EUROPEANIZATION AND GOVERNANCE: A NEW INSTITUTIONALIST PERSPECTIVE

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Abstract

Europeanization as a political process may be understood in terms of both the creation of a European polity and the adaptation of national polities to European integration. This paper examines a key aspect of the interrelationship between these two dimensions of Europeanization. Against expectations, the national politico-administrative systems of European Union member states have not converged. Drawing on a new institutionalist analytical framework, it is shown that these differential patterns of national adaptation correspond to more general models of incremental institutional change and, as such, are likely to be a persisting feature of European integration. This, in turn, leads to a reconceptualization of European governance, which emphasizes the importance of national diversity. The influence of differing national politico-administrative models on the development of the European Union is discussed. The implications of national diversity for policy implementation frameworks are also analysed.

The term Europeanization has been used in a wide variety of ways across a range of disciplinary contexts. Within the political science literature, it might, however, be suggested that usages of the word cluster around two principal definitions. On the one hand, Europeanization is used to refer to the construction of a European polity or, at least, the emergence of

European-level political processes. The major European University Institute research project on Europeanization, for example, defines the term as referring to 'the emergence and development at the European level of distinct structures of governance, that is, of political, legal and social institutions that formalise and routinise interactions among the actors, and of policy networks specialising in the creation of authoritative European rules' (Bartolini, Risse and Strmth 1999: 2). Europeanization understood in these terms leads, on the other hand, to a consideration of the ways in which existing political structures and models are being redefined by the emergence of this new level of governance. Europeanization, in this second sense, is primarily concerned with patterns of national adaptation to European integration. This second sense of the term is captured by Ladrech (1994: 69), who defines Europeanization as 'an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making'. Each of these understandings gives rise to a substantial and important research agenda. Crucial questions, however, also arise at the juncture between the two understandings. The processes of European polity-building and national adaptation are, evidently, taking place in parallel; they are two sides of the same coin. Studies of Europeanization must thus also concern themselves with the complex interrelationship between the processes of change taking place at the European and at the national levels (see Olsen 1996).

The present paper looks at one facet of this interrelationship. It examines the manner in which Europeanization understood as national adaptation shapes Europeanization understood as the creation of a European polity. The paper first looks at Europeanization as national adaptation. An expected convergence of national politico-administrative models within the European Union is shown not to have materialized. This is explained with reference to a new institutionalist analytical framework, which suggests that this pattern of non-convergence, rather than being anomalous, corresponds to more general models of incremental institutional adaptation to external pressures. The paper then turns to examining the implications of such persisting, differential patterns of adaptation for the governance of the European Union. If Europeanization as national adaptation produces diverse outcomes, then this diversity must find

expression in our understanding of Europeanization as the creation of supranational institutions. The meaning and implications of such a reconceptualization of European governance are developed in the latter part of the paper. Concretely, it is shown that the integration process may, in part, be conceived as a competition between different national politico-administrative models. It is also argued that there should be a reconceptualization of the form of European law, so as better to reflect the deeply entrenched diversity exhibited by the politico-administrative systems of the member states.

The Europeanization of National Administrations

There has unquestionably been a Europeanization of national administrations in the sense of a growing range and intensity of contacts between the supranational and the national levels of governance. National officials have been increasingly drawn into the European policy-making and policy implementation process. The integration process has spawned an ever expanding network of committees, bringing national civil servants into the Brussels universe. Wessels (1998: 219-220) estimates that there are: 600 expert groups and advisory committees assisting the Commission; 270 working groups established under the auspices of the Council of Ministers; and 410 comitology committees (in the peculiar jargon of the EU) charged with overseeing the implementation of EU legislation. Together this large and nebulous structure accounts for the holding of close to 11,000 'translated meetings' annually, at which national officials are present. Coupled with this co-optation of national officials into the Community method, one must also, of course, be aware of the growing importance of Community legislation. Substantial areas of national law have been largely displaced or superseded by EU norms. An awareness of and contact with the European system thus permeates the domestic politico-administrative structures of the member states, extending well beyond the limited (if growing) number of officials who have a direct involvement with European affairs.

It might be expected that this growing contact between the two levels of governance would further produce a convergence of national politico-administrative structures. The assumption often implicitly or explicitly made in the public administration literature is that distinctive national models of governance will gradually blend into a common European

pattern, reflecting both the influence of EU practice on national systems and increased borrowing between national systems. Generally, this assumption is rooted in one or both of what might be termed logics of socialization and of optimization.

The socialization hypothesis is consistent with the neo-functionalist paradigm of integration theory. In a seminal statement of neo-functionalism, Ernst Haas (1958: 16) described the process of integration as one in which 'political actors in several distinct national settings are persuaded to shift their loyalties, expectations, and political activities toward a new centre'. Over time, national actors will adopt a shared set of norms through dint of their constant participation in supranational arenas. Those shared norms and practices will, in turn, spill-back into national arenas. National practices and structures will gradually be transformed in line with an emerging European consensus.

The optimization hypothesis, by way of contrast, is not premised on an integrative dynamic *per se*. Rather, it derives from a more general understanding of the dynamics of institutional change. The argument here is that national administrations are, by definition, confronted with similar problems in the context of the integration process. As some national solutions for dealing with these problems are bound to prove more effective than others, it is presumed that there will be a progressive tendency for all countries to move towards those solutions which have proved most successful. The wellspring of change is thus not the emergence of a community of values, but rather a postulated efficiency of institutional development. It is assumed that institutional structures will cluster around the demonstrably most efficient models, producing a convergence of national practices.

In the event, neither dynamic identified above has exercised a decisive influence on the evolution of politico-administrative structures in the member states. Studies examining the impact of European integration on domestic institutional structures have resolutely pointed towards the persistence of distinctive national politico-administrative models. National systems show no evidence of systematic convergence either with one another or with a would-be European prototype.

