

Center for European Studies
Working Paper No. 95

**Does the European Union
Strengthen the State?
Democracy, Executive Power
and International Cooperation***

by

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Abstract

Many observers have suggested that the strengthening of executives vis-à-vis other political actors, in particular national parliaments, has been one of the principal effects of European integration (and perhaps international cooperation more generally) on national democracies, with democracy being “perverted” and parliaments becoming “rubber stamps.” Moravcsik (1994) has argued that there were four theoretical ways in which international cooperation could “strengthen the state,” by redistributing institutional power, initiative (agenda-setting), information and ideas in favor of the executive in Europe. However, consideration of domestic politics in Europe shows that elites are already – for exogenous reasons – dominant in institutions, initiative and information. In Europe, therefore, the “strong” executive is not a product of European integration, and the reverse may even be true: that the dominance of the executive in national political systems has been a prerequisite for the success of European integration – that European openness has been built on national political closure. More generally, assessments of the impact of international cooperation on democracy should measure the effect of international cooperation *at the margin* on the existing characteristics of particular national democratic systems.

*Earlier versions of this paper were delivered at the 2001 ECPR General Conference/Pan-European International Relations Conference, Canterbury, United Kingdom, and the 2002 American Political Science Association annual meeting, Boston. I would like to thank Professor Jeffrey Frieden, Professor Lisa Martin, Mark Copelovitch, ECPR/APSA participants and, particularly, Professor Andrew Moravcsik, for their comments and advice.

Introduction

The “two-level games” approach to international relations argues that international politics is undertaken by national executives who simultaneously strategize at the national and international levels (Putnam 1988; Evans, Jacobson and Putnam 1993; Moravcsik 1993a). In order to achieve gains from international cooperation, diplomatic negotiators need to be able to both bargain with their foreign counterparts and ratify (and implement) their international agreements. Their ability to do the latter depends on the preferences of domestic constituents and the procedures of domestic institutions, particularly legislatures. The interaction of domestic and international politics becomes a “two-level game,” because national leaders are able to use their international deal making not only to achieve international cooperation but to change their domestic political outcomes – to achieve domestic goals which would otherwise be blocked.¹

National executives have a “win-set” of achievable policy ambitions at the national level, which depends on the preferences of other groups in domestic society and the institutions which empower them. By putting together complex package deals, adding international side-payments to satisfy domestic groups, or presenting domestic interests with “take-it-or-leave-it” decisions on bargains which are costly to renegotiate, executives have the opportunity to increase their autonomy from domestic groups by engaging in international cooperation. This process of enlarging executive win-sets is known in the literature as “cutting slack.” The larger the executive

¹In Putnam’s classic example, the 1978 Bonn summit conference, Germany and Japan agreed to boost economic growth while the United States agreed to reform its energy policy. Not only did these key governments adopt policies different from those which they would have pursued in the absence of international cooperation, but national executives manipulated the international processes to realize their domestic goals. In this way, for example, the German Chancellor Schmidt and the Social Democratic Party were able to maneuver their coalition allies (the Free Democratic Party) and the Bundesbank, both strongly opposed to reflation, into supporting a policy which would have been costly or impossible to enact without the Bonn Summit’s package deal. See Putnam 1988, pp. 428-429.

win-set, then, *ceteris paribus*, the greater the opportunities for international agreements. However, the distributional outcome of negotiations may depend on the room for maneuver of the bargainers: a government with a smaller win-set may, of necessity, give fewer concessions than a government which can make a wider range of agreements. The tension between incentives to enlarge win-sets (“cut slack”) and incentives to reduce them (“tie one’s hands”) is at the heart of two-level games international relations theory.

This question of the interaction between international cooperation and domestic politics is pressingly relevant to the effect of European integration on domestic politics and democratic accountability in EU Member States. Many authors consider democratic politics in Europe to be under considerable strain from the effects of increasing integration.² In this regard, it is common not only to draw attention to possible accountability deficiencies among the European institutions, but also to argue that the process of European integration has had significant effects on politics *inside* the Member States of the European Union, by upsetting the balance between executives and legislators.

In this paper, I advance an argument which challenges the existing understanding of the effects of European integration on domestic politics (and vice versa). International cooperation has the capacity to strengthen national executives in particular ways, but is unlikely to be important in the case where executives are already dominant in those resources, as is often the case in contemporary Europe.

This paper is organized as follows. The first section sets out current empirical and theoretical work on the effects of European integration on domestic politics, taking the influential

²See Scharpf 1999; Schmitter 2000; Siedentop 2000

model of Moravcsik (1994³) as its starting point. The second section contrasts “European” policy-making with domestic policy-making in these countries along the criteria of agenda-setting, executive prerogatives and information.⁴ The third section draws tentative conclusