

**EU Consultation Processes and their Differential Impact
on National and Sectoral Policymaking**

Vivien A. Schmidt
Jean Monnet Professor of European Integration
Boston University
152 Bay State Road
Boston MA 02215
Tel: 617 358 0192
Fax: 617 3539290
Email: vschmidt@bu.edu

Paper prepared for delivery to the POLIS 2005 Conference, Workshop 1. Popular consultation and democratisation in the European integration process (Paris, June 17-18). Also presented at the Biannual Meetings of the European Union Studies Association (Austin TX, Mar. 31- April 3, 2005)

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Abstract:

Popular consultation as a process of democratization in the EU is more focused on interest consultation than on electoral politics. This can serve to unbalance national consultative processes and, thus, national democratic practices. The EU has a 'quasi-pluralist' system of policymaking in which interests have reasonably open access and influence in policy formulation but not in implementation, where regulatory and legalistic enforcement is the rule. By laying this 'quasi-pluralist' system on top of the systems of its member-states, the EU has effectively 'pluralized' national policy formulation processes and 'juridified' national implementation processes. But the EU has had a differential impact on its member-states, depending upon where their patterns of policymaking sit along a continuum from statist processes, typical of France and Britain, to corporatist processes, predominant in Germany and Italy. Because of questions of institutional 'fit', the EU has been more disruptive to policymaking in member-states with statist processes than with corporatist ones.

These general patterns of adaptation to the EU require further differentiation with regard to specific policy sectors, however, mainly because both such EU and national 'micro' policymaking patterns can differ from their more general 'macro' pattern. These may resemble statist or pluralist 'issues networks,' pluralist or corporatist 'policy communities,' depending upon how dominant the state or societal actors, how loosely or closely connected, and how competitive or cooperative they are. The superimposition of the EU on the national pattern therefore may potentially serve to increase or decrease the influence of state and/or societal actors, depending upon the configuration of EU and national sectoral patterns. Further complicating matters, however, is the fact that the actual impact of the EU itself may not be the expected one. This is because the EU could have a direct impact by imposing a particular practice on national policymaking; an indirect impact, by serving mainly as a learning experience to which a member-state may be receptive or resistant; a knock-on effect by instituting a policy that unravels traditional policymaking processes; or it could have no impact at all, as national processes continue largely unchanged whatever the EU pattern or EU-mandated practice.

In this paper, therefore, I consider both macro and micro patterns of adaptation to EU consultation processes to assess how European integration processes have affected popular consultation and democratization.

EU Consultation Processes and their Differential Impact on National and Sectoral Policymaking

When the EU Commission in the “White Paper on Governance” in 2000 called for more transparency and openness in EU policymaking, with greater participation in EU governance by ‘civil society,’ it was seeking to address the self-same democratic deficit in EU level policymaking processes that the future Constitutional Convention was to attempt to address through institutional redesign. This initiative was not only unprecedented in its ambition to create a more deliberative democracy in the policy sphere. It was also very necessary, given public perceptions of a closed club at the EU level making policy behind closed doors, to the detriment of national policies and policymaking prerogatives. The opaqueness of the policymaking process, made worse by the complexity of the EU’s institutions, led the public at large to hold the EU in a growing suspicion that only greater openness in terms of public information and access could hope to alleviate. But efforts to galvanize societal actors to participate in decision-making at the EU level address only part of the problems with regard to the democratic deficit. This is because EU level processes have already, by their very presence, affected national policymaking processes, that is, the traditional ways in which state actors make policy and societal actors have access to policymaking through national circuits of interest consultation. And this in turn has challenged the procedural bases for national democracy.

The EU has a ‘quasi-pluralist’ system of policymaking in which interests have reasonably open access and influence in policy formulation but not in implementation, where regulatory and legalistic enforcement is the rule. By laying this ‘quasi-pluralist’ system on top of the systems of its member-states, the EU has effectively ‘pluralized’ national policy formulation processes by moving the locus of interest access and influence from national capitals to Brussels while it has ‘juridified’ its member-states’ implementation processes by promoting more regulatory and legalistic modes of enforcement. But this has had a differential impact on EU’s member-states’ own policymaking processes, depending upon where their patterns of policymaking sit along a continuum from statist to corporatist processes.

The EU has had a more disruptive impact on countries with statist processes than on those with corporatist processes mainly as result of their institutional ‘fit’ (or lack thereof) with the EU. The EU’s pluralist openness to interests in policy formulation and regulatory and legalistic approach to implementation does not fit very well with simple polities such as Britain and France, where interests have traditionally had little access or influence in statist policy formulation but have been accommodated through flexible policy implementation, either by making exceptions to the rules as often as not (in France) or limiting the number of rules to allow self-governing arrangements (in Britain). The EU fits better with compound polities like Germany, where certain interests have traditionally had access and influence in policy formulation and implementation through corporatist processes while enforcement, where not corporatist, has been legalistic. For Italy, the fit is more mixed: better in policy formulation when societal interests have had access and influence through corporatist processes but not when those processes have been clientelist, worse in all cases of policy implementation, given that Italy has traditionally derogated the rules much more than even France.

These general patterns of adaptation to the EU require further differentiation with regard to specific policy sectors, however, because EU and/or national policymaking patterns may differ from their more general ‘macro’ pattern. EU and member-state ‘micro’ patterns in any given policy sector may resemble statist or pluralist ‘issues networks,’ pluralist or corporatist ‘policy communities,’ depending upon how dominant the state or societal actors, how loosely or closely connected, and how competitive or cooperative they are. Such patterns in turn determine the potential impact of the EU, which may serve to increase or decrease the influence of state and/or societal actors depending upon the configuration of EU and national sector. Further complicating matters, however, is the fact that the actual impact of the EU itself may not be the expected one. The EU could have a direct impact, by imposing a particular process on national policymaking; an indirect impact, by serving mainly as a learning experience to which a member-state may be receptive or resistant; a knock-on effect, by instituting a policy that unravels traditional policymaking processes; or it could have no impact at all, as national processes continue largely unchanged whatever the EU pattern or EU-mandated process.

In this paper, I begin with a consideration of the relationship between institutional structures and policymaking processes, then examine the nature of the ‘macro’ policymaking patterns in the EU and its member-states, and finally explore the ‘micro’ patterns of relations in policy sectors. I illustrate with the cases of Britain, France, Germany, and Italy.

POLICYMAKING PROCESSES IN INSTITUTIONAL PERSPECTIVE

No adequate theory about policymaking processes in the EU can be developed without taking account of the institutional structures in which they operate, just as no full understanding of institutional structures can be attained without seeing how they are operationalized by policymaking processes. Universalistic generalizations about the articulation between different parts of structural systems—whether by rationalist theories of delegation from principals to agents or by functionalist theories about structural complementarities and spillovers—cannot sufficiently account for the ways in which different kinds of processes affect how institutions actually work. This is because studies of state structures and functions typically fail to consider how they articulate with society. Similarly, moreover, universalistic generalizations about the patterns of societal interest intermediation in policy formulation—whether in terms of policy networks, issues networks, policy communities, and so on—do not sufficiently take account of how institutions structure the policymaking process. This is because studies of societal action fail to specify adequately the kind of state (and state actors) with which they interact. What is more, neither kinds of studies can sufficiently account for the patterns of cooperation or competition within institutional structures and policymaking processes without taking on board the impact of politics—whether in majoritarian or proportional representation systems.

To understand fully the institutional embeddedness of policymaking processes, we need to put state and societal structures together. This is best conceptualized by considering the configuration of state and societal structures in terms of their levels of concentration or fragmentation. With regard to institutional structures, unitary states tend to be characterized by greater concentration of power and authority in the executive, federal and regionalized states with a more fragmented power dispersed through multiple authorities. With regard to societal structures, by which I mean the organization of interests, key dividing lines consist of either concentration through vertically connected peak associations or fragmentation through

more horizontally structured, less interconnected interest groups. Putting these state and societal structures together in a four-fold table shows some revealing patterns of policymaking processes (see Table 1).

[Table 1 about here]

In cases where state and societal structures are both concentrated, the result of unitary states engaging with highly organized interests, we find the strong form of corporatism typical of countries like the Netherlands and Sweden, in which the state acts as a co-equal with certain 'privileged' interests, generally business and labor, in policy formulation and implementation. In cases where societal structures are concentrated but the state is fragmented, as highly organized interests confront federal or regionalized state structures, we get the weaker corporatist processes of Germany and Italy (since 1992), although clientelism in the case of Italy is another possibility. Here, societal actors generally play a stronger role than the more fragmented state in policy formulation and implementation. By contrast, where state structures are concentrated but societal ones are fragmented, in cases where a unitary state faces disorganized interests, we get statist processes, as in France and the UK. Here, the state generally formulates policy alone, without interest involvement, but implements policy flexibly through accommodation with interests. Finally, where both state and societal structures are fragmented, as federal or regionalized states engage with disorganized interests, we get pluralism, as in the US and the EU. Here, policy formulation is open to a wide range of organized interests but closed in implementation, which tends to be regulatory or legalistic in form, as the policies are applied without exception (see Table 2).

