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The EU and Its Member-States: Institutional Contrasts and Their Consequences

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Abstract
The EU is a supranational governance organization which is quasi-federal in institutional structure and quasi-pluralist in policymaking processes. As such, it has had a significant impact on all member-states' institutional structures, whether federal or unitary, and their policymaking processes, whether statist or corporatist. But it has had a greater impact on countries such as France and Britain, which are unitary and statist, than on a federal, corporatist country such as Germany, where there is better goodness of fit. The problems of democratic legitimacy, which occur not only at the EU level but also at the national level, are therefore again greater in France and in Britain than in Germany.

Although the EU has generally subordinated all member-states' institutions to its own in similar ways, these have been experienced quite differently by member-states.[1] This is because of differences among member-states' institutional structures that affect which branches or units of government have what sorts of power over which kinds of decisions and in policymaking processes that allow access and influence to different actors at different stages of the process and enforce decisions in different ways. As such, the EU's quasi-federal institutional structures have had a greater impact on member-states with unitary institutional structures, by altering the traditional balance of powers among branches and levels of government, than to those with federal institutional structures, where the traditional balance of powers has been largely maintained. Moreover, the EU's quasi-pluralist policymaking processes have impinged more on member-states with statist policymaking processes, by diminishing state autonomy in formulation and flexibility in implementation, than those with corporatist ones, because they have been more able to maintain their flexibility in implementation. And this has in turn raised greater questions for democratic legitimacy and accountability in unitary, statist polities than in federal, corporatist ones.

Thus, this paper has two interrelated arguments: 1) that the EU has quasi-federal institutional structures and quasi-pluralist policymaking processes; and 2) that although the EU imposes general adaptational pressures on all member-states' institutions, it nevertheless has a differential impact on member-states depending upon whether they are unitary or federal in structure and whether they are statist or corporatist in processes.

The Institutional Structures of the EU

The EU's governance structure is difficult to define, since it conforms to neither of the traditional forms of national institutional structures, whether unitary or federal, although it is closest to the latter.[2] Like most federal systems, the EU's institutional structures exhibit both a vertical division of powers between central and lower level units and a horizontal division of powers between executive, legislature, and judiciary. In the EU, however, there is much less vertical division given the greater independent powers of the EU's member-states and their greater control over the central governing apparatus; and there is also less horizontal division, given the "dynamic confusion of powers" between the Council of Ministers, the European Parliament, the European Union Commission, and the European Court of Justice in the EU. To understand the differences fully, however, it is first necessary to consider national institutional structures, both federal and unitary.

Federalism is ordinarily defined as a system with a formally established, vertical division of power such that the central governing body incorporates subnational units in its decision procedures on a constitutionally-entrenched basis[3]. In federal systems such as the United States as well as Canada and Spain, moreover, subnational units generally have independent legislative powers of their own as well as separate domains of competence. In some federal systems such as the German, however, instead of this jurisdictional separation of responsibilities, there is a functional division in which subnational governments participate in national legislation and are charged with the implementation of nationally formulated policies.

The unitary state, by contrast, typically has no constitutionally-guaranteed, vertical division of power, and has formal control over subnational units which have at best limited legislative powers, even though they may have substantial autonomy based on national legislation or informal practice. In recent years, as central governments everywhere have increasingly devolved power, functions, and resources to the periphery, this picture of the unitary state has softened, although more in some countries (e.g., Italy as of the l970s and even more so Spain, which essentially federalized itself in the early l980s) than others (e.g., France even with the reforms of the l980s). But the central government nevertheless retains at least potential control over the periphery, if only because without the protection of constitutional guarantees, that which it has given to subnational authorities, it can always take back (as was the case with the recentralization of local government in Great Britain in the Thatcher years).

Given these definitions, the EU clearly has nothing in common with the unitary state. Instead of strong, central control by a single level of government from which emanates all legislation for the periphery, the EU is weak in central control, given that the "periphery" of member-states is also the ultimate central authority in the EU through the Council of Ministers and the European Council, and that the member-states still formulate much of their own national legislation (even though this increasingly means transposing EU directives into national law) and implement all of it (even if with oversight by the EU Commission and the ECJ). At best, therefore, the EU could be described as a collection of unitary states acting in supranational concert, and which therefore more closely resembles a confederacy, as "state-centric," intergovernmentalist international relations theorists argue.[4]

But such a depiction of EU decision-making as a confederacy in which "states," represented by state executives, are the primary movers in the EU, and where the state is something of a national level "black box" out of which preferences emerge to be

mediated and modified at the supranational level and into which the resulting decisions return, to be imposed on national constituencies by the executive, is flawed. More to the point is the fact that state-centric theorists do little to account for the multifarious ways in which institutional and other actors at EU, national, and subnational levels interrelate, and which make the institutional structure of the EU more akin to a federal system[5] characterized by "multi-level governance"[6] than any supranational confederation of states (except when it comes to the negotiation of the major EU treaties).

But although there is no question that the EU resembles more closely the model of a federal system than that of a confederacy, let alone a unitary state, it is its own particular brand of federalism, and not as close as one might assume to the federalism of the United States. Germany is perhaps a more apt comparison.[7] In Germany as in Europe, policymaking effectiveness depends upon negotiations among politically autonomous governments. But in Germany, the federal government has political and fiscal resources to impose its will in ways that the European Commission does not, and can depend upon a shared national politics and public opinion; viable political parties to balance out state power; and a high degree of economic and cultural homogeneity, none of which exist in Europe at large.[8] For Europe, in fact, democratic legitimacy remains at issue in a way it does not in national federal systems because of the heterogeneity of populations with little common sense of European identity, let alone a European "politics," a European party system, or a European public opinion.[9]

Moreover, European federalism is a "balancing act" between the representation of territorial and nonterritorial interests, with territorial interests much more fully embedded in every institution than in the United States or Germany: National governments appoint the judges of the ECJ and the commissioners of the EU Commission; national ministers compose the Council of Ministers; and members of the European Parliament are elected by national electorates. And these national governments are involved in the enforcement as much as the initiation of "federal" policies through regulations enforced by national governments and directives that are transposed into national law by national parliaments.[10] The result is a much greater confusion of roles for officials of the EU and its member-states than that found among officials in central and lower level governments in most federal systems. And this in turn can lead to problems of accountability, as officials may feel split loyalties and contradictory responsibilities with regard to EU interests and national interests.