This pattern of non-convergence is clearly highlighted in the major cross-national study co-ordinated by Rometsch and Wessels (1996). On the basis of national expert reports covering each of the then twelve

member states, the two editors found substantial evidence of Europeanization in one sense. They note (Wessels and Rometsch 1996: 328) that 'National institutions in all member states have begun to make a constant effort toward European activity and decision-making'. They also found backing for Wessels' (1997) 'fusion thesis' (*Fusionthese*). This thesis holds that there has been a progressive merger of public resources across levels of governmental authority in post-war Western Europe, creating a blurring of accountability and responsibility for public action. Yet, despite this growth of interconnectedness, the authors conclude that 'there are (...) quite divergent patterns of action and behaviour of national institutions which do not seem to converge into one common (state) model' (Wessels and Rometsch 1996: 329). At best, the evidence points to the member states having 'come under the pressure of a *certain* convergence in the sense of reaction and optimal adaptation when dealing with the EU institutional system' (Wessels and Rometsch 1996: 329, emphasis in the original). Even that notion of a minimally convergent pattern of optimization may, however, be contested.

Page and Wouters (1995) came to a similar conclusion. Here too, a contrast is drawn between two forms of Europeanization. The authors acknowledge that a Europeanization of national administrations is taking place in the sense that EU decisions and the European level of governance increasingly form part of national policy-making processes. Yet, at the same time, they stress that 'there is no strong reason to believe that this "Europeanization" necessarily brings with it any substantial change in the national administrative structures of member states' (Page and Wouters 1995: 203). In other words, Europeanization understood as the expansion of supranational policy space does not appear linked to Europeanization conceived as a convergence of national structures. Interestingly, Page and Wouters point to the absence of a clearly defined European administrative model as one of the explanations for this pattern of non-convergence. It is difficult for a strong logic of emulation to emerge when the object of emulation itself remains inchoate.

Studies focused on more specific aspects of institutional adaptation to integration offer further evidence of non-convergence. Examining the coordination mechanisms adopted by national executives to deal with European policy, Metcalfe (1994) found substantial and persisting variations to exist across the member states. Strikingly, the study concluded that at

least half of the member states (if not more) had failed to develop a minimally satisfactory co-ordination capacity. This minimum was defined as the ability to provide for 'an effective and generally accepted process of arbitration' (Metcalf 1994: 287). Moreover, there appeared to be no generalized movement towards the adoption of the more effective co-ordination models. Although Metcalf held out the hope that research on the subject might serve as a diagnostic tool, he acknowledges that national choices in this area are generally not the product of a systematic search for best practice. Rather, the institutional structures adopted tended to reflect distinctive national politico-administrative traditions. As he concludes (Metcalf 1994: 289):

Suffice it to say that the arrangements developed have evolved within the context of national traditions of policy co-ordination and diplomatic relationships. No country has started anew and designed a system for European policy co-ordination from first principles. The arrangements that exist reflect the strengths and weaknesses of pre-existing national patterns rather than any systematic efforts to match co-ordination capacities to the increasing demands of EU policy-making.

An earlier cross-national research project examining the implementation of European Community norms by national authorities produced similar findings. On the basis of expert national reports, Siedentopf and Ziller (1988) concluded that national administrative systems had not generally developed specific operating procedures to deal with Community legislation. Instead, 'the implementation of Community legislation follows the same patterns and meets the same obstacles as the implementation of the respective national legislation' (Siedentopf and Hauschild 1988: 58). There thus did not appear to be any particular resistance to the implementation of Community norms. Yet, national authorities also showed no inclination to effect radical changes in order to meet the demands placed upon them by the integration process. Existing national administrative styles and practices had been adjusted incrementally, giving rise to considerable variation in implementation patterns across the member states.

The persistence of national differences within the EU system has also been highlighted by a body of literature focusing on the patterns of institutional adaptation in the smaller member states. For example, Klöti and Von Dörmann (1995: 280) came to the following conclusion on the basis of their study of four small West European democracies (both inside and outside the European Union):

The four small states did not have to adapt their governmental structures in any fundamental way because of European integration. They could maintain their executive and administrative individuality and their institutional identity. European integration may be a challenge to national governments. But it is not a threat to national governmental and administrative cultures.

Drawing on contributions which covered ten states (again both inside and outside the EU), Hanf and Soetendorp (1998) arrived at similar conclusions. Their research confirmed the absence of 'radical shifts', as 'governmental adjustments were made in an incremental way, building upon traditions and arrangements that were already in place' (Soetendorp and Hanf 1998: 186). The significance of these findings bears underlining. These studies looked at states which might reasonably be regarded as highly susceptible to external influences. Within the EU, it might have been expected that the smaller member states would be constrained to adapt their internal structures so as to deal effectively with institutional arrangements defined predominately by the larger member states. Equally, those states (such as Norway and Switzerland) which had chosen to remain outside of the EU, while still having a close relationship with it, might have been regarded as particularly vulnerable. These states would be expected to conform in significant respects with the Union's rules and operating procedures, while having no say in their definition. Yet, these potential vulnerabilities are not borne out by the facts. The smaller West European states fit the more general pattern of adapting to European integration in ways which reflect and preserve pre-existing national politico-administrative structures and traditions. Size, in other words, does not matter; the preservation of core systemic attributes is a generalized tendency.

Overall, the picture which emerges from the literature is thus clearly one in which the growing contact of national administrations with the emerging European level of governance has not produced a convergence of domestic institutional models. It remains to demonstrate that this non-convergence is not merely an anomaly, a transitional stage prior to the full effects of European integration taking hold. The case for non-convergence as a persisting phenomenon is made below with reference to a new institutionalist explanatory framework.

The New Institutionalism

The new institutionalism must be understood relative to the post-war development of American political science (see Peters 1999: 1-24). It represents a reaction to the so-called 'behaviouralist revolution', which had reshaped the discipline in the United States. From a new institutionalist perspective, behaviouralist approaches to the study of politics suffer from a misguided reductionism. In general, behaviouralist approaches emphasize the influence of exogenous factors on the political process, looking to general psychological or sociological explanatory models. Political behaviour is understood in terms of either individual calculations of self-interest or the impact of broader social forces. In this way, behaviouralism denies an autonomous existence to political institutions and processes, essentially reducing them to derivatives of other, deeper forces. The new institutionalism seeks, in its most basic form, to restore the autonomy of the political. It argues that 'institutions matter'. Its proponents affirm that the choices of individual political actors cannot be understood in a vacuum, but must be placed in specific institutional contexts. Equally, while accepting that politics is influenced by broader social forces, the new institutionalists argue that influence may also run the other way. Government shapes its societal environment as well as being shaped by it. Politics thus reclaims an autonomous logic, re-emerging as an activity which may itself be understood as a way of 'making sense of the world' (March and Olsen 1989: 40-46).

The new institutionalism is, in part, a reassertion of the traditional focus of the academic study of politics. It revives a concern with the formal institutions of government which had long defined the discipline. Nevertheless, there are significant differences between the 'old' and the 'new' institutionalism. Most importantly, the new institutionalism is based on a markedly more extensive understanding of the term 'institution'. The new institutionalism looks not only at core political institutions (such as executives, legislatures, and parties), but casts its net much wider so as to bring in a range of other politically significant institutions. In particular, reflecting a rekindled interest in political economy, institutions such as central banks and tripartite (government-business-labour) bargaining structures have figured prominently in new institutionalist studies (see, for example, Hall 1986). Beyond this extension of the substantive range of institutions covered, the new institutionalism further

emphasizes the importance of the norms, understandings, and principles which structure political life. The approach is concerned with the full range of formal and informal organizing principles which structure both political institutions and the broader sets of relationships which connect them to their environment. This implies a much wider field of study than that covered by the 'old institutionalism', which tended to pay little explicit attention to the broader normative environments within which institutions are embedded. It also implies a more extensive sense of political institutions than that usually associated with a Continental European *Staatswissenschaft*. The new institutionalism, relative to such a practically based 'state science', places much greater emphasis on the need to understand institutions within their specific socio-historical contexts (Mény and Thoenig 1989: 106-109).

A substantial number of variations exist under the general rubric of the new institutionalism (Peters 1999; Hall and Taylor 1996). Most of these variations are not of concern in the present context. There is, however, a basic dichotomy between rational choice and other new institutionalist approaches which should be briefly addressed. Rational choice variants of the new institutionalism accord institutional structures something of a secondary role. Individual political actors are assumed to be utility maximizers; it is postulated that individuals will always conduct themselves so as to maximize their own personal benefit in a given situation. Rational choice institutionalists, nevertheless, recognize that specific institutional configurations may affect an actor's ability to achieve this result. Institutions are thus viewed as affecting the strategic calculations of actors, but not as a determinant of the initial definition of interests. In contrast to this rational choice version of new institutionalism, most other variants argue that institutions shape not only actor strategies, but interests as well. In other words, most forms of the new institutionalism hold that the formation of political preferences takes place endogenously, within the political system. They deny the existence of general patterns of behaviour outside of the political system which may be used as universal predictors of behaviour within it. The present analysis is rooted in this 'non-rationalist' version of the new institutionalism. In particular, it draws on two key concepts from within this body of literature: the logic of appropriateness and path dependence.

In a seminal statement of the new institutionalism, March and Olsen (1989: 21-26) contrast the 'logic of appropriateness' with a 'logic of consequentiality'. According to March and Olsen, prevailing approaches in political science and public administration view actor behaviour as essentially motivated by conscious calculations of self-interest. Behaviour is, in other words, understood as governed by an anticipation of specific consequences. Yet, in their view, most actors in political and bureaucratic settings do not act this way most of the time; they are not conscious and consistent utility maximizers. Rather, most behaviour is better conceived as the product of roles, rules, and routines. Actors seek to conform with expectations of appropriate conduct for someone occupying their specific role within a broader institutional context. The fulfillment of that role will, in turn, require a familiarity with institutional routines and a knowledge of such formal rules as may apply in a given situation. Institutions thus emerge as more than arenas for the pursuit of individual interests. Emphasis is placed on the normative dimension of political and bureaucratic behaviour, focusing attention on the extent to which individual values may be (re-)shaped by participation in sustained collective endeavours

While the logic of appropriateness seeks to restore a concern with the role of norms to the study of politics, the concept of path dependence reaffirms the importance of distinctive patterns of historical development (see Pierson 1996). The idea of path dependence derives from a school of analysis in economic history. As defined by North (1990: 99), the concept means that 'once a development path is set on a particular course, the network externalities, the learning process of organizations, and the historically derived subjective modeling of the issues reinforce the course'. Simply stated, prior choices influence subsequent choices. There is a branching effect. Later developments build upon earlier developments, while other alternative paths are gradually closed off. Individual actors acquire considerable 'sunk costs' relative to past institutional and policy choices. Once having adjusted to particular paths of development, most interests concerned will not wish to see a radical restructuring which would upset the new balances achieved. A 'lock-in' occurs, as it becomes progressively more difficult to reverse past policy and institutional choices. At its most basic level, this means that history matters. Distinctive national institutional structures and policy choices must be

understood relative to longer term historical developments. The concept of path dependence further provides a strong challenge to the widely held belief that institutions are efficient. Much writing in both political science and economics assumes that history functions as an almost Darwinian process, producing the survival of the fittest. It is postulated that inefficient or sub-optimal institutional and policy choices will be weeded out over time. Path dependence, on the other hand, points to a logic whereby such sub-optimal choices may not only persist, but reinforce themselves within particular socio-historical contexts. Both 'good' and 'bad' choices produce a reconfiguration of interests and structures, shaping the subsequent course of development.

Explaining National Adaptation to European Integration

The logic of appropriateness together with path dependence provides an explanatory framework for the non-convergence of national administrations within the context of the European integration. The logic of appropriateness, in the first instance, provides a means for understanding the manner in which national institutional structures mediate the process of integration. Divergent national patterns of adaptation reflect differing politico-administrative structures and cultures. In the context of each member state, the institutional arrangements arrived at to deal with European integration are shaped by pre-existing conceptions of 'correct' or 'appropriate' institutional forms. Each national system has established balances of power and established understandings as to how problems of co-ordination or implementation are to be resolved. It is those existing models of appropriate conduct which provide the mould within which European developments will be fitted. National administrations, when faced with the novel challenges posed by integration, will tend to engage in a 'search for familiarity' (March and Olsen 1989: 34). In a quite literal sense, they will seek to domesticate the integration process. European policies and norms will be dealt with using a familiar repertoire of routines and practices. Each member state will consequently generate its own distinctive set of responses to the problems of integration, in function of differing national politico-administrative traditions.