[Table 2 about here]

This kind of fourfold table, however, does not do justice to the changing degrees of concentration or fragmentation of state and society in different countries and sectors at different times. Thus, it may be more useful to consider the same relationship along two axes, one going from state concentration to fragmentation, the other from societal concentration to fragmentation. This would also allow us to see changes over time as a result of changing structures and relationships due to a range of other factors, such as increasing state concentration, decreasing societal fragmentation, changes in patterns of state and societal cooperation or competition, and the like (see Figure 1). For example, Italy, which has long been characterized by fragmented state and societal structures (putting it on the line between pluralist and weak corporatist policymaking processes), experienced an increase in the 1990s in the concentration of its state structures in response to electoral reforms and EU-related responsibilities and its societal structures as a result of greater internal cohesion and cooperation of business associations and organized labor. By contrast, in Sweden, long characterized by concentrated state and societal structures that ensured a strong version of corporatism, the breakdown in cooperative relations between employers and unions in national level corporatism in the early 1980s has weakened the corporatist relationship, although it still continues at a sectoral level.¹ The Netherlands, by way of comparison, has changed little with regard to state-society relations, as has Germany. France and the UK, however, have both moved toward a bit less state concentration, due to devolutionary and deregulatory reforms in both countries, whereas they have moved in differing directions in terms of societal organization. The UK has increased its societal fragmentation as a result of Thatcher's crushing of the unions and Blair's devolution in Scotland, Wales, and Northern Ireland, although it started from a higher level of interest concentration than in France, where societal concentration has been increasing as interests organize more while the state acts more to promote corporatist-like negotiations between business and labor 'in the shadow of the state'.² The EU itself has also changed, moving from greater state concentration in the

early years, with comparatively little input from highly fragmented societal actors, to greater state fragmentation accompanied by somewhat greater societal concentration, as interests have coalesced in the process of gaining access and influence in EU policymaking while more and more state actors have entered, the result of successive enlargements.

[Figure 1 about here]

There is yet another level of complication to the interaction of state and societal structures, however, which comes from politics. Majoritarian and proportional representation systems also have an influence on state and societal interactions. Majoritarian systems which concentrate power in the majority party or coalition of parties, as in Britain and France, tend to polarize state actors along political lines as well as to promote greater competition more generally among societal actors. By contrast, proportional systems which tend to diffuse power among a wider range of parties, as in Germany and Italy, tend to promote compromise among state actors and to depend on cooperation between state and societal actors.³

Both institutional structures and representative politics, then, have an important impact on policymaking processes, with institutions affecting the structure of state-society relations and politics affecting their tone. Complicating matters further is that the EU's state-society relations have an impact on national state-society relations, which themselves differ from the EU and from one another.

THE EU'S 'QUASI-PLURALIST' POLICYMAKING IN PERSPECTIVE

Although European policymaking processes do not fit any national model of policymaking, they are closest to a model of "transnational pluralism"⁴ and most comparable to the pluralism of the United States. No traditional, national pattern of state-society relations 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 is "sectorally structured and linked with a complex and often rather incoherent issue network of groups or organizations across Europe and beyond."⁵ The EU is, above all, characterized by practices that are generally more flexible, heterogeneous, and issue-specific than in any corresponding national context⁶ while the unpredictability of the policy agenda in the EU, the result of a "system of uncertain agendas, shifting networks and complex coalitions,"⁷ makes it akin to a "garbage can model" of policymaking.⁸ What is more, the EU has several distinct policymaking patterns rather than a single, overall one—joint decision-making in most everyday decisions, regulatory implementation, intergovernmental decision-making in the European Council and Treaties, supranational decision-making in cases such as competition policy and the ECJ, and the open method of coordination. Taken together, for purposes of comparison, these patterns make up an overall system which is closer to the pluralism of the US than to either the statism of more simple polities like France and Britain or to the corporatism of compound polities like Germany and Italy—thus the moniker 'quasi-pluralist' for the EU system as a whole.

Although the EU policy process may be more pluralist than anything else, it exhibits significant differences from that of the United States in the kinds of powers, interactions and policy style of state actors. Overall, the EU's societal actors enjoy a pluralism that is more close and cooperative than that of the U.S.—as EU 'state' actors (read the Commission) actively engage with societal interests in the development of policy rather than keeping an arms' length, to arbitrate among them. However, the process itself is also more controlled by EU state actors who can decide which societal actors with whom to talk and who are more

insulated from the pressures of undue influence or the dangers of agency capture of the kind found in the United States. This is largely because of the plethora of public actors as well as the vast societal 'issues networks' which enable EU state actors to choose among a much wider range of ideas and proposals than is often available to national governments.⁹ Moreover, the process also avoids both the politics of money and to a large extent the politics of party found in the US. This is because apolitical EU civil servants rather than partisan legislators and their staffs are the primary drafters of legislation and because the EU parliament, where parties are in any case not highly consolidated, plays a lesser role as co-decision maker and consultative body.¹⁰

At the same time that the EU may therefore be less politicized in its pluralism than the U.S., however, it is also less "pluralistic" in the kinds of interests represented as well as in their access and potential influence. Whereas in the U.S., any interest that organizes itself is regarded as legitimate so long as it can make itself heard, in the EU, the EU Commission acts as a 'gatekeeper' in deciding which interests are legitimately to be allowed in. In its efforts in recent years to increase openness and transparency in response to the perceived problems of the 'democratic deficit,' however, the EU Commission has been more and more open to any societal interests that knock on the door as well as more active in recruiting a representative set of interests. The problem for 'democracy' in the EU policy formulation process is that some interests—mainly business—are always knocking at the door and coming in.¹¹ This is why David Coen has characterized the EU's intermediation process as 'elite pluralism.'¹² More diffuse interests focused on consumers, women, the environment, and human rights issues, by contrast, have had difficulty organizing themselves even to find the door, let alone to knock or to know how to act effectively once they enter. And where they do enter, the most influential of such interests come not from European associations directly representing national member associations but from international non-governmental organizations (INGOs), peopled by professionals, which have set up offices in Brussels—especially the case of the environment¹³—or from European NGOs—the case of immigration policy.¹⁴

Thus, the EU system of interest representation is less open than that of the U.S., with the overall number and variety of interests represented more restricted and more heavily weighted in favor of producer interests. But it is less subject nonetheless to the abuses of undue influence, and the system itself has been generating counter-weights to what might be seen as narrow business interest either by creating more avenues for participation or by introducing considerations of the "general interest" or the public good, of women's rights, of consumer protection, of environmental protection, and so forth, as by-products of EU Commission policy initiatives, ECJ decisions, and the generalization of prior member-state legislation.

But whereas the EU's pluralist policy formulation process may avoid some of the worst problems of the U.S., even admitting the EU's own problems with regard to access and representation, in the EU's policy implementation process it courts many more than the U.S. Although the EU's pluralism greatly resembles that of the U.S. at the implementation stage, given a regulatory approach in which the rules are to apply equally to all, with any exceptions seen as illegitimate, there is one significant difference. In the U.S., federal civil servants for the most part implement the rules (albeit sometimes in tandem with or in addition to state-level civil servants) according to the same procedures, and therefore ensure great relative uniformity in application (except in cases of devolved policies, the most notable example in recent years being the new welfare reform of 1996). 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 has led to problems that are much greater than in the U.S. with respect to enforcing the equal application of the rules. The difficulties here are not only in ensuring that all member-states actually transpose the rules in keeping with the spirit of EU legislation but also that they apply the rules uniformly—or even apply them at all. Enforcement is the black hole of the EU, since it depends not only upon the Commission to take action in cases of transposition or compliance failure but also upon national citizens and courts being aware of the EU rules and willing to bring cases of non-compliance to the attention of the authorities.

NATIONAL STATIST AND CORPORATIST POLICYMAKING IN PERSPECTIVE

Although the EU's policymaking processes are most akin to the pluralist and regulatory processes of the United States, they nonetheless also bear some resemblance to the statist and corporatist processes of its member-states. Most importantly, the dominance of civil servants as gate-keepers in the policy formulation process, with their greater powers of policy initiation and their greater control over the interest articulation process, introduces a statist element into the system akin to that found in France and the UK. The EU's more cooperative engagement with interests in policy formulation, by contrast, brings it closer to corporatist patterns of interaction typical of Germany, as does the fact that the EU explicitly promotes corporatist arrangements in a number of areas.¹⁵ These similarities are minor, however, compared to the differences between the EU's policymaking processes and those of its member-states.

National Patterns of Policymaking and the EU's Differential Impact

In the EU's quasi-pluralist policymaking process, the EU has allowed an ever-expanding set of societal actors into the policy formulation (even if business has the most access) while keeping them for the most part out of implementation, where regulatory and legalistic approaches apply. By contrast, EU member-states can be situated along a continuum from statist to corporatist processes (see Figure 2). For member-states closer to the statist end of the continuum like France, Britain, and Greece, societal interests have traditionally been little involved in policy formulation but have generally been accommodated in implementation whereas for member-states closer to the corporatist end of the continuum, certain societal interests, mainly business and labor, have traditionally had privileged access to both policy formulation and implementation.

[Figure 2 about here]

In simple polities, statist policymaking processes are framed by unitary institutional structures in which state actors with greater concentration of power and authority interact with more fragmented and horizontally organized societal actors. But the fact that concentrated state actors meet fragmented societal actors does not entail that the state has complete autonomy and control over policymaking. For both France and Britain, the image of an all-powerful state supported by unitary structures that centralize authority in the executive, enabling it to formulate policies without the counter-balancing of intermediary societal interests, let alone other branches or levels of government, has traditionally been mitigated by flexibility in policy implementation.

In compound polities, corporatist policymaking processes are framed by institutional structures that run the gamut from unitary through regionalized to federal states, in which state actors are weaker or stronger depending upon how concentrated or fragmented their power and authority while societal actors tend to be highly concentrated and organized. This

leads to corporatist policymaking processes in which state actors generally formulate and implement policies in tandem with certain ‘privileged’ societal actors, generally business and labor. For weaker corporatist systems like federal Germany or regionalized Italy, the question is much less one of who controls the process as to whether it works cooperatively or not at all, given the power of societal actors to block action where they do not agree with state actors. In stronger corporatist systems like unitary Sweden or the Netherlands, blockage may be less of a problem because when societal actors cannot agree, the state often has the power and/or capacity to proceed.