Finally, much as for the lower level governments in a federal state such as the United States, the autonomy of the member-states of the EU has been in a long-term process of erosion, even if in recent years this has slowed in the US with devolution in some sectors, or in the EU with concern for "subsidiarity" as integration accelerated. One major difference between the EU and other federal systems like that of the US, however, is that the rise in the EU's powers has been in large part the doing of the member-states themselves through unanimous agreement in successive treaties which over the years have defined and redefined the ever-increasing powers of the EU in ever-widening domains, rather than as in many federal systems through a process of incremental expansion in federal powers to areas not explicitly constitutionally established.[ ]In consequence, questions about the legitimacy of federal expansion in powers to the detriment of those of lower level governments, which have been a major source of controversy in federal systems such as the US where the defense of states' rights has been a recurring theme, have not been as significant a problem for the EU. However, there have also been areas in which EU institutional structures have expanded treaty-granted powers to other domains not explicitly laid out in the treaties. And these have sometimes

raised questions of legitimacy (as with the 48 hour week work rule applied to Britain, despite its opt-out of the social chapter), although as often as not, the legitimacy problem has been resolved after the fact, through incorporation in subsequent treaties (as, for example, with the principle of mutual recognition established by the ECJ in l979 but included in the Single European Act of l986). Of course, legitimacy can also be at issue even when EU action remains perfectly in keeping with the Treaties, but is nonetheless seen as unjustified or excessive to a particular member-state (e.g., in competition policy decisions such as the de Havilland case protested by the French, or the decision on aid to VW in Lower Saxony protested by the Germans).[11]

Although not part of the definition of federalism, which limits itself to the vertical division of power, the horizontal division of power, commonly known as the "separation of powers," is also a characteristic of most federal systems, whether the United States, Canada, or Germany. What this means is that the federal executive has relatively little autonomy given a legislature and judiciary each with its own independent authority. This is in contrast to unitary states such as France and Britain, where the centralization of power at the national level also gives the executive a great deal of autonomy, with the legislature and judiciary largely subordinated to it. Even unitary states, however, have some degree of separation of powers, and some more than others, whether because the legislature has greater powers of oversight over the executive (as in Britain and Denmark vs. France); because the judiciary has greater independent authority (as in Britain vs. France), even if it is ultimately subordinated to another power such as the legislature (as in Britain); or because the executive is unable to exercise its authority due to unstable coalition governments (as in Italy before recent electoral reforms) rather than strong, single party governments (as in the "Westminster model" of Great Britain) or strong coalition governments (as in France and to a lesser extent in Italy today).[12]

Federal systems, of course, also differ from one another, with some having a greater separation of powers than others, whether because the legislature has more political independence (especially in the United States, when the majority in one or both houses differs from the president's, but also in Germany, when the majority in the upper house differs from the lower which forms the governmental majority); because the judiciary has a longer and stronger tradition of independence (as in Germany by contrast with Belgium or Spain); or because the executive is less able to exercise what power it does have due to internal divisions in coalition governments (e.g., Belgium and to a lesser extent Germany). But these differences are nothing compared to those between the EU and most national federal systems, let alone unitary systems.

Instead of the clearly-defined, constitutionally-fixed and formally unchanging separation of powers between executive, legislative, and judicial branches of government, as found in the US or German federal systems, the EU exhibits a "dynamic confusion of powers." This confusion involves not only the lack of traditional separation among the various EU institutions but also the mixing up of their very roles. The legislative function is more the domain of the Council of Ministers - which could be taken for the executive given that it is made up of national executives - than of the directly-elected legislature, the European Parliament, although it has been increasing in legislative powers in recent years. The executive function is more the purview of the bureaucracy, the EU Commission, which has powers of initiation and implementation, than of the seeming executive, the Council of Ministers, to which it reports; and the judicial function, although the only one performed by the expected institution, the European Court of Justice, encroaches on the executive and the legislative functions through the judiciary's activism.[13]

This confusion of powers causes problems with regard to traditional understandings of democratic accountability that go way beyond the problems of national federal or unitary systems. Compared to other federal systems, where the balance of powers generally serves as a check on different branches of government and a guarantee of democratic accountability, the confusion of powers in the EU means that it has fewer checks on its different institutions or guarantees of accountability. And these only add to the problems of democratic legitimacy typically referred to as the EU's "democratic deficit," given a directly-elected parliament which, unlike in most federal systems, is the weakest of the three branches.

Although the increasing powers of the European Parliament with regard to budgetary matters, co-decision, and most recently veto over appointments to the Commission have gone some way to enabling it to become the locus of democratic accountability, the institutional structure which gives the un-elected members of the Commission powers of initiation and formulation and the nationally-elected members of the Council of Ministers powers of approval ensures that, short of major institutional restructuring, the problems of democratic legitimacy will remain. Moreover, even if one were to argue that the Council of Ministers, as the representative of the nationally elected executive and also involved in a variety of ways in the legislative process, provides some modicum of intergovernmental democratic legitimacy, it adds to the problems of democratic accountability. These result not only from the lack of transparency of the Council of Ministers, given secrecy rules, but also the lack of significant democratic control of the Council from either the European Parliament or national parliaments.[14] The Commission also suffers from problems of accountability, although here the issues are related more to questions of corruption and cronyism, as the report from the Parliamentary commission which led to the resignation of the Commission attests.

One way out of these problems, of course, is institutional reform. But how? Any solution short of instituting a truly federal system, which does not seem to be in the cards, would be likely to create other problems of legitimacy or accountability of one sort or another. For example, if the European Parliament were to gain approval powers beyond its current codecision ones, this would decrease member-state power as represented in the Council of Ministers, and thereby undermine the traditional intergovernmental bases of EU legitimacy. If on top of this the Commission were to be directly elected, or even only elected by Parliament from among its members, this would even further reduce the powers of the Council of Ministers and the traditional grounds of legitimacy. This would be acceptable, of course, if the European Parliament (EP) concomitantly gained in representative legitimacy, that is, if it were generally accepted as speaking for European citizens. This, however, is still a long way away, given nationally-based EP elections that often focus on national rather than European issues, and the still-national basis of citizens' views of democratic representation and legitimacy.

Most importantly, however, any such increases in the powers of the European Parliament, or other institutional structures, would also serve to reduce the powers of national institutional structures. And whatever the problems for legitimacy and accountability at the EU level, they are nothing compared to the problems generated at the national level by the increasing encroachment of EU powers over national decision-making institutions.

The Impact of EU Institutional Structures on Member-States

In the course of European integration, the EEC/EC/EU's institutional structures have increasingly taken precedence over the national, diminishing national executives'

autonomy in national policymaking; usurping national parliamentary powers of initiative and/or review; subordinating national judicial authority to the European Court of Justice; and reducing subnational units' often newly-gained autonomy. In this, however, the European Union's quasi-federal institutional structure has been more disruptive to unitary member-states, where the EU has served to undermine traditional executive autonomy and to diminish legislative power while promoting national court independence and subnational autonomy, than to federal member-states, which have largely maintained the balance between executive, legislature, and judiciary as well as between center and periphery. As a result, unitary member-states have had to confront greater problems with regard to democratic accountability and legitimacy than federal member-states.

In the exercise of its powers, the quasi-federal EU has not only reduced the powers of national level institutions generally, it has also generally affected the balance of powers between executive, legislature, and judiciary and diminished central control over subnational units. The EU has, above all else, reduced the traditional powers of member-states' legislatures, as EU institutions have increasingly taken these over in a wide variety of areas. National legislatures' relative powers next to national executives have also concomitantly diminished, given the executives' role in transnational policymaking and the parliaments' lack of authoritative power over national executives' policy decisions made in the Council of Ministers.[15] This loss in relative power to the executive is only increased by the fact that in domains covered by EU decision-making, their contribution to government is less and less one of initiation and deliberation and more and more solely one of translating into national law EU directives elaborated in the EU Commission and approved by national executives in the Council.

While national parliaments have lost power in consequence of the EU, some have argued that national executives have gained with respect not just to the national legislature but also societal interests, through the "strengthening of the state."[16] But although one might be able to claim this for the most heroic of policies, such as Treaty negotiations, one cannot for most other cases, which is the bulk of EU decision-making. This is because what the state (meaning the executive) may gain in power over national legislatures and some national actors, it loses in autonomy with respect to supranational actors (not only other governmental actors, as one of fifteen in the Council of Ministers, but also non-governmental actors that have increasing access to EU decision-making) and in control over domestic institutional actors (given the growing powers of the judiciary and independence of subnational actors) as well as over the aggregation of domestic interests (in particular those domestic actors with access to the EU policymaking process).[17]

The loss of control by the executive over other governmental actors as a result of EU institutional structures is most apparent with regard to the judiciary. The development of the ECJ in particular has contributed to the courts' growing powers even as it has subordinated national court systems generally to itself. For in expanding its own powers, the ECJ has also served to expand those of national courts, especially the lower courts through their ability to seek "authoritative guidance" from the ECJ and thereby to change national law while circumventing their own national judicial hierarchy.[18] Subnational authorities, too, have gained in independence with respect to the executive, although this is probably more related to internal, decentralizing reforms that diminished central control over the periphery than to increasing European access (through the Committee of the Regions) and resources (through the structural funds and other programs). But at the same time that European integration has added to subnational authorities' growing independence, it has also diminished their autonomy, in particular with regard to EU rules

governing a whole range of areas that regions must implement.

What is more, the significance of such gains and losses in autonomy, power, independence, or control differ in unitary states from federal states. In federal states, where the executive has never had much autonomy while the legislature and judiciary already benefit from a constitutionally-fixed separation of powers and subnational units enjoy constitutionally-guaranteed autonomy, EU incursions on national powers have not significantly altered the balance of powers, and therefore the relative strength or weakness of the executive, although this did demand some internal readjustments. By contrast, in unitary states, where power is mostly concentrated in the executive which predominates over legislature and judiciary as well as over subnational units, the traditional balance of power has been altered in consequence of the loss of executive autonomy and the increasing separation of powers, thereby actually weakening the executive. Not only does the EU not generally strengthen the state, then, it actually reduces the relative "strength" of the state much more in unitary states than in federal states.

For a unitary state such as France, the notion of the strengthening of the state is an especially hollow concept. There is no doubt that the traditionally weak legislature, which never had much independent power as long as the government had a solid majority, has become even weaker. But to call this a strengthening of the state carries little weight, given how all-powerful (at least with regard to the legislature) the executive has traditionally been. More to the point is the fact that the formerly seemingly all-powerful executive has lost its virtual monopoly in policymaking, given not only the increasing importance of the EU level in policy formulation but also the growing independence at the national level of the traditionally subordinated judiciary and subnational authorities.[19]

The strengthening of the state is also a hollow concept for Britain. The traditionally strong British executive has lost autonomy with regard to EU level policymaking, although comparatively less than in France because of its opt-outs from various EU policies under Thatcher and Major. At the national level, moreover, the executive's gains over a Parliament which it has always controlled as long it maintained a solid majority and party discipline are no more significant than in France, even though the British Parliament has always had a more powerful role than the French in terms of oversight and representation of public concerns. What is more, the traditionally more independent British judiciary has simply become more so. Only over subnational authorities has the executive substantially increased its control (in the Thatcher years, although devolution is now beginning under Blair).

Finally, the strengthening of the state is an equally hollow concept for federal states such as Germany, albeit for different reasons. Not only has the federal state never had much autonomy to begin with, given the separate powers of the judiciary, legislature, and subnational units, but the increases in executive power as a result of the EU have been countered by Parliament-led adjustments that served to reinforce its own powers and concomitantly those of the Länder which had eroded as a result of European integration.[20]

The differential effects of the EU on unitary as opposed to federal states also have differing consequences for questions of democratic legitimacy and accountability. It stands to reason that federal states have had fewer lasting problems with democratic legitimacy and accountability than unitary states as a result of the expansion in the powers of the EU, since they have readjusted the relative powers of the executive and

legislature to ensure against any permanent shift in power balance. But this is only part of the explanation. Because federal states such as Germany operate with notions of "compounded representation" similar to those of the EU,[21] where no one institutional body has control over the decision-making process and different bodies share responsibility for its outcome, they are likely to adjust more readily to having an added level of shared decision-making with no clear lines of responsibility (once they have accepted the legitimacy of that added level, of course).

By contrast, the adjustment is likely to be much harder for unitary states such as France and Britain, which operate with more simple notions of representation, where the executive is expected to be in control over the decision-making process and solely responsible for its outcome, whether it is the French Jacobin notion of the executive as representative of the French nation, one and indivisible, or the British notion of parliamentary sovereignty as embodied in the executive. Add to this the fact that the executive has lost significant control, whether because of its loss of autonomy with respect to the EU or the changes in the balance of power regarding the judiciary and subnational units, and the legitimacy and accountability problems for unitary states can be seen as much more significant than for federal states. Here, even if the legitimacy of the EU level has been accepted, individual EU level decisions which challenge the national executive's assumed control can always lead to questions about the executive's representation of the nation and, therefore, national democratic legitimacy.

Complicating this even further, however, are the differing patterns of policymaking between the EU level and the national. And here, although EU policymaking processes in some cases alleviate problems of legitimacy resulting from the EU institutional structure, they also add to the legitimacy problems at national level.

EU Policymaking Processes

European integration has generated change not only in member-state institutional structures but also in their policymaking processes. And just as European institutions do not fit any national model of institutional arrangement, although they are closest to the federal, so European policymaking processes do not fit any national model of policymaking, although they are generally closest to the pluralism of the federal United States, and have been called a model of "transnational pluralism."[22] Like the US, the EU's pluralist policymaking processes tend to be open to interest group influence in the formulation process and regulatory in their implementation. But the EU is somewhat less open to interest influence in formulation, given the gate-keeping role of its civil servants; more cooperative in its interrelationships; and more delegatory in implementation, given the role of member-states in transposing and administering EU directives.[23]

This said, it is important to reiterate that no traditional, national pattern of state-society relations or style of state and societal interaction quite describes the complexities of the EU, given the openness of a policymaking process managed by Commission officials in an anticipatory and cooperative manner in which interest representation fits no readily recognizable national form, and is "sectorally structured and linked with a complex and often rather incoherent issue network of groups or organizations across Europe and beyond."[24] The EU is, above all, characterized by practices that are generally more flexible, heterogeneous, and issue-specific than in any corresponding national context,[25] while the unpredictability of the policy agenda in the EU, the result of a "system of uncertain agendas, shifting networks and complex coalitions,"[26] makes it akin to a "garbage can model" of policymaking.[27]

But although policymaking in the European Union is difficult to categorize in traditional ways, it is not impossible. The closest match, as we have already noted, is not with any European member-state but, rather, with the United States, with its ideal-typical pluralist pattern of policymaking. In pluralist systems, societal interests tend to be allowed into the policy formulation process, by exerting influence primarily through lobbying, but kept out of policy implementation, which is regulatory or legalistic in application. This system seems to flourish primarily where federal institutional structures are also present, since they tend to allow societal interests plural points of access via the different branches, units, and levels of government. Such access at the formulation stage ensures that societal interests have multiple opportunities to affect policy outcomes, whether to help set the legislative agenda, to elaborate the technical details of legislation, or to establish legal precedents - but not to affect policy implementation. At the implementation stage, the state in principle maintains an arms' length relationship with societal interests, and the rules are to be applied without exception.

What distinguishes EU pluralism from that of the United States is the nature of interest group access and influence at the policy formulation stage, which is more selective and controlled as well as less political or driven by money in the EU than it is in the US. The differences also extend to the content and character of interrelationships among actors, which tends to be more cooperative in the EU rather than competitive, as it tends to be in the US.

To begin with, the EU policy formulation process is more insulated from the pressures of undue influence and less vulnerable to the politics of party or money, given an EU Commission with apolitical EU civil servants rather than partisan legislators and their staffs, and with a greater emphasis on the technical than the political in decision-making. In the EU, lobbying is a highly technical affair, as civil servants make every effort to hear all sides and to base their decisions on purely technical and economic arguments. For European civil servants, the main justification for any policy is practicability and efficiency in promoting collective gains for the EU as a whole.[28] For national politicians and civil servants, whether American or European, by contrast, the policy along with its justification may often sacrifice efficiency for more political goals.

The EU Commission also suffers less from the problems of agency capture or "iron triangles" that are found in the US pluralist process, given the wide range of interests and actors involved in any given policy initiative which enable it to refuse interest groups' unwanted or unrealizable claims.[29] It protects itself from such problems not only through its openness to interest representations but also through its active recruiting of representations, and by putting itself at the center of a vast "issue network" which enables it to choose among a much wider range of ideas and proposals than is often available to national governments.[30] This doesn't entirely guard against the undue influence of industry experts, of course, and the dangers of quasi-clientelistic relationships.[31] But since Commission officials are not elected politicians who have electoral coffers to fill, the dangers are lesser - although cronyism and favoritism remain a problem (albeit on a lesser scale) given that highest level Commission officials are often former national elected politicians with debts to repay.

Politics, of course, does play a role in the EU. This is most evident in the Council of Ministers. But in the Council it is generally the politics of national interest rather than party or money per se. And the arguments themselves are more often than not couched in technical terms, even if they serve as a cover for more political motivations. Only in the

European Parliament could one talk about the politics of party. But here, the parties are still so underdeveloped and the Parliament itself so lacking in power by comparison with the Council or Commission, that party politics are barely at play. Instead, another kind of interest politics is at work, that of public interest politics focused around groups representing environmental, consumer, and human rights concerns.[32] This is not so much because all members of Parliament are necessarily sympathetic to such issues but because these issues generally have a broader public appeal and are less well represented in the Commission, and therefore serve to increase MEPs' political weight and to gain public attention.[33]

But at the same time that the EU's pluralism may be less politicized than that of the US, it is less "pluralistic" in the kinds of interests represented as well as in their access and potential influence.[34] The EU Commission has much greater control over the entire process of interest representation by comparison with the US, where any interest that organizes itself is regarded as legitimate so long as it can make itself heard. In the EU, only those interests the EU Commission chooses to legitimize, and thus allow into the process, will be heard. This was actually a problem in earlier years with regard to the access and influence of environmental groups and others - by contrast with business, which for the most part had ready access. But in more recent years, it is the Commission itself which has sought to overcome the problem by expanding its openness to a wide range of interests along with its transparency. Even so, the Commission remains in control. This is a by-product of its strategy of gaining information and political support through the development of networks of advisory committees and working groups made up of experts, representatives of member-states at national and subnational levels, and societal interest groups.[35]

The EU's pluralism is also much more closed to citizen participation than that of the US. Whereas in the United States, grass-roots campaigns focused on Congress have become a preferred tool of special interest as well as public interest groups, this has little prospect in the EU. This results in large measure from the comparative paucity of Europe-wide non-business organizations but also that the most likely recipients of such campaigns, EU members of Parliament, have themselves little direct influence on the policy formulation process (although they can cause problems once a dossier is well on its way). Targets of such campaigns tend to be nationally-based, albeit with European functions, most often the national minister voting in the Council of Ministers. Protests, moreover, and the relatively new "Eurostrikes,"[36] are likely to have a much greater impact, although it is too early to know how much and in what ways. Currently, the effect is mainly indirect, as national governments have tended to be the ones having to deal with their consequences (although this has been changing as protest increasingly moves to Brussels, in particular in the case of agriculture).

Thus, the EU system of interest representation in policy formulation is more controlled and less open than that of the US, although it is also less subject to the abuses of undue influence. Recent attempts by the Commission to create more avenues for participation in efforts to increase legitimacy, moreover, have served to generate counter-weights to what might be seen as the more one-sided representations of producer interests. But does this solve the problems that plague US pluralism, in particular the fact that the policies which emerge from the competitive US interest mediation process may be far from any public interest, given problems of unequal interest access, undue special interest influence, and easily influenced legislators? Not entirely, although the more cooperative, elite-led EU mediation process may result in policies that promote an intergovernmentally-defined public good based on ideals laid out in the Treaties. The problem with this public good,

however, is that it is more economic than social in character, and tends to be better able to promote "negative integration" through the removal of barriers to trade than the "positive integration" which would be necessary to ensure against the erosion of the accomplishments of the postwar welfare state.[37]

Finally, whereas the EU's pluralist policy formulation process may avoid some of the worst problems of the US, even admitting its own problems with regard to access and representativeness, in the EU's policy implementation process it courts many more than the US. This is because in the US, the federal civil servants' implementation of the rules (whether alone, in tandem with, or in addition to state-level civil servants) are for the most part done according to the same procedures, and therefore ensure great relative uniformity in application (the major exception being the new welfare reform of l996). By contrast, in the EU, the process is more complex, given that member-states themselves implement regulations as well as transpose directives into national law and then implement them according to national procedures. This allows member-states much greater latitude in the interpretation and application of the rules, which naturally raises questions about the equal application of the rules, given different regulatory cultures and practices.[38]

But whatever the differences between the EU's model and the ideal-typical pluralist model of the United States, they are nothing compared to those between the EU's quasi-pluralist model and the corporatist or statist models of member-states. And here, the impact of the EU on national policymaking processes is as significant for questions of democratic accountability and legitimacy as it is with regard to the clash of institutional structures.

The Impact of EU Policymaking Processes on Member-States

European policymaking processes have increasingly impinged on national ones generally, diminishing member-states' autonomy in policy formulation by allowing access and influence to a wider range of actors and their flexibility in policy implementation by promoting regulatory or legalistic enforcement patterns. But this has been experienced differently by member-states, given differences in national policymaking processes which tend to be either statist or corporatist. By comparison with EU quasi-pluralist policymaking processes, statist policymaking processes tend ideal-typically to be more closed to interest influence in policy formulation; more open to interest accommodation either through administrative discretion or self-regulatory arrangements; and more conflictual in interactive style, with decisions often political and generally taken at the top. By comparison with EU quasi-pluralist policymaking processes, corporatist policymaking processes tend ideal-typically to be more open to certain "privileged" interests in policy formulation; more flexible in implementation, by being open to interest accommodation through joint self-governing arrangements; and more consensual in style, with decisions less clearly political and rarely taken at the top. In consequence of these differences, the EU's quasi-pluralist policymaking processes have tended to impose greater adjustment burdens on statist polities than on corporatist ones.[39] This is because whereas in statist polities, the EU's "pluralism" has served to diminish the state's autonomy in policy formulation and the EU's regulatory model has reduced its flexibility in implementation, it has had less effect on corporatist polities, in which the state has never had as much autonomy in formulation and which have been for the most part allowed to continue with corporatist implementation processes.

In the statist pattern of state-society relations characteristic of France (the model for this

ideal-type), Britain, and to a much less extent Italy, societal interests tend to have comparatively little input into a policy formulation process where the state has great autonomy The executive in this context ordinarily has the capacity to act unilaterally or even "heroically." This is because societal interests tend to be disorganized compared to the greater organization of the state, which is almost always unitary in structure, with strong executives backed by majoritarian electoral systems with significant control over the legislature via parliamentary mechanisms (especially in France) or party discipline (especially in Britain under Thatcher and Blair), and by an elite, non-politicized state bureaucracy (in both France and Britain). Where this is not the case, because the unitary state has a weak executive with unstable coalition governments elected by proportional representation that lack control over the legislature either through party discipline or parliamentary mechanisms and that depend upon a state bureaucracy penetrated by political interests, state paralysis may ensue (as was true for Italy until recent electoral reforms in the l990s).

But whereas societal interests are generally kept out of statist policy formulation, they are for the most part allowed into the policy implementation process, which is generally flexible in application. Such flexibility may be the result of administrative discretion, where derogation of the rules is accepted practice, and where the state generally accommodates societal interests or risks confrontation (in France and even more so in Italy); or it may be the result of state-sanctioned, self-governing arrangements by societal interests (more the case in Britain).[40] Given the pattern of unilateral government action in policy formulation, the style of state-society interaction is generally conflictual, although more obviously so in some countries, where protest seems the only way to be heard (as in France and even more so Italy) than in others, which have a less confrontational tradition (as in Britain). Because of the style, where a policy finds high levels of opposition which the state cannot or will not accommodate, societal mobilization can occur. And in the face of confrontation, the state often backs down (the pattern in France and Italy). Even where this does not occur, however, the state may be censured, if only at the ballot box (typically the pattern in Great Britain).

Within any given statist system, however, some sectors exhibit different patterns, mostly where societal interests are more highly organized and mobilized. This is when more everyday policymaking tends to occur, and accommodation of societal interests appears already at the formulation stage. Here the relational patterns and interactive styles of state and society may look more like the cooperative pattern found in the EU pluralist policy process (as with business in Britain) or like the consensual pattern of corporatist policy processes (as with agriculture in France). The overall relationship is still statist, however, to the extent that the state still has the capacity to impose when it wishes (as with business in Britain during the Thatcher years), although if it does so it may generate greater confrontation (as with agriculture in France in the early l980s and in more recent times).

In the corporatist pattern characteristic of the Netherlands (the original model for the ideal type until the early l980s), the Scandinavian countries, Austria (the ideal typical model still today), Belgium (farthest from the ideal), and Germany (a more complicated model given its federal structure), certain "privileged" societal interests, mainly business and labor, are brought into both policy formulation and policy implementation processes. Here, the state generally does not have the capacity to impose, mainly because however highly organized it may be, that is, even if it is unitary in structure, it faces equally highly organized or at least mobilized societal interests. Where it is federal or decentralized in structure, moreover, the executive's lack of autonomy ensures its inability to impose.

Rather than acting unilaterally, therefore, the state generally seeks to act in coordination with societal interests. Such coordination allows interests to influence policy formulation from the inside, by co-devising the policies, and not just, as in the pluralist relationship, to exert influence from the outside. Although such coordination may be more efficient and effective in corporatist systems with unitary political structures than those with federal structures, given the smaller number of actors, it is always possible as long as representatives of state and society are amenable to reaching agreement (and if they are legally required to do so, as in federal Germany). Agreement, moreover, is generally reached through a more consensual style of interaction among state and societal actors, whether it is more "solidaristic," as in some of the smaller European countries such as the Netherlands or Austria, or more rational self-interested, as in Germany. Conflict is always possible here too, but it tends to be preliminary to the reaching of a consensus at the formulation stage rather than leading to confrontation at the implementation stage, as in statist systems.

In corporatist state-society relations, moreover, as in statist relations, implementation is flexible in application. But here, the rules formulated by the "social partners" are applied by them through joint self-governing arrangements. The processes by which such implementation patterns arise are incorporated into the structures of political organization, for example, through social partners' participation in parliamentary committees, the decisions of which are then rubber-stamped by the parliament (as in Austria), or they may be sanctioned by law and not even seen as part of public policy (as in Germany).

In both statist and corporatist polities, however, policy implementation is not always flexible. For where the judiciary has some modicum of independence, implementation can resemble the regulatory or legalistic model of the pluralist pattern of state-society relations. This means that alongside the administrative discretion of civil servants or the self-governing arrangements of societal interests, strongly legalistic patterns of implementation may impose themselves, proscribing any kind of flexibility. This has a long tradition in those statist and corporatist polities where the judiciary has always been independent to some degree (e.g., Britain and Germany). In such polities, it is often very hard to predict which implementation process will be operative, the legalist or the flexible. Generally, this is the result of tradition, and of whether the courts or the bureaucracy got to the issue first. But the legalistic approach to implementation has been gaining in recent years in all polities, including in those statist polities which had traditionally had a highly subordinated judiciary and a strong administrative tradition (e.g., France). This stems from reforms that have increased the powers of the judiciary and/or have established independent regulatory agencies - whether in response to internal dynamics or external pressures, in particular those from the European Union, where its regulatory/legalistic model has been imposed in an ever-growing number of sectors.

The EU, in fact, whether in policy formulation, policy implementation, or decision-making culture, has affected its member-states' policymaking processes, but more so for statist than for corporatist polities.[41] For one, the EU's pluralist policy formulation process has engendered a loss of autonomy (discussed above more generally when considering the impact of EU institutional structures) which has been felt more keenly in statist polities, where the executive has lost its virtual monopoly on policy formulation, than in corporatist polities, where the executive never had the same kind of autonomy given the social partnership. For statist France, where the loss of autonomy was accepted under the assumption that the "heroism" lost at the national level would be replaced by a French-led "heroism" at the European level, the failure to exercise such leadership in all but the most "heroic" of areas (i.e., the Treaties including the Single Market Act and

Maastricht), has been a source of national dissatisfaction. This has even occasionally led to mainly symbolic attempts to demonstrate leadership, e.g., in the demands for a French head of the NATO southern command or of the European Central Bank. But this only prolongs the popular illusion that the government somehow has sole responsibility for policies that are in fact made jointly in Brussels; or that it is therefore accountable for actions taken in Brussels over which it in fact has little or no control. Both are detrimental to French democratic legitimacy.

For statist Britain, the threat to governmental autonomy has been even more keenly felt than in France, but more successfully resisted - as the initial opt-outs to the Social Chapter of the Maastricht Treaty and to the European Monetary Union attest. Where the French response has been to seek a greater EU "heroism" in exchange for its loss at the national level, the British response (at least with Thatcher and Major) has been to resist "heroically" what it sees as European incursions on national sovereignty. But although this may have increased government popularity, it at the same time eroded democratic legitimacy, given that as often as not the government incorporated into national law the very EU measures it had so vociferously opposed.

For corporatist Germany, by contrast, the loss of autonomy and, concomitantly, legitimacy have not been felt nearly as much as in France or Britain. This is because of complex decision-making processes which assume joint responsibility for any policies, whether formulated in Germany or Brussels. The problem for Germany, by contrast with France or Britain, is that its institutional structures together with its policymaking processes make it difficult for it to exercise leadership when it comes to grand strategy, where France excels, or forcefully to resist policy initiatives of which it disapproves, where Britain is past master.[42]

Secondly, the EU's regulatory approach to implementation has produced a loss of flexibility which has been more pronounced in statist polities, where it has closed off traditional means of accommodation involving administrative discretion or self-regulatory arrangements, than in corporatist polities, where joint regulatory arrangements have been allowed to continue. The loss of the possibility of making exceptions to the rules where EU rules and regulations are concerned has been particularly problematic for France, given that citizens who have never had much access to decision-making in policy formulation and now have even less accommodation in policy implementation are more likely to resort to confrontation when their concerns are not met.[43] And this represents a threat not just to French societal stability but also to democratic legitimacy, given that French democracy has always been predicated on the state's administrative discretion, that is, on its ability to adapt the rules to accommodate affected constituencies - which is no longer possible. One answer for the French, of course, would be to allow greater access to citizens at the policy formulation stage (so that there would no longer be the need to adapt the rules in the implementation), and to encourage greater citizen interest organization and participation in EU policymaking. But this is not easy to accomplish in a country where the state tends to act and society to react, although the Jospin government does seem to be attempting to do some of this.

For Britain, by comparison, the major problem has been the increasing rigidification of public life related to the dramatic increase in EU (as well as national) regulations, which have replaced the informal, voluntary arrangements with formal rules administered by independent regulatory agencies or enforced by the courts. And this represents a threat not only to British societal autonomy, given the expansion of public powers over a wide range of areas traditionally left to private actors, but ultimately to traditional notions of

democratic legitimacy, given that British democracy has always been predicated on leaving as much room as possible to private self-governing arrangements. And there is no answer for the British on this score, other than perhaps to seek to keep Brussels from enacting more rules and regulations.

For Germany, by contrast, which has not only always codified more laws than Britain but has also applied them without exception, unlike France (or even more so Italy), the EU rules and regulations have not been nearly as problematic. But this is mainly because those areas traditionally outside the more legalistic domain, those jointly administered by social partners, have largely been able to continue to operate as they have traditionally. In consequence, German policymaking processes, which entail shared responsibility for policy implementation as much as for formulation have not been challenged nearly as much as the French or British.

Finally, even the EU's cooperative, "bottom-up," and less political decision-making culture has engendered greater adaptational problems for statist polities when it comes to exerting influence in the EU, given a more conflictual, "top-down," and political culture, than for corporatist countries, where their more consensual, more horizontal, and less political decision-making culture is closer to that of the EU. However, although the French in particular were at a disadvantage early on by comparison with those countries with long-standing, well developed lobbies, as in the case of the British, or with cohesive peak associations, as in the case of the Germans, the differences in country capability in EU lobbying has been diminishing, as national actors learn a more EU style of interaction.

All in all, though, the EU's quasi-pluralist policymaking process has tended to impose greater adjustment burdens on statist systems such as the French and the British, by undermining government autonomy in policy formulation, reducing flexibility in implementation, and expecting greater cooperation in EU policymaking, than on corporatist systems such as the German, which has never had the same kind of governmental autonomy, has lost less flexibility given an implementation process that has for the most part been deemed compatible with the regulatory, and has a consensual culture that better matches the EU's cooperative one.[44] Because the "fit" between pluralist and statist processes is less close than between pluralist and corporatist processes in such areas as societal actors' interest organization and access and in governing bodies' interactive style and adaptability, statist polities have had a more difficult time than corporatist ones in adjusting to EU level policy formulation, a more difficult task in implementing the policy changes engendered by the EU, and a greater challenge in adapting their national interactive styles to the new realities. And in consequence, the EU has posed greater problems with regard to democratic legitimacy for statist polities than for corporatist ones.

Conclusion

Thus, the EU, with its quasi-federal institutional structures and its quasi-pluralist policymaking processes, has had a significant impact on member-states' national institutional structures and policymaking processes. It has generally affected the traditional balance of power in both unitary and federal states, albeit more in the former than in the latter, by reducing executive autonomy and control, diminishing legislative power, and increasing judicial power and subnational independence. And it has altered traditional patterns of policymaking in both statist and corporatist systems, albeit again more in the former than in the latter, by reducing government autonomy in policy

formulation and flexibility in implementation.

As such, the EU has generated problems with regard to democratic representation, accountability, and legitimacy for all of its member-states , albeit again more for unitary and statist polities than federal and corporatist polities. This is mainly because the traditional concentration of power and authority in the executive in unitary, statist systems such as France and Britain has made it harder for them to legitimize actions that they no longer entirely control, but for which they are assumed accountable, than in federal, corporatist systems such as Germany, where the traditional dispersion of power entails that the executive generally must oversee the carrying out of policies for which it has never in any case been held entirely accountable.