I (Harmsen 1999) have illustrated the importance of the logic of appropriateness by way of an extended comparison between French and Dutch patterns of adaptation to European integration. Both countries

have developed European policy co-ordination mechanisms which reflect pre-existing national institutional traditions. In the case of France, a notion of '*arbitrage*' figures prominently. The national politico-administrative system is a comparatively hierarchical one, in which interministerial disputes will normally be settled by prime ministerial or (more exceptionally) presidential arbitration. This pattern is reproduced in the area of European policy. French European policy is co-ordinated through the *Sécritariat général du Comité interministériel pour les questions économiques européennes* (SGCI), a central secretariat which forms part of the Prime Minister's office. While the SGCI acts for the most part as an 'honest broker' between competing ministerial interests, it nonetheless also preserves the possibility of hierarchical arbitration being exercised by the Prime Minister or President as required. The premise of the national policy co-ordination system is that French negotiators should always defend a single, consistent governmental line.

The case of the Netherlands provides a very different picture. The Dutch politico-administrative system, in contrast to the French, is a comparatively diffuse and consensual one. The notion of arbitration, so central in French political culture, is largely absent from its Dutch counterpart. Instead, emphasis is placed on the need to achieve a wide-ranging societal consensus on major policy decisions. This consensual model of governance is reflected in the national system of European policy co-ordination. Although the Foreign Ministry maintains an Integration Directorate, there is no real equivalent to the French SGCI. European policy co-ordination is handled through a series of committees. Final decisions rest with the cabinet acting collectively. Moreover, the Prime Minister, in the Dutch case, must share co-ordinating responsibility for European policy with the Foreign Minister. Overall, the Dutch European policy co-ordination system appears less concerned with the definition of coherent national positions than it is with preserving the existing, consensual model of governance.

The roots of the national differences described above should be underlined. It is not simply a matter of structural continuity, with European policy co-ordination assuming the same forms as other instances of interministerial policy co-ordination. In each case, those forms correspond to broader matrices of values. 'Heroic decision-making' in the French case finds a strong resonance in national political culture. It is not

a coincidence that the Constitution of the Fifth Republic speaks of the President of the Republic as ensuring, 'by his arbitration, the regular functioning of public authorities and the integrity of the state' (Article 5). Similarly, the norms of ministerial autonomy and collegial decision-making are deeply rooted in Dutch political culture. This was memorably illustrated in a conflict between Foreign Minister Hans van den Broek and Prime Minister Ruud Lubbers in the early 1990s. The dispute centred on an attempt by Lubbers to redefine the prime ministerial role in European policy-making. Van den Broek, in a letter leaked to the press (*De Volkskrant*, 31 October 1991, 1), suggested that the Prime Minister was acting as a '*primus dominus*' (rather than a *primus inter pares*) and a '*bovenbaas*' (a hierarchical superior). The loaded terms are telling; they implied inappropriate conduct relative to the established norms of the system.

The existence of divergent national patterns of adaptation is further reinforced by a logic of path dependence. National politico-administrative systems, as demonstrated above, structure their responses to the integration process with reference to pre-existing institutional traditions and matrices of values. In each case, this produces a distinctive national model of European policy co-ordination and implementation. Subsequent developments at the European level then tend to be accommodated by making incremental adjustments to this established national model. Even as the scope and intensity of integration increases, distinctive national modes of governance are consequently reinforced. This dynamic corresponds to the initial conceptualization of path dependence. As North (1990: 101) affirms, 'the common imposition of a set of rules will lead to widely divergent outcomes in societies with different institutional arrangements'. In the present case, polities starting from different premises have adjusted to common external pressures in markedly divergent ways.

The dynamic of path dependence may be demonstrated with reference to the case of the United Kingdom. Bulmer and Burch (1998) have examined the development of British European policy co-ordination mechanisms in a new institutionalist framework. Their research emphasizes a strong line of institutional continuity which may be traced from the initial accession negotiations in the early 1960s to the present day. The first British responses to the formation of the Common Market were handled in 'typical Whitehall fashion' (Bulmer and Burch 1998: 608) by the

establishment of a series of cross-departmental committees. The commencement of formal accession negotiations saw the further development of these structures. The Foreign and Commonwealth Office (FCO) assumed the lead role in the negotiations. Reflecting a more general rebalancing of power in Whitehall, internal governmental co-ordination, initially vested in the Treasury, was shifted to the Cabinet Office at the time of the second British bid for membership. Subsequently, the pre-accession structures, with the FCO and the Cabinet Office occupying pivotal roles, served as the basis for the co-ordination mechanisms adopted after accession in 1973. Interestingly, prior to accession, the government had looked systematically at the methods used by the original member states to deal with European policy-making. Although the French SGCI was favourably viewed in Whitehall, it was nonetheless concluded that 'established British practice was superior to that of other countries including France' (Bulmer and Burch 1998: 611). The machinery for handling UK European policy co-ordination adopted in 1973 has, moreover, not been fundamentally changed since accession. The expansion of the European agenda to include areas such as Justice and Home Affairs or the Common Foreign and Security Policy has been dealt with by the adjustment of the existing model of co-ordination. As Bulmer and Birch put it (1998: 614, emphasis in the original):

The British administrative response to changes in the domestic and European contexts has *not* been to alter the framework and principles established in 1973, but rather to adapt them to the new demands placed upon them.

A pre-existing Whitehall model of interministerial co-ordination shaped the structures of British European policy co-ordination. Those structures have since gradually evolved in a manner which has preserved their defining characteristics. A distinctive national path of adaptation emerges, reflecting a necessarily unique matrix of values and practices.