It is clear that the EU’s pattern of policymaking differs significantly from those of its member-states. To picture these differences, we can usefully think of the differences in state and societal interactions between the EU and its member-states not only in terms of who meets with whom in the policy process but also in terms of who talks and/or listens to whom in terms of what I call the *coordinative* discourse of policy construction.¹⁶ In the ‘coordinative’ discourse, the main interlocutors are policy actors—experts, organized interests, civil servants, elected officials, and public figures—who *coordinate* agreement often using ideas conveyed by policy “entrepreneurs” and/or developed in discursive communities—whether “policy networks” based on the exchange of ideas; “epistemic communities” united on the basis of shared ideas; “advocacy coalitions” which share both ideas and access to policymaking; or “strong publics” that critically deliberate about policies.¹⁷ In different policymaking systems, the balance of state and societal actors in terms of who talks and who listens to whom when tends to differ.

In both strong and weak corporatist systems, state and societal actors tend to talk and listen to one another in both formulation and implementation processes. In statist systems, state actors tend to talk and act, societal actors to listen and react in policy formulation, while in policy implementation state actors also talk, but as often as not they listen to and accommodate societal interests. In pluralist systems, by contrast, in policy formulation societal actors tend to talk more than state actors, who listen more and accommodate societal views, whereas in regulatory policy implementation state actors tend to talk and act more and societal actors to listen (see Figure 3).

[Figure 3 about here]

Given these definitions, it should be clear that the EU’ pluralist patterns of policymaking and discourse differs from both the statist and corporatist patterns of its member-states. But although it is therefore obvious that national state and societal actors’ participation in EU processes will have an impact on all national patterns, it stands to reason that where there is a closer match between EU and national processes, national state and societal actors’ participation in EU processes will have less of a disruptive effect on national patterns than where there is little match. Thus, the EU is potentially more disruptive to statist patterns of policymaking, where the pattern of state-societal interaction is the reverse of that of the EU, than to corporatist patterns of policymaking, where the pattern is closer.

Very generally speaking, in statist systems, the EU is likely to include societal voices in policy formulation processes from which they had long been excluded and to exclude them from an implementation process in which they had previously been included. In corporatist systems, by contrast, it is likely only to add societal voices to those already included in policy formulation while in policy implementation, it only sometimes excludes societal voices traditionally included—because it makes exceptions for corporatist implementation processes.

More specifically, adaptation to the EU's policy formulation process has arguably been harder for state actors in statist systems such as France and Britain because the EU eliminates their virtual monopoly on policy formulation by bringing in other state actors as well as other societal actors at the EU level. It has arguably not been quite as difficult for state actors in corporatist systems such as Germany or Italy mainly because they never had the same kind of monopoly on policy formulation, given consultation processes that brought in other (subnational) state actors as well as societal actors. The EU's pluralist interest intermediation process, moreover, clashes with statist intermediation processes, since state actors regard the influence of lobbies as illegitimate and traditionally use their formal consultation process with a goal more toward informing than incorporating interest views.¹⁸ By contrast, it tends to complement corporatist processes in which state actors, much as in the EU, albeit with a more restricted groups of societal actors, actively encourage organized interest representation, listen when they consult, and incorporate interest group recommendations in their own.

Similarly, moreover, the EU's regulatory model that allows no exceptions to the rules clashes with statist flexibility in implementation—since derogation of the rules (as in France) has become illegal while statutory rules, rather than voluntary arrangements (as in Britain), have become the norm. Adaptation has been less difficult for countries with corporatist policymaking processes, mainly because the EU has generally allowed corporatist processes to continue where they existed in policy implementation. In non-corporatist policy areas, however, while Germany still benefits from a reasonable 'goodness of fit' since its implementation processes have traditionally been regulatory or legalistic, the adaptational problems for Italy are much greater.

The full story in terms of adaptation to the EU is of course a much more textured one than that just sketched out. History, culture, politics, and time play a large role in explaining why, within the general lines of the patterns delineated about, there is nonetheless significant variation in national patterns of development and adaptation to the EU (see Table 2).

[Table 2 about here]

France

In France, the traditional vision of 'heroic' policy formulation by a state acting without consultation of interests has been balanced out by a policy implementation process that has long been characterized by the politics of accommodation in order to avoid confrontation.¹⁹ In recent times, moreover, while the Jacobin vision of state action unsullied by interest interaction has remained, the reality has changed. Societal actors have become more involved in policy formulation as associations have grown in importance over time²⁰ and social movements in strength²¹ while the state has consulted more through mandated associational representation in a wide range of policy areas such as the family, urban and regional planning, and the environment; through committees of sages gathering public views on controversial subjects such as citizenship and the head scarf in schools; and through concertation between business and labor 'in the shadow of the state,' as in the case of the 35 hour work week. But societal actors have also been less accommodated through administrative discretion in policy implementation given the turn to regulation in an ever-widening number of domains.

The EU has been a significant factor in these patterns of change, although internal dynamics have also played a large role. Of our four country cases, France has arguably been

most affected by a misfit in policymaking processes with regard to adaptation to the EU. In policy formulation, French societal actors have had a very steep learning curve, given that national level lobbying has traditionally been seen as illegitimate, with only lobbying ‘à la française’ acceptable, which entailed taking people out to lunch and relying on political arbitration late in the process rather than getting in early with solid technical information. But not only have French businesses in particular learned the EU lessons well, they have also been greatly empowered with regard to policymaking input by comparison with their national experience.²² At the EU level, big firms often now act as partners of the French government in lobbying the Commission at the same time that they have developed a certain autonomy that has enabled them to forge alliances with other large firms to promote its goals.²³ All in all, however, even though French businesses have surely learned to do better, their continuing national experience, where lobbying remains illegitimate, leaves them at a continuing disadvantage at the EU level while state actors’ lack of regular consultation leaves them increasingly dissatisfied. In consequence, the MEDEF, the employers’ association, having been denied a more equal voice in the coordinative discourse of policy construction, has become increasingly assertive since the late 1990s, having developed a communicative voice of its own that is sometimes the only strong voice to be heard challenging state actors on neo-liberal grounds.²⁴

The EU has had an even greater impact in policy implementation. The EU’s regulatory and legalistic approach to policy implementation no longer allows the kinds of exceptions to the rules that were the stock in trade of the administrative state, where state civil servants had the administrative discretion to ‘adjust’ the laws to meet individual needs. This loss of flexibility is not much of an issue for businesses which have adapted to the regulatory and legalistic approach to implementation stemming from both internal sources and the EU and understand that they need to go to Brussels to make their voices heard. However, for citizens with little direct access at the EU level and non-business interests that remain more focused at the national level due to a lack of organizational capacity, resources, and proximity, the EU-related loss of flexibility is a real problem. Already denied input at the front end, in policy formulation, and now cut out at the back end, in policy implementation, because accommodation is proscribed, they are more likely to engage in confrontation—the case of the truck drivers, the farmers, and the public service workers. But they are no longer likely to be able to stop the policy, because French governments are no longer as free to bend, or not, in response to confrontation.²⁵

Thus, these EU-related changes in access and enforcement patterns, although arguably producing greater equality and predictability in the application of the laws, come at the cost of disenfranchising certain groups and at the risk of greater societal instability, since such citizens’ only way to be heard now is through confrontation when their concerns are not addressed. There could be a procedural remedy to this, however, if French state actors were to allow greater access to citizens in policy formulation and to encourage greater citizen interest organization and participation in EU policymaking. This would prove useful not only in ensuring that more French societal views are represented at the EU level. It would also provide the French state with partners in the national communicative discourse about policy initiatives in Brussels. As it is, French leaders tend to be alone to inform and legitimate EU policies to the national public because in most spheres other than business they don’t have strong societal interests able to make the bridge between lobbying in Brussels and communicating with their own national members about the outcome. But not only are such possible solutions with regard to the policy process not easy to accomplish in a country where, despite the real changes in state-society relations, the state still tends to act and

society to react. It would also further reduce executive autonomy and control—and thereby challenge traditional notions of structural democracy in which the executive, as representative of the French nation, one and indivisible, is expected to be in control over decision-making process and solely responsible for its outcome.

Britain

In Britain, the traditional centralized image of Westminster and Whitehall controlling policymaking has been offset by formulation and implementation processes that have long been permeated by policy networks and often operated through self-regulation. Lately, however, those policy networks have been breaking up while self-regulation has been replaced by regulatory agencies and legalistic controls in an increasing number of domains.²⁶ State actors have been ‘steering’ more even as they have expanded societal actors’ participation through policy networks in areas such as regional or education policy²⁷ while societal actors have sometimes turned to contentious politics so as to be heard—whether outsider groups in roads policy²⁸ or even traditional insider groups, as in the case of the farmers.²⁹ In policy areas now ruled by regulatory agencies, moreover, strong regulators have replaced weak government administrators and opened up the process to greater public scrutiny and considerations of the public interest, although some of the flexibility of the previous system remains, with agency discretion to make “deals” with regulated firms, a continued preference for voluntary agreements and codes of conduct whenever possible, and an avoidance of the courts to resolve disputes.³⁰ Paradoxically, therefore, while France has been moving along the continuum toward less statism, Britain has been moving toward greater statism from a decidedly less statist past.

The EU has not played all that significant a role with regard to the changes in Britain with regard to policy formulation. British interests had much less to learn, having honed their lobbying skills in their relations with Parliament and their one-on-one negotiation skills with the bureaucracy through policy networks, although they also gained in influence as compared to national policymaking.³¹ Moreover, Britain's horizontally integrated policy networks tend to be better suited to representing domestic interests in the multi-polar, competitive decision-making structure of the EU than France's more vertical, state-dominated networks.³² Unable to count on the same kind of national government support as their French counterparts or on the institutionalized routes of their German counterparts, they developed direct lobbying strategies which were also quite effective in the EU policy formulation process.

