

Colloque CEVIPOF - CERI

«L'intégration européenne entre émergence institutionnelle et recomposition de l'Etat»

SCIENCES PO, Paris, 26 et 27 mai 2000

RECONSIDERING INSTITUTIONS AND RECONCEPTUALIZING DEMOCRACY
IN A FEDERAL EUROPE

Professor Vivien A. Schmidt
Department of International Relations
Boston University
152 Bay State Road
Boston MA 02215
tel/fax: 617 267 7738
email: vschmidt@bu.edu

Paper prepared for presentation at the conference "L'Intégration Européenne entre Émergence Institutionnelle et Recomposition de l'État," Institut d'Études Politiques, Paris (May 26-27, 2000).

May 2000. <http://www.ceri-sciences-po.org>

RECONSIDERING INSTITUTIONS AND RECONCEPTUALIZING DEMOCRACY
IN A FEDERAL EUROPE

When Joschka Fisher on May 12, 2000 made a speech calling for a “federal Europe,” he did something unprecedented: he opened up a Europe-wide public debate about the future of governing (and not just governance) in Europe. In the past, such a public statement would more likely have come subsequent to confidential, intergovernmental deliberations among member-states rather than as an opening gambit addressed to the European public as well as to member-states. This suggests that Europe itself may be changing, as growing sensitivity to the problems of the “democratic deficit” at the EU level leads to attempts not just to democratize the institutions through the creation of a European government but also to democratize the process of finding solutions through Europe-level public deliberation.

That it has been a German calling for some variant of federalism is not surprising, given the country’s own federal structures, corporatist policymaking processes, and historically little concern about issues of national sovereignty when it comes to Europe. And that the British are likely to resist is also nothing out of the ordinary, given the country’s unitary structure, statist policymaking processes, and long history of seeing European integration as a threat to national sovereignty. But that the French seem supportive of the federal initiative, given similarly unitary structures and statist processes, could be seen as extraordinary, unless one understands that for the French, Europe has always somehow represented an extension of national sovereignty.

But what none of these countries are considering, as they contemplate the prospects of a federal Europe, is that European institutional structures and policymaking processes have already impinged significantly on national sovereignty, and that this is not simply a matter of a “pooling of sovereignty,” or a giving up of national autonomy in exchange for greater shared supranational authority and control. This is because the EU’s quasi-federal structures and quasi-pluralist policymaking processes—to say nothing of the EU’s policies—have already “federalized” and “pluralized” national institutional structures and policymaking processes to a significant extent. And this in turn has had major consequences for national democracies—in terms of both practices and ideas regarding citizen representation and state responsibilities.

European integration, in other words, has already had a significant impact on member-states' institutional structures, affecting which branches or units of government have what sorts of power over which kinds of decisions, and on their policymaking processes, by allowing access and influence to different actors at different stages of the process and enforcing decisions in different ways. Different countries, however, have been affected more than others because of questions of fit between national and European institutions. Countries such as France and Britain with unitary structures and statist policymaking processes have more significant long-term problems of adaptation to Europe's quasi-federal structures and quasi-pluralist processes than a country such as Germany with federal structures and corporatist processes. And this difficulty has manifested itself not only in the realm of democratic practices but also in that of ideas, where national governments have had greater problems legitimating the challenges to traditional conceptions of democracy represented by European integration.

In what follows, I first briefly describe EU institutions and EU-level problems with the democratic deficit. Second, I consider the differential impact of the EU on national structures and policymaking processes, using the examples of Britain, France, and Germany in illustration. And for each country, I explore the challenges to national democratic practices and national ideas about democracy represented by the institutional changes brought about by European integration.

EU INSTITUTIONS

The EU is of course *sui generis*.¹ But if one were to compare its institutional structures and policymaking processes to national ones, it would come closer to federal rather than unitary structures and pluralist rather than statist or corporatist policymaking processes. Like most federal systems, the EU's institutional structures exhibit a vertical division of powers between central and lower level units and, like many federal systems, it also exhibits a horizontal division of powers between executive, legislative, and judiciary.² This stands in great contrast to unitary states which typically have no constitutionally-guaranteed, vertical division of power and little horizontal division of power, such that the center predominates over subnational units as well as over the legislature and judiciary.

Moreover, if one were to compare the EU's policymaking processes to national ones, the EU would come closest to the pluralist policymaking processes of one federal

system, that of the United States.³ Like U.S pluralism, the EU's policymaking processes are open to interest group representation at the policy formulation stage but largely closed to them at the policy implementation stage, given a regulatory model where rules are to be applied without exception. This stands in great contrast to statist policymaking processes in which interest groups are generally left out of policy formulation but accommodated at the implementation stage or corporatist policymaking in which certain privileged interests, business and labor, are generally brought into policy formulation and implementation.⁴

These general comparisons between EU institutions and national federal and pluralist institutions, however, hide great differences. And it is in the differences that the problems of the democratic deficit reside.

Although the EU resembles most federal systems in its vertical division of powers, it has much less of a vertical division than any federal system, given the greater independent powers of the EU's member-states and their greater control over the central governing apparatus through the Council of Ministers and the European Council. The member-states' power and authority within the system have led intergovernmentalists to cast the EU as more of a confederacy than a federal system.⁵ But this does little to account for the multifarious ways in which institutional and other actors at EU, national, and subnational levels interrelate, and which make the institutional structure of the EU more akin to a federal system⁶ characterized by "multi-level governance"⁷ than any supranational confederation of states (except when it comes to the negotiation of the major EU treaties). Unlike a national federal system such as Germany, however, the EU does not have the political and fiscal resources to impose its will, and it cannot depend upon upon a shared national politics and public opinion; viable political parties to balance out state power; and a high degree of economic and cultural homogeneity to ensure democratic legitimacy.⁸ For Europe, in fact, democratic legitimacy remains at issue in a way it does not in national federal systems because of the heterogeneity of populations with little common sense of European identity, let alone a European "politics," a European party system, or a European public opinion.⁹

The EU also exhibits a different kind of horizontal division of powers from that of federal systems, given that instead of the clearly-defined, constitutionally-fixed and formally unchanging separation of powers between executive, legislative, and judicial

branches of government, as found in the US or German federal systems, the EU exhibits a “dynamic confusion of powers” involving not only the lack of traditional separation among the various EU institutions but also the mixing up of their very roles.¹⁰ The legislative function is more the domain of the Council of Ministers than of the directly-elected European Parliament, despite that fact that the latter’s legislative powers have grown significantly over time. The executive function is more the purview of the EU Commission, which has powers of initiation and implementation, than of the formal executive, the Council of Ministers; and the judicial function, although the only one performed by the expected institution, the European Court of Justice, encroaches on the executive and the legislative functions through the judiciary's activism.

This confusion of powers in the EU causes problems with regard to traditional understandings of democratic accountability that go way beyond the problems of national federal systems. Compared to other federal systems, where the balance of powers generally serves as a check on different branches of government, the confusion of powers in the EU means that it has fewer checks on its different institutions or guarantees of accountability. Although the increasing powers of the European Parliament with regard to budgetary matters, co-decision, and most recently veto over appointments to the Commission have gone some way to enabling it to become the locus of democratic accountability, the institutional structure which gives the un-elected members of the Commission powers of initiation and formulation and the nationally-elected members of the Council of Ministers powers of approval ensures that, short of major institutional restructuring, the problems of democratic legitimacy will remain. Moreover, even if one were to argue that the Council of Ministers, as the representative of the nationally elected executive and also involved in a variety of ways in the legislative process, provides some modicum of intergovernmental democratic legitimacy, it adds to the problems of democratic accountability. These result not only from the lack of transparency of the Council of Ministers, given secrecy rules, but also the lack of significant democratic control of the Council from either the European Parliament or national parliaments.¹¹ The Commission also suffers from problems of accountability, although here the issues are more minor ones related to questions of corruption and cronyism.