In sum, the pattern of non-convergence found among EU member states, which appeared anomalous in the context of the integration process, finds a strong grounding when examined in terms of more general understandings of institutional change. The existence of embedded national senses of appropriate political forms may be seen as mediating the socialization pressures which national actors face in European arenas. Equally, the concept of path dependence, whereby current choices are shown to be shaped by previous paths of historical development, ex-

plains the lack of a systematic search for optimal solutions to the problems posed by integration.

The importance of these findings extends beyond the provision of an intellectually satisfying explanation for events to date. If the pattern of non-convergence is rooted in a deep and persisting dynamic, then this non-convergence must itself be incorporated into understandings of the process of integration. Although integration is taking place in the sense of creating a new institutional centre, the constituent units of the emerging multi-level political system each continue to mediate change in their own way. These parallel processes of integration and differentiation must be accounted for in models of the governance of the European Union. The nature and implications of such a redefined understanding of EU governance are discussed in the following section.

Reconceptualizing European Governance

The existence of persisting, differential patterns of national adaptation to European integration has obvious implications for the governance of the European Union. Essentially, the analyst is forced to pay greater attention to the often neglected cultural dimension of the integration process. 'Culture' here is understood, following Zetterholm (1994: 2), as primarily 'a term summing up beliefs, norms, institutions and traditional ways of "doing things" in a society'. As such, the notion of culture presently employed has strong affinities to the logic of appropriateness delineated in the previous section with reference to the work of March and Olsen. At the most general level, national politico-administrative cultures encapsulate overarching normative conceptions regarding the 'correct' nature and form of political institutions. At a more day-to-day level, such cultural notions of appropriateness attach to prevailing conceptions of 'normal practice' as regards the discharge of routinized administrative tasks. In both cases, the EU's cultural diversity is brought to the forefront. Whereas the great diversity of institutional structures and traditions exhibited by the member states is usually relegated to the status of a mere background consideration in accounts of the EU's functioning, the present analysis argues that this diversity should, instead, be regarded as a key factor shaping the terms of the Union's governance.

Two of the implications of this reconceptualization of governance are discussed below. First, it is suggested that the broad contours politics and

policy-making in the EU must be understood, at least in part, in terms of a type of export/import calculus relative to well-established national politico-administrative models. Second, on a more technical plane, it is argued that the instruments of implementation used for EU legislation must take better account of the degree of diversity shown by the member states if the Union is not to risk a longer term delegitimation.

National Models and European Integration

Prevailing accounts of the integration process tend to see it as interest-based. European integration is understood primarily in terms of the pursuit of specific sectoral or national interests. Here as elsewhere, the new institutionalism moves beyond such exclusively interest-based accounts of the political process. Unquestionably, the European Union provides an arena for the realization of both national and sectoral interests. Yet, the EU is also an arena within which different national politico-administrative models – different ways of ‘making sense of the world’ – meet and seek to find workable accommodations. This may be conceived as a competitive relationship, in which different member states project distinctive institutional models and policy choices on to the European stage. As Zetterholm (1994: 6) puts it, ‘Policy decisions may sometimes be conceived as a choice between different ways of organising a policy sector, and thus as a choice between different models based in different cultures’. Such choices, it might further be added, concern not only the substantive content of policy (*what* is to be done), but also the type of regulatory or legislative framework to be used (*how* it is to be done). In function of the choices made, member states may, in turn, be faced with more or less serious problems of institutional misfit between pre-existing national practices and the agreed European legislative framework. Different member states will exhibit differing degrees of congruence to European norms and practices in different policy sectors. That congruence reflects a number of factors, including both the relative political clout of the various member states and the prevailing policy climate in Brussels (see Wright 1996). In some cases, however, there appears to be a more general or structural misfit between national and European institutions.

Overall, the integration process thus emerges as corresponding, in part, to a kind of export/import calculus. States may be seen as trying to

'export' national models to the EU, while also 'importing' norms and practices (either by choice or under constraint) from the European level into the domestic sphere. This balancing exercise is illustrated below with reference to selected national cases.

France, perhaps more than any other member state, has been inclined to see European integration as a means to project national models on to a larger stage. The country's relationship to the integration process has, nonetheless, changed over time (Harmsen 2000). Through the early decades of European integration, there often appeared to be an almost 'natural symbiosis' between French and European models. The legal system of the (then) European Economic Community was largely based on French practices. Key policy choices, such as the adoption of the Common Agricultural Policy, obviously corresponded to French interests. From the mid-1980s onwards, however, there was a growing awareness in France that this natural symbiosis no longer existed. Both the ethos of economic liberalization associated with the single market initiative and an increasing tendency towards political federalization sat poorly with French traditions of a highly dirigiste and centralized ('Jacobin') state. This realization has led to a more concerted effort at institutional export – that which could once simply be assumed is now actively sought as a goal of national policy. Precisely because France no longer sees European models as necessarily corresponding to its own, it has redoubled efforts to win support at the European level for distinctively French policy choices. This may be seen in strong French support for a European industrial policy and a European-level conception of public services, as well as in a more general advocacy of a European social model. In each of these cases, the adoption of appropriate policies at the European level is viewed as a means of preserving otherwise threatened national institutional models and policy choices. As Oberdorff (1995: 48–49, my translation) states, with reference to French administrative practice, there is now a need to 'demonstrate to our partners the pertinence and the efficacy of certain of our legal and administrative choices', given that 'the administrative systems of the member states are today engaged in a veritable institutional and conceptual competition'. The logic of a competitive strategy of institutional export could not be more clearly stated.

Germany, together with France, is one of the 'motors' of the integration process. The relationship of the German state model to European integration is, nevertheless, fundamentally different to that seen in the French case. The basic contradiction seen in the case of France between a well-established state model and the emerging European polity does not – and, indeed, could not – exist in the German case. Historically, the post-war Federal Republic and the European Community developed in parallel to one another. It is not an exaggeration to claim, as Goetz (1996: 36) does, that 'its orientation towards integration is a congenital feature of the Federal Republic'. A pro-integrationist orientation, in other words, is not merely a policy goal, but essentially part of the 'genetic code' of the political order. This pro-integrationist orientation is further reinforced by the exceptionally good fit between the political structures of the Federal Republic and those of the European Union. The federal nature of the state, the consensual model of policy-making, and the strongly legalist character of administration all serve to minimize frictions between the German and the European political orders. In Bulmer's (1997: 50) memorable phrase, if European integration has been a 'cold shower' for some member states (notably the UK), it has been a 'warm bath' for Germany.

