

Policy-making in the EU

Interests, ideas and garbage cans of
primeval soup

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Many people have proposals they would like to see considered seriously, alternatives they would like to see become part of the set from which choices are eventually made. They try out their ideas on others in the policy community. Some proposals are rapidly discarded as somehow kooky; others are taken more seriously and survive, perhaps in some altered form. But in the policy primeval soup, quite a wide range of ideas is possible and is considered to some extent. The range at this stage is considerably more inclusive than the set of alternatives that are actually weighed during a shorter period of final decision-making. Many, many things are possible here.

(Kingdon 1984: 128)

The EU as a policy-making state: the importance of multiple policy stakeholders in the exercise of 'loose-jointed' power play

One of the main attributes of the nation state is the ability to make 'authoritative allocations' for society. In practice this means an ability to formulate and implement public policy programmes governing the operation of society. Whether the European Union (EU) can be considered a fully fledged state is debatable. For example, Hix, drawing on Almond's (1956) and Easton's (1957) characterisations of political systems, concludes that the EU is certainly a political system in that it exhibits most of the characteristics that those writers attribute to political systems. However, he concludes that it is not a state as it lacks a monopoly on the legitimate use of coercion that characterises a state (Hix 2005: 4). Even so, it is beyond dispute that the EU has acquired for itself at least the policy-making attributes of a modern state across an increasingly wide range of policy sectors. There is now a huge corpus of EU law affecting a wide range of policy sectors and, as Hix notes, the EU policy process remains very productive in that 'on average more than 100 pieces of legislation pass through the EU institutions every year – more than most other democracies' (Hix 2005: 4). Moreover, the EU does have a degree of 'coercive' power to enforce policy decisions due to the supremacy of EU law over national law. Also, the EU has a degree of steering capacity, via less coercive governance mechanisms, which means that 'power' can be exercised in the sense of getting other actors to change their behaviour. Thus, perhaps we need to have a more sophisticated and subtle notion of EU power, not based on old-fashioned coercion resting on the monopoly of force. (Indeed, how much of the power of the modern nation state over its citizens really rests on coercive force?)

Much of the criticism of the EU over the past decade (and part of the basis of the growing Euroscepticism) has been centred upon the alleged 'excessive' policy-making role of the EU in general and of the Commission in particular. The argument now is that the EU has become a 'nanny' state, over-regulating the economic and social life of member states. Increasing Euroscepticism appears to be causing some of the key stakeholders, particularly the member states, to apply the brakes to the seemingly inexorable extension of the EU's policy-making competence. As Radaelli (1999) suggests, things began to change in the 1990s. Not just the quantity of EU legislation has been subject to challenge, but also its quality and the processes by which it is made. As he notes, the Amsterdam Treaty contains an entire title on the quality of EU legislation. Thus, 'good legislation requires consultation, regulatory impact assessment, and systematic evaluation of the results achieved by European public policies. But it also requires transparency' (Radaelli 1999: 5). These 'process issues' were equally prominent in the Convention and are in part addressed in the 2004 Constitution (see Laffan and Mazey in this

volume). In practice, the erosion of national sovereignty (which clearly has taken place, over time) means the erosion of the power of the member states exclusively to decide much of their public policy via domestic policy-making processes and institutions. Whilst retaining the traditional coercive powers of the state, such as going to war, states have in practice ceded many areas of hitherto domestic policy-making to the EU, albeit retaining a powerful role at the new transnational level at which these policies are now made. The EU level is now the level at which a significant proportion of what used to be regarded as purely domestic policy-making takes place. Hix suggests that the EU sets over 80 per cent of the rules governing the exchange of goods, services and capital in the member states' markets (Hix 2005: 4), although Moravcsik is more doubtful, citing one study which estimated that the actual percentage of EU-based legislation is probably between 10 and 20 per cent of national rule-making (Moravcsik 2005: 17). Moravcsik also argues that many policy areas are still untouched by *direct* EU policy-making, such as social welfare, health care, pensions, education, defence, active cultural policy, and most law and order (Moravcsik 2005: 17). However, other authors see a stronger European influence (albeit sometimes indirect) in at least some of these policy areas. For example, Greer's study of neofunctionalism in EU health policy concludes that 'once the European Court of Justice had decided that health systems are economic activities like any others, and therefore subject to internal market legislation, the conditions under which health systems gain and use resources changed dramatically, regardless of formal state protection or the existence of ECJ principles that limit the ability of EU law to wholly upset health systems' (Greer 2006). Whatever the true figure for the amount of legislation that now emanates from the EU, it seems reasonable to assume that the *direction* of change is steady. For many policy areas, the locus of decision-making – and therefore power – has already shifted and it seems likely that others will gradually follow this pattern, albeit along different paths. Also, as Stone Sweet argues, there appear to be no examples of rollback (Stone Sweet 2004: 236). A more complex structure of policy-making has developed at the EU level, encompassing a much wider range of public and private policy actors. All of these actors – especially national governments – are having to adjust to the reality of this situation. They have all 'lost' some power in a common pooling of policy-making sovereignty. For those European nations who are members of the EU (and for many who are not), at least two policy-making systems now cohabit – domestic and EU policy systems. As Laffan *et al.* suggest, the defining characteristic of the Union is the enmeshing of the national and the European, or the embedding of the national in the European (Laffan *et al.* 2000: 74–8). This has led to what they term a system of 'international governance', with the EU, as an arena of public policy, presenting 'a challenge to national political systems because they are confronted with the need to adapt to a normative and strategic environment that escapes total control' (Laffan *et al.* 2000: 84–7).

The EU is, of course, a complex and (like national policy systems) to some degree a unique policy-making system. Its multinational and neo-federal nature, the extreme openness of decision-making to lobbyists, and the considerable weight of national politico-administrative elites within the process, create an unpredictable and multi-level policy-making environment. Even the relationships between key institutions – such as the Commission, the European Parliament (EP), the Council of Ministers (CM) and the European Court of Justice (ECJ) – has been in a considerable state of flux for many decades, with each IGC producing a new 'institutional settlement', as many of the chapters in this volume demonstrate. Although clearly a very productive policy

process, the EU political system has not been institutionally stable. The basic constitutional architecture has been a long-running cause of dispute. At best the EU policy process has exhibited some stable patterns of cross-national coalition-building; at worst some of the extreme aspects of a garbage can (Cohen *et al.* 1972) model of decision-making (for a discussion see below). It is no surprise, therefore, that the EU regulatory system has been described as a ‘patchwork of different national regulatory styles’ (Héritier 1996).

The EU policy process is undoubtedly ‘messy’ but we should be a little cautious in seeing it as especially unusual or indeed especially bad. It is certainly ugly but many aspects are perfectly familiar to policy analysts (see Mazey and Richardson, this volume, chapter 12). ‘Ugly but familiar’ is probably a fair description. As Zweifel suggests, when assessing the EU against measures of democracies, we should not apply higher standards of evaluation than we do for national policy systems (Zweifel 2002). The very ‘messiness’ of the EU as a policy system, of course, makes it difficult to formulate reliable descriptions – let alone theoretical models – which will capture more than a few aspects of the policy process as a whole or which apply to all cases. The objective of this chapter is limited, therefore, to an analysis of the possible utility of what has become the dominant ‘model’ for analysing the policy process in Western Europe – the so-called policy community/policy network model. One of the central features of the EU policy process, which seems to hold good for a high percentage of cases, is that it ‘works’ only by mobilising a large number of public and private actors, from different nations and policy domains and, somehow, persuading them to move from the status quo to a new policy settlement. Fortuitously, approaching EU policy-making via this actor-based or stakeholder perspective also enables us to utilise related approaches to the study of policy-making which emphasise the importance of ideas, knowledge and expertise, rather than pure ‘interest’. It will be argued that there are inherent similarities in these two ‘actor-based’ approaches, even though they originate from quite different academic perspectives. Essentially they both focus on sets of actors as stakeholders in the policy process. Elsewhere in this volume, contributors analyse the roles of ‘official’ or ‘public’ stakeholders (e.g. national governments, the Commission, the EP, the ECJ). However, all of these actors are influenced by ideas, knowledge and private interests. Thus, over forty years ago E. E. Schattschneider reminded us that the supreme instrument of political power was the ability to determine what politics was about (Schattschneider 1960). Although this is a neglected aspect of the workings of the EU (for a notable exception see Peters 2001), evidence does suggest that the EU agenda-setting process is especially problematic because of its transnational nature and because of the wide range of state and non-state actors involved in the EU policy process (Mazey and Richardson 1993). Moreover, as with nation states, the EU’s policy agenda is permeable to extra-territorial influences – from non-EU states such as the USA and Japan, but also from international standard-setting bodies and organisations such as the World Health Organization (WHO) (Richardson 1994), OECD (Dostal 2004), and via the EU’s participation in global regulatory agencies such as the World Trade Organization (WTO). The EU is not only a form of ‘supranational’ policy-making in its own right, it is also part of a higher level of supranational policy-making, beyond the regional (EU) level. Such complex policy-making arrangements can, under certain circumstances, privilege the role of experts and technocrats, who are increasingly transnational in their focus and activities. Thus, analysis of the role of ‘communities’ of experts – so-called epistemic communities (see below) – is