The differences, in other words, come from the greater difficulty for the French and British to accept that democratic representation and accountability need not be concentrated in a single, all-powerful authority but can be situated in a multiplicity of authorities and emerge through the plural points of access of a more open policymaking process. But for this, they would have to redefine their notions of democratic legitimacy and accountability, and even promote a move toward greater "federal" separation or sharing of power for national institutional structures which have traditionally focused power and authority primarily in the executive and toward greater "pluralistic" openness to interest representation for national policymaking processes which have traditionally tended to limit interest access in policy formulation. And to succeed in this, national politicians would themselves not only have to recognize and embrace such change. They would also need to engage in a new political discourse capable of convincing the public not only that this is a necessary change in national understandings of democratic representation and accountability, but also an appropriate one, despite the fact that it may violate long-held notions of state authority and responsibility. And although such a change in discourse is not easy, it may certainly be better than continuing to mislead the public by creating expectations about national government power and capabilities that they are bound to disappoint.

Footnotes

1   This paper offers a theoretical discussion which expands on arguments made in: Vivien A. Schmidt, "European Integration and Democracy: The Differences among Member States" *Journal of European Public Policy*, vol. 4, no. 1 (March 1997): 128-145; Vivien A. Schmidt, "National Patterns of Governance under Siege: The Impact of European Integration" in *The Transformation of Governance in the European Union,* ed. Beate Kohler-Koch (London: Routledge, forthcoming 1999); and Vivien A. Schmidt, "European 'Federalism' and its Encroachments on National Institutions.", paper prepared for presentation for the workshop "Federalism in Western Europe" at Emory University (Atlanta, Georgia, Oct. 10-11, 1997, and April 2-3, 1998).
2   There is a growing literature on the federal characteristics of the European Community/ European Union and its similarities with other federal systems. See, for example: Fritz Scharpf, "The Joint Decision Trap: Lessons from German Federalism and European Integration", *Public Administration* vol. 66, no. 3 (1988): 239-278; Alberta Sbragia, "The European Community: A Balancing Act," *Publius* vol. 23, no. 3 (1993): 28-38; Arthur B. Gunlicks, ed., "Federalism and Intergovernmental Relations in West Germany: A Fortieth Year Appraisal", *Publius* vol. 19, no. 4 (1989); Fritz Scharpf, "Community and Autonomy: Multi-Level Policy-Making in the European Union", *Journal of European Public Policy* vol. 1, no. 2 (Autumn 1994): 219-242; Richard Herr and Steven Weber, *European Integration and American Federalism: A Comparative*

Perspective (University of California, Berkeley: Portuguese Studies Program and International and Area Studies, 1996); Thomas O. Hueglin, "Towards a Critical Theory of Governance in the EU: Can Federalism Help to Understand What is Going On?", paper presented at the ECPR Workshop "The Transformation of Governance in the European Union" (Oslo, March 29-April 3, 1996); T. Hartley, "Federalism, Courts and Legal Systems: The Emerging Constitution of the European Community", *American Journal of Comparative Law* vol. 34 (1986): 229-247; Daniel Wincott, "Federalism and the European Union: The Scope and Limits of the Treaty of Maastricht", *International Political Science Review* vol. 17, no. 4 (1996): 403-415.

3   Preston King, *Federalism and Federation* (London: Croom Helm, 1982), p. 77.

4   "State-centric" approaches include those of Stanley Hoffmann, "Obstinate or Obsolete? The Fate of the Nation State and the Case of Western Europe", *Daedalus* vol. 95 (1966): 892-908; Stanley Hoffmann, "Reflections on the Nation-State in Western Europe Today", *Journal of Common Market Studies* vol. 21 (1982): 21-37; Paul Taylor, *The Limits of European Integration* (New York: Columbia University Press, 1983); Paul Taylor, "The European Community and the State: Assumptions, Theories and Propositions", *Review of International Studies* vol. 17 (1991): 109-125; Andrew Moravcsik, "Negotiating the Single European Act: National Interests and Conventional Statecraft in the European Community", *International Organization* vol. 45 (1991): 651-688; Geoffrey Garrett, "International Cooperation and Institutional Choice: The EC's Internal Market", *International Organization* vol. 46 (1992): 533-560; Alan Milward, *The European Rescue of the Nation-State* (Berkeley: University of California Press, 1992).

5   The EU has been variously described as a "federal union" (J. Pinder, *European Community: The Building of a Union,* Oxford: Oxford University Press, 1994), a quasi-state: (William Wallace, "Government without Statehood", in *Policymaking in the European Union,* eds. Helen Wallace and William Wallace, Oxford: Oxford University Press, 1996), "co-operative federalism," (Wolfgang Wessels, "Administrative Interaction" in *The Dynamics of European Integration,* ed. William Wallace, London: Pinter, 1990, pp. 229-241), "cooperative federalism without a state" (Yves Mény, Pierre Muller, and Jean-Louis Quermonne, "Introduction" in *Adjusting to Europe: The Impact of the European Union on National Institutions and Policies,* eds. Yves Mény, Pierre Muller, and Jean-Louis Quermonne, London: Routledge, 1996, pp. 1-22), and "condominio" (Philippe Schmitter, "Some Alternative Futures for the European Polity and Their Implications for European Public Policy" in *Adjusting to Europe: The Impact of the European Union on National Institutions and Policies,* eds. Yves Mény, Pierre Muller, and Jean-Louis Quermonne, London: Routledge, 1996, pp. 25-40).

6   On multi-level governance, see: Gary Marks, Liesbet Hooghe and Kermit Blank, "European Integration from the 1980s", *Journal of Common Market Studies*, vol. 34, no. 3 (1996): 341-378; on governance networks, see: Beate Kohler-Koch, "Catching up with Change: The Transformation of Governance in the European Union", *Journal of European Public Policy*, vol. 3, no. 3 (September 1996): 359-380.

7   See: Alberta Sbragia, Thinking about the European Future: The Uses of Comparison," in *Euro-Politics: Institutions and Policymaking in the 'New' European Community*, ed. Alberta M. Sbragia (Washington: Brookings Institution, 1992), pp. 257-291; Arthur B. Gunlicks, ed., "Federalism and Intergovernmental Relations in West Germany: A Fortieth Year Appraisal", *Publius* vol. 19, no. 4 (1989); Fritz Scharpf, "Community and Autonomy: Multi-Level Policy-Making in the European Union", *Journal of European Public Policy* vol. 1, no. 2 (Autumn 1994): 219-242.

8   Scharpf, "Community and Autonomy", pp. 221-222.

9   Dieter Grimm, "Does Europe Need a Constitution?" *European Law Journal* vol. 1, no. 3 (1995): 282-302.

10   Sbragia, "The European Community", p. 28.

11   On these and other problems of legitimacy related to "positive" vs. "negative" integration, see Fritz W. Scharpf, *Governing in Europe: Effective and Democratic?* (Oxford: Oxford, 1999).

12   The differences here have a lot to do with electoral systems, whether proportional representation or majoritarian, first-past-the-post. Another possible source of executive weakness is in the case of mixed presidential/parliamentary systems when the president is of a different political leaning from the parliamentary majority. But in the only such instance to date (France), the jurisdictional separation of responsibilities (to the president, foreign policy; to the prime minister, domestic policy) has avoided any major weakening of the executive although it has increased internal frictions.

13   See Schmidt, "European Integration and Democracy.".

14   See: Juliet Lodge, "Transparency and Democratic Legitimacy", *Journal of Common Market Studies* vol. 32, no. 3 (Sept. 1994): 343-368.

15   Philip Norton, ed., *National Parliaments and the European Union* (London: Frank Cass, 1996).

16   Alan Milward, *The European Rescue of the Nation-State* (Berkeley: University of California Press, 1992); Andrew Moravcsik, "Preferences and Power in the European Community : A Liberal Intergovernmentalist Approach" in *Economic and Political Integration in Europe: Internal Dynamics and Global Context* eds. Simon Bulmer and Andrew Scott (Oxford, Blackwell, 1995), pp. 29-80.

17   For more detailed arguments, see: Schmidt, "European 'Federalism' and its Encroachments.".

18   Anne-Marie Burley and Walter Mattli, "Europe before the Court: A Political Theory of Legal Integration", *International Organization* vol. 47 (1993): 41-76; Joseph H. H. Weiler, "A Quiet Revolution: The European Court of Justice and its Interlocutors", *Comparative Political Studies* vol. 26, no. 4 (January 1994): 510-534.

19   See Vivien A. Schmidt, "Loosening the Ties that Bind: The Impact of European Integration on French Government and its Relationship to Business," *Journal of Common Market Studies* vol. 34, no. 2 (June 1996): 223-254.

20   See Thomas Saalfeld, "The German Houses of Parliament and European Legislation" in *National Parliaments and the European Union* ed. Philip Norton (London: Frank Cass, 1996).

21   On compounded representation, see Joanne Brzinski, Thomas D. Lancaster, and Christian Tuschhoff, "Federalism and Compounded Representation in Western Europe." Paper prepared for presentation at the First Workshop of the "Federalism and Compounded Representation" project, Emory University, Atlanta/GA, (October 3-6, 1997).

22   Wolfgang Streeck and Philippe Schmitter, "From National Corporatism to Transnational Pluralism: Organized Interests in the Single European Market", *Politics and Society*, vol. 19, no. 2 (1991): 133-164.

23   In a few areas, the EU bears little resemblance to the pluralist model. One could argue, for example, that in the social policy field, formulation appears more corporatist than pluralist, given the privileged role of business and labor. See Gerda Falkner, "Social Policy in the EU", in *The Transformation of Governance in the European Union,* ed. Beate Kohler-Koch (London: Routledge, forthcoming 1999).

24   Sonia Mazey and Jeremy Richardson, "EU Policymaking: A Garbage Can or an Anticipatory and Consensual Policy Style?" in *Adjusting to Europe: The Impact of the European Union on National Institutions and Policies,* eds. Yves Mény, Pierre Muller, and Jean-Louis Quermonne (London: Routledge, 1996, pp. 41-58), p. 53.

25   See Schmitter, "Some Alternative Futures for the European Polity".

26   Mazey and Richardson, "EU Policymaking: A Garbage Can", p. 42.

27   Michael D. Cohen, James D. March, and John P. Olsen, "A Garbage Can Model of

Organizational Choice", *Administrative Science Quarterly* vol. 17 (1972): 1-25.

28   Giandomenico Majone, "When does Policy Deliberation Matter?", EUI Working Papers in Political and Social Sciences 93/12 (Florence: European University Institute, 1993).

29   Edgar Grande, "The State and Interest Groups in a Framework of Multi-Level Decision-Making: The Case of the European Union", *Journal of European Public Policy* vol. 3, no. 3 (September 1996): 318-338, p. 329; Sonia Mazey and Jeremy Richardson, "Introduction. Transference of Power, Decision Rules and Rules of the Game", in *Lobbying in the European Community* ed. Sonia Mazey and Jeremy Richardson (Oxford: Oxford University Press, 1993), pp. 3-26.

30   Giandomenico Majone, "The European Commission as Regulator", in *Regulating Europe,* ed. Giandomenico Majone (London and New York: Routledge, 1996), pp. 74-75.

31   Mazey and Richardson, "Introduction", in *Lobbying in the European Community,* ed. Mazey and Richardson, pp. 21-22.

32   On the environment and biotechnology, see: David Judge, David Earnshaw and Ngaire Cowan, "Ripples or Waves: The European Parliament in the European Community Policy Process", *Journal of European Public Policy* vol. 1, no. 1 (June 1994): 28-51.

33   Beate Kohler-Koch, "Organized Interests in European Integration: The Evolution of a New Type of Governance?" in *Participation and Policymaking in the European Union,* ed. Alasdair R. Young and Helen Wallace (Oxford: Oxford University Press, forthcoming 1997), pp. 85-86.

34   On the differences between the model of pluralism described by democratic theorists such as David Held and the generic sense of pluralism used here, see: Giovanni Sartori, "The Background of *'Pluralism'*." Paper prepared for delivery at the XVI World Congress of IPSA (Berlin, August 21-25, 1994).

35   Les Metcalfe, "Après 1992: La Commission pourrat-elle gérer l'Europe?" *Revue Française d'Administration Publique* vol. 63 (1992).

36   Doug Imig and Sidney Tarrow, "From Strike to Eurostrike: The Europeanization of Social Movements and the Development of a Euro-Polity", Working Paper no. 97-10, Weatherhead Center for International Affairs, Harvard University (December 1997). See also: Uwe K. H. Reising, "Domestic and Supranational Political Opportunities: European Protest in Selected Countries 1980-1995" European Integration Online Papers (EIOP) vol. 2, no. 5, URL: http://olymp.wu-wien.ac.at/eiop/ (1998).

37   See Scharpf, *Governing in Europe*.

38   See: Renaud Dehousse, "Integration v. Regulation? On the Dynamics of Regulation in the European Community", *Journal of Common Market Studies* vol. 30, no. 4 (December 1992): 389-392.

39   For a theoretical discussion of the differences between pluralist, statist, and corporatist policymaking processes, see: Vivien A. Schmidt, *From State to Market? The Transformation of French Business and Government* (Cambridge: Cambridge University Press 1996), Chapters 1 and 2.

40   For more detail, see Schmidt, "National Patterns of Governance".

41   Schmidt, "National Patterns of Governance".

42   See Schmidt, "National Patterns of Governance".

43   Schmidt, "Loosening the Ties"; and Schmidt, *From State to Market?* Chapter 7.

44   See: Schmidt, "European Integration and Democracy"; and Schmidt, "National Patterns of Governance".