This basic compatibility has been further enhanced by some notable instances of German institutional export to the European level. These exports have concerned the core features of the post-war political and economic order, linked to the roles of the Bundesbank as the guarantor of monetary stability and of the Federal Constitutional Court as the guarantor of the Basic Law (see Dyson 1979). Germany exercised a virtually hegemonic influence in defining the terms of Economic and Monetary Union adopted in the Maastricht Treaty (Harmsen and Reinhardt 2000). The German Constitutional Court has similarly played an influential role in the development of the EU legal order, particularly through its insistence that European-level developments not be allowed to undermine existing national standards of human rights protection and democratic governance.¹ Overall, a pattern emerges which may easily be described

¹ The German Constitutional Court's intention to shape the terms of the integration process was clearly manifested in its landmark decision on the Maastricht Treaty. See *Manfred Brunner and others v. The European Union Treaty* (Cases 2 BvR 2134/92 and 2159/92) [1994] 1 CMLR 57.

as a 'virtuous circle' (Buller and Jeffery 2000: 133), in which 'institutional congruence empowers German policy elites while institutional export extends the scope of institutional congruence'. A good structural fit and institutional export go hand in hand, in ways which further amplify the country's considerable political clout.

The United Kingdom has also, on occasion, been a significant policy exporter to the European level. The deregulatory thrust of the single market initiative significantly corresponded to the agenda of the Thatcher government. Equally, the Blair government's 'Third Way' is conceived by its proponents as a socio-economic model of wider European significance. Nevertheless, though occasionally successful as a policy exporter, the UK has never had a 'constitutional vision' of European integration. Unlike France and Germany, there is little attachment to the 'symbolic dimension' of integration (Wallace 1997: 685-686). There is no sense of a longer term grand design. As such, while British governments may exercise considerable influence on the details of policy, their voice is generally muted in terms of defining the broad contours of the integration project. This, in turn, must be understood relative to a national political culture which has traditionally accorded little place to the discussion of such overarching constitutional designs. Indeed, it points to a more general misfit between British and European political institutions.

Wilks (1996) convincingly argues that much of the discussion about Britain as an 'awkward partner' should be refocused on the UK's difficulties as an 'awkward state' within the Union. Following Wilks' argument, it is not merely circumstantial political opposition which accounts for the UK's recurring difficulties with European integration. Rather, these problems flow from the nature of the state itself. In a number of fundamental ways, the British state model simply does not fit with the emerging European political system. The *Grundnorm* of the system – still formally cast in the Diceyan mould of absolute parliamentary sovereignty – sits poorly with a European-level system based on the limitation of sovereignty and the division of jurisdiction. In a similar vein, the British tradition of adversarial politics – based on a first past the post electoral system and single party majority government with a 'winner takes all' logic – poorly equips the national political elite for operating in a European political arena which functions by means of coalition-building and the careful construction of package deals. The nature of the

problem should be underlined. There has not been a serious problem with British adaptation to Europe at a legal or administrative level. In fact, relative to the other member states, it may easily be argued that 'the British have had one of the most effective policy machines for formulating, coordinating, negotiating and implementing European policy' (Wallace 1997: 686). The problem, rather, lies at the political level. It is the very pattern of politics, with the incentives which it creates and the norms which it sustains, that so often places the UK outside of the European mainstream.

The position of the Nordic countries within the European Union is often cited as another instance of structural misfit. As with the UK, a comparatively high degree of scepticism concerning the integration project appears rooted in well-established institutional structures and belief systems. Lawler (1997) speaks of a 'Scandinavian exceptionalism' associated with the idea of the *folkhem* or 'people's home'. This concept implies 'a close intermingling of public notions of community, state and nation' (Lawler 1997: 567). In similar terms, other commentators have spoken of the existence of a distinctive 'Nordic model' of political and economic organization (Miles 1995: 318-320). The core attributes of this model include a tradition of open and consensual governance; highly developed welfare states and attendant notions of social citizenship; and an internationalist foreign policy tradition. Aspects of this model are seen to be threatened by European integration. In the present context, it is particularly the perceived threat to a distinctive Nordic model of governance which should be underlined. It has been argued that 'the Nordic tradition of "anchoring" public policies in the population cannot be upheld' (Olsen 1996: 273, drawing on the work of J. Gidlund) within the EU framework. Essentially, the closed and executive-centred nature of decision-making within the EU appears antithetical to Nordic traditions of public debate and decision-making. There are, of course, possibilities for institutional export. The Nordic member states, together with the Netherlands, have spearheaded drives within the EU for a greater transparency in the decision-making process. These efforts will, however, probably meet with only limited success. The advocates of greater transparency within the EU have limited political clout – and face considerable resistance. There are, moreover, deep-seated cultural differences which will likely not be overcome in the foreseeable future. As

Grønbech-Jensen (1998) has shown, the idea of transparency itself is subject to divergent interpretations. Transparency, in the Scandinavian tradition, involves allowing extensive public access to official documents as a means of holding government strictly accountable for its actions. By way of contrast, transparency in the Brussels universe is primarily linked to communications strategy; it implies the need to keep the public apprised of the decisions and policies adopted by the EU. The two notions of transparency reveal, with striking clarity, the two different models of governance in place.