important in the EU because they so often transcend national boundaries. The policy community/policy network approach, in contrast, appears to have some utility in assisting our understanding of the ways in which agenda issues are translated or 'processed' into technical and workable EU legislative proposals – especially in technical areas of 'low politics' (Hoffmann 1966). Other related concepts from public policy, which attempt to integrate analyses of ideas and interests – such as Sabatier's 'advocacy coalitions' and Kingdon's 'policy streams' – may also be useful in assisting our understanding of the policy dynamics of the EU, especially if we view the EU policy process as essentially a multi-level, multi-arena game. They may enable us to better understand how all decision-makers in the EU, public or private, national or supranational, come to 'frame' public policy problems (Rein and Schön 1991). Interestingly, in terms of our earlier reference to coercion, Fischer sees the construction of 'social meanings' as a more basic strategy for generating support in a democratic system than coercion. Thus, 'while intimidation and coercion help to counter political resistance, the most basic strategy for generating support in democratic systems is the evocation of social and political interpretations that legitimize the desired course of action' (Fischer 2003: 55).

The 'level of analysis' question is, of course, important. Thus, it may be a mistake to look for only one model of the EU policy process. Within the EU, policy can be determined at a number of levels and the policy process goes through a number of stages. Also, particular policy areas may themselves be episodic, exhibiting different characteristics at different times. Different models of analysis may be useful at different levels within the EU and at different stages of the policy process. For example, if we were to conceptualise the EU policy process into four stages – agenda-setting, policy formulation, policy decision, and policy implementation – we might need to utilise rather different conceptual tools in order to understand fully the nature of the processes in each stage. The epistemic communities approach might be particularly useful in understanding stage one, the policy community/network model for stage two, institutional analysis for stage three, and inter-organisational behaviour and implementation analysis for stage four. Even then, reality is likely to be much more messy, suggesting that we need a fairly eclectic use of concepts and models. 'Grand theory' must await a much stronger empirical base, bearing in mind that there are major cross-sectoral variations in EU policy styles. For example, some policy areas may be highly pluralistic (e.g. environmental policy) and others may exhibit some corporatist tendencies (e.g. agriculture).

It is also important to note that the EU policy-making system as a whole might vary over time. Thus, just as the pace and nature of the integration process is not constant (see Laffan and Mazey, this volume, chapter 2), so the nature of the policy process within it can vary over time. It is now conventional wisdom that the EU policy style is less clearly a regulatory style, reflecting the increased resistance to further Europeanisation and the alleged weakened position of the Commission as the motor of integration (see Christiansen, this volume, chapter 5). The annual output of directives has declined; there is said to be less 'old-style' regulation; and there is an alleged shift towards new policy instruments that emphasise cooperation, voluntary action, demonstration projects, good practice, benchmarking, and so forth. The introduction of the so-called Open Method of coordination (OMC) following the Lisbon summit in 2000 can be seen as a process reform (Borrás and Jacobsson 2004: 188) designed to meet criticisms of old-style top-down and *dirigiste* legislation. Thus, it is essentially intergovernmental, there is no role for the ECJ, with the Council and the Commission 'relying to

a larger extent on political rather than legal logic' (Borrás and Jacobsson 2004: 188). This more flexible approach was evident before OMC was invented of course and we should be slightly cautious in seeing OMC as some radical new dawn in EU policy-making. Also, the greater emphasis on 'softer' policy instruments may actually disguise the continuation and extension of old-style regulation (see Rittberger and Richardson 2003). The shift towards softer policy instruments has been accompanied by an intensification of consultation of stakeholders (see Mazey and Richardson, this volume, chapter 12). The more the policy-making legitimacy of the EU has been challenged, the more the Commission has mobilised stakeholder participation in the process. Interestingly the expansion of consultation also appears as a feature of OMC. Thus, 'OMC seeks to mobilize the participation of a wide range of actors, public as well as private. In terms of actor constellation, the OMC is multi-level, involves other than state actors, and is designed to foster co-operative practices and networking' (Borrás and Jacobsson 2004: 189).

In searching for useful theories and concepts, the notion of the EU as a policy-making 'state', backed by the legal authority of the ECJ, is important. Our central argument here is that the 'stuff' of European integration is as much about detailed, often technical, Euro-legislation (a mixture of Euro-regulation and softer policy instruments) as it is about high politics issues such as monetary union or the creation of a European superstate or, to take a very current example, the adoption or not of a Constitution for the EU. At the time of writing (July 2005) the new constitution appears to have little chance of being ratified after the votes against it in the French and Dutch referenda. As a British Conservative spokesman, formerly a medical doctor, put it, although he had not practised medicine for many years he could still recognise a corpse when he saw one! One should never underestimate the capacity of Europe's leaders to cobble together some patchwork of compromises that will rescue at least parts of what was supposed to be a grand (albeit foolish) constitutional settlement. Either way it is doubtful if the constitution would have very much impact, if any, on the volume (or, indeed, the nature) of the EU's policy outputs. While these big constitutional issues are, of course, important, and certainly absorb the interest of national governments, the 'European policy game' continues to be played at the detailed policy level and continues to attract the attention and efforts of a plethora of interest groups and others in the manner predicted by the neo-functionalists. Low politics this may be, in the Hoffmann terminology (Hoffmann 1966), but it is probably the nine-tenths of the EU 'policy iceberg' that is below the water line. Also, we need to remember that the EU is no longer a 'new' policy system. In terms of institutional design it has been in a state of flux, but the key point, for our purposes, is that it has been churning out public policy for a very long time. The EU policy system now fits Wildavsky's analysis of policy-making in more 'mature' democracies as being often driven by the need to change past policies. As he put it, policy is its own cause and today's policy solutions become tomorrow's policy problems (Wildavsky 1979: 83). McGowan's recent study of the radical reform of the EU's cartel policy is a timely reminder of the maturity of much of the EU's public policy output. He notes that cartel policy was first formulated in 1962 and that the reforms which came into effect in May 2004 were sparked by three main factors: 'Firstly, a recognition that existing practices had been in place for over forty years and were becoming more problematic; secondly, changing economic circumstances and thirdly, an augmented case load after EU enlargement into Central and Eastern Europe' (McGowan 2005: 994). There is a huge amount of so-called 'low politics' activity within the EU (just as there is in any of the member states), much of it

consisting of revising and reforming existing EU policies as well as extending the EU's policy remit into yet more policy areas. This policy-making activity is not simply a question of intergovernmental relations – if only because such a wide range of non-governmental actors is so obviously involved, at both the national, EU and extra-EU levels. EU policies are not simply the outcome of interstate bargaining, even if the policy process usually appears to culminate in this way in the Council of Ministers. It is a long and complex process involving many different types of actors most of whom are involved in 'nested games' (Tsebelis 1990), in serial coalition-building and a constant process of bargaining (see Farrell and Héretier 2005).

Regardless of the way that problems and issues arrive on the political agenda, it is a phenomenon of modern governance that procedural mechanisms (formal and informal institutions, formal and informal rules) are devised to bring the various stakeholders together in order to thrash out a solution which is ultimately acceptable (hence the use of the term *governance* rather than *government*). Modern government is not just characterised by ad hoc and permanent committees, but by a 'procedural logic' which brings policy actors together in some kind of relationship – hence the popularity in public policy analysis of approaches utilising variants of the 'policy network' approach which emphasise bargaining and consensus-building rather than hierarchical relationships. Even in past periods of so-called 'Euro-sclerosis' or in the current phase of Euroscepticism, the Union finds ways of 'legislating in hard times'. The very fact that it is currently more difficult to generate and pass European legislation merely intensifies the logic of actor mobilisation. For 'the European project' to move forward, the many stakeholders need to be given more incentives to participate at the Euro-level and their participation needs to be structured and institutionalised. As Laffan *et al.* suggest, 'enhanced policy responsibility has led to an expansion of policy networks and communities around the core of the Union institutions' (Laffan *et al.* 2000: 85). A central aspect of the Jacques Santer dictum 'doing less but doing it better' (European Commission 1995: 6) is even greater effort to involve the many stakeholders having a recognised interest in any given policy area. As Mazey and Richardson suggest in this volume, the trend is for more and more participation in the EU policy process such that this has become an embedded EU *policy style*.

Policy communities, policy networks and issue networks

It is worth remembering that the term 'policy community' was originally used (at least in Britain) with a quite deliberate emphasis on community, and at a time when policy stability rather than policy change seemed more common. Moreover, it was developed as a counterweight to more traditional analyses of the British policy process. For example, the subtitle of *Governing under Pressure* (first published in 1979) was provocative in claiming that Britain was a post-parliamentary democracy: the focus of the analysis was on the informal relationships between different policy actors rather than on the roles of formal institutions. Thus:

In describing the tendency for boundaries between government and groups to become less distinct through a whole range of pragmatic developments, we see policies being made (and administered) between a myriad of interconnecting, interpenetrating organisations. It is the relationship involved in committees, the

policy community of departments and groups, the practices of cooption and the consensual style, that perhaps better account for policy outcomes than do examinations of party stances, of manifestos or of parliamentary influence.

(Richardson and Jordan 1979: 73–4)

The term policy community was meant to convey a very close and stable relationship between policy actors – somewhat close to the dictionary definition of community: ‘joint ownership of goods, identity of character, fellowship (... of interest)’. Use of the word community also implied some notions regarding level of analysis. If policy actors could be brought together in a long-term and stable relationship which presented the prospect of an *exchange relationship*, then this was most likely at the sub-sectoral or even micro-level. There was also an implication of stable policies as well as stable relationships and a stable membership. Thus, it was argued that

The logic of negotiation also suggests that policy-makers in both government and groups will share an interest in the avoidance of sudden policy change. Working together they will learn what kind of change is feasible and what would so embarrass other members of the ‘system’ as to be unproductive. Members of the system will begin to debate in the same language (if not with the same values), and arguments will be treated seriously only if discussed in these common criteria. There is a role diffusion in that all members – government officials, academic experts and group officials – become policy professionals.

(Jordan and Richardson 1982: 93–4)

This simple picture of policy-making in which recognised stakeholders are sort of granted the franchise for public policy and strive to achieve a *negotiated environment* gets more difficult to sustain when the number and range of stakeholders expands rapidly. Within the EU (and, again, similar trends can be seen at the national level), the pattern appears to be an increase in the number of stakeholders (public and private) demanding and getting participation in EU policy-making, and an extension of the range of policy sectors from which they are drawn, for each particular example of consultation (Richardson 2000). This gradual shift in emphasis – from a world of policy-making characterised by tightly-knit policy communities, to a more loosely organised and therefore less predictable policy process – is very familiar in the US. The seminal work (on either side of the Atlantic) is still Heclo’s 1978 analysis, which began to re-direct us towards policy dynamics rather than policy stability. Just as many authors (including this one!) were emphasising stable policy communities, Heclo had observed a trend which appears to be still running strongly at both the national and international levels – namely that policy problems often eventually escape the confined and exclusive ‘worlds’ of professionals and are resolved in a much looser configuration of participants in the policy process. Heclo argued that the nature of power in Washington had begun to change – exercising power was not as much fun as it used to be in the ‘clubby’ days of Washington politics (Heclo 1978: 94). Politics was less ‘clubbable’ because more and more groups had entered the policy process. Thus ‘as proliferating groups have claimed a stake and clamoured for a place in the policy process, they have helped diffuse the focus of political and administrative leadership’ (Heclo 1978: 94–5). The process had gone so far, he argued, that:

With more public policies, more groups are being mobilized and there are more complex relationships among them. Since very few policies ever seem to drop off the public agenda as more are added, congestion among those interested in various issues grows, the chances for accidental collisions increase, and the interaction tends to take on a distinctive group-life of its own in the Washington community. One scene in a recent Jacques Tati film pictures a Paris traffic circle so dense with traffic that no one can get in or out; instead, drivers spend their time socialising with each other as they drive in endless circles. Group politics in Washington may be becoming such a merry-go-round.

(Heclo 1978: 97)

In the context of the EU, all we need do is substitute Brussels for Washington. Correctly, Heclo argued that we needed to rethink our notions of political power. Existing conceptions of power and control were not well suited to the 'loose-jointed' power play of influence that was emerging. In a now classic formulation, he argued that

Obviously questions of power are still important. But for a host of policy initiatives undertaken in the last twenty years it is all but impossible to identify clearly who the dominant actors are. Who is controlling those actions that go to make up our national policy on abortions, or on income redistribution, or consumer protection, or energy? Looking for the few who are powerful we tend to overlook the many whose webs of influence provoke and guide the exercise of power. These webs, or what I will call 'issue networks', are particularly relevant to the highly intricate and confusing welfare policies that have been undertaken in recent years.

(Heclo 1978: 102)

Again one is reminded of the EU policy process, where interest groups and national governments often feel that policies come from 'nowhere' (Mazey and Richardson 1993). Indeed, Dyson borrows a term from Heinz *et al.* (1993) to describe the policy processes relating to European Monetary Union (EMU). Conventional wisdom might suggest that the German state, and especially the Bundesbank, has such 'state strength' (Krasner 1978: 55) as to secure their desired pay-offs, but the policy process seems much more messy and complex. Dyson observes that 'there is little evidence that a single actor – whether the Commission or Ecofin or the Bundesbank – occupies the central policy-brokering role within the EMU process in any continuous sense, capable in a more or less autonomous way of promoting compromise or imposing settlements. In this sense, the EMU policy process has a "hollow core"' (Dyson 1994: 332). Asking 'Who runs this place?' is a singularly difficult question within the EU. The safe answer is usually 'Many people run this place'!

The primary causes of the increasing 'messiness' of the EU policy process are twofold. First, the very act of adding more countries increases complexity enormously. In formulating what he terms an 'EU law of physics', Pascal Lamoy, the EU's Trade Commissioner, has suggested that 'complexity is an exponential and not proportional function of the number of members of the EU' (*Financial Times* 3 August 2000). Second, the addition of new member states significantly adds to the number and range of interest groups who demand participation at the European level. There are simply

too many players with too many diverse interests and competing policy frames for the policy community (or, indeed, corporatist) model to become the dominant paradigm within the EU.

Even Heclo, however, was reluctant to accept a total-disorder thesis, making at least two important qualifications to the model of confusion, diffuse power, and lack of accountability (all features of the EU identified as important in the Convention process leading to the 2004 Constitutions!). He pointed out a paradox of disorder *and* order when he argued that there was a second tendency cutting in the opposite direction to the widening group participation in public policy. In the midst of the emergence of the loose issue networks cited above we could also see what he called 'policy as intramural activity'. Thus:

Expanding welfare policies and Washington's reliance on indirect administration have encouraged the development of specialized subcultures composed of highly knowledgeable policy-watchers. Some of these people have advanced professional degrees, some do not. What they all have in common is the detailed understanding of specialized issues that comes from sustained attention to a given policy debate.

(Heclo 1978: 49)

In a less quoted passage, he deftly links the two apparently contradictory trends, as follows:

Whatever the participants' motivation, it is the issue network that ties together what would otherwise be the contradictory tendencies of, on the one hand, more widespread organizational participation in public policy and, on the other, more narrow technocratic specialization in complex modern policies. Such networks need to be distinguished from three other more familiar terms used in connection with political administration. An issue network is a shared-knowledge group having to do with some aspect (or, as defined by the network, some problem) of public policy. It is therefore more well-defined than, first, a shared-attention group or 'public'; those in the networks are likely to have a common base of information and understanding of how one knows about policy and identifies its problems. But knowledge does not necessarily produce agreement. Issue networks may or may not, therefore, be mobilized into, second, a shared-action group (creating a coalition) or, third, a shared-belief group (becoming a conventional interest organization). Increasingly, it is through networks of people who regard each other as knowledgeable, or at least as needing to be answered, that public policy issues tend to be refined, evidence debated, and alternative options worked out – though rarely in any controlled, well-organized way.

(Heclo 1978: 103–4)

So, how can sense be made of these contrasting images of the policy process? On the one hand, we have the policy community concept. On the other hand, there is the rather 'disorderly' issue network concept. The suggestion by Rhodes that policy communities and issue networks are part of a continuum – and that policy networks should be used as a generic term – is a sensible reminder that there is no one model of

policy-making. He draws on Benson's 1982 definition of a network as 'a cluster or complex of organizations connected to each other by resource dependencies and distinguished from other clusters or complexes by breaks in the structure of resource dependencies' (Benson 1982: 148). However, he goes on to distinguish five types of networks 'ranging along a continuum from highly integrated policy communities to loosely integrated issue networks' (Rhodes 1990: 304).

Recognising the network concept as a continuum does enable us to focus on the possibility of changes in the nature of the policy process over time and from sector to sector. Thus, it may be that at any given time several types of policy networks (in the generic sense) are in operation within the EU. If so, we need to analyse the interrelationships (if any) between these and the conditions under which they emerge. Also, over time, the policy process might change its characteristics quite significantly, along the continuum; and, of course, it may often be unhelpful to use the network analogy at all for the analysis of some EU policy decisions.

Describing certain stages of the policy process in network terms can be useful and illuminating, but we must not neglect the role of institutions. For example, in the EU the role of the Council of Ministers is obviously crucial, yet it is difficult to see analysis of policy networks as being central to an analysis of the Council. No doubt ministers will to some degree reflect the power of national networks in the manner suggested by Putnam (Putnam 1988), but, clearly, they do not follow their national interest group systems slavishly. Similarly, the Commission, as an institutional actor in its own right, is enormously powerful in the EU policy process. Again it can be seen as a broker of interests, or a bourse of ideas and interests (Mazey and Richardson 1994), but it is much more than that and has its own institutional interest to protect and expand (see Christiansen, and Mazey and Richardson, in this volume). Moreover, we must not neglect the role of ideas, of ideology, or the special powers of state actors in setting the agenda for policy change at both the national and international levels; in many instances policy networks, where they exist, are responding to rather than creating policy change.

What then is the utility of the policy network approach and what is its potential for EU level analysis? Two modest but sensible claims might be made. First, by trying to identify networks of policy actors we at least focus on what might be called the stakeholders in the EU policy processes. If EU politics is about who gets what, how and when (as surely it is?), then identifying the range of actors involved and trying to see if they can realistically be described as networks is at least the starting point for understanding how the system of making EU policies works. Sensible research questions are: 'Who has an interest in this policy problem? How are they mobilised and organised? What is the timing and nature of their involvement in the policy process? How are their preferences determined, and are they really fixed? Do they develop stable relationships with each other?' We also need to ask who is likely to gain and who is likely to lose from different policy outcomes. In addressing these questions within the EU, we need to be cautious in transposing some of the (alleged) characteristics of various types of national policy networks. For example, many groups involved in the EC policy process have little or no formal involvement in policy delivery, nor are they necessarily involved in any direct resource dependencies with other decision-makers except in a very general sense. Similarly, they may have quite different value systems and often exhibit very contrasting and conflicting views of the policy problem and of possible solutions. They arrive in Brussels with competing policy frames and a process of what Schön and Rein termed 'frame

reflection has to take place (Schön and Rein 1994). The basis of the relationship between these different actors is threefold: (1) recognition of each other as legitimate stakeholders in the policy area/problem; (2) a recognition that collaboration may be the best means of achieving policy gains; (3) a desire to achieve negotiated and stable policy environments in preference to instability and uncertainty. In other words, *cooperation* within various types of policy network is a sensible strategy in a policy game in which there are many veto points; there are mutual gains to be had via cooperation. This is rather different from direct resource dependency or a shared direct involvement in service delivery, or shared values. Focusing on networks of stakeholders may, therefore, help us to analyse the detailed process by which new knowledge and policy ideas (which may well originate elsewhere, see Reich 1988; Radaelli 1995; Braun and Busch 1999; Fischer 2003) are translated into specific policy proposals.

Policy-making under uncertainty: knowledge and mutual gains

The EU is faced with twenty-five different policy systems, each reflecting national power structures (and national policy networks). They bring to the Brussels table their own public policy traditions in terms of policy and regulatory styles. The EU is, therefore, a huge cauldron of policy proposals, ideas and traditions from which EU public policy must be distilled. If European integration via EU public policy is to take place, these national policy arrangements must be challenged in some way and new Euro-level policy settlements agreed. Although the processes of EU policy formulation and implementation are generally consensual, there are, of course, some aspects of an impositional policy style in the EU (Richardson 1982). Thus, QMV in the end 'imposes' decisions on the losers in any policy conflict and ECJ decisions are difficult to ignore. EU legislation is neither symbolic nor cheap talk. It matters materially to a whole host of actors, not least national governments. It is not surprising therefore that the range of potential actors in the EU policy process is enormous and the patterns of interaction are sometimes unpredictable.

Garbage can politics

With so many actors and so many ideas, how, then, does policy change take place within the EU in the absence of a European government or at least a stable 'governing' coalition? In a key passage, Adler and Haas argue that it is useful to turn the study of the political process into a question about who learns what, when, to whose benefit and why? (Adler and Haas 1992: 370). Perceiving the policy process as centrally concerned with ideas, knowledge and their use is both helpful and consistent with our concern with actor-based models of the policy process. The work by Peter Haas and his colleagues is of particular relevance to the workings of the EU. Although concerned with international cooperation (and therefore approaching the EU from an international relations perspective) Haas's comment that 'a related question/debate is the extent to which state actors fully recognise and appreciate the anarchic nature of the system and, consequently, whether rational choice, deductive-type approaches or interpretative approaches are most appropriate' is very apposite to our own task here. Acting rationally in situations of very high uncertainty and in the absence of crucial information about the policy positions

and behaviour of other stakeholders is difficult. Indeed, actors may be totally unaware of other key stakeholders in the process, let alone of the policy preferences and strategies of those actors! In such situations, the term 'network' should be used with great caution. Literally, 'network' should mean that the various actors do interconnect in some way. Empirically, this is sometimes difficult to determine and, rather like the puzzle relating to the existence of life elsewhere in the universe, policy actors are often uncertain as to the identity of other actors elsewhere in the 'system'. Again, this is as true for national governments as it is true for, say, firms or associations. Actors often operate under a huge degree of uncertainty in what are often very long-running games, with uncertain pay-offs. The total 'system' is large and amorphous, with numbers of part-time participants and a range of ideas floating around in some ethereal fashion. In these situations the policy process may resemble the 'garbage can' model of decision-making developed by Cohen *et al.* in 1972 and elaborated by Kingdon (Cohen *et al.* 1972; Kingdon 1984). The central feature of the original garbage can model is that 'decision situations' (or what Cohen *et al.* termed 'organized anarchies') are characterised by three general properties. First, there are problematic preferences. The organisation operates on the basis of a variety of inconsistent and ill-defined preferences (Cohen *et al.* 1972: 1). Their description of organisational life fits well with what we already know about some aspects of the EU – namely, that 'it (the organisation) can be described better as a loose collection of ideas than as a coherent structure, it discovers preferences through action more than it acts on the basis of preferences' (Cohen *et al.* 1972: 1). The second characteristic of decision situations is unclear technology. Although the organisation manages to survive and even produce, its own processes are not understood by its members. A succession of IGCs (including the most recent, in 2004, to consider the draft Constitution) has considered demands for the simplification of the EU policy process and for greater predictability of decision pathways. The EU is just like any other decision-making organisation. Over time it changes its procedures in the light of past practice and, as we suggested earlier, it has a capacity for policy learning that leads to a continuous process of policy adjustment in the manner predicted by Wildavsky. In practice, organisations such as the national governments and the EU operate 'on the basis of simple trial-and-error procedures, the residue of learning from the incident of past experience, and pragmatic inventions of necessity' (Cohen *et al.* 1972: 1). Finally, there is fluid participation in that participants vary in the amount of time and effort they devote to different domains. In practice, it is useful to view an organisation as '*a collection of choices looking for problems, issues and feelings looking for decision situations in which they might be aired, solutions looking for issues to which they might be the answer, and decision-makers looking for work*' (Cohen *et al.* 1972: 2, emphasis added).