Some of the problems of democratic legitimacy and accountability stemming from the institutional structures are remedied through the EU’s pluralist policymaking

processes, though. Moreover, although EU pluralism resembles that of the US, it avoids some of that country's greatest problems—even if it incurs others of its own.

The EU policy formulation process, to begin with, is more insulated from the pressures of undue influence and less vulnerable to the politics of party or money than US pluralism, given an EU Commission with apolitical EU civil servants rather than partisan legislators and their staffs, and with a greater emphasis on the technical than the political in decision-making.¹² The EU Commission also suffers less from the problems of agency capture or “iron triangles” that are found in the US pluralist process, given the wide range of interests and actors involved in any given policy initiative which enable it to refuse interest groups' unwanted or unrealizable claims¹³—although this doesn't entirely guard against the undue influence of industry experts and the dangers of quasi-clientelistic relationships.¹⁴

Moreover, where politics does come in, it appears in the Council of Ministers as the politics of national interest rather than party or money per se. And in the European Parliament, where the politics of parties remains underdeveloped, the politics of the public interest focused around groups representing environmental, consumer, and human rights concerns is much more at play.¹⁵ This is mainly because these are the issues that have a broader public appeal and are less well represented in the Commission, and therefore serve to increase MEPs' political weight and to gain public attention.¹⁶

But at the same time that the EU's pluralism may be less politicized than that of the U.S., it is less "pluralistic" in the kinds of interests represented as well as in their access and potential influence. Unlike the US, where any interest that organizes itself is regarded as legitimate so long as it can make itself heard, in the EU, only those interests the EU Commission chooses to legitimize, and thus allow into the process, will be heard. While such gatekeeping was a problem in earlier years, since it benefitted mainly producer interests, in more recent years the Commission itself has sought to overcome the problem by expanding its openness to a wide range of interests along with its transparency, and by even creating interest representations where it found them lacking, as in the case of women's and consumer groups. But the EU's pluralism still remains much more closed to citizen participation than that of the U.S., where grass-roots campaigns and marches on Washington have become increasingly common,

even if demonstrations in Brussels and the relatively new “Eurostrikes”¹⁷ are likely to have increase in number and impact.

Finally, whereas the EU's pluralist policy formulation process may avoid some of the worst problems of the U.S., even admitting its own problems with regard to access and representativeness, in the EU's policy implementation process it courts many more than the U.S. This is because instead of federal agencies implementing the rules largely according to the same procedures, in the EU the member-states themselves mostly transpose directives into national law, allowing member-states much greater latitude in the interpretation and application of the rules and naturally raising questions about the equal application of the directive, given different regulatory cultures and practices.¹⁸

In sum, the EU's pluralism is less open than that of the U.S., more restricted in the overall number and variety of interests represented, and more heavily weighted in favor of producer interests. Balancing this out somewhat, however, is the fact that the system is less subject to the abuses of undue influence, and that 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.

The problem for European democracy, however, is that although democratic legitimacy may be reinforced by an “expertocracy” guarding the public interest, as Majone would argue,¹⁹ this “output-oriented” approach to democracy, in Scharpf's terms, does not respond to desires for the more “input-oriented” approach represented by citizen participation through elections.²⁰ In other words, the EU still does not have government by the people, even if it may have government for the people or even with the people (through interest-group involvement in policy formulation). If the EU were to begin to move toward a political system of federalism, as Fischer has proposed, then such problems would be addressed. But this would not resolve the problems within member-states with regard to the challenges to national democracy resulting from the encroachment of EU institutions, not just in some distant future, but already today.

THE DIFFERENTIAL IMPACT OF EU INSTITUTIONS ON MEMBER-STATES' INSTITUTIONS AND DEMOCRACY

In the course of European integration, the EEC/EC/EU's institutional structures and policymaking processes have increasingly taken precedence over the national in all member-states. Thus, they have reduced national executives' autonomy in national policy formulation by taking decisions at the EU level that in the past were the purview of national authorities on their own and by allowing access and influence to a wider range of actors—not just other governmental actors but also non-governmental actors, whether business or societal interests. They have also decreased national governments' flexibility in policy implementation by promoting regulatory or legalistic enforcement patterns over other patterns of enforcement, whether administrative or self-regulatory arrangements.²¹ Equally importantly, EU institutions have usurped national parliamentary powers of initiative and/or review in an ever-expanding number of domains while undermining national parliaments' powers of oversight over national executives (given their lack of authoritative power over national executives' policy decisions made in the Council of Ministers).²² Moreover, the European Court of Justice has subordinated national judicial authority to itself even as it has contributed generally to the national courts' growing powers.²³ And finally, the EU has reduced subnational units' autonomy (in some cases newly-gained following national decentralizing reforms) with regard to EU rules governing a whole range of areas that they must implement, even as it has contributed to the regions' growing independence with respect to the national executive through increasing European access (by way of the Committee of the Regions) and resources (by way of the structural funds and other programs).²⁴

In all of this, however, the European Union's quasi-federal institutional structures and quasi-pluralist policymaking processes have been more disruptive to member-states with unitary structures and statist policymaking processes than those with federal structures and/or corporatist processes. In unitary, statist systems, where power is traditionally concentrated in the executive, the EU has served to undermine the executive's autonomy in policy formulation by eliminating the executive's virtual monopoly over decision-making and flexibility in implementation by closing off traditional means of accommodation involving administrative discretion or self-regulatory arrangements. In addition, it has reduced the executive's traditional control over other branches and units of government, in particular the national courts and subnational

units, which have become more independent, while the legislature has diminished even further in power.

In federal and/or corporatist systems, by contrast, where power has traditionally been more dispersed, the EU has done less to undermine executive autonomy, given an executive which never had much autonomy in the first place because of the separate powers of the legislature, judiciary, and subnational units and the participation of the social partners in policymaking. It has also done less to reduce flexibility in implementation, given that joint self-regulatory arrangements of a corporatist variety have been allowed to continue. Moreover, it has in the end caused less disruption to the balance of powers between executive, legislature, and judiciary as well as between center and periphery (although this did demand some major internal struggles leading to readjustments that returned the balance).

This differential impact, as we shall see below, has not only led to greater changes in institutional practices in unitary, statist systems such as France and Britain than in federal and/or corporatist systems such as Germany. It has also meant greater challenges to national democratic legitimacy.

France

For France, European integration has greatly affected both its unitary institutional structures in which the executive has traditionally predominated over legislature, judiciary, and subnational authorities and its statist policymaking processes in which interest groups were largely kept out of policy formulation but accommodated as often as not at the implementation stage through the derogation of the rules. The formerly seemingly all-powerful French executive has lost its virtual monopoly in policymaking, given EU level decisions that bring in not just other governments but also societal actors that are traditionally kept out of policymaking at the national level. Moreover, the executive has also lost its traditional flexibility in policy implementation. This is because the regulatory model (which results not only from EU but also national deregulatory reforms) no longer allows the kinds of exceptions to the rules that were the stock in trade of the administrative state, where the laws were as often as not “adjusted” in the application in order to accommodate societal interests and to avoid confrontation.²⁵

What is more, the executive’s control over other branches and units of government has been eroding. The traditionally subordinated judiciary has been

gaining in independence from the executive not only because of its empowerment by the ECJ to uphold decisions even against the executive but also because of internal dynamics which since the 1980s have seen the growth in power of the magistrates, especially manifest in corruption cases against top politicians as well as businessmen.²⁶ Moreover, subnational authorities have also been gaining in autonomy from the center as a result of their ties to Europe, e.g., through the structural funds and lobbying efforts in Brussel, as well as because of national decentralization reforms in the 1980s that devolved economic development competencies to the regions (although “deconcentration” to the benefit of the prefects has joined with decentralization to ensure that a state-regional partnership remains with regard to participation in EU programs).²⁷ Only the traditionally weak legislature, which never had much independent power as long as the government had a solid majority, has become even weaker next to the executive, with European integration having served to limit Parliament’s powers of initiative or oversight even further, despite reforms attendant upon the Maastricht Treaty.²⁸

These institutional changes have altered French institutional practices, and mostly for the better, toward greater democracy. But at the same time, they represent a major challenge to specifically French democratic ideas as well as, in certain cases, democratic practices. With regard to institutional structures, the changes in the traditional balance of powers can certainly be seen as salutary: the greater horizontal division of powers provides a check on unbridled executive power through the growing importance of the rule of law, even if this is diminished somewhat by the decreased power of the Parliament; and the greater vertical division of powers provides for limits on executive control through the democratization of decision-making through devolution. With regard to policymaking processes, the changes in access and enforcement can also be seen as beneficial, mainly through the increased participation in policy formulation at the EU level and greater equality and predictability in the application of the laws in implementation at the national level.