In sum, it is clear that politics and policy in the European Union must, at least in part, be understood in terms national politico-administrative models. States will both seek to export aspects of those models to the European level and be faced with more or less severe problems of institutional adaptation when the choices made at the European level depart from those models. This should not, however, be read as an assertion of an 'institutional statics', whereby particular polities are deemed to be immutably good or bad fits with a fixed European model. The character of the European polity is highly fluid. National models of governance may also change over time. In keeping with the new institutionalist approach, polities may approach 'critical junctures' – points at which their development is fundamentally reoriented (Krasner 1984: 240-244). It is likely that such reorientations will reflect a mixture of endogenous and exogenous pressures. Arguably, such a reorientation may now be in its initial stages in the United Kingdom. The cumulative impact of constitutional reforms such as devolution (Bulmer and Birch 2000) and the incorporation of the European Convention on Human Rights into domestic law (see Anthony in this volume) may be moving the UK, on a piecemeal basis, towards a new constitutional settlement. This settlement, defined by the formal limitation of centralized power, could make the country a markedly better fit with the EU. Similarly, in the Nordic case, the Finnish and Swedish decisions to apply for full EU membership in the early 1990s were based on fundamental recalculations of national strategic interests (Gustavsson 1998; Tiilikainen 1998). The changed geopolitical situation created by the end of the Cold War, coupled with the effects of sustained recession and a resultant questioning of domestic socio-economic models, altered the basic frame of reference within which political debate was conducted. This is not to say that either the

UK or the Nordic countries are apt to emerge as the 'model pupils' of a European federal project in the coming years. It is, however, to focus attention squarely on the historical and institutional determinants of change. Only by understanding the specificities of domestic contexts and their relationship to European-level developments can one hope to determine whether a critical juncture has been reached.

National Diversity and the Implementation of EU Legislation

The new institutionalist understanding of Europeanization previously discussed also has implications for the implementation of European legislation. The European Commission, it should be recalled, has only limited personnel (less than 20,000 employees in total) and virtually no field services in the member states. The implementation of EU norms is essentially carried out by national administrations. As has been demonstrated, those administrations adapt in distinctive ways to the demands of European integration, reflecting differing logics of appropriateness and dynamics of path dependence. Yet, that persisting diversity of national administrative structures and traditions, as well as significant differences in national administrative capacities, finds little recognition in the implementation frameworks used for EU legislation. The EU system largely functions on the basis of an assumption of uniformity. Formally, it is assumed that once norms are adopted at the European level they will be applied in a uniform manner by the member states. Tellingly, the Commission's highly publicized league tables of national performance regarding the implementation of EU norms look only at the formal transposition of the necessary measures into national law. These tables do not reflect an assessment of the actual implementation of measures on the ground – indeed, the resources simply do not exist to undertake an evaluation of this type. As Spanou (1998: 469, emphasis in the original) notes in a discussion of the national implementation of EU norms, 'the *dissonance* between the political-administrative backgrounds of individual member states and the implicit political-administrative requirements of the integration process has received little attention'. The implementation framework relies on a formal legalism which appears divorced from the actual diversity of politico-administrative structures encompassed by the Union.

Smith (1997) has suggested that policy implementation in the EU might be better understood in terms of a concept of policy 'translation'.

Translation, as he defines it (Smith 1997: 712), broadens more conventional notions of policy implementation 'to include the non-linear processes through which EU norms have been interpreted, become objects of negotiation and adapted in consequence'. Implementation thus ceases to be regarded as a given – the mechanical follow through once the 'real' decisions have been taken. Rather, the implementation phase of the legislative process is itself understood to be a negotiated act, mediated by the differing complexes of norms and institutions present in different national (or sub-national) settings.

Smith's research, concerned with the impact of EU structural funds on the governance of selected French regions, illustrates such a logic of policy translation. In this context, a translation problematic introduces a note of scepticism as regards the often cited concept of multi-level governance. Following a logic of multi-level governance, it would be assumed that the historically weak sub-national level of government in France would have been substantially strengthened by the emergence of a 'Europe of the Regions'. In the event, however, this assumption is not entirely borne out by an examination of realities on the ground. Smith found that French regional governments remain very much the products – not to say the prisoners – of their institutional and cultural contexts. His work underscores the continued reliance of regional governments on the expertise of central administration, as well as the persistence of behavioural norms inherited from a long history of centralization and the heavily circumscribed influence of Commission officials in the field. These factors taken together produce a situation in which French regions have not generally been able to use the European dimension as a lever with which to assert themselves as political actors. One cannot simply posit a generalized model of multi-level governance and assume that regional authorities, across the EU, will find the means to affirm themselves. In the case of each national system, developments will be mediated through the prism of pre-existing norms and power structures.

Empirical findings of this sort clearly have more general implications. They point to the need to remodel our conception of the administrative interface between the European system and its national counterparts. Scharpf (1994) interestingly makes this point by way of a technological analogy. He notes that differing information technology systems may be made compatible by one of two procedures. On the one hand, there may

be a hierarchical technological standardization, whereby one system is imposed on or progressively marginalizes the others. On the other hand, interfaces or converters may be developed which allow for communications to pass between different systems, without those systems having to alter their constituent components. It is, to his mind, imperative that European policy co-ordination assume the latter form. For Scharpf, the need for European policy co-ordination, at least since the completion of the single market, has outstripped the ability of the European Union to exercise a hierarchically based form of control. Less intense, more network based forms of transnational policy co-ordination must thus be found.

Metcalf (1996) speaks in similar terms of the need to conceive of the integration process as following a 'pluralistic' rather than an 'amalgamation' trajectory. An amalgamation trajectory envisages the creation of a centralized state structure with strongly hierarchical relations of control. By way of contrast, a pluralistic trajectory sees European integration as essentially defined by network based structures. Within the pluralistic vision, the role of the European Commission is correspondingly conceived in terms of constructing and co-ordinating highly complex networks of interorganizational relations. This conception of the Commission's role reflects a realistic assessment of the Brussels administration's limited resources. As Metcalf (1996: 62) puts it, 'The Commission will never be able to "manage Europe" on its own'. European administration, if it is to be effective, must be based on an ethos of partnership which recognizes the key roles played by a plethora of both governmental and non-governmental organizations across the member states. It is, in a very fundamental sense, an exercise in managing diversity.