The Haas argument is, centrally, that the politics of uncertainty lead to a certain mode of behaviour – namely that policy-makers, when faced with 'the uncertainties associated with many modern responsibilities of international governance turn to new and different channels of advice, often with the result that international policy coordination is advanced' (Haas 1992: 12).

As he argues, the concept of uncertainty is important for two reasons:

First, in the face of uncertainty ... many of the conditions facilitating a focus on power are absent. It is difficult for leaders to identify their potential political allies and to be sure of what strategies are most likely to help them retain power. And,

second, poorly understood conditions may create enough turbulence that established operating procedures may break down, making institutions unworkable. Neither power nor institutional cues to behaviour would be available, and new patterns of action may ensue.

(Haas 1992: 14)

However, as Sebenius points out, uncertainty and *power* do go hand in hand, as uncertainty presents opportunities for power to be exercised if individuals or institutions are sufficiently alert to the opportunities. He therefore argues that we need to emphasise the interplay of power and knowledge in influencing outcomes (Sebenius 1992: 325). Alongside uncertainty in the policy process there are opportunities for mutual learning and joint problem-solving – especially when issues involve technical uncertainties in such areas as scientific, environmental, economic and security affairs. By combining the politics of uncertainty and the politics of learning, Sebenius in fact captures the core meaning of ‘policy community’ as a concept. Thus he states that ‘beyond understanding technical uncertainties, finding joint gains also requires that each party learn about the other’s priorities in order to craft mutually beneficial trades’ (Sebenius 1992: 329). Cooperation, therefore, can produce what Walton and McKersie term ‘integrated bargaining’ as opposed to ‘distributive bargaining’. In the former the effort is directed towards expanding the pie, whereas in the latter it is a more adversarial process of dividing the pie (Walton and McKersie 1965). Sebenius goes on to quote Howard Raiffa as follows:

In complicated negotiations where uncertainties loom large, there may be contracts that are far better for each negotiating party than the non-contract alternative, but it may take considerable skill and joint problem solving to discover these possibilities. Without the right atmosphere and without some reasonably trustful communication of values, such jointly acceptable contracts might never be discerned.

(Raiffa, quoted by Sebenius 1992: 329)

This is not too dissimilar to the original formulation of the policy communities concept suggested in *Governing under Pressure* in 1979. This emphasised the development of a common understanding of each other’s problems and a recognition that beneficial bargains could be struck over time. Logically, this does not imply consensus on values or on outcomes – but it does imply a consensus that collaboration can produce efficiency gains all round. There may be considerable and bitter disputation, yet the game continues to be played in order to secure mutual gains or to avoid excessive individual losses. This seems to fit what we know about the EU policy process. Lax and Sebenius have emphasised that the bargaining process indeed exhibits both conflict and consensus. Thus:

the competitive and co-operative elements are inextricably entwined. In practice they cannot be separated. This bonding is fundamentally important to the analysis, structuring the conduct of negotiation. There is a central, inescapable tension between co-operative moves to create value jointly and competitive

moves to gain individual advantage. This tension affects virtually all tactical and strategic choice. Analysts must come to grips with it; negotiators must manage it.
(Lax and Sebenius 1986: 30)

Participating in joint policy-making activity therefore has the potential to maximise benefits to the parties involved. Using concepts from negotiation analysis, Sebenius points out that outcomes can be influenced by favourably affecting the zone of possible agreement between the parties. The 'zone of possible agreement' means 'a set of possible agreements that are better for each potential party than the non-co-operative alternatives to an agreement' (Sebenius 1992: 333).

Expertise and epistemic communities

The value of these approaches is that they remind us that policy actors, such as those participating in the EU policy process, are often operating under considerable degrees of uncertainty and are prepared to engage in a negotiative process even when there is considerable disagreement over basic goals or core beliefs. The key role of epistemic communities in this process relates directly to the principle that policy-makers are operating under conditions of uncertainty. Thus:

Given the technical uncertainties regarding an issue and the legitimacy of claims to expertise of members of an epistemic community, especially those placed close to the decision-making process, their influence may cause the perceived interests of key players in different countries to grow closer together, along with their understanding of underlying causal relationships. In this situation, the epistemic community members may come to act as a coordinated set of common interpretative filters.

(Sebenius 1992: 354)

It is the knowledge-based (or at least perceived knowledge-based) nature of epistemic communities that provides these networks of actors with the potential to influence the policy process. Authoritativeness, and therefore legitimacy, are the key currencies of these types of networks, and they are central to the definition of epistemic communities formulated by Peter Haas, as follows:

An epistemic community is a network of professionals with recognised expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area. Although an epistemic community may consist of professionals from a variety of disciplines and backgrounds, they have (1) a shared set of normative and principled beliefs, which provide a value-based rationale for the social action of community members; (2) shared causal beliefs, which are derived from their analysis of practices leading or contributing to a central set of problems in their domain and which then serve as the basis for elucidating the multiple linkages between possible policy actions and desired outcomes; (3) shared notions of validity – that is, intersubjective, internally defined criteria for weighing and validating knowledge in the domain of their expertise; and (4) a common policy enterprise – that is, a set of common

practices associated with a set of problems to which their professional competence is directed, presumably out of the conviction that human welfare will be enhanced as a consequence.

(Haas 1992: 3)

As with the policy network concept, epistemic communities as a concept is also subject to refinement and redefinition. In a useful footnote, Haas reveals that other characterisations of epistemic communities were discussed during the preparation of the special issue of *International Organization* in which his seminal paper appears. Some of the additional notions used were as follows:

members of an epistemic community share intersubjective understandings; have a shared way of knowing; have shared patterns of reasoning; have a policy project drawing on shared values, share causal beliefs, and the use of shared discursive practices; and have a shared commitment to the application and production of knowledge.

(Haas 1992: 3)

Interestingly, Haas sees some kind of logic in this process of policy coordination via epistemic communities. The situation in which policy-makers find themselves leads almost naturally to the use of experts of various kinds. Just as it has been argued in Britain that there is a 'logic of negotiation' (Jordan and Richardson 1982: see also Mazey and Richardson, this volume), so the dynamics of uncertainty, interpretation and institutionalisation at the international level drive policy-makers towards the use of epistemic communities. Haas argues that 'in international policy co-ordination, the forms of uncertainty that tend to stimulate demands for information are those which arise from the strong dependence of states on each other's policy choices for success in obtaining goals and those which involve multiple and only partly estimable consequences of action' (Haas 1992: 3–54). Uncertainty gives rise to demands for information – particularly about 'social or physical processes, their interrelationship with other processes, and the likely consequences of actions that require considerable scientific or technical expertise' (Haas 1992: 4).

Haas goes on to suggest that state actors are 'uncertainty reducers' as well as power and wealth pursuers. In conditions of high uncertainty, it becomes difficult for national governments to define clearly just what the national interest is. They are not only engaged on a two-level game as suggested by Putnam, they are also involved in a multi-dimensional international game where strategies consistent with the national interest in one sector may be inconsistent with the national interest being pursued in another sector. It is not surprising that state actors look for ways of reducing uncertainty. They recognise that changing the world is going to be very difficult and that they may have to settle, therefore, for minimising their surprises. Again, this is consistent with what we know about national policy-making – many policy-makers are risk-averse and one way of reducing risk to them is to share it. For example, Henderson's now classic study of a series of British policy decisions describes risk-sharing behaviour through consultation, as follows:

making sure that, at every stage of the policy process, the right chairs have been warmed at the right committee tables by the appropriate institutions, everything possible has been done and no one could possibly be blamed if things go wrong.

(Henderson 1977: 189)

Bearing in mind just how large the EU is, it would be surprising if Commission officials, charged with the actual formulation of policy proposals, did not engage in similar behaviour. By drawing other policy actors into the policy process, the Commission may be able to build coalitions in favour of its own notions of desirable policy change. By assisting the formation of networks of 'relevant' state and non-state actors, and by 'massaging' the way that these networks operate, the Commission can maintain its position as an 'independent' policy-making institution and can increase its leverage with the Council of Ministers and the European Parliament. Information and ideas are important building blocks in this process.

In a key passage, Haas argues that epistemic communities play a central role in providing much-needed information and ideas.

Epistemic communities are one possible provider of this sort of information and advice. As demands for such information arise, networks or communities of specialists capable of producing and providing the information emerge and proliferate. The members of a prevailing community become strong actors at the national and transnational level as decision-makers solicit their information and delegate responsibility to them. A community's advice, though, is informed by its own broader world view. To the extent to which an epistemic community consolidates bureaucratic power within national administrations and international secretariats, it stands to institutionalise its influence and insinuate its view into broader international politics.

Members of transnational epistemic communities can influence state interests either by directly identifying them for decision-makers or by illuminating the salient dimensions of an issue from which the decision-makers may then deduce their interests. The decision-makers in one state may, in turn, influence the interests and behaviour of other states, thereby increasing the likelihood of convergent state behaviour and international policy coordination, informed by the causal beliefs and policy preferences of the epistemic community. Similarly, epistemic communities may contribute to the creation and maintenance of social institutions that guide international behaviour. As a consequence of the continued influence of these institutions, established patterns of cooperation in a given issue-area may persist even though systematic power concentrations may no longer be sufficient to compel countries to coordinate their behaviour.

(Haas 1992: 5)

His suggestion that 'systemic power concentrations' can also prevent policy coordination is an important qualification to the epistemic communities concept. Thus, no-one is arguing that epistemic communities explain everything about the policy process. The advocates of the concept have been notably more cautious than current 'network' supporters in making claims for its explanatory power. Haas cites Ikenberry's analysis of

post-war economic management as illustrating the limitations on the effects of the consensual views of specialists. The influence of epistemic communities is over the form of policy choices – ‘the extent to which state behaviour reflects the preferences of these networks remains strongly conditioned by the distribution of power internationally’ (Haas 1992: 7). As Farrell and Héritier argue, epistemic communities sometimes lead to an acceleration of regional integration and sometimes not. They too see power and bargaining as very important, although also conclude that epistemic factors are a key negotiating resource in many contexts. Thus, epistemic communities ‘may fundamentally reshape the parameters within which political actors bargain – and do this while bargaining is taking place’ (Farrell and Héritier 2005: 288). As Haas also argues, ‘knowledge can speak volumes to power ... epistemic communities are transmission belts by which new knowledge is developed and transmitted to decision-makers’ (Haas 2004: 587). Of particular relevance to the EU, he also argues that knowledge in conjunction with strong international institutions yields a distinctive pattern of social learning (Haas 2004: 587).

Although the (often indirect) power of epistemic communities can be considerable, it is constrained by the need for policy-makers – at both EU and national levels – to involve other forms of actors, particularly conventional interest groups. Not only are there rival epistemic communities, but there are rival interest groups. For example, telecoms are often cited as a classic example of epistemic communities at work (Cowhey 1990). The argument that much of the deregulatory trend can be traced to epistemic communities in the telecoms field looks convincing, yet national interests are directly affected, as are the interests of individual firms in the telecoms sector. One should not, therefore, go overboard in emphasising the importance of knowledge and ideas. As Jacobsen argues, the pervasive flaw in ‘power of ideas’ arguments is their failure to take account of the fact that ideas and interests cannot be separated (Jacobsen 1995: 309). As Campbell emphasises, ‘arguing that ideational conditions affect policy-making outcomes does not mean that interests are unimportant’ (Campbell 1998: 400). Like Jacobsen, he suggests that it is the interaction of ideas and interests that is crucial. For example, this is very evident in the field of EU environmental policy-making, where the environmentalists often act as a ‘megaphone for science’; policy has to be mediated in some way, via these powerful political actors. It is here, perhaps, that the policy community/policy network concept comes back into its own. Thus, a Commission official may place considerable emphasis on the knowledge-based influence of an epistemic community – the threat posed to the ozone layer by CFCs for example – but practical action has to involve the close cooperation of the industries involved – such as refrigeration equipment or foam manufacturers. In practice, the Commission did indeed set up various working parties to ‘process’ the CFC problem, and it is at this stage that familiar policy networks – indeed policy communities in the sense defined earlier – emerged to process the CFC issue (Mazey and Richardson 1992).

The ‘primeval soup’ of the EU and the importance of advocacy coalitions

This later ‘processing’ stage in the EU policy process is possibly less problematic in terms of finding useful models – some combination of network, institutional and inter-governmental bargaining models seems reasonable. It is the emergence of problems, issues and policy proposals which seems much more problematic in terms of available

models of analysis – hence the attractiveness of the epistemic communities approach. As Kingdon suggests, the phrase ‘an idea whose time has come, captures a fundamental reality about an irresistible movement that sweeps over our politics and our society pushing aside everything that might stand in its path’ (Kingdon 1984: 1). He identifies a number of possible actors in the agenda-setting process, including the mobilisation of relevant publics by leaders, the diffusion of ideas in professional circles among policy elites, particularly bureaucrats, changes in party control or in intra-party ideological balances brought about by elections. The processes involved in agenda-setting are identified as being of three kinds – problems, policies, politics (Kingdon 1984: 17). His objective is to move the analysis from the usual political science preoccupation with pressure and influence (possibly a criticism of network analysis) and instead to explore the world of ideas. Using a revised version of the Cohen *et al.* garbage can model (1972), he analyses three ‘process streams’ flowing through the system – streams of problems, policies and politics, largely independent of each other. He likens the generation of policy proposals to a process of biological natural selection. Thus:

many ideas are possible in principle and float around in a ‘policy soup’ in which specialists try out their ideas in a variety of ways ... proposals are floated, come into contact with one another, are revised and combined with one another, and floated again ... the proposals that survive to the status of serious consideration meet several criteria, including their technical feasibility, their fit with dominant values and the current national mood, their budgetary workability, and the political support or opposition they might experience. Thus the selection system narrows the set of conceivable proposals and selects from that large set a short list of proposals that is actually available for serious consideration.

(Kingdon 1984: 21)

He argues that the separate streams of problems, policies and politics come together at certain critical times. Solutions are joined to problems, and both of them are joined to favourable political forces. The timing of this coupling is influenced by the appearance of ‘policy windows’; these windows are opened either by the appearance of compelling problems or by happenings in the political stream (Kingdon 1984: 21). Again, this seems to fit the EU rather well.

He cites one of his (US) respondents as saying that it is almost impossible to trace the origin of a proposal: ‘This is not like a river. There is no point of origin’ (Kingdon 1984: 77). There is an almost uncanny resemblance between this description of US policy-making and the perceptions of key actors in the EU policy process. Identifying just where a policy ‘started’ in the EU is extremely difficult – hence the common response that ‘policies seem to come from nowhere’. It is a characterisation which is very different from that produced in the policy communities model and indeed also from the generic network model. The relationship between these two apparently opposing models of policy-making is that even the garbage can model – which does indeed seem to capture much of what we know empirically about the EU agenda-setting process – might eventually result in a more structured network of policy actors concerned with detailed policy decisions. In this sense, some kind of ‘resource dependency’ as suggested by Rhodes might emerge at later stages in the EU policy process because successful implementation depends on the cooperation of many stakeholders. Even Kingdon is at pains to point

out that the processes he describes are not entirely random (just as Hecló, cited earlier, was not ready to accept the total disorder notion). Thus 'some degree of pattern is evident in these fundamental sources: processes within each stream, processes that structure couplings, and general constraints on the system' (Kingdon 1984: 216).