But these changes also come with great costs, mainly because in certain instances they have only partially altered institutional practices and they often conflict with traditional French conceptions of democracy. Perhaps the most potentially disruptive of the changes comes with the application of the regulatory model to policymaking. The loss of the possibility of making exceptions to the rules is particularly

problematic in a system where citizens who have never had much access to decision-making in policy formulation now will no longer be accommodated in policy implementation, and are therefore more likely to resort to confrontation when their concerns are not met.²⁹ This represents a threat not just to French societal stability but also to democratic legitimacy, given that French democracy has always been predicated on the state's administrative discretion, that is, on its ability to adapt the rules to accommodate affected constituencies.

One institutional answer for France, of course, would be to allow greater access to citizens at the policy formulation stage (so that there would no longer be the need to adapt the rules in the implementation), and to encourage greater citizen interest organization and participation in EU policymaking. But not only is such a change in the policy formulation process not easy to accomplish in a country where the state tends to act and society to react (although the Jospin government seems to be trying to bring about just such a change through expert commissions and concertation with social partners).³⁰ It would also further reduce executive autonomy and control—and thereby challenge traditional notions of democracy in which the executive, as representative of the French nation, one and indivisible, is expected to be in control over the decision-making process and solely responsible for its outcome.

Conceptual adjustment to institutional changes that reduce executive autonomy is not easy for France. This is because the philosophical justification for extensive executive autonomy and control has its origins in Jacobin notions of the role of the state as the direct representative of the people, to do its bidding without obligation to any other authorities (which are to be subordinate to it, whether judiciary, legislature, periphery) and to formulate policy without intermediation by other actors (in particular organized interests, which have always been regarded as illegitimate if not organized by the state). European integration, naturally, violates these tenets. But instead of seeking to reevaluate this traditional conception of democracy in the light of institutional change, say, by reclaiming the Girondin past, French executives (with the possible exception of the current ones) have consistently obscured the fact that the executive has in fact lost autonomy with respect to Europe.

This has a long history in French political executives' discourse on European integration and its relationship to questions of national sovereignty (understood as executive autonomy). And it is related to the fact that French leaders have consistently

sought to show that European integration, instead of representing a threat to national sovereignty, has rather represented an enhancement of it. Europe, in fact, has generally been seen as an extension of national sovereignty, acceptable mainly because French leaders felt that the country, as one of the motors behind European integration, could predominate at the European level.

The extent and modalities of that acceptance, however, have evolved over time, with the major question being to what degree the nation-state could be subsumed into a “federal” Europe.³¹ In the early postwar period, policy elites’ discourse was divided on Europe, with some having a vision of France as part of a federal Europe embracing Germany (and thereby containing it) while others wanted only to maintain the old balance of power approach. At the inception of the Fifth Republic, however, any idea of a federal Europe was rejected by the leadership. Charles de Gaulle, with his renewal of French nationalism and his emphasis on ‘grandeur’ and ‘indépendance’ in foreign policy, insisted that the state could not be subsumed by Europe because it was there to defend republican values, and was sovereign “pour la nation et par la nation.”³² Instead of a federal Europe, there was to be a “Europe of nations,” in which France would have a leading role. Germany would be contained, and Great Britain, with its alien “Anglo-Saxon” approach, would be kept out. Europe was to be “civilized” by France, as part of the country’s mission civilisatrice that began with the Enlightenment and the French Revolution. But French national interest was also to be served by a Europe which was to be no more than a composite of nation-states in which France was to be first among equals.³³

De Gaulle, in other words, was eloquent in his discourse on the defense of national autonomy and control. But even at this early date, and despite the “empty chair” crisis which dramatized his opposition to supranationalism, national autonomy was eroding. Such erosion, however, took a great leap forward beginning in the 1980s, as the institutions of the EU gained increasing powers and responsibilities in consequence of first the Single Market Act and then the Maastricht Treaty. The discourse itself, moreover, also changed, with a greater acceptance of a move toward federalism—but it did not acknowledge the loss of autonomy any more than did that of De Gaulle.

The change in discourse came after the great U-turn in economic policy in 1983, when Mitterrand began to construct a new vision of France and Europe. This new

vision was one in which France in a more federal Europe was to be the country's future, France's grandeur was to be that of Europe, and France's sovereignty was to be extended within the context of a larger European sovereignty. Thus, Mitterrand presented Europe as a necessity for France, in particular to fend off economic decline ('le déclin' in the French discourse). But France was also to be a necessity for Europe, with France as a leader of Europe. As Mitterrand expressed it, the success of Europe presupposed French success while France and Europe were increasingly conjoined as units ("tout se rejoint, notre patrie, notre Europe, l'Europe notre patrie").³⁴ Most of the discourse, moreover, was focused on the economic issues, with European integration consistently presented as offering a shield against globalization. With regard to EMU, moreover, there was a virtual taboo among mainstream parties against criticism, or a "pensée unique" that refused to contemplate any economic problems with regard to it, let alone ones related to a loss of sovereignty.³⁵

Only a few on the left resisted this at the time and continued to do so subsequently, most notably Jean-Pierre Chevènement, concerned about the loss of sovereignty, and the Communist party, concerned about economic issues. On the right, by contrast, although the UDF and the RPR both took up Europe earlier, as of 1981, there was a larger split that came to a head only during the Maastricht debates of 1991, mainly between those who remained faithful to de Gaulle's vision of Europe (left-wing Gaullists such as Philippe Séguin and right-wing ones such as Charles Pasqua) and those who also chose to embrace Mitterrand's new vision, whether because they always had one like this (mainly the UDF, which was federalist since the early post-war period) or because they, too, saw this as the only route to future grandeur (e.g., future president Jacques Chirac). Serious public debate on the sovereignty issues, however, as opposed to discussion among elites, only occurred during the deliberations surrounding the Maastricht referendum in the early 1990s, and then were not raised by members of the mainstream parties until the elections of 1997. This is when the divisions over European integration within the right and the left came to the surface, as the "souverainistes" split from the mainstream right to create their own party and Chevènement split from the Socialists to do the same.

One could argue that the French focus on building Europe as a political actor, able to carry out its decisions, made it less concerned about the institutional implications for national government autonomy and control than, say, Britain or Denmark.³⁶ As long

as French policy elites could see France as in some sense enlarged through Europe, and as one with Europe, they would not conceive of it as having any ill effects on French state capacity or sovereignty. And in consequence, they have done little to try to reconcile traditional French conceptions of democracy with a new reality in which institutional changes related to European integration as well as national reforms have significantly diminished national autonomy and control.