The 1997 Treaty of Amsterdam, in its 'Protocol on the Application of the Principle of Subsidiarity and Proportionality' (European Union 1997: 105-107), moved significantly in the direction of a more pluralistic model of the integration process. For the most part, the protocol is concerned with enunciating the broad principles which should govern the division of competence between the EU and the member states. There are, however, also provisions which concern more 'nuts and bolts' issues of legislative drafting and administrative practice. The protocol affirms that 'the form of Community action shall be as simple as possible' (European Union 1997: 106). In keeping with this principle, it is stressed that

directives (which leave member states the choice of form and methods of implementation) are to be preferred to regulations (which set out specific measures of direct effect in national legal orders). Equally, general 'framework directives' are to be preferred to more detailed measures. The protocol thus signals a clear retreat from the practice of adopting increasingly detailed legislative instruments at the EU level. There had been a tendency to blur the distinction between directives and regulations, in a manner which seriously impinged on national administrative autonomy. The protocol further affirms that 'Community measures should leave as much scope for national decision as possible', taking care 'to respect well established national arrangements and the organization and working of Member States' legal systems' (European Union 1997: 106). It is also stated that, as appropriate, 'Community measures should provide Member States with alternative ways to achieve the objectives of the measures' (European Union 1997: 106). Again, the protocol shows a clear recognition that the form assumed by much EU legislation had become unduly disruptive of existing national legal and administrative arrangements. A centralized model of European administration appears superseded by a model which is more respectful of national diversity.

The meaning of what was agreed at Amsterdam should be carefully explicated. There is no question of unravelling the *acquis communautaire* – the substantial, accumulated body of supranational law which is one of the foundations of the European integration project. The European Union was constructed as a 'community of law' and must remain so if it is to have a future. In this vein, current discussions surrounding the idea of 'soft convergence' are unrealistic. Administrative practices such as 'benchmarking', which seek to facilitate the emergence of European standards through promoting the convergence of national standards, cannot realistically substitute for the adoption of properly formulated, binding legal obligations. Nevertheless, the preceding discussion, together with the tenor of the Amsterdam protocol on subsidiarity, does point to the need for EU legal obligations to be framed in a manner which is respectful of the diversity of the member states. This, in itself, calls into question the role which may be played by law in the integration process. Too often, law is conceived as a means of overcoming diversity. The adoption of highly detailed legislative instruments is seen as ensuring uniformity of implementation across a wide range of national admin-

istrative systems. The argument outlined above points in the opposite direction. It suggests that placing rigid legislative strait-jackets on such a diverse group of politico-administrative systems actually exacerbates problems of implementation. EU legislation is best framed in terms of general parameters and minimum standards which allow for national (and sub-national) particularities to be accommodated at the point of implementation. The relationship between European law and national diversity should not be conceived in antithetical terms. Rather, the legal framework is better understood as existing in a symbiotic relationship with national diversity. European law, appropriately cast, may both enunciate European norms and preserve considerable spheres of national autonomy. To do otherwise, to see European law as having only a harmonizing role, would be to risk opening a classic breach between the *pays légal* and the *pays réel*. The persisting diversity of national politico-administrative systems is a constitutive property of the EU system. As such, the basic design and operation of the European system must find adequate means to reflect this diversity.

Conclusion

The new institutionalism emerges as a particularly fruitful approach for studying processes of Europeanization. In the first instance, it provides a systematic explanation for the differential patterns of national adaptation exhibited in the context of European integration. Differing national senses of appropriate institutional forms, coupled with path dependent logics of adjustment, account for the persistence of distinctive national politico-administrative models in the face of what many have presumed to be growing pressures for institutional convergence. This logic of differentiation, in turn, further forms the basis of a reconceptualization of governance at the European level. If the existence of distinctive national politico-administrative models is assumed to be one of the constitutive properties of the European Union, then this diversity must find expression within the institutional structures of the Union. As outlined above, this entails at least a partial reconception of the broad contours of EU politics and policy in terms of the influence of national politico-administrative models. Given that each member state retains a distinctive set of institutional and policy models, it is inevitable that the EU will to some extent be an arena in which these differing models compete against one

another. There will equally be varying degrees of fit or misfit between the choices made at the European level and prevailing national models, producing political tensions of greater or lesser severity. It is possible, however, that European legislation could generally be better drafted so as to accommodate this intrinsically high level of differentiation.

In developing this conception of European governance, the distinctive contribution of the new institutionalism should be underlined. That which is highlighted in the present account is the normative dimension of political life. Political and administrative institutions are understood as both the perpetuators and the products of broader belief structures. Politics, in each of the member states, is an exercise through which particular understandings of the world are constructed. The construction of a European polity must account for those national exercises in self-definition. In this, the new institutionalism clearly moves beyond many political science accounts of European integration, which see the process principally in terms of narrowly construed national or sectoral interests. The new institutionalism also allows us to move beyond the sterility of a formal legalism. By understanding institutions to be embedded in wider normative frameworks, the focus of study is moved away from a narrow concern with legal texts to a broader analysis of the political contexts within which institutions function or, on occasion, fail to function.

In conclusion, it might simply be stated that there is a need to take the idea of 'unity in diversity' seriously. The slogan is often used as an essentially meaningless homily in discussions of European integration – not least in documents produced by the European institutions themselves. Yet, it should mean something rather more substantive. Unity in diversity may be taken to define Europeanization – which, simultaneously, concerns the construction of a unified European political space and the preservation of distinctive national politico-administrative models. As such, it is perhaps time that the platitude gives way to a more rigorous analysis of the conditions necessary for achieving and maintaining this difficult balance between the European system and its national counterparts. This is, as demonstrated above, a task to which the new institutionalist school of analysis in political science may make a significant contribution. In even more pronounced terms, it is a task which calls for a genuinely interdisciplinary European Studies. This is a model of European Studies which incorporates not only the study of EU institutions, but also an

interdisciplinary interest in national – and particularly comparative – research (see Eijsbouts 1988). There must be more of a bridge between the study of national (political) cultures on the one hand (see Badie 1993) and emerging European processes of governance on the other. If there is a clear and generalizable lesson to be drawn from the preceding discussion of Europeanization, it is that the study of institutions and organizations cannot be divorced from a carefully contextualized understanding of the cultures within which such structures are embedded.

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