One reason why the process is not random is, of course, that policy problems and policy ideas both help determine actor preferences and attract coalitions of actors. As we have argued, the EU policy process is at least 'mature' in the sense that it has produced a mass of public policy and continues to generate yet more policy proposals and outputs. The institutional rules have been uncertain and the balance between EU institutions has been in a state of flux, but the policy game has carried on just the same. Essentially, EU policy-making is institutionalised 'repeat social interaction'. As Busch argues, situations of repeat social interactions pose special problems for game theorists and rational choice analysts (Busch 1999: 36). He quotes Hechter as arguing that game theory 'must not be judged solely by the mathematical elegance of its solutions, but by its capacity to shed light on those real world collective action problems' (Hechter 1990: 248). Busch sees ideational factors as one way out of trying to explain repeated games. He cites work by Garrett and Weingast, arguing that ideas can play a potentially pivotal role as 'shared beliefs may act as "focal points" around which the behaviour of actors converges' (Garrett and Weingast 1993: 176). Sabatier also argues that (within a policy sub-system) 'actors can be aggregated into a number of advocacy coalitions composed of people from various organisations who share a set of normative and causal beliefs and who often act in concert. At any particular point in time, each coalition adopts a strategy(s) envisaging one or more institutional innovations which it feels will further its objectives' (Sabatier 1988: 133; Sabatier 1998). An advocacy coalition can include actors from a variety of positions (elected and agency officials, interest group leaders, researchers) who share a particular belief system, i.e. a set of basic values, causal assumptions and problem perceptions, and who show a non-trivial degree of coordinated activity over time. Sabatier developed the model partly in response to the complexity of policy sub-systems. Using the US air pollution control sub-system as an example, he found that it contained a large, diverse set of actors. Normally, he argues, the number of advocacy coalitions would be quite small – in a 'quiescent sub-system' there might be only a single coalition, in others between two and four (Sabatier 1988: 140). To Sabatier, it is shared beliefs which provide the principal 'glue' of politics. Indeed, he emphasises stability of belief systems as an important characteristic of policy sub-systems. Policy change within a sub-system can be understood as the product of two processes. First, the efforts of advocacy coalitions within the sub-system to translate the policy cores and the secondary aspects of their belief systems into governmental programmes. Second, systemic events – for example, changes in socio-economic coalitions, outputs from other sub-systems, and changes in the system-wide governing coalition – affect the resources and the constraints on the sub-system actors, i.e. policy change takes place when there are significant 'perturbations' external to the sub-system (Sabatier 1988: 148). One of his hypotheses seems especially relevant to more recent developments in the EU. Thus, his 'hypothesis seven' is that: 'Policy-orientated learning across belief systems is most likely when there exists a forum which is a) prestigious enough to force professionals from different coalitions to participate and b) dominated by professional norms' (Sabatier 1988: 156). As Mazey and Richardson argue in this volume, there is some evidence that

Commission officials are moving towards institutionalised structures which do just this, i.e. bring together groups of policy actors (be they epistemic communities, advocacy coalitions or different policy communities). As Sabatier suggests, the purpose of these structures

is to force debate among professionals from different belief systems in which their points of view must be aired before peers. Under such conditions, a desire for professional credibility and the norms of scientific debate will lead to a serious analysis of methodological assumptions, to the gradual elimination of the more improbable causal assertions and invalid data, and thus probably to a greater convergence of views over time concerning the nature of the problem and the consequences of various policy alternatives.

(Sabatier 1988: 156)

Again, we see a suggestion that policy-makers are intent on securing *agreement* and *stability*, and recognise that this process must involve the participation of the various types of 'stakeholders' in the policy area or policy sub-system. (It is worth noting that, to many actors, a *stable outcome* can count as a 'win' almost as significant as gaining their own particular preference. For example it can be argued that polluters can adjust to most regulatory changes over time and that what they really abhor is constant *change* in their regulatory environment.) The concept of *stakeholder* is important as ultimately it determines who (rather than what) 'matters' in any particular case and can ultimately lead to some kind of broadly-based 'ownership' of EU policies. Identifying stakeholders also facilitates the continuation of policy-making business during implementation and the inevitable re-steering of policies as implementation problems emerge (see Knill, this volume). In fact, stakeholder is a term commonly used by the Commission when describing the consultation process. A particularly acute problem for the EU is that the number of stakeholders is very large indeed and it is a difficult managerial task to construct coherent policy communities. Also, the 'glue' holding coalitions together might be rather weak – hence the common feature of temporary, ad hoc, coalitions of actors not sharing a common intellectual base, policy frame, or belief system.

Multiple policy-making 'venues' and the erosion of national sovereignty

The very fact that EU policy-making is a collective exercise involving large numbers of participants, often in intermittent and unpredictable 'relationships', is likely to reinforce the processes by which national autonomy is being eroded, as well as the capacity for consistent EU-level political leadership. The likelihood of any one government or any one national system of policy actors (e.g. governments and interest groups combined) imposing their will on the rest is low. National governments know this. We can, therefore, expect to see the emergence of two apparently contradictory trends. First, the need to construct complex transnational coalitions of actors will force all actors to become less focused on the nation states as the 'venue' for policy-making. Just as many large firms have long since abandoned the notion of the nation state, so will other policy actors; they will seek to create and participate in a multi-layered system of transnational coalitions. Second, the 'politics of uncertainty' will lead national governments and national interest

groups to try to coordinate their Euro-strategies (e.g. see DTI 1993, 1994). In that sense, Euro-policy-making may bring them closer together.

One reason for the difficulty in maintaining stable national coalitions is that membership of the EU presents all policy actors with a choice of venue for the resolution of policy conflicts. As Baumgartner and Jones argue, political actors are capable of strategic action by employing a dual strategy of controlling the prevailing image of the policy problem and also seeking out the most favourable venue for the consideration of issues (Baumgartner and Jones 1991: 1046). In this sense, the EU policy process represents a different order of multiple access points for policy actors when compared with many of the policy systems of the member states. Many of them, such as Britain and France, have traditionally operated rather centralised policy-making systems with, consequently, relatively few national ‘venues’ for exercising influence. The EU policy process is more akin to the US and German systems, where interests have a wide range of venues to engage in the policy process. Unified and centralised policy systems may encourage cohesion in policy communities in part because all of the players know that there are relatively few options for exercising influence elsewhere: this is not the case within the EU, where several ‘venues’ are available to actors who have lost out in any one of them. The tendency of the EU policy process to pass through periods of stability and periods of dramatic institutional change – in the episodic fashion suggested earlier – will also lead to instability in actor relationships. As Baumgartner and Jones suggest, changes in institutional structures (a feature of the EU) can also often lead to dramatic and long-lasting changes in policy outcomes (Baumgartner and Jones 1993: 12).

Conclusion: garbage cans and muddling through?

Fundamentally, all of these models and concepts are concerned with the policy process as a collective enterprise – whether the models are concerned with the emergence of policy problems, new knowledge, policy ideas, or the processing of these into workable policies and programmes. Policy-making and policy-implementing are collective activities, and we need models which help characterise the process of problem-solving in a collective setting where the sovereignty of a range of actors – not just of nation states – is pooled. Earlier, we suggested caution in adopting any one model for analysing the EU policy process. Clearly there is an ongoing and very ‘productive’ policy process, i.e. there is now an enormous mass of EU public policy in existence and a continuation of the flow of much technical and detailed EU legislation. Equally clearly there is a vast range of actors, institutions, problems and ideas from which EU policy finally emerges. It often seems like Kingdon’s ‘primeval soup’ or the Cohen *et al.* ‘garbage can’. Identifying the broad characteristics of this process is proving difficult, partly due to the disaggregated and sub-sectoral nature of much EU policy-making. In part the difficulty in making reliable generalisations is because the process is obviously exceedingly complex; in part it is because the process is changing in that the politics of the EU is also about constantly changing the ‘decision-rules’ of the system. And in part it is because analysing the EU tends to be approached from two rather different academic perspectives – models of national policy-making on the one hand and models of international policy-making on the other. The thrust of this chapter has been to suggest that we can make progress if we focus on policy actor behaviour – as well as on institutions and institutional relationships

– in order to begin our search for a better understanding of the EU as a policy system or series of policy sub-systems.