The EU has had a greater impact on policy implementation. While its preference for regulation fits well with British reform initiatives since Thatcher, its insistence on legalistic enforcement with statutory laws as opposed to voluntary rules and informal agreements does not. For Britain, the dramatic increase in regulations—in particular those emanating from the EU—which have replaced informal, voluntary arrangements with formal rules and statutory law administered by independent regulatory agencies or enforced by the courts, represents a serious challenge not only to traditional governing practices but also to procedural ideas about democracy. The problem is not the loss of the ability to bend the law in order to accommodate societal interests, as in France, but rather the loss of the ability to have flexible, informal arrangements with which to regulate, or self-regulate, society. The formalization that accompanies Brussels directives, and especially its insistence on compulsory rather than voluntary rules, only encourages what the British see as the growing rigidification of a public domain which will only increase the likelihood of legal conflict as it undermines the traditional, informal process of conflict resolution. And unlike for the French, there is no

procedural answer to the loss of flexibility for the British on this score, other than perhaps to seek to keep Brussels from enacting more rules and regulations. And this has, in fact, been the focus of much of British political leaders' coordinative discourse in the EU and about the EU to national publics in their communicative discourse.

Germany

In Germany, unlike in either France or Britain, societal actors are integrated with state actors in corporatist policymaking processes which involves "a whole range of intermediary interests that partly assume public functions and partly represent private interests," including chambers of commerce, banks, employers' associations, unions, and non-profit organizations active in social service provision.³³ Such corporatist processes are framed by federal institutions and supported by a culture of consensus, as federal state and *Laender* have to compromise to ensure the appropriate application of laws and implementation of policies, and this works best when done in concertation with corporate societal actors. In Germany, moreover, public law is an important back-up to these state-society relations, while implementation, where it is not corporatist, is often legalistic. This system of state-society interactions has changed little since the 1950s, unlike in France and Britain. It has been a highly effective system when actors agree, largely the case from the early postwar years until the mid 1990s, but subject to a 'decision-trap' when they disagree³⁴—the problem in recent years with regard to welfare reform and reforms of the federal system.

The EU has not greatly affected the overall German patterns in either policy formulation or implementation. In policy formulation, its combination of consensus-oriented state-societal relations within federal arrangements and a respect for the rule of law has meant that corporatist Germany's decision-making culture comes closer to that of the EU than that of statist France or Britain, given decisions that are generally arrived at consensually, are much less clearly political, and are rarely arrived at quickly or taken at the top. This has made it easier for German civil servants, used to flexible and collegial ways of cooperating, to negotiate the complex circuits of power in Brussels³⁵ than, say, for French civil servants used to more hierarchical or authoritative bureaucratic relations. Moreover, German business' experience of corporatism has been excellent training for exerting influence in the EU's vast range of committees, standard-setting, and management bodies³⁶ while their organization in peak associations enables them not only to act as effectively on their own as the British also to act more and better in concert through employers' associations.³⁷ Nonetheless, some corporatist processes have been unbalanced as business has gained greater access than labor in arenas other than labor and social policy.³⁸ And the EU may have produced some weakening around the edges of national corporatist arrangements, the case of the Transatlantic Business Dialogue in which big firms lobbied individually rather than as part of national associations.³⁹

In policy implementation, German state and societal actors also have an easier time of it than their French or British counterparts. Because the *Länder* and/or the social partners participate in policy formulation and implementation at both national and European levels, there is much less potential for societal actors to feel disenfranchised by the increasing importance of European level decision-making than in statist regimes—with the exception of those who have little access at the national level anyway, like consumers, women, or immigrants. Moreover, the German notion of regulation, linked with the concept of 'Rechtsstaat,' of rules embodied in public law, is close to that of the EU, since it also assumes universal applicability and no exception to the rules.⁴⁰ In fact, because Germany has not only always respected the law as much as the British but has also always codified it

much more, the increasing legal formalization coming from the EU does not cause the kind of consternation that it does in Britain. This is not to say that Germany does not also experience problems with Europeanization related to the increase in regulation and regulatory agencies. In fact, German regulatory processes, because they follow the German pattern of regulation in which the rules are embodied in public law, tend to allow for much less flexibility than in the U.K., where agencies have much more discretion with regard to setting the rules and making deals with regulated firms.⁴¹

Italy

Italy's traditional policymaking processes are easier to describe by what they are not. Unlike in France, where the state traditionally acted in a wide sphere and society reacted, or Britain, where the state acted in a restricted sphere and society was charged to act on its own, in Italy, the state barely acted in a wide sphere and society often acted on its own around the state—with a pattern of derogation of the rules even greater than in France⁴²—or reacted to the state—with an even greater pattern of contestation.⁴³ What is more, where Italy resembled Germany, with state and societal actors acting together, they did so in a clientelistic rather than corporatist manner. It is only since the 1990s that this pattern has changed for the better, as the state has gained in capacity⁴⁴ and societal actors in cooperativeness, and as clientelism has given way to corporatism. Electoral reforms helped move Italy marginally toward more statism at the same time that corporatism in labor relations was strengthened through state-society cooperation in labor and pension reform,⁴⁵ although such corporatism has been undermined in the 2000s by Berlusconi.

The EU has had a significant impact on these improved patterns of change. In policy formulation, it has served as the 'rescue of the nation-state,'⁴⁶ reinforcing state capacity in a wide range of EU-affected policy areas, including monetary policy⁴⁷ and the structural funds.⁴⁸ Italian societal actors, moreover, also had a rather steep learning curve with regard to lobbying the EU. Although their long training in clientelism may have meant that they had less to learn than the French with regard to the process of lobbying, they had arguably more to learn as to its content, to wit, that it is neither a political nor an influence peddling process. Big Italian firms, at the top of Italy's largely vertical lobbying hierarchies, in which they represent smaller and medium-sized enterprises (SMEs) as well as consumer interests, seem to have learned this lesson well early on.⁴⁹ Their EU level access has also served to reinforce their high level of political autonomy from the Italian government—as they pushed for EU economic stabilizing measures even as they were benefiting from the large system of state aids.⁵⁰

For other societal actors, in particular those traditionally left out of the policy formulation process but used to accommodation or confrontation at the implementation stage, the problems have been as great as for the French societal actors similarly cut out by EU level policy formulation and more regulatory or legalistic implementation. It should come as no surprise that Italian truck drivers were blocking highways along with their French counterparts to protest deregulatory measures into which they had had no input. Moreover, organized labor, which had been so cooperative in the 1990s with regard to labor and pension reforms in response to the *vincolo esterno*, have been much less so under the Berlusconi government. What is more, given Italy's poor record of implementation of directives, the worst is surely yet to come, when the loss of flexibility through making exceptions to the rules is likely to be a source of as much if not more citizen disenfranchisement than in France. Although Italy has been better able to bank on the general national enthusiasm for European integration, its permissive consensus may nevertheless be on the wane, as

economic Europeanization no longer looks so benign with regard to the economy while administrative Europeanization cuts down on Italy's flexible approach to implementation.

VARIETIES OF SECTORAL POLICYMAKING AND THE EU'S POTENTIAL IMPACT

These general, 'macro' national patterns of adaptation can only be a starting point for our analysis, though, because we cannot take either the EU processes or the national for granted in any given sector. Although the EU is quasi-pluralist in a macro sense of policymaking as well as in a micro sense in many sectors of policymaking, in some sectors it can take on more statist characteristics, especially in cases of delegative authority, as in competition policy and monetary policy. In other sectors, by contrast, it may appear more corporatist, as in environmental initiatives, structural funds, and employment and social policy. Equally significantly, even EU patterns that are largely pluralist may themselves exhibit differences related to the roles and policy styles of 'state' actors (i.e., EU officials) and societal actors, depending upon whether state actors lead societal actors or engage in joint-decision and whether their interactions are competitive or more cooperative.

National policymaking processes can be similarly varied, even though 'macro' patterns may be primarily statist or corporatist. This is not only because certain sectors may never have conformed to the overall national patterns, as in the case of the quasi-corporatist agriculture sector in France,⁵¹ but also because in recent years policymaking processes, regardless of the national pattern, have often opened up to greater pluralism—the result of internal dynamics and not only EU pressures. In fact, the 'macro-corporatism' often described in the literature on countries like Austria no longer describes the reality, although sectoral corporatism remains in a number of core areas.⁵² My discussion of 'macro' national patterns here is thus not intended to deny the increasing differences in sectoral policymaking within countries but rather more to point to general overall patterns of state leadership and societal involvement that are themselves evolving. But this is why it is necessary to complement the macro analysis with more micro analysis of sectors.

Potential Impact of Europeanization on Policy Sectors

To capture the complexity of policymaking within different policy arenas, the more sectorally-focused policy literature has long since moved away from discussions of statist, corporatist, and pluralist patterns to discussions of issues and policy networks and communities.⁵³ This literature has tended to identify a continuum in interactions among state and societal actors from closed policy communities with stable membership and cooperative participation in joint decision-making to more open, more loosely constituted policy communities with members involved in cooperative decision-shaping to even looser and more open issues networks with more unstable membership, competition among interests, and consultation through lobbying.⁵⁴ For our purposes, rather than using these categories as a substitute for the 'macro' national patterns discussed in the earlier literature, I add them to our 'macro' national patterns, as a helpful, added level of detail. Thus, I call the closed policy communities 'corporatist policy communities, the more open ones 'pluralist policy communities', the open issues networks 'pluralist issues networks,' and I add a category of less open issues networks more controlled by state actors as 'statist issues networks.'

To theorize about what impact EU policymaking processes might have on national processes, I build upon an insightful analysis by Gerda Falkner, who put these two literatures together by examining societal actors' patterns of interest intermediation along a continuum going from statist clusters to issues networks, policy communities, and corporatist policy communities.⁵⁵ To this I add state actors, label the patterns in term of the macro identifiers, and place the possible patterns on a continuum from statist issues networks to pluralist issues

networks to pluralist policy communities to corporatist policy communities. The differentiating factors here are related to 1) the role of state actors—whether leading with less or more consultation (in statist or pluralist issues networks) or following with more or less societal sway through decision-shaping or joint decision-making (in pluralist or corporatist policy communities)—and 2) the role of societal actors—whether participating less or more through lobbying with unstable membership and competitive interactions (in statist or pluralist issues networks) or participating with maximal or restricted but stable membership in cooperative interactions (in pluralist policy communities or corporatist policy communities) (see Table 3).

[Table 3 about here]

Statist issues networks are ones in which the state actors lead policymaking with a low level of consultation, which is generally formal and used to inform more than to listen or gather information.⁵⁶ Societal participation is naturally low as a result, membership in the network is unstable, and relations competitive as different groups lobby in order to be heard. Pluralist issues networks are ones in which state actors also lead policymaking, but with a much higher degree of consultation as they listen as well as inform, and generally arbitrate among the high level of competing interests lobbying for attention, with membership in the network unstable to the extent that interests come and go as their concerns are met or frustrated. Pluralist policy communities are ones in which state actors' decisions are more open to being shaped by societal actors, with membership in the community stable, cooperative, and open to all concerned. Finally, corporatist policy communities are ones in which state actors make decisions jointly with societal actors, who may even take the lead in decision-making, and who constitute an equally stable and cooperative but more restricted or 'privileged' group of interests over the long-term.

This range of patterns can be found at both the EU and national levels. The question is: how does any one pattern at the EU level potentially affect another pattern at the national level? Here, I hypothesize (following Falkner) that when there is stronger EU 'state' leadership, less interest participation, and more interest competition, then national joint decision processes, societal participation and cooperation are at risk whereas when there are strong EU joint decision processes, much participation and cooperation, national state leadership and societal competition are likely to be reduced. Finally, where the EU pattern matches the national pattern, there will be no significant change. More specifically, where the EU follows a statist or pluralist issues network pattern, stronger 'state' leadership tends to reduce or destroy joint decision-making for pluralist or corporatist policy communities at the same time that it reduces societal consultation and participation while increasing the competitiveness and instability of the membership. By contrast, where the EU follows a pluralist or corporatist policy community pattern, stronger joint decision processes tend to decrease or eliminate state leadership while substituting cooperation and encouraging more stable membership with either a more restricted or open set of interests. It is perhaps easiest to gain a sense of this by plotting out potential responses in terms of pluses and minuses related to increasing or decreasing state leadership and societal participation, with 0 for no change (see Table 4). What becomes clear is that where the EU is more pluralist or corporatist in policymaking, it is potentially more empowering to interests in national statist policymaking while where it is more pluralist or statist, it can be disruptive of national corporatist policymaking.

[Table 4]

Actual Impact of EU Sectoral Processes on National Processes

We are speaking of potential impact here, which means that an EU process may affect the national in the ways hypothesized. But do they? Whether they do or not may depend upon whether the EU process has a direct, primary effect by mandating changes in policymaking processes at the national level; an indirect, secondary effect because it results from policy ‘learning’ or mimesis, as national policy actors learn another way of interacting that they then bring back to the national processes; a tertiary, ‘knock-on’ effect because even where the EU’s policies neither demand change nor inspire it, the implementation of such policies nonetheless brings about radical change in the policymaking processes; or no effect at all, because national policymaking resists the EU-mandated practices or is not influenced by EU patterns (Table 5). Whether the EU has a primary, secondary, tertiary, or no effect depends upon national responses, that is, on whether national policymaking is receptive or resistant to such pressures for change.

[Table 5 about here]

Direct Effect

The EU has a direct, primary effect on policymaking processes in areas where it requires instituting certain kinds of processes in conjunction with new policies. This has been the case of regional policy regarding the structural funds, environmental policy, competition policy, or arguably the open method of coordination (OMC) regarding employment and social policy. Such policymaking processes could demand that new actors be included in policymaking, as when the economic and social actors have to be invited to participate in the planning process for structural funds through the equivalent of pluralist issues networks; when the social partners are expected to participate in the open method of coordination to come up with national action plans in what could be seen as corporatist policy communities; or when the social partners and other groups are brought into some areas of environmental policy through pluralist issues networks. However, equally significantly, the EU could demand a closing of access by insisting that arms-length regulatory or legalistic relationships substitute for self-regulation or joint-regulation processes, with statist issues networks in place of corporatist policy communities—as in cases of competition policy or other areas of environmental policy. What the EU demands and what actually happens, however, can be highly differentiated depending upon the existing pattern—both in terms of interest intermediation processes and administrative practices—and the receptivity or resistance of national actors to changes in policy content or practices. And even where the EU does have a clear, direct effect, national policymaking processes do not necessarily change as expected. I use the cases of regional policy and environmental policy to illustrate.

In regional policy, for example, while EU-mandated “partnership” with civil society sought to create pluralist policy communities around the structural funds process,⁵⁷ in French regions as well as in German regions it managed to do little more than create statist issues networks.⁵⁸ In France in three highly diverse regions—Alsace, Aquitaine, and Corsica—regional officials controlled the process, organizing consultation with a ‘civil society’ that consisted of weak economic interests (the strong ones went directly to Paris) that were only minimally involved. In Germany, despite a tradition of joint decision-making, regional officials were similarly intent on maintaining their monopoly on representation—with the exception of Bavaria. But although Bavaria did in fact seek to establish a corporatist policy community with the social partners, it found it so administratively complicated and time-consuming that it gave up in frustration and sent in its own document, thus effectively also constituting a statist issues network.⁵⁹ A similar pattern seems to have been the case for the UK as well, even if statist issues networks which tended to be entirely dominated by the central government prior to the mid 1990s became more collaborative in some regions by the late 1990s, as in the case of Yorkshire and Humber.⁶⁰

In environmental policy, EU-mandated practices have had a greater direct impact on national policymaking processes, but in different ways depending upon country, mandated practices, and time period.⁶¹ Among our four country cases, the UK arguably had to change its policymaking processes the most. British state actors—both the core executive and the Department of Environment—resisted change up until the 1990s largely because the policies and practices under consideration clashed with its own traditionally more decentralized and voluntary approach.⁶² Only in the 1990s did state actors, in particular the Department of the Environment, begin to change, becoming more proactive, more transparent, more focused on prevention, and more ‘statist’ as the EU forced it to intervene in areas that it had traditionally devolved to front-line agencies and to move to more regulatory or legalistic enforcement.⁶³

In the early years, however, Britain was not alone in resisting environmental policies because of a clash with past practices. For example, in the case of the EU’s 1980 Water Directive, which prescribed uniform standards and formal, legalistic patterns of interest intermediation largely modeled on Germany’s approach, both France and Britain (initially) resisted. France resisted because the new EU rules went against higher level civil servants’ administrative discretion in implementation; Britain, because it went against its traditional practices of industry self-regulation—until the British government transformed its regulatory system to follow the EU model and the principles of ‘new public management’ as it privatized the water industry. Germany, by contrast, readily accepted the Water Directive, since it fit with its own patterns; but even so, the EU’s demand for higher water quality standards meant that it took government a long time to negotiate.⁶⁴

In another case, the 1993 Environmental Management and Auditing Systems Regulation (EAMS), which demanded a self-regulatory process largely modeled on the British approach, the EU-mandated practice had little effect on British practices.⁶⁵ By contrast, EAMS went against Germany’s legalistic and interventionist practices in the area, although adaptation was nevertheless quite easy given the country’s tradition of corporatist policy communities through joint regulation by the social partners.⁶⁶ In yet another case, the Waste Packaging Directive, where the EU also prescribed relatively high, uniform environmental protection objectives and formal, legalistic patterns of interest intermediation, the “misfit” with British preferences for self-regulation and low standards as well opposition from industry did not stop the government from transforming the sector. In Germany, by contrast, compliance was delayed, despite the fact that the EU model fit better with its corporatist regulatory style and legalistic practices, because of opposition by the Laender in the Bundesrat to the watering-down of the higher German environmental protection targets.⁶⁷

In air pollution, the contrast between Britain and Italy—both of which delayed implementing the EU Sulphur Dioxide and Suspended Particulate directive of 1981—is revealing of differences not only in national practices but also of national administrative capacity. Britain resisted transposing the EU directive because it challenged its century-long tradition of controlling emissions without imposing uniform ambient air standards through a decentralized process of informal co-operation between local inspectors and industry and voluntary compliance that was the equivalent of a local corporatist policy community.⁶⁸ It had to scupper all of this when it transposed the EU directive by centralizing administrative functions, creating statutory laws with significant legal sanctions—and turning the policy sector into the equivalent of a statist issues network. Italy, by comparison, had nothing to scupper, since it had almost no laws, and what it had was barely enforced, given a lack of administrative capacity. But whereas delay in implementing was initially due to the lack of

strong political constituencies pushing for general pollution control and many against, later, once grassroots movements suddenly emerged in the mid to late 1980s, inspired by the EU and movements in other member-states, implementation was still stymied, largely because of a continued lack of Italian administrative capacity by state actors at both central and regional levels.⁶⁹

Indirect Effect

The EU has an indirect, secondary effect in many areas as a result of institutional learning, mimesis and imitation,⁷⁰ or ‘polydiffusion,’⁷¹ when national actors schooled in any given set of national processes gain from their close cooperative experiences of the EU or one another, and alter their behavior accordingly. The neofunctionalists’ theoretical approach to integration is itself predicated upon such institutional learning, which is seen to promote shared values and ideas as well as common approaches to problem-solving.⁷² But participation in the EU can result in much more specific kinds of learning, as interest groups gain organizational and grant-getting skills—as well as funding—which they then bring back to their national organizational efforts—especially the case for women’s interest groups, as discussed earlier with regard to the Amsterdam Treaty ratification. But national policy learning may come not just from participation in certain kinds of practices at the EU level but more simply from the circulation of ideas about best practices in the member-states. The open method of coordination is predicated on this kind of mimesis.⁷³ Gender-mainstreaming, moreover, is about how to infuse national practices related to all aspects of work-life with EU jointly-constructed ideas about gender equality.⁷⁴ Even in tax policy, despite the failure as yet to institute common EU fiscal policies, the ideas discussed in the Council of Ministers group dedicated to the peer review of harmful tax practices led a number of member-states to shelve certain bad practices already in the pipeline.⁷⁵

The most important test for an indirect effect of the EU on national policymaking processes is whether national interests change their practices as a result of EU level policymaking either in terms of their EU or national level practices. And for this, business organizations present the best examples. French business, which was notoriously bad initially in the EU policy formulation process got a lot better, although British and German business, which were already good from the start—British business for its lobbying capabilities, German business for its institutional predominance—may have gotten even better. However, this pattern did not hold across business sectors. In certain sectors, such as banking, French bankers who in the early 1990s set up shop to lobby in Brussels by the late 1990s had closed up shop, leaving lobbying to the national government because they decided that this it was more effective than doing it themselves. British and German bankers, by contrast, went to Brussels and stayed, with the Germans, true to form, relying more on associative power, the British more on individualized lobbying.⁷⁶ Moreover, as we have already seen in the cases of French and German businesses generally, their EU level activism may alter their national level interrelationships with either the state or other societal interests.

Indirect effects are hard to establish, take time, and are often clear only in retrospect. In cases of soft methods of policymaking in particular, as in the cases of the open method of coordination, where voluntary compliance is the rule and there are no real sanctions other than ‘naming and shaming,’ it is difficult to establish any direct kind of causality. Moreover, the same events can be interpreted in any number of ways, depending upon individual perceptions and positions. What does one do with the case of the French Minister of Labor who, when asked whether European ideas connected to the OMC had an influence on French unemployment initiatives, responds in the negative even though the following week, the

newly announced program's main objectives are identical with those outlined by the EU?⁷⁷ Is it just because this is France, and therefore one keeps credit for policy initiatives for oneself? Or because France (among others) helped dictate the terms to be used by the EU, which it then applies. There can be little doubt that, at the very least, the Lisbon and Luxembourg strategies for reforms in employment and social policy via the open method of coordination—with the demand for national action plans and the like—have led to the use of the same words and similar concepts. But these mostly reflect different programmatic philosophies and policies.⁷⁸ Moreover, there is evidence to suggest that these strategies remain largely government-centered exercises at both the EU level, with interest-based bargaining by state actors concerned to control the EU's guidelines, and at the national, where national planning exercises produce statist issues networks at best, and where restricted coordinative discourses ensure little real deliberation with societal actors and minimal public awareness.⁷⁹

Knock-On Effect

The EU has a knock-on, tertiary effect in areas where it introduces policies that unravel the traditional policymaking processes in the sector. This may be because the policy, once implemented, radically transforms the market or the economic environment in which national state and societal actors interact, creating new economic incentives which encourage new coalitions to form or old ones to dissolve. This has been the case of competition policies that open up the market and introduce so much uncertainty and/or new players that the old players can no longer play by the old rules. Or it may be because national actors—state or societal—for whatever reason no longer agree to play by the old rules in implementing the policy. This may actually be more of a problem for corporatist systems when state and societal actors do not agree on their preferences than for statist systems, where the state has greater capacity to impose. But where corporatist actors can agree, the outcome is likely to be even more in the interest of the societal actors, whether to go forward in the negotiation of change or to block it.

In agricultural policy, for example, the EU's decisions on the Common Agricultural Policy (CAP) over the years have had a profound knock-on effect on French farming interests' organizational capacity and interactions with the state, both through lobbying and protest. Whereas before the 1970s, the national government was largely in control of agricultural priorities and national farming interests were highly fragmented, after this the EU was increasingly the driver of national policies and processes.⁸⁰ Between the 1970s and the late 1980s, the EU set priorities and, by instituting a price support regime, encouraged the consolidation of a corporatist policy community in which a couple of large agricultural associations—the Fédération Nationale des Syndicats d'Exploitants Agricoles (FNSEA) and the Centre National des Jeunes Agriculteurs (CNJA)—dominated the national scene.⁸¹ Beginning in the late 1980s, however, CAP reform focused on cutting prices while the Commission opened up policymaking processes to other farming groups. This created a more pluralist policy community at the EU level and thereby weakened corporatist relations at the national level even as it encouraged more contestation from the established farmers' unions—opposed to cuts—and from newer, anti-corporatist groups such as the Confédération Paysanne, sometimes in coordination with other national social movements such as ATTAC.⁸² Similar processes were at work in British agriculture, where the traditional corporatist policy community was greatly loosened as a result of the reform of CAP.⁸³ But in the UK, it was the mad cow crisis that had the greatest knock-on effect, forcing a reorganization of state structures underpinning the old corporatist policy community which in all likelihood will bring with it a statist issues network.⁸⁴

Knock-on effects can also be seen across the public utilities and transport sectors, as EU policy decisions changed the relations of state and societal actors in some cases but not in others. In the electricity sector, for example, Britain experienced no knock-on effects at all because it had already completely deregulated and privatized its industry as of 1989. France experienced minimal knock-on effects as it opened up its market to competition because the state remained in control of the policymaking process. In France, where statist issues networks have predominated, state actors, consisting of the government and the state-owned utility monopoly, EDF, largely decided among themselves on the national policy preferences to project at the EU level, with societal actors outside the loop.⁸⁵ This was fine for the large consumers of electricity, happy to leave such decisions to the state, but not the public sector unions—which engaged in escalating numbers of protests.⁸⁶ This pattern, of course, is little different from the past. In Germany, by contrast, the knock-on effects from electricity liberalization were significant. This is because the corporatist policy community which went into the negotiations with a consensus on policy preferences for minimal liberalization split apart halfway through the process when federal state actors together with some of the bigger electricity providers changed their minds in favor of extensive liberalization while the municipal and other smaller providers continued to oppose it.⁸⁷ The result has been a radical deregulation of the German electricity market and an end to the old corporatist policy community, or any patterned policymaking process at all, given that the state also lacks the capacity to lead.⁸⁸

In the case of road haulage, too, some countries experienced knock-on effects while others not. The cabotage directive which introduced the right of non-resident transport haulers to operate in foreign markets but allowed quantitative restrictions and price controls to remain had little direct effect on national regulatory policies or policymaking practices. But it did have a knock-on effect in countries where domestic coalitions were able to use the new EU rules to challenge the existing equilibria. Thus, although it had no effect in the cases of the already liberalized markets of Britain and France, in Germany the EU rule acted as a spur to the formation of new domestic coalitions for reform which then promoted liberalization while in Italy it acted as a spur to the old domestic coalitions to create greater protectionism in the sector.⁸⁹

In competition policy as well, the EU can have knock-on effects. With regard to state aid in particular, traditional national patterns of cooperation can be undermined by the opportunities presented to private actors disadvantaged by state subsidies to other firms. This quite clearly occurred in France, where private banks complained to the Commission about the preferential treatment given *Crédit Lyonnais* by the state bailout. But one could expect this, given national patterns in which statist issues networks are the rule, with competitive relations among firms co-existing alongside the close ties among CEOs based on state schooling and service as well as on inter-locking directorships.⁹⁰ However, less to be expected was the fact that competition policy also had a knock-on effect on Germany's corporatist policy community in banking and its characteristic cooperative interfirm relations. First, cooperation between private and public banks broke down when private banks complained to the Competition Directorate that the *Landesbanken*, the regional public banks, along with the regional savings and loans banks, had an unfair competitive advantage because of regional state guarantees on their loans; and second, cooperation among the public banks themselves broke down when the two biggest regional banks reorganized their activities in response to the complaint way ahead of the others, thus destroying the united front among public banks.⁹¹ Not surprisingly, there have been few such knock-on effects in

the UK, first, because the competitive relations among firms would only have been reinforced by EU competition policy on state aid and, second, because state had in any case been reduced by the Thatcher government to such low levels that it was not much of an issue anyway.

Minimal Effect

It is important to remember that policymaking can always operate in one way at the EU level and, schizophrenically, in another way at the national. There is often a very real disconnection between the EU level processes and the national, with the national continuing separately from the EU processes with their own dynamics of interaction, even where there may be some feedback or spillover from policy actors' EU level learning experiences. In fact, in a wide array of sectors, EU and national level processes remained largely separate, whether we are speaking of immigration, the environment, labor, or even business, as national interest groups interact with national governments in traditional ways while they may participate in EU policymaking in different ways as part of EU or even global networks, or not at all, leaving the field entirely to EU and global groups. Environmental policy is a case in point, as international NGOs tend to operate at the EU level while national NGOs remain nationally focused, and where even national branches of INGOs have little say over the EU level actions of their Brussels branches, which either decide on their own or take orders from the international headquarters.⁹² Banking interests in France are similarly nationally focused, as we have already seen, with little presence at the EU level. But even in areas where the EU mandated liberalization and demanded that regulatory agencies be set up—or at least that oversight be separated from administration—the resulting regulatory patterns of interaction suggest that national differences remain significant even if the EU may have indirect effects on the content of policies.⁹³

Immigration is an especially interesting case, since the EU and national levels operate very differently, with very different sets of actors and often different goals and objectives. At the EU level, immigration control policy early on became the concern of law enforcement and immigration officials who, in the context of the Schengen agreements, saw an opportunity to “venue-shop” in order to institute more restrictive policies through EU level policymaking that would normally have been stopped by the courts at the national level.⁹⁴ Moreover, although the provisions agreed had the knock-on effect of shifting the distribution of power among various domestic advocacy coalitions, strengthening those state actors favoring restrictive policies to the detriment of other state actors (primarily the courts) and pro-immigration societal groups, it had no effect on the patterns of national policymaking.⁹⁵ The EU level process at the time was something of a lopsided corporatist policy community consisting of EU and national law enforcement and immigration officials, although subsequently the process has become more of a pluralist policy community, as EU-level immigration groups made up of professionals and activists have gained access and influence. But nationally-based interest groups remain largely separate from this process, tending to organize around national issues and to focus their efforts on national governments—generally as part of statist issues networks.⁹⁶

Even an area like telecommunications, where liberalization mandated by the EU opened up the market, has had little effect on the regulatory agencies' basic mode of operation or on their relations with business. The regulatory authorities were all set up by national governments following national patterns and predilections rather than any overarching model.⁹⁷ Moreover, they all operated differently. In Britain, for example, the telecoms regulator established the rules of the game itself, gained credibility with business as

an independent regulator in a first phase without recourse to the courts, and in a second developed a relationship of trust that enabled it to exercise discretion while ensuring compliance. This was not the case in Germany, which was more rule-based from the start, and where multiple authorities—in this case the regulatory agency, the competition authority, and the ministry—all had some say. This made the development of an independent and credible regulatory agency able to establish the rules of the game difficult if not impossible, and encouraged business litigation through recourse to the courts to resolve disputes.⁹⁸ Thus, while in Britain deregulation produced a central regulatory authority that was stronger than the civil servant of the past, but also had discretion, in Germany deregulation reproduced the traditionally fragmented patterns of administration by setting up a weak regulator which could not exercise leadership.

CONCLUSION

“Micro” patterns of sectoral policymaking show that all countries are increasingly differentiated in their specific policymaking processes. Countries with traditionally corporatist policymaking processes find themselves with statist issues networks, pluralist issues networks, or pluralist policy communities in some areas while those with traditionally statist policymaking processes often move to pluralist issues networks under EU direction or even to seemingly corporatist policy community patterns. And yet, “macro” patterns still seem to hold true. The UK on the whole seems to have taken on an even more statist pattern, as voluntary rules and self-regulation have given way to statutory law and the regulatory state, although it has also become more open to societal representation in policy formulation—all of this the result of internal dynamics as well as much as of the EU. France, by contrast, has moderated its traditionally more statist pattern, becoming a bit more pluralist with regard to formally introducing more societal input into policy formulation in some sectors while in policy implementation, it is more regulatory and legalistic and, thereby, still statist but by way of more independent public actors. Germany has remained largely corporatist, but it has seen some sectors becoming increasingly statist where regulatory and legalistic enforcement has been mandated by the EU, other sectors more pluralist where indirect or knock-on effects have destroyed traditionally corporatist patterns of interaction. Italy, finally, remains a mix, arguably more corporatist than clientelist today, but with some sectors more statist, others more corporatist—with state capacity the real problem.

Table 1: *Policymaking processes related to state and societal structures*

	Concentrated Societal Structures	Fragmented Societal Structures
Concentrated State Structures	Strong corporatist (Sweden/Netherlands)	Statist (France/UK)
Fragmented State Structures	Weaker corporatist (Germany/Italy) or clientelist (Italy)	Pluralist (US/EU)

Table 2: Definitions of the Four Combinations of State-Societal Relations

Strong corporatism	concentrated state, concentrated society	Unitary states w highly organized interests— state co-equal w ‘privileged’ interests’ policy formulation/implementation. E.g., Netherlands and Sweden
Weak corporatism	fragmented state, concentrated society	Federal/regionalized w highly organized interests-- state weaker role than society policy formulation/implementation E.g., Germany and Italy (since 1992)
Statism	concentrated state, fragmented society	Unitary states w disorganized interests— state stronger role than society formulates alone, implements flexibly thru accommodation w society. E.g., France and UK
Pluralism	fragmented state, fragmented society	Federal/regional states w disorganized interests—state and society weak roles formulation open to organized interests closed in regulatory/legalistic implementation E.g., US and EU

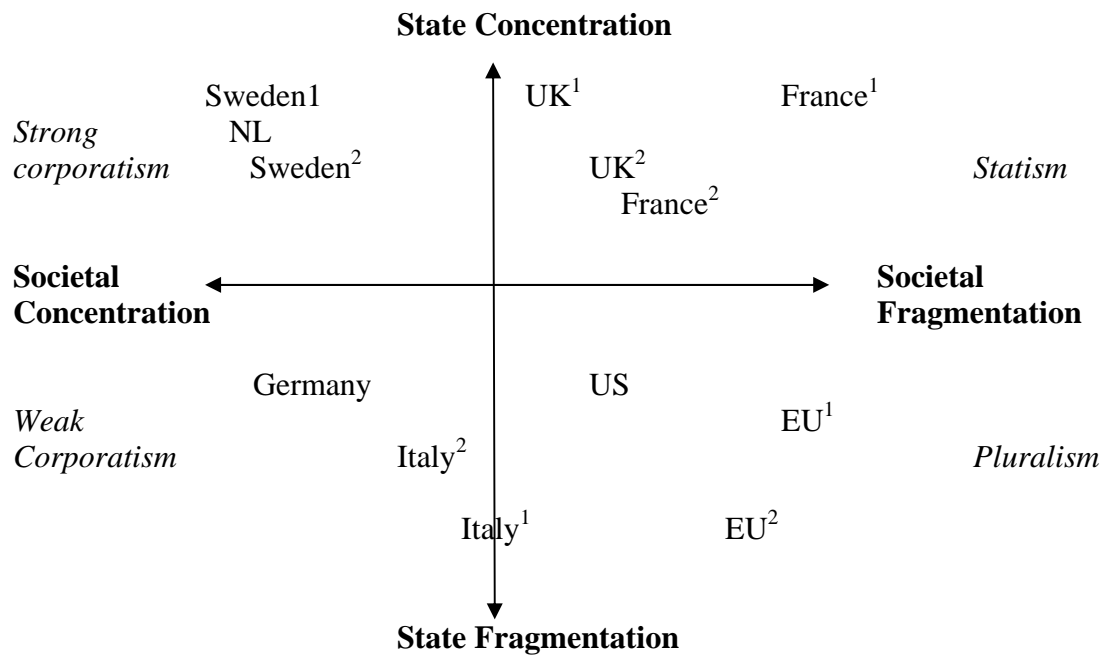
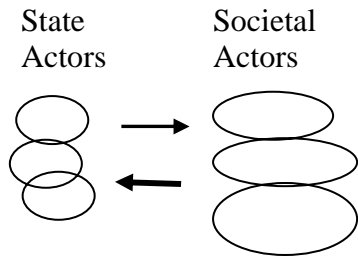


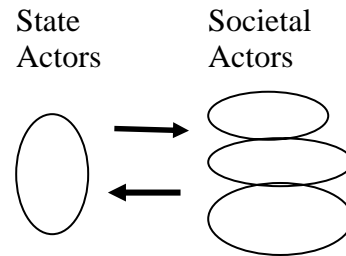
Figure 1: *Changing patterns of state-society relations*



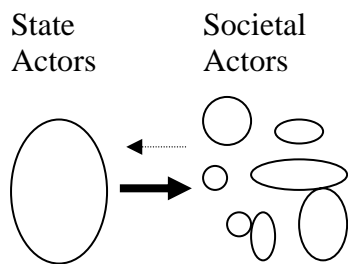
Figure 2: Member-States along a Continuum from Statist to Corporatist Processes
(Fr¹, UK¹ stand for processes in the 1980s, Fr², UK² in the 2000s; It¹ in the 1990s, It² in the 2000s).



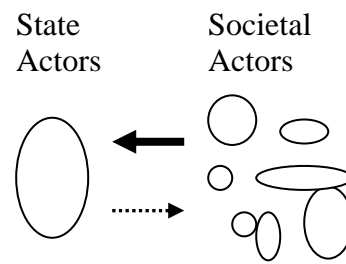
WEAK CORPORATIST
formulation/implementation



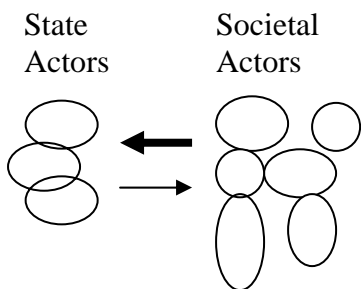
STRONG CORPORATIST
formulation/implementation



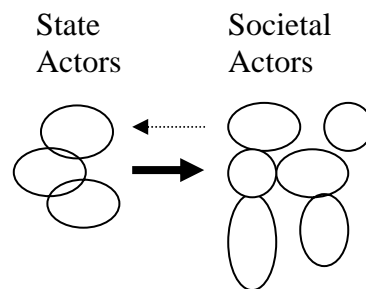
STATIST formulation



STATIST implementation



PLURALIST formulation



PLURALIST (regulatory) implementation

Figure 3: Different patterns of the coordinative discourse of policy formulation and implementation in corporatist, statist, and pluralist discursive interactions

Table 2: National patterns of policymaking and the impact of the EU

Policy Process	Policy Formulation	Policy Implementation	EU impact on Policy Formulation	EU impact on Policy Implementation
Statist	Low Access	Flexible application	Opens up interest access at EU level	Reduces nat'l flexibility via legalism/regulation
France	State acts in wide sphere, society reacts	Derogation	More EU level societal input, little change at nat'l level	eliminates derogation, less accommodation, more confrontation
UK	State acts in limited sphere, society acts on own	Self-regulation	more EU level societal input, little change at nat'l level	eliminates self-regulation, more public 'steering'
Corporatist	Moderate Access	Flexible or Rigid application of rules	Adds to interest access at EU level	flexibility where corporatism or adds to rigidity
Germany	State and society act together (corporatism)	Corporatism or Legalism (Ger))	Adds to corporatist input at EU level, little change at nat'l	Maintains corporatist flexibility, reinforces legal / regulatory rigidity
Italy	State barely acts in wide sphere, society reacts, acts on own, or acts together w state (clientelism)	Corporatism, Clientelism, Derogation	Adds to corporatist input EU level, denies clientelism	Maintains corporatist flexibility, eliminates derogation, more confrontation
Quasi-Pluralist	High Access	Rigid application of rules		
European Union	Open access to societal groups (w gatekeeping)	Regulatory and legalistic (except when corporatism)		

Table 3: *State and Societal Actors in Statist, Pluralist, and Corporatist Policymaking*

	Statist Issues Networks	Pluralist Issues Networks	Pluralist Policy Communities	Corporatist Policy Communities
State Actors	State leadership w low societal consultation	State leadership w high societal consultation	State's decisions shaped by high societal consultation	Joint decision-mkg w equal or greater societal leadership
Societal Actors	Unstable, competitive membership w low participation thru lobbying	Unstable, competitive membership w high participation thru lobbying	Stable, cooperative membership w maximal participation in decision-shaping	Stable, cooperative membership w restricted participation in joint decision-mkg

Table 4: *Potential Impact of EU Sectoral Processes on National Sectoral Processes in terms of State Leadership and Societal Participation*

		EU Statist Issues Network	EU Pluralist Issues Network	EU Pluralist Policy Community	EU Corporatist Policy Community
Statist Issues Networks	State leadership	0	-	--	---
	Societal participation	0	+	+++	++
Pluralist Issues Network	State leadership	+	0	-	--
	Societal participation	-	0	+	+
Pluralist Policy Community	State leadership	++	+	0	0
	Societal participation	---	--	0	-
Corporatist Policy Community	State leadership	+++	++	0	0
	Societal participation	--	-	+	0

0 equals no change; - equals change on the decrease; + equals change on the increase.

Table 5 The Sectoral Effects of EU Policies and Processes on National Processes

EU Effect	Potential Impact	Actual Impact/Cases
Direct	<p>EU-mandated sectoral process could increase or decrease state and societal actor involvement depending upon whether the EU mandates more or less state or societal actor involvement</p> <p>Competition policy, OMC, environmental policy, regional policy</p>	<p>Uncertain—depends upon member-state receptivity or resistance</p> <p>Direct effects in environmental policy process on UK; in water pollution and waste packaging for UK, less for Ger; environmental auditing for Ger, little for UK; air pollution for UK, less for It; regional policy some Ger,</p>
Indirect	<p>Learning experiences from EU level processes could affect national actors' approach to policymaking</p> <p>OMC, Gender mainstreaming, taxes, rail transport, EU lobbying</p>	<p>Uncertain—depends upon member-state receptivity or resistance</p> <p>Indirect effects for OMC, lobbying of Fr bus, but not banking</p>
Knock-on	<p>Unintended consequences of EU policy that serve to unravel national processes</p> <p>Competition policy, transport policy, agricultural policy, utilities</p>	<p>Corporatist process may break apart where societal actors cannot agree; less problematic for statist polities, where state controls the process</p> <p>Knock-on effects in electricity for Ger; road haulage for Ger, It; banks for Ger, Fr; agriculture for Fr</p>
Minimal	<p>No EU-mandated processes to spur change and no interaction effects expected, whether indirect or knock-on</p> <p>Any area where EU and national processes don't interact, including environmental lobbying, immigration, banking, regulatory agencies</p>	<p>National processes continue without direct, indirect, or knock-on effects from the EU because member-states not receptive and/or resistant to EU processes</p> <p>Immigration control policy generally, telecoms in UK and Ger</p>

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FOOTNOTES

¹ See Scharpf and Schmidt 2000.

² See Schmidt 2002, Chapter 2.

³ Putting the politics together with structures and processes yields what I call ‘*simple*’ polities when majoritarian representation systems combine with statist policymaking processes and unitary states to channel governing activity through a single authority and ‘*compound*’ polities when proportional representation systems combine with corporatist policymaking processes and federal or regionalized states to disperse power through multiple authorities. The policymaking process discussed in this paper thus represents one component of a larger set of institutional considerations. For more on these, see Schmidt 2004, 2005.

⁴ Streeck and Schmitter

⁵ Mazey and Richardson 1996, p. 53.

⁶ Schmitter 1996.

⁷ Mazey and Richardson 1996, p. 42.

⁸ Cohen, March, and Olsen 1972.

⁹ Mazey and Richardson 1993; Grande 1996; Majone 1996, pp. 74-75.

¹⁰ Schmidt 1999b; 2001

¹¹ Greenwood 2003.

¹² Coen 1997.

¹³ Mazey and Richardson 1993b; Webster 1998; McCormick 2001; Jordan 2002a; Greenwood 2003.

¹⁴ Guiraudon 2001.

¹⁵ See Falkner 1998.

¹⁶ While the coordinative discourse predominates in the policy sphere, in the political sphere, it is the ‘communicative’ discourse between political leaders and the public. See Schmidt 2002a, Chs. 5, 6.

¹⁷ Kohler Koch 2002; Haas 1992; Sabatier 1998; Eriksen and Fossum 2002.

¹⁸ Page 1995; Hayward 1995; Schmidt 1996.

¹⁹ See Schmidt 1996.

²⁰ See Rosanvallon 2004.

²¹ Sommer 2003.

²² Schmidt 1996; Cowles 2001.

²³ Coen 1998.

²⁴ Schmidt 2002, Ch. 6.

²⁵ Schmidt 1997b.

²⁶ Jordan 2002; Bache 2000.

²⁷ Bache 2000, 2003.

²⁸ Dudley and Richardson 1998.

²⁹ Grant 2001.

³⁰ See Coen 2005; and discussion below.

³¹ Greenwood 2003.

³² Josselin 1996.

³³ Benz and Goetz 1996b, p. 17; see also Knill 2001, p. 64.

³⁴ Scharpf 1988.

³⁵ Wessels and Rometsch 1996.

³⁶ Egan 2001, pp. 144-45.

³⁷ Coen 1998.

³⁸ Falkner 1998.

³⁹ Cowles 2001. Note, however, that rather than a paradigm change, this may follow from long-standing patterns with regard to foreign trade policies--Eising 2003.

⁴⁰ See Dyson 1992.

⁴¹ [Dyson 1992](#).

⁴² DiPalma 1977; Pasquino 1989; Dente and Regonini 1989.

⁴³ Tarrow 1988; Stefanizzi and Tarrow 1989.

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- ⁴⁴ See Radaelli 1998.
- ⁴⁵ See Ferrera and Gualmini 2000, 2004.
- ⁴⁶ Ferrera and Gualmini 2000, 2004.
- ⁴⁷ Sbragia 2001.
- ⁴⁸ Gualini 2003.
- ⁴⁹ Cowles 1995
- ⁵⁰ Coen 1998.
- ⁵¹ See Keeler 1987. I call this ‘quasi-corporatist’ because the ‘state’ is more in control here than in traditional corporatist relations. See Schmidt 1996.
- ⁵² Falkner 2001, pp. 99-100.
- ⁵³ See the discussion in Schmidt 1996.
- ⁵⁴ See, for example, Jordan and Richardson 1983; Marsh and Rhodes 1992; Rhodes and Marsh 1992; Marin and Mayntz 1991; and the discussion in Falkner 2001.
- ⁵⁵ Falkner 2001.
- ⁵⁶ Although Falkner also has a category of ‘statist cluster’, in which state actors do not consult, I prefer to subsume this under statist issues networks, since the state generally engages in formal consultation by informing societal actors of its plans, even when it doesn’t listen to their responses or allow lobbying.
- ⁵⁷ The EU process calls for ‘horizontal cooperation’ between public institutions and civic associations, economic and social, which come from civil society.
- ⁵⁸ Dupoirier 2004.
- ⁵⁹ Dupoirier 2004.
- ⁶⁰ Bache 2000.
- ⁶¹ Héritier et al. 1996; Boerzel 2002b.
- ⁶² Jordan 2002.
- ⁶³ Jordan 2002, pp. 41, 198-200.
- ⁶⁴ Knill and Lenschow 1998; Knill 1998; Knill 2001; Knill and Lehmkuhl 1999.
- ⁶⁵ Héritier et al. 1996, pp. 207-65.
- ⁶⁶ Benz and Goetz 1996; Knill and Lenschow 1998; and Knill and Lehmkuhl 1999; Knill 2001.
- ⁶⁷ Haverland 1999.
- ⁶⁸ Vogel 1986; Rose 1992; Duina and Blithe 1999.
- ⁶⁹ Duina and Blithe 1999.
- ⁷⁰ Falkner et al. 1999, p. 512.
- ⁷¹ Burnham and Maor 1995.
- ⁷² Haas 1958; Cram 1998.
- ⁷³ See de la Porte and Pochet 2002; Mosher and Trubek 2003.
- ⁷⁴ Woodward 2003; Pollack and Hafner-Burton 2000.
- ⁷⁵ Radaelli 1999.
- ⁷⁶ Grossman 2003, 2002.
- ⁷⁷ Conversation with Bruno Palier, June 2004.
- ⁷⁸ Barbier 1998.
- ⁷⁹ Smismans 2003; Jacobssen 2004; Rhodes and de la Porte 2005.
- ⁸⁰ Roederer-Rynning 2002.
- ⁸¹ Roederer-Rynning 2002, pp. 110-114.
- ⁸² Roederer-Rynning 2002, pp. 114-119; see also Coleman and Chiasson 2002; Saurugger 2002.
- ⁸³ Marsh and Smith 2000.
- ⁸⁴ Forbes 2004.
- ⁸⁵ Eising and Jabko 2002.
- ⁸⁶ Bauby and Toledo 2002, p. 116.
- ⁸⁷ Eising and Jabko 2002.
- ⁸⁸ See Susanne Schmidt, habilitation.
- ⁸⁹ Héritier et al., 1996; Knill and Lehmkuhl 1999.
- ⁹⁰ Schmidt 1996; Grossman 2003.
- ⁹¹ Grossman 2003, pp. 754-5.

⁹² Webster 1998.

⁹³ Coen 2005; Thatcher 2005.

⁹⁴ Guiraudon 2000.

⁹⁵ Thielemann 2002.

⁹⁶ Guiraudon 2001.

⁹⁷ See Thatcher 1999, 2002, 2004.

⁹⁸ Coen 2005a; see also Thatcher 1999, 2002, 2004.