequent than at the staff level, and that informal contacts are more frequent than formal contacts.

Structure

This section reports the effects of formal organizational structure on political control of government agencies. Table 2 summarizes how the political control of agencies varies according to legal type. In terms of ministry interventions, the table shows that legally independent agencies (Institutions of Public Law, Public Law Foundations) are subject to fewer ministry interventions than semi-autonomous agencies (Federal Institutions, Intermediate Federal Authorities, Higher Federal Authorities). However, it should be noted that Public Law Foundations usually are legally autonomous (i.e. the agency cannot be instructed by the ministry on policy issues) and therefore did not answer this question. The picture is different when it comes to ministry constraints on agency management. For this variable, legally independent agencies perceive similar or higher levels of constraints compared to semi autonomous agencies, which does not match with the theoretical expectations. An earlier analysis suggests that the divergence between formal autonomy and perceived constraints indicates a mismatch between the actual and the desired autonomy from the agencies' point of view (Bach & Jann 2010). In other words, legally autonomous agencies

have a more negative view on ministerial constraints, even if they have more de facto autonomy than semi-autonomous agencies.

The results are very clear for contact patterns, too. Legally independent agencies generally report less contact with the parent ministry, both at staff and top management level. This particularly applies to Public Law Foundations, but only to a lesser extent for Institutions of Public Law. Moreover, the analysis reveals a high degree of variation among semi-autonomous agencies. In sum, legal type does have an effect on political control, but this effect varies according to the measure of political control that is used. Thus, the legal type hypothesis (H2) is only partially confirmed. The mixed effect of legal type on agency autonomy and political control has been shown in other countries, too (Yesilkagit & Van Thiel 2008).

The effect of structural autonomy on political control is summarized in Table 3. This variable has a decisive effect on patterns of political control. Agencies with a governing board report significantly fewer ministry interventions and fewer contacts both at staff and top management level. The only variable for which structural autonomy does not make a major difference is the degree to which respondents perceive the ministry to put constraints on agency management. Overall, the data analysis confirms the structural autonomy hypothesis (H2).

Table 2: The effect of legal type on political control

	Federal Institution	Intermediate Federal Authority	Higher Federal Authority	Institution of Public Law	Public Law Foundation	Total
ministry interventions (a)	20%	20%	38%	11%	0%	28%
ministry constraints on management (b)	9%	20%	36%	36%	40%	31%
contact generalists staff level (c)	42%	80%	63%	39%	14%	51%
contact specialists staff level (d)	50%	80%	60%	54%	0%	53%
formal contact top management (e)	42%	40%	38%	31%	14%	35%
informal contact top management (f)	75%	100%	90%	69%	43%	79%
Total (g)	12	5	35	14	7	73

Notes:

(a) The percentages indicate that professional decisions by the organisation are "sometimes" or "frequently" changed or overturned by the parent ministry. (This question was only asked to organisations which can be formally instructed by the parent ministry on policy issues.)

(b) The percentages indicate that the organisation perceives "high" or "very" high constraints on management by the parent ministry.

(c) "at least once a week"

(d) "at least once a week"

(e) "at least once a week" "at least once a month"

(f) "at least once a week" "at least once a month"

(g) The number of cases may vary in the different rows of the table.

Table 3: The effect of structural autonomy on political control

	without board	*with board*	*Total*
ministry interventions	33%	9%	28%
ministry constraints on management	32%	24%	30%
contact generalists staff level	60%	27%	51%
contact specialists staff level	63%	27%	52%
formal contact top management	43%	19%	35%
informal contact top management	87%	62%	79%
Total	50	22	72

Finally, the effect of legal autonomy (i.e. whether the ministry has full oversight authority over an agency or not) is summarized in Table 4. In this analysis the frequency of ministry interventions is not included, as this question was only asked to agencies that can be formally instructed by the parent ministry on policy issues (i.e. agencies without legal autonomy). Similar to structural autonomy, legal autonomy has a clear effect on patterns of contact between ministry and agency officials at all hierarchical levels. Indeed, the differences in contact patterns are bigger than for structural autonomy. Also, and again similar to structural autonomy, legal autonomy does not have a major effect on the "ministry constraints" variable. The legal autonomy hypothesis (H3) is thus confirmed by the analysis.

Table 4: The effect of legal autonomy on political control

	full oversight	*limited oversight*	*Total*
ministry constraints on management	32%	27%	31%
contact generalists staff level	63%	13%	52%
contact specialists staff level	66%	7%	54%
formal contact top management	42%	8%	35%
informal contact top management	87%	46%	79%
Total	57	15	72

Overall, the empirical analysis confirms that formal structure does affect patterns of political control of government agencies. The next section examines the effects of two task characteristics, political salience and regulation as main task, on political control.

Task

The analysis for the effect of task characteristics on political control was conducted in the same way as for structural characteristics. The most important difference is that the explanatory variables are less tangible compared to structural characteristics. For political salience, perceptional data on the degree of parliamentary control are used as independent variable which was dichotomized for the descriptive analysis. For regulation as main task, the analysis uses the answers to a question on the main task of the agency. Although several agencies have regulation as a secondary task (there was another question in the survey asking for secondary tasks), only the agencies having regulation as main task are considered as regulatory agencies in this paper. (This implies that regulatory agencies according to this definition may have other secondary tasks.)

Table 5: The effect of political salience on political control (a)

	high	*low*	*Total*
ministry interventions	46%	20%	26%
ministry constraints on management	31%	31%	31%
contact generalists staff level	50%	53%	52%
contact specialists staff level	56%	51%	52%
formal contact top management	60%	26%	34%
informal contact top management	93%	75%	79%
Total	16	56	72

Notes:

(a) The category "high" groups the answers "to a very high extent" and "to a high extent" and the category "low" groups the answers "to some extent", "to a small extent" and "not at all" to the following question: To what extent has the organization been subject to parliamentary control (e.g. written questions, question hour, changes in the draft budget) during the past five years?)

Table 5 summarizes the effect of political salience on political control. The data show that political salience has an obvious effect on the frequency of ministry interventions. Ministries intervene more often in high salience agencies compared to low salience agencies. Another relevant finding is that political salience has a differential effect on contact patterns. There are hardly any differences between the frequencies of contact at staff levels, whereas high salience agencies clearly have more contact at the top management level, both formal and

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informal. Thus, high political salience means that the administrative and political leadership of the parent ministry devote more time and resources to agency management. Finally, and similar to the findings on the effect of structural characteristics, political salience does not make a difference for how much the ministry constrains agency management. High political salience implies more control on policy, but not on management. Thus, the political salience hypothesis (H4) gets empirical support.

Table 6: The effect of regulation as main task on political control (a)

	regulation	*other task*	*Total*
ministry interventions	18%	31%	26%
ministry constraints on management	18%	35%	31%
contact generalists staff level	53%	53%	53%
contact specialists staff level	63%	49%	53%
formal contact top management	44%	31%	34%
informal contact top management	93%	75%	79%
Total	19	52	71

Notes:

(a) The category "regulation" includes all agencies indicating "regulation/ scrutiny/ control/ inspection/ oversight" as their main task. The category "other tasks" includes policy formulation/ -preparation/ -advice, other kinds of exercising public authority, general public services, and business and industrial services and products.

The effect of regulation as main task is summarized in Table 6. For this task variable, the picture is more mixed than for political salience. On the one hand, regulatory agencies report fewer ministry interventions in policy decisions and fewer constraints posed by the parent ministry on management than agencies having other main tasks. This finding is in line with the regulation hypothesis (H5). On the other hand, regulatory agencies report more frequent contacts among specialists at the staff level (but not among generalists) and more frequent contacts at the top management level. This could imply that political control of government agencies is not exercised by formal means (i.e. formal interventions) but through less formal mechanisms in order to sustain the agency's credibility as (politically) neutral expert authority (Döhler 2007). Another explanation is that officials in regulatory agencies are well-informed about the preferences of ministry officials and the political leadership (as suggested by the high frequency of contacts) and can therefore prevent explicit political control. In any case,

the data show that although the ministries intervene less frequently in regulatory agencies'
policy decisions and administrative issues, this does not mean that they take a "hands off"
approach to the management of regulatory agencies, as indicated by the comparatively high
frequency of contacts. Thus, H5 is partially supported by the data.

Conclusion

This paper has presented empirical findings on the political control of government agencies in
a parliamentary democracy. It shows that formal organizational structure and agency task
have a systematic effect on political control. In particular, structural autonomy (i.e. the
existence of a governing board) and legal autonomy (i.e. independence from political
oversight of policy decisions) result in lower levels of political control, whereas the effect of
legal type on political control is more mixed. However, these structural variables are often
closely linked to each other. For instance, boards are clearly more common among legally
independent agencies (more than 70% of all Institutions of Public Law and all Foundations of
Public Law have a board) compared to semi-autonomous agencies. For semi-autonomous
agencies, boards are most common for Federal Institutions which overall report comparatively
low levels of political control. Also, to complicate the picture even further, legal autonomy is
more common among legally independent agencies (and therefore among agencies with a
governing board). Thus, different types of formal autonomy often come in pairs, thus
rendering inferences about the effect of single structural characteristics more complicated.
Having said that, the analysis shows that structural choice in parliamentary democracies does
matter for actual patterns of decision-making.

The analysis also reveals that high political salience results in more political control, whereas
the results for the effect of regulation as main task are more mixed. High salience leads to
more political control especially by the ministry's leadership. The empirical findings thus
largely corroborate earlier studies of the effect of political salience on ministry-agency
relations (Döhler 2007; Egeberg & Trondal 2009; Flinders 2008; Pollitt 2005, 2006). The
mixed results on the effect of regulation as main task on political control show that regulatory
agencies are not immune to political control. This may be related to the fact that in the sample
population structural and legal autonomy is less common among agencies having regulation
as main task compared to agencies with other main tasks. Thus, decision-makers have not
decided to grant regulatory agencies more formal autonomy than agencies with other main
tasks. The findings on the effect of structural characteristics on political control suggest that

granting those agencies structural or legal autonomy (or both) would probably increase their autonomy in policy decisions, unless major problems arise or the agency's task gets in the political spotlight.

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