If we focus on actors as ‘stakeholders’ in the governance of the EU, we are able to survey a range of actor types and a range of relationships. Different types of actors and different types of relationship may emerge at different times. The policy process is both episodic and taking place in several venues at any one time. Actors do not always understand what they are doing and what the outcomes might be. Even when the outcome is agreed, there will be many unintended consequences in the implementation process, leading to further rounds of policy-making and so on. The multiplicity of games in which national governments are involved inevitably affects their autonomy as policy actors. Moreover, the relationship between the EU and its member states is directly affected by the extremely complex nature of the EU policy process itself – hence our advocacy of multiple models. Clearly, intergovernmentalism is important. We still have nation states; national governments try to act in either the national interest or their own political interests; and these governments are accorded a strong institutional presence via the Council of Ministers. Yet two phenomena – largely the focus of this chapter – place significant limits on intergovernmentalisation as a model of analysis. First, we do see a proliferation of various types of policy network – more usually the loose issue-networks rather than the policy community model originally suggested in Britain by Richardson and Jordan (1979). Put simply, the traditional ‘clients’ of national governments have become transnationally promiscuous in their relationships. Second, the ‘politics of expertise’ and the ‘politics of ideas’ have become especially important in situations of loose networks and high uncertainty. This also weakens national sovereignty because of the increasingly cross-national nature of expertise and the more open market for policy ideas and frames.

The complexity of the EU policy process means that we must learn to live with multiple models and learn to utilise concepts from a range of models in order to help us describe it as accurately as possible. In practice, the EU policy process may be closer to a garbage can model than to any ‘rational’ policy process. We suggest this because the EU policy system appears to be a classic case of ‘bounded rationality’ – that is, ‘because the cognitive and computational capacities of decision-makers are limited, decision-makers consider only a very small number of alternative solutions to organizational problems’ (Heimer and Stinchcombe 1999: 28). As Heimer and Stinchcombe suggest, organisations that have attempted to function with a more open agenda are particularly good cases in which to study bounded rationality at work. Clearly, the EU institutions are classic examples of open agenda-setting (see Peters 2001). Nevertheless, just as Hecló could detect the paradox of order and disorder, so, within the garbage can of the EU policy process, we can also detect a paradox. The process is not entirely random. As Heimer and Stinchcombe argue, in order to understand organisational decision-making ‘we must look both at the randomness introduced by garbage can processes and the predictability introduced by participants’ membership in occupational groups, the championing of solutions by professional bodies, legal constraints on choice opportunities, or outsiders’ attempts to label difficulties as problems worthy of organizational attention’ (Heimer and Stinchcombe 1999: 44). Translating their general analysis to the specific features of the EU we can see the emergence of something like occupational groups, in the form of interest groups, the championing of solutions by professional bodies, in the form of epistemic communities, the legal constraints on choice opportunities as exer-

cised by the ECJ, and outsiders' attempts to pose problems as opportunities in the form of the advocacy of new ideas and policy frames.

The trajectory of European integration, and the construction of a dense European policy system, have certainly been uneven but the remarkable thing about the EU is that both phenomena have continued over time. In its own way, the Union has become adept at what Lindblom saw as a key feature of modern policy-making, the so-called 'science of muddling through' (Lindblom 1959). That this muddling through has produced a complex and inconsistent pattern of public policies and a very 'messy' institutional structure, even including opt-outs for certain member states, should occasion no surprise. In effect, the EU has become a gigantic 'frame-reflection' machine – namely, a set of rather fluid institutional arrangements for what Schön and Rein termed the 'resolution of intractable policy controversies'. As they suggest, 'when controversies are situated in messy and politically contentious policy arenas, they actually lend themselves, through design rationality [namely, policy-making as a dialectic within which policy-makers function as designers and exhibit ... a particular kind of reflective practice] to pragmatic solution' (Schön and Rein 1994: xviii). Actors come to the table with hugely different policy frames, yet more or less workable (albeit untidy) solutions emerge. The most remarkable feature of the EU is not that it is institutionally messy or that EU public policy is a 'regulatory patchwork' (Héritier 1996), but that so much EU public policy is now in place, despite the multitude of interests and policy frames in play in the EU policy game. Somehow, the EU works as a policy-making system. In part, this is because actors have usually been able to focus on specific policy issues even when deadlocked over the constitutional fundamentals of the EU and its future. High politics disputes can hide a lot of 'business as usual' for low politics. It would be a nonsense to suggest that the EU has come to a halt now (2005) because of the huge difficulties over the Constitution. As Stone Sweet notes, although the long period since the Treaty of Rome has been punctuated by discrete events registered in political, economic, and legal domains of action 'these events have been embedded in a larger flow. European integration is fundamentally about how large numbers of actors, operating in relatively separate arenas, were able to produce new forms of exchange and collective governance for themselves' (Stone Sweet 2004: 236). Börzel argues, similarly, that 'the failure to establish the political community that would have united the ECSC with a newly founded European Defence Community in the early 1950s, made once again clear that successful integration would have to follow functionalist rather than federalist logic. The focus shifted to the low politics of economic integration' (Börzel 2005; 219). As she notes, we have seen fifty years of task expansion culminating in Economic and Monetary Union, with 'political integration lagging seriously behind'. Low politics works quite effectively in contrast to high politics, in part because of the use of subterfuge as a policy style. Thus, as Héritier argues, 'subterfuge is a typical pattern of European policy making in view of an imminent deadlock' (Héritier 1999: 97). She emphasises the deep attachment to diversity in the EU and the inability of members to agree on the direction of the polity and sees the EU institutions as fragmented, with inherently ambiguous rules. As a consequence, the EU 'decisional processes are obstacle-ridden, cumbersome and ... prone to stalemate' (Héritier 1999: 97). Yet, despite this apparently unmanageable and chaotic situation, decisions do emerge. Essentially, she argues, actors find a variety of 'escape routes' with subterfuge being the only way to keep policy-making going (Héritier 1999: 97). In a sense, the EU is a rather good example, perhaps, of Hood's observation that 'elements of the garbage can

model may at least in some circumstances be better viewed as a design recipe than an unintended condition' (Hood 1999: 77). In an earlier edition we concluded by borrowing the title of one of Charles Lindblom's articles on policy-making (Lindblom 1979) – namely, that the EU is 'still muddling, not yet through'! My (loose) use of the word 'through' implied that there was a specifiable destination. Yet, as Moravcsik has argued recently, 'the neofunctionalist tendency to think of the EU as "becoming" rather than "being" remains at the heart of current debates on the future of the EU' (Moravcsik 2005: 2). He goes on to suggest that 'the EU's current constitutional *status quo* appears stable and normatively attractive. Beyond incremental changes in policy, it is difficult to imagine functional pressures, institutional pressures, or normative concerns upsetting the stability of the basic equilibrium in Europe today' (Moravcsik 2005: 3). His notion that policy change will be incremental and that the EU is now in a political equilibrium is seductive at this time of Euroscepticism. However, we have seen national political systems go through relatively quiescent phases, where institutions and decision rules have been rather stable, policy change slow, and politics generally pretty boring, only to see quite big shifts in policies (privatisation being an obvious example), major institutional changes (decentralisation for example), and quite major shifts in ideology (the British Labour party for example). The change process on all of these fronts is unpredictable and is not purely endogenous but is a mixture of endogenous and exogenous factors. Thus, I conclude my analysis in this edition by reverting to Lindblom. Just like its member states, the EU will continue to 'muddle through' in the sense that it will continue as a productive policy-making machine, often incrementally, as Moravcsik suggests, but sometimes more radically when circumstances force the many stakeholders to embrace new frames and ideas as a response to what Kingdon called the inexorable march of problems. This muddling through may not be purposive, in the sense of seeking some kind of 'EU promised land', but will have as its 'purpose' the solving of European societal problems via public policy-making at the European rather than the national level.

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