There has been some change in government discourse about Europe since Jospin took over, however. The Jospin government has been seeking to redefine the traditional vision of France in Europe and the world, by making it more realistic and less heroic than that of de Gaulle or Mitterrand, by talking of the costs and benefits of Europe, and also making clear that France is a “national power of world influence” and Europe a regional power compared to the U.S. as “hyper power (hyperpuissance)—even if France’s “mission civilisatrice” to export French values to the rest of Europe remains. Much more than previous governments, moreover, the Jospin government has been willing to employ the concept of federalism, by seeing Europe as a ‘Federation of Nation-States,” and to trade sovereignty for subsidiarity. Or, as the 1999 European party manifesto put it, to bridge the ‘necessary federalism” of European integration with the ‘essential competencies of nation-states.’³⁷ Thus, the Fischer initiative on federalism can find some cautious acceptance in France, despite the fact that opposition to such an eventuality finds some strong pockets of resistance, not only on the “souverainiste” right but also in the governing coalition, as illustrated by the comments of Interior Minister J. P. Chevènement to the effect that the German proposal for a federal Europe reflecting its own structures suggested that the country still had not recovered from its Nazi past.³⁸

But the problems of French democracy remain. The real problem is that the while a federalizing, pluralistic Europe has already been changing democratic practice, these have not been acknowledged. France continues to be depicted in the discourse as unitary and statist. And this only prolongs the popular illusion that the government somehow has sole responsibility for policies that are in fact made jointly in Brussels; or that it is therefore accountable for actions taken in Brussels over which it has little or no control. Both are detrimental to French democratic legitimacy.

Britain

For Britain, European integration has also affected both its unitary structures and statist policymaking processes, but less than France. The traditionally strong British executive has also lost autonomy with regard to EU level policymaking, but comparatively less because it never had quite as much, given somewhat greater societal access to policy formulation through Parliamentary lobbying, and did not give up quite as much, given opt-outs from EMU and the Social Chapter (until Blair). But the British, too, have experienced a great loss in flexibility in policy implementation. This is not so much because of an inability to bend the law in order to accommodate societal interests, however, something the British would in any case not do given the greater British respect for the rule of law, as because of the greater amount of law generated by the EU, something the British executive had previously managed to limit through its emphasis on informal arrangements that served to accommodate societal interests.

The executive's control over other branches and units of government has also been eroding, although again not quite as much in France, because it never had quite as much. While the traditionally more independent British judiciary has simply become more so, the British Parliament, which has always had greater powers of oversight and has always exercised more voice than the French Parliament, has resisted more its loss of power, remaining more vigilant with regard to Europe, even if the lack of consensus has reduced its potential influence on decision-making.³⁹ Only over subnational authorities did the executive substantially increase its control (in the Thatcher years), but devolution has been reinstated even here (e.g., for Scotland, Wales, and the City of London), more as result of internal dynamics however, than European pressures for subsidiarity.

These institutional changes have also altered British institutional practices, again mostly for the better. But they again represent a challenge to specifically British democratic ideas and practices. As with France, one can point to the growing horizontal and vertical division of powers as a check on a governing system which has been called an "elected dictatorship." And one could also see the changes in policymaking access and enforcement as positive, given increased societal participation in policy formulation by way of the EU and more equality and predictability in policy implementation because laws rather than voluntary agreements are involved.

These changes also come with great costs, however, because they have altered institutional practices which are in some cases fundamental to traditional British conceptions of democracy. For Britain, probably the most disruptive of the institutional changes has been the increasing rigidification of public life related to the dramatic increase in EU (as well as national) regulations, which have replaced the informal, voluntary arrangements with formal rules administered by independent regulatory agencies or enforced by the courts. This represents a threat not only to British societal autonomy, given the expansion of public powers over a wide range of areas traditionally left to private actors, but ultimately to traditional notions of democratic legitimacy, given that British democracy has always been predicated on leaving as much room as possible to private self-governing arrangements and “gentlemen’s agreements.” The British have long prided themselves on their civility, that is, their ability to work out problems informally following long-established and long-accepted, but never formalized, rules--the best example of this being the lack of a written Constitution. The formalization that accompanies Brussels directives, and especially its insistence on compulsory, rather than voluntary, compliance 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 institutional 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.

Adjustment to the loss of executive autonomy has also been difficult for Britain because it, like France, operates with a simple notion of representation, with the executive, as an embodiment of parliamentary sovereignty, expected to be in control over the decision-making process and solely responsible for its outcome. But whereas in France the difficulties of adjustment to the loss of autonomy are focused primarily on the executive, in Britain they include parliament as well. Because the extensive autonomy and control of the executive, which has its origins in the historical power of the monarchy, has since the Magna Carta been tempered by the historically evolving power of Parliament, the EU’s encroachments on the powers of Parliament have been as much matters of concern as on those of the executive. In fact, because the British notion of sovereignty, vested in the “Crown in Parliament,” is one in which the crown equals the executive which equals the government, when governments invoke

“parliamentary sovereignty,” the British executive is really speaking of executive or governmental sovereignty—by which it means autonomy.⁴⁰ And thus, when the British executive inveighs against the incursions of the EU on parliamentary powers, it has as often as not been protesting EU incursions on its own autonomy while claiming to protect parliamentary prerogatives.

Such protests, however, go beyond concerns with executive autonomy alone to tap into more deep-seated notions of political rights that also make European integration more difficult to countenance for the British than the French. Whereas the British notion of political rights as embodied in parliamentary sovereignty is justified by reference to history and the traditional liberties of Englishmen, French notions of political rights are justified philosophically, by reference to the universal rights of man as declared at the time of the French revolution.⁴¹ For the French, therefore, European integration is likely to represent an enhancement of their universally established rights, and promoting European integration is part of their “civilizing mission.” For the British, by contrast, European integration is more likely perceived as a threat to their nationally, historically established rights. And because the defense of these rights has often also been perceived as a struggle against the continent and not only the crown, invocation of parliamentary sovereignty is imbued with deep, historical meaning that can be seen as fundamentally anti- (continental) European.⁴²

It stands to reason, therefore, that British executives would have greater difficulty legitimating European integration on a normative basis than the French, and that European integration for all concerned would be seen as a threat to national sovereignty rather than an extension of it, as in the French case. For those opposed, moreover, this threat has been perceived not just as a loss of executive autonomy but even in some cases as a loss of national freedom and identity—often found in Thatcher’s speeches on the EC, and most extreme in the case of one of her cabinet ministers, Nicholas Ridley, who in July 1990, likened giving up sovereignty in the context of the debate over European monetary integration to giving it to Adolf Hitler.⁴³ For those in favor of European integration, by contrast, the loss of sovereignty has consistently been presented as worth accepting as a matter of interests. And where the normative came into the discourse in the justification of European integration, Europe was not to be a unique project, but part of the project of the ‘West,’ involved in defending freedom,

democracy, and the rights of man, and therefore not to be separated from the Atlantic Alliance.⁴⁴

For most of the postwar period, British public discourse with regard to the EU has been cast in terms of gains and losses or problems and opportunities, has tended to be economic, has typically expressed an overriding concern with the issue of sovereignty, and has preferred intergovernmentalism to any talk of a move toward a federal system.⁴⁵ The common view was reflected in Churchill's statement in 1953 that "we are with Europe but not of it. We are linked but not comprised. We are interested and associated but not absorbed."⁴⁶ And this attitude, rather than pushing the British toward Europe in the early postwar period, oriented them more toward the trans-Atlantic relationship with the United States. When they finally did join the EC, the reasons given by the government were more pragmatic or instrumental than anything else,⁴⁷ while those opposed invoked national sovereignty and national identity. In the first application for membership in 1961, Conservative Prime Minister Harold Macmillan presented membership as a commercial move to protect national interest.⁴⁸ The view of those opposed was perhaps best expressed by Labor leader Hugh Gaitskell, who rejected membership on the grounds that it would be the end of "a thousand years of history" and the end of the Commonwealth.⁴⁹ But interest won out then, as it did in the second and successful application. Labor Prime Minister Harold Wilson's discourse in the renegotiations on entry—which was meant to maintain party unity in a situation in which the majority of party members was hostile but an influential minority of the party leadership was in favor—was one which presented membership as "defending the national interest against interfering foreigners."⁵⁰ Few at the time saw joining as a potential threat to national sovereignty or identity,⁵¹ except for those on the right wing of the Tory Party such as Enoch Powell and the left wing of the Labor Party—but the difference between the anti-integrationists and the pragmatists (by contrast with the many fewer genuinely pro-integrationists) was less in their understanding of the relationship of Britain to Europe as in their assessment of the practical benefits and of the dangers to national sovereignty.⁵²

Under Thatcher as well, the language of interest continued to permeate the discourse, with politicians consistently depicting their actions as ones focused on "standing up for our interests" and "safeguarding our interests" (in the Conservative Manifesto in 1983) and to "fight tenaciously for British interests within" the European

Community (Thatcher's speech to the Conservative Party conference in Blackpool, Oct. 14, 1983).⁵³ Instead of seeing Europe as part of a larger 'grand design' in which the country was to play a pivotal role, as did the French, the British saw their role in Europe as one of a sobering influence, of providing "proposals of severely practical focus"⁵⁴ (Lynda Chalker on the SEA) and of off-setting the grand designs by not "letting ourselves be distracted by Utopian goals" (Thatcher, Bruges, Sept. 20, 1988) because "traditionally and rightly this country is cautious when series of radical proposals are put forward to change institutions" (Malcom Rifkind, Conservative).⁵⁵ Only the Liberals had a consistently pro-European line which went beyond the language of interest to espouse more idealistic support of integration, and which dismissed sovereignty concerns.⁵⁶

Within the dominant discourse, however, there were two sub-discourses, one which presented integration as a zero-sum game with regard to indivisible, "crown-in-parliament" sovereignty, and which called for constant vigilance with regard to EC encroachments, the other which saw a close and cooperative relationship as furthering British interests within a larger sovereignty. Thatcher appeared to move between the two, using the first primarily in her early years (1979-1984), as epitomized by her speech declaring "I want my money back" with regard to the EC budget; the second, more conciliatory subdiscourse in the middle period (1984-1988), when Thatcher used a more 'communaute' language as she sought to lead Europe toward greater market liberalism; and the first again in her last years (1988-1990), with the Bruges speech of September 1988 claiming that, "We have not successfully rolled back the frontiers of the state in Britain only to see them reimposed at a European level, with a European super-State exercising a new dominance from Brussels," this in response to the initiatives related to the social dimension and EMU. By the late 1980s, the two discourses were both present in government, with Thatcher and others (e.g., Nicholas Ridley) using the first, and numbers of her Cabinet Ministers (e.g., Geoffrey Howe and Nigel Lawson) using the second.⁵⁷ For Geoffrey Howe, for example, sovereignty was a "resource to be traded rather than guarded."⁵⁸ Thatcher's downfall can at least in part be attributed to her discourse, which made on-going negotiations on European Monetary Union with other EC member-states difficult, and threatened to isolate the country. And in the Tory party, interest won out, since the Conservatives, as the party of industry and finance, were not willing to be left out of EMU.⁵⁹

Major's discourse was initially much more conciliatory and cooperative, but he was restrained by his party both on the social chapter, which the party would not have accepted, and on Monetary Union, for which he had to negotiate an opt-out. This was in large measure because of Thatcher, who had "captured the mood of Conservative party culture with her strident nationalism and her spirited rejection of "socialism by the back door." And Major was unable to overcome this.⁶⁰ What is more, as his majority became more and more narrow, he himself played on the nationalism, in particular with the BSE (mad cow) scare.

When "new Labor" came to power in 1997, the discourse on Europe changed, but only somewhat. By this time, the Labor party, which had in the early 1980s even advocated withdrawal from membership in the EC but which over time had become much more convinced that British interests were compatible with those of Europe,⁶¹ had become much more supportive of most EU initiatives than the Tories. In the electoral discourse about the EU, however, the main difference was that "New Labor" did not raise any sovereignty or institutional issues with regard to further integration. Blair presented entry into EMU as a purely economic issue—but as such, his policy proposal on the single currency in the run-up to the 1997 election looked very much like that of the Conservative party, cautious and cognizant of the "formidable obstacles" that made British participation in the first round unlikely, promising a referendum if a Labor cabinet recommended it and Parliament agreed.⁶² Since then, however, there has been further divergence, as the Tories have ruled out British membership in the single currency for at least two parliamentary terms while Blair's government committed itself in principle to entry if it made sense economically. But as the next set of elections approach, the commitment of the Blair government to EMU itself is increasingly in question. The new defense initiative with regard to Europe, however, appears among other things to be Blair's way of counter-balancing the back-peddling on EMU.

The problem for Britain, then, has in some sense been the opposite of that of France. French governments, by having presented integration as an extension of national sovereignty, have minimized public awareness of the fact that European integration has had a significant impact on traditional French democratic practices and ideas and have therefore failed to recognize that they need to reconsider their practices and reconceptualize their ideas in light of Europe-related changes. British governments, by having presented integration as a threat to national sovereignty, have maximized

public awareness of the significant impact of European integration on traditional British democratic practices and ideas and thereby have made it almost impossible to reconsider British democratic practices and to reconceptualize British democratic ideas in light of Europe-related changes. Moreover, by making the defense of British democracy the issue, they have made any changes related to European integration appear illegitimate. And because in Britain, as in France, the discourse has continued to depict an all-powerful government in a unitary and statist polity, any government that moves toward greater integration risks being seen as responsible for undermining British democracy.

Germany

For Germany, with its federal institutional structures and corporatist policymaking processes, European federal institutions and pluralist policymaking processes have had much less impact than in either France or Britain. There has in the first place not been the same loss of executive autonomy because the federal state never had much autonomy to begin with, given the separate powers of the judiciary, legislature, and subnational units. Germany's "semi-sovereign" federal state could not be autonomous in the manner of more unitary states because the German executive has little power to impose, given the autonomous powers of other governmental institutions at national and subnational levels, including the constitutionally-guaranteed powers of the Länder, the constitutionally-established independence of the Bundesbank, the legally separate collective bargaining powers of the social partners, and the separate jurisdictional powers of the courts. Moreover, although the Parliament, as in France and Britain, has lost legislative initiation, deliberation, information, and approval powers to Brussels, it has nevertheless retained more control over the executive than in either of the two other countries. This is because the decrease in some of the powers of the legislature to the benefit of the executive have been countered by Parliament-led adjustments that have served to reinforce its own powers and concomitantly those of the Länder which had eroded as a result of European integration, and were renegotiated at the time of the Maastricht Treaty.⁶³ A greater problem for the Länder are EU policies that limit their autonomy in such matters as industrial policy, e.g., the EU decision against Saxony's aid to Volkswagen.

The most significant impact of EU institutions on Germany, however, has to do with the judiciary, which finds its much greater long-standing autonomy undermined by subordination to the ECJ even as its independence from the executive has been enhanced. Although the German courts generally have increasingly accepted EU jurisdiction, the German Constitutional Court has been somewhat recalcitrant, most significantly, when it decided over national government objections that German law takes precedence over European when it comes to sovereignty issues (although this has not been tested yet).

Even in policy implementation, Germany has not experienced the same degree of loss of flexibility as France or Britain. For Germany, which has not only always codified more laws than Britain but has also applied them without exception, unlike France, the superimposition of the EU regulatory model has generally not been as problematic. This is not only because Germany has in many domains already had a more legalistic approach but because those areas traditionally outside the more legalistic domain, those jointly administered by social partners, have largely been able to continue to operate as they have traditionally. The EU, in fact, has explicitly made an exception for corporatist policymaking processes, allowing them to continue in those domains where they already predominated.

This is not to suggest, however, that Germany has not also had difficulties in adapting to the larger EU context. Because policy formulation occurs increasingly at the supranational level with a larger group of actors, and because in certain cases of policy implementation new regulatory relationships replace the traditional corporatist accommodations, German institutional actors' shared autonomy has in fact diminished. Moreover, certain institutions are losing their traditional autonomy, most notably the Bundesbank, given that with the European Central Bank officially in business, the Bundesbank has lost its lead role not only in Germany but also in Europe more generally. Finally, although the societal interests (primarily big business) that have gained supranational access have not reduced an executive autonomy that was in any case never there, they have increased their influence to the detriment of the traditional national balance of power. But all in all, the impact of EU institutions on Germany is less significant than for France and Britain. And this also has important consequences for democratic practices and ideas.

It stands to reason that a federal, corporatist state such as Germany would have had fewer lasting problems with regard to democratic practices and ideas than unitary, statist systems such as France and Britain as a result of the expansion in the powers of the EU. But this is not only because they have readjusted the relative powers of the executive and legislature to ensure against any permanent shift in power balance and been able to maintain corporatist practices. It is also because there is a better "fit," not only in terms of institutional practices but also in terms of ideas. Because a federal state such as Germany operates with notions of "compounded representation" similar to those of the EU,⁶⁴ where no one institutional body has control over the decision-making process and different bodies share responsibility for its outcome, it is likely to adjust more readily to having an added level of shared decision-making with no clear lines of responsibility (once they have accepted the legitimacy of that added level, of course). As we have seen, the adjustment has been much harder for unitary, statist France and Britain, which operate with more simple notions of representation and executive control and responsibility.

Moreover, Germany also does not have the nearly as significant problems as France or Britain with regard to the impact of European integration on national sovereignty. For Germany, in fact, national sovereignty has never been the issue in the postwar period that it has been for France and Britain. Because the state has never been more than at best "semi-sovereign," given the structure of its institutions, Germany lacks the French conception of national sovereignty as an embodiment of state power or the British equation of national sovereignty with the country's self-sufficiency. Moreover, Europe could never represent a threat to national sovereignty, as in Britain, since the executive has never had the autonomy of the British executive, nor could it represent an extension of national sovereignty, as in France, since postwar German ambitions could certainly never countenance such a thing.

For Germany, sovereignty has not even been a constitutional issue, since the German Basic Law (Article 24) explicitly allows the transfer of sovereign rights to international organizations.⁶⁵ If sovereignty is seen to be situated anywhere, it is probably in the Basic Law itself, as reflected in the reverence in which it is held and the vigilance with which it is protected, which extends to the institutional balance of powers which it consecrates. For Germany, in fact, if there is any issue of sovereignty at all, it involves the organization of domestic authority in its federal institutions, which helps

explain why the protection of the powers of the country's various domestic institutional structures has been its major concern in all negotiations at the EU level, much more so than for either France or Great Britain. Moreover, the closest thing that the Germans have had to a symbol of national sovereignty has been their currency. This explains why giving up the Deutschmark in favor of the euro was seen as acceptable only if the replacement currency would have the same strength as well as the same symbolic value that it does in Germany, as a guarantor of stability. During the process of monetary integration, in fact, from the EMS to EMU, sovereignty understood as the ability to maintain basic monetary values through price stability, along with the underlying anti-inflationary values that had been internalized *per se* in the general population at large since the destructive hyperinflation of the 1920s, were little challenged mainly because the Bundesbank's restrictive monetary policies were generalized throughout the member-states. With the run-up to EMU, however, there were growing concerns that the euro would be less stable than the DM, as evident not only in warnings from academics and the media but in public opinion polls that at the time of the overwhelming Bundestag vote in favor were more negative than positive.⁶⁶

Germany's lack of a sense of national sovereignty can also be understood in terms of national identity constructions. For the Germans, Europe was neither what the British saw as the "other," as a threat to sovereignty, nor what the French saw as a furthering of national identity, as an extension of sovereignty. Rather, Europe is Germany's national identity, and sovereignty is subsumed under the larger Europe, if it is considered at all. "Europeanness" as "Germanness" was the way in which German national identity was reconstructed in the early postwar period. This was a deliberate effort both to reject the previous German national identity associated with a militarist and authoritarian nationalism and to ensure that Germany would have a peaceful future as part of a more federal Europe.⁶⁷

Moreover, German national interest was reconstructed as European interest. This "federalist consensus" was consolidated by the 1960s, after the SPD had given up its opposition not to the idea of European integration but to the particular form it took in the 1950s, mainly for instrumental reasons. And this consensus remains to this day, having survived changes in government and, most significantly, changes in territory, as a result of German unification. For the Germans, therefore, European sovereignty is not an extension of a nationally constructed idea of sovereignty, as it is for the French, with

all that that means in terms of a national identity based on grandeur and civilizing mission. Rather, European identity is an extension of a nationally reconstructed idea of German identity, in which the notion of sovereignty plays no critical role, and where integration was to ensure, in Hans-Deitrich Genscher's reiteration of Thomas Mann's famous phrase, "not a German Europe, but a European Germany."

For German leaders, in fact, to be part of Europe was to facilitate its civilizing effect. Chancellor Kohl in 1984, in answer to the basic question "why we should say yes to Europe," argued that it was "because we have learned from history," "...because we want to reunite Germany," "...because we have made a decision in favor of democracy," "...because we want to defend freedom and democracy," and "...because we want to realize welfare and social justice." Thus, support for Europe was couched in terms of a political community of values, or a "community of destiny" (Schicksalsgemeinschaft).⁶⁸ But even in Germany, especially since 1989, there have been differences as to how policy elites thought Germany should act in Europe. For the 'normalists', the idea was to make the most out of the advantages provided by existing integration, but not to go much farther. Heightened interdependence was fine as a way of enhancing German power, not limiting it.⁶⁹ By contrast, the 'liberals' were much more focused on subsuming a "burdened national identity" into a supranational, European identity, with rebuilding the German nation-state as a subset of building Europe.⁷⁰

The main question for Germany today is how its national construction of identity as "German as European" will fare as European integration continues, in particular with regard to the impact on national structures and processes of further economic integration. This is because Germany's economic organization is inseparable from the political, with the social market economy reinforced by federal structures (given the Länders' powers in industrial policy) and corporatist policymaking processes (given the role of the social partners). The question for Germany, more specifically, is primarily economic, and focused on whether the Europe-led neo-liberal reforms (along with the competitive pressures of globalization and Europeanization) will ultimately challenge the corporatist institutional foundations of Germany's social market economy, and whether the euro will be stable and strong enough to replace the Deutschmark to the satisfaction of the citizenry.

The question for France, with its "Europe as French" national identity construction, by contrast, is completely political, and revolves around whether France

will be able to maintain its sense of leadership in the face of its increasing loss of control at the European level and loss of autonomy at the national level. And in the case of Britain's "Europe as not-British" national identity construction, the main question is also more political than economic, and centers on how the country will reconcile its prospective greater integration in European monetary union and social policy with its centuries-old sense of going it alone.

For both France and Britain, therefore, the institutional impact of the EU may demand not only a reconsideration of democratic practices and a reconceptualisation of democratic ideas but also a reconstruction of national identity. Not so for Germany, where the EU's institutional "fit" has been such that it has engendered little need to reconsider its democratic practices, reconceptualize its ideas, or reconstruct its national identity.

CONCLUSION

Thus, the very institutional structures and policymaking processes of the EU, and not just its policies, have represented a tremendous challenge for EU member-states' democratic practices, ideas, and even identity. The impact of the EU's quasi-federal institutional structures and quasi-pluralist policymaking processes, however, has been greater for countries such as France and Britain with unitary and statist institutions than for a country such as Germany, with federal and corporatist institutions. This is because the traditional concentration of power in the executive in France and Britain has made it harder for the executive to legitimize actions that it no longer entirely controls, but for which it is assumed accountable, than in Germany, where the traditional dispersion of power entails that the executive generally must oversee the carrying out of policies over which it has much less control and for which it has never in any case been held entirely accountable.

The differences, in other words, come from the greater difficulty for the French and British than the Germans to accept that democratic representation and accountability need not be concentrated in a single, all-powerful authority but can be situated in a multiplicity of authorities and emerge through the plural points of access of a more open policymaking process. But for this, they would have to reconsider their democratic practices and reconceptualize their ideas about democracy, and even accept a greater "federal" separation or sharing of power for national institutional

structures and greater “pluralistic” openness to interest representation for national policymaking processes. Moreover, they would likely also need to revise their definitions of national sovereignty and even their constructions of national identity. For France, where political leaders have obscured the significant impact of European institutions by presenting Europe as an extension of national sovereignty and identity, this may be even more difficult than for Britain, where political leaders have made the incursions of the EU on national sovereignty and identity a constant subject of deliberation and (for some) protest. For Germany, no such redefinitions or reconstructions may be necessary. But for all three countries, whatever the difficulties of adaptation, a discourse that engages the public in deliberations about the EU and its transformation of national political institutions and democracy is of the essence.

¹ See Sonia Mazey and Jeremy Richardson, "EU Policymaking: A Garbage Can or an Anticipatory and Consensual Policy Style?" in Adjusting to Europe: The Impact of the European Union on National Institutions and Policies eds. Yves Mény, Pierre Muller, and Jean-Louis Quermonne (London: Routledge, 1996), p. 53.

² There is a growing literature on the federal characteristics of the European Community/European Union and its similarities with other federal systems. See, for example: Fritz Scharpf, "The Joint Decision Trap: Lessons from German Federalism and European Integration," Public Administration vol. 66, no. 3 (1988): 239-78; Alberta Sbragia, "The European Community: A Balancing Act," Publius vol. 23 (Summer 1993); Arthur B. Gunlicks, ed., "Federalism and Intergovernmental Relations in West Germany: A Fortieth Year Appraisal," Publius vol. 19 (Fall 1989); Fritz Scharpf, "Community and Autonomy: Multi-Level Policymaking in the European Union," Journal of European Public Policy vol. 1, no. 2 (Autumn 1994); Daniel Wincott, "Federalism and the European Union: The Scope and Limits of the Treaty of Maastricht," International Political Science Review vol. 17, no. 4 (1996): 403-415; Vivien A. Schmidt, "European 'Federalism' and its Encroachments on National Institutions," Publius (Winter 1999).

³ Wolfgang Streeck and Philippe Schmitter, "From National Corporatism to Transnational Pluralism: Organized Interests in the Single European Market," Politics and Society, 19 (1991); Vivien A. Schmidt, "European Integration and Democracy: The Differences among Member States," Journal of European Public Policy, vol. 4, no. 1 (March 1997): 128-145. In the social policy arena, however, one could argue that the model is closer to corporatism. See Gerda Falkner, "Social Policy in the EU," The Transformation of Governance in the European Union ed., Beate Kohler-Koch (London: Routledge, forthcoming 1999).

⁴ For more detail on the definitions, see Vivien A. Schmidt, From State to Market? The Transformation of French Business and Government (Cambridge: Cambridge University Press 1996), Chapters 1 and 2.

⁵ "State-centric" approaches include those of Stanley Hoffmann, "Obstinate or Obsolete? The Fate of the Nation State and the Case of Western Europe," Daedalus vol. 95 (1966), pp. 892-908; Paul Taylor, "The European Community and the State: Assumptions, Theories and Propositions," Review of International Studies vol. 17 (1991), pp. 109-125; Andrew Moravcsik, "Negotiating the Single European Act: National Interests and Conventional Statecraft in the European Community," International Organization vol. 45 (1991), pp. 651-688; Alan Milward, The European Rescue of the Nation-State (Berkeley: University of California Press, 1992).

⁶ The EU has been variously described as a "federal union" (J. Pinder, European Community: The Building of a Union (Oxford: Oxford University Press, 1994); a quasi-state: (William Wallace, "Government without Statehood," in Policymaking in the European Union eds., H. Wallace and W. Wallace (Oxford: Oxford University Press, 1996); "co-operative federalism," Wolfgang Wessels, "Administrative Interaction" in The Dynamics of European Integration ed. William Wallace (London: Pinter, 1990); "cooperative federalism without a state," Yves Mény, Pierre Muller, and Jean-Louis Quermonne, "Introduction" in Adjusting to Europe: The Impact of the European Union on National Institutions and Policies (London: Routledge, 1996); and "condominio," Schmitter, "Some Alternative Futures for the European Polity."

⁷ On multi-level governance, see: Marks, Hooghe, and Blank, "European Integration since the 1980s;" on governance networks, see: Beate Kohler-Koch, "Catching up with Change: The Transformation of Governance in the European Union," Journal of European Public Policy, vol. 3, no. 3 (September 1996).

⁸ Scharpf, "Community and Autonomy," pp. 221-22.

⁹ Dieter Grimm, "Does Europe need a Constitution?" in The Question of Europe eds. Peter Gowan and Perry Anderson (London: Verso, 1997).

¹⁰ See Schmidt, "European 'Federalism'."

-
- ¹¹ See: Juliet Lodge, "Transparency and Democratic Legitimacy," Journal of Common Market Studies vol. 32, no. 3 (Sept. 1994).
- ¹² Giandomenico Majone, "When does Policy Deliberation Matter?" Politische Veierteljahresstiftung (Autumn 1993), p. 1.
- ¹³ Edgar Grande, "The State and Interest Groups in a Framework of Multi-Level Decision-Making: The Case of the European Union," Journal of European Public Policy vol. 3, no. 3 (September 1996), p. 329; Sonia Mazey and Jeremy Richardson, "Introduction," in Lobbying in the European Community ed. Mazey and Richardson.
- ¹⁴ Mazey and Richardson, "Introduction," in Lobbying in the European Community ed. Mazey and Richardson, pp. 21-22.
- ¹⁵ On the environment and biotechnology, see: David Judge, David Earnshaw, and Ngairé Cowan, "Ripples or Waves: The European Parliament in the European Community Policy Process," Journal of European Public Policy vol. 1, no. 1 (June 1994): 28-51.
- ¹⁶ Beate Kohler-Koch, "Organized Interests in European Integration: The Evolution of a New Type of Governance?" in Participation and Policymaking in the European Union ed., A. Young and H. Wallace (Oxford: Oxford University Press, forthcoming 1997), pp. 85-86.
- ¹⁷ Doug Imig and Sidney Tarrow, "From Strike to Eurostrike: The Europeanization of Social Movements and the Development of a Euro-Polity," Working Paper no. 97-10, Weatherhead Center for International Affairs, Harvard University (December 1997). See also: Uwe K. H. Reising, "Domestic and Supranational Political Opportunities: European Protest in Selected Countries 1980-1995" European Integration Online Papers (EIOP) vol. 2 (1998).
- ¹⁸ See: Renaud Dehousse, "Integration v. Regulation? On the Dynamics of Regulation in the European Community," Journal of Common Market Studies vol. 30, no. 4 (December 1992), pp. 389-392.
- ¹⁹ Giandomenico Majone, "Regulation and its Modes," in Regulating Europe ed. Giandomenico Majone (London and New York: Routledge, 1996).
- ²⁰ Fritz W. Scharpf, Governing in Europe. Effective and Democratic? (Oxford: Oxford University Press, 1999).
- ²¹ Vivien A. Schmidt, "National Patterns of Governance under Siege: The Impact of European Integration" in The Transformation of Governance in the European Union ed., Beate Kohler-Koch (Routledge, 1999).
- ²² Philip Norton, ed., National Parliaments and the European Union (London: Frank Cass, 1996).
- ²³ Alec Stone Sweet, Governing with Judges: Constitutional Politics in Europe (Oxford: Oxford University Press, 2000); Anne-Marie Burley and Walter Mattli, "Europe before the Court: A Political Theory of Legal Integration," International Organization vol. 47 (1993), pp. 41-76; J.H.H. Weiler, "A Quiet Revolution: The European Court of Justice and its Interlocutors," Comparative Political Studies vol. 26, no. 4 (January 1994): 510-534.
- ²⁴ Liesbet Hooghe, ed, Cohesion Policy, the European Community and Subnational Government (Oxford: Oxford University Press, 1996); Michael Keating and Barry Jones, eds., Regions in the European Community (Oxford: Oxford University Press, 1995)
- ²⁵ See: Schmidt, From State to Market? Chapter 2; and Schmidt, "National Patterns of Governance."
- ²⁶ See: Alec Stone, The Birth of Judicial Politics: The Constitutional Council in Comparative Perspective (New York: Oxford University Press, 1992).
- ²⁷ See: Vivien A. Schmidt, Democratizing France: The Political and Administrative History of Decentralization (New York: Cambridge University Press, 1990); Mazey, "French Regions and the European Union," in End of French Unitary State? ed. Loughlin and Mazey.
- ²⁸ Franco Rizzuto, "The French Parliament and the EU: Loosening the Constitutional Straitjacket," in National Parliaments and the European Union ed. Philip Norton (London: Frank Cass, 1996); Robert Ladrech, "Europeanization of Domestic Politics and Institutions: The Case of France," Journal of Common Market Studies (March 1994).
- ²⁹ Schmidt, "Loosening the Ties;" and Schmidt, From State to Market? Chapter 7.
- ³⁰ See Vivien A. Schmidt, "Discourse and the Legitimation of Economic and Social Policy Change" in Globalization and the European Political Economy ed. Steven Weber. New York: Columbia University Press (forthcoming).
- ³¹ For a brief overview, see: Thomas Risse, "An Europeanization of Nation-State Identities?" in Europeanization and Domestic Change Maria Green Cowles, James Caporaso, and Thomas Risse, eds., forthcoming.
- ³² A. Decocq, "L'Etat et la nation: Le Problème de la souveraineté," in Identité de la France, ed., Club de l'Horloge (Paris: Albin Michel, 1985), pp. 102-103.
- ³³ See: Risse, "Europeanization;" and Henrik Larsen, Foreign Policy and Discourse Analysis (London: Routledge, 1997), p. 97.
- ³⁴ François Mitterrand, Réflexions sur la Politique Extérieure de la France—Introduction à Vingt-Cinq Discours (Paris: Fayard, 1986), pp. 15, 104.
- ³⁵ Ibid.
- ³⁶ See the discussion in Larsen, Foreign Policy, p. 106-107.
- ³⁷ Cole, "Europeanization."
- ³⁸ Comments on May 21, 2000 on France 2—Le Monde, May 22, 2000.
- ³⁹ Philip Norton, "The United Kingdom: Political Conflict, Parliamentary Scrutiny," in National Parliaments ed. P. Norton.

-
- ⁴⁰ See Colin Pilkington, Britain in the European Union Today (Manchester: Manchester University Press, 1995), p. 98.
- ⁴¹ A. Gamble, Britain in Decline: Economic Policy, Political Strategy, and the British State (London: Macmillan, 1985), p. 73. See also the discussion in Larsen, Foreign Policy, pp. 38-39.
- ⁴² See Wallace, "What Price Independence?" p. 383.
- ⁴³ See Alan Watkins, A Conservative Coup (London: Duckworth, 1992); and discussion in Pilkington, Britain, p. 99.
- ⁴⁴ Larsen, Foreign Policy, p. 57.
- ⁴⁵ See discussion in P. W. Preston, Europe, Democracy and the Dissolution of Britain: An Essay on the Issue of Europe in UK Public Discourse (Aldershot: Dartmouth, 1994), Chapter 7
- ⁴⁶ Quoted in William Cash, Europe: The Crunch (London: Duckworth, 1992), p. 15.
- ⁴⁷ Stephen George, An Awkward Partner: Britain in the European Community (Oxford: Oxford University Press, 1990), pp. 93, 96.
- ⁴⁸ Stephen George, "Cultural Diversity and European Integration: The British Political Parties," in National Cultures and European Integration: Exploratory Essays on Cultural Diversity and Common Policies ed. Staffan Zetterholm (Oxford: Berg, 1994), pp. 55, 59.
- ⁴⁹ Quoted in Kevin Featherstone, Socialist Parties and European Integration (Manchester: Manchester University Press, 1988), p. 54.
- ⁵⁰ Ernest Barker, The Common Market (Hove, 1973)—cited in George, "Cultural Diversity," p. 55.
- ⁵¹ C. Lord, "Sovereign or Confused? The 'Great Debate' about British Entry to the European Community 20 Years on," Journal of Common Market Studies vol. 30, no. 4 (1992).
- ⁵² David Marquand, Parliament for Europe (London: Jonathan Cape, 1979). See also the discussion in Larsen, Foreign Policy, pp. 54-55.
- ⁵³ Cited in Larsen, Foreign Policy, p. 55.
- ⁵⁴ Hansard, March 5, 1986, col 336, vol.93—quoted in Larsen, Foreign Policy, p. 56.
- ⁵⁵ Hansard, June 20, 1985, col 466, vol. 81—quoted in Larsen, Foreign Policy, p. 56.
- ⁵⁶ Larsen, Foreign Policy, p. 59
- ⁵⁷ Larsen, Foreign Policy, pp. 66-68.
- ⁵⁸ Geoffrey Howe, "Sovereignty and interdependence: Britain's Place in the World," International Affairs vol. 66, no. 4 (1990) p. 678.
- ⁵⁹ See George, "Cultural Diversity," p. 60.
- ⁶⁰ George, "Cultural Diversity," p. 61.
- ⁶¹ Larsen, Foreign Policy, pp. 60-61.
- ⁶² Philip Daniels, "From Hostility to 'Constructive Engagement': The Europeanization of the Labor Party," West European Politics vol. 21, no. 1 (Jan 1998), pp. 72-96.
- ⁶³ See Thomas Saalfeld, "The German Houses of Parliament and European Legislation" in National Parliaments and the European Union ed. Philip Norton (London: Frank Cass, 1996); Simon Bulmer, The Domestic Structure of European Policy-Making in West Germany (New York and London: Garland, 1986), pp. 219-222.
- ⁶⁴ On compounded representation, see Joanne Brzinski, Thomas D. Lancaster, and Christian Tuschhoff, "Federalism and Compounded Representation in Western Europe." Paper prepared for presentation at the First Workshop of the "Federalism and Compounded Representation" project, Emory University, Atlanta GA., (October 3-6, 1997).
- ⁶⁵ In fact, joining the European Coal and Steel Community constituted not a loss but rather a regaining of sovereignty over industries that the allied forces had significant controlling powers. See: Thomas Saalfeld, "The German Houses of Parliament and European Legislation" in National Parliaments and the European Union ed. Philip Norton (London: Frank Cass, 1996), pp. 12-13.
- ⁶⁶ Elke Thiel and Ingeborg Schroeder, "Germany," in in The European Union and National Macroeconomic Policy ed., James Forder and Anand Menon (London: Routledge, 1998), p. 115.
- ⁶⁷ See Risse, "Europeanization."
- ⁶⁸ Ulf Hedetoft, "Germany's National and European Identity: Normalisation by other Means," in Break Out, Break Down or Break In? Germany and the European Union after Amsterdam ed. Carl Lankowski (Washington: AICGS Research Report no. 8, 1998), p. 5.
- ⁶⁹ Jonathan P.G. Bach, Between Sovereignty and Integration: German Foreign Policy and National Identity after 1989 (New York: St. Martin's Press, 1999). 67.
- ⁷⁰ *Ibid.*, pp. 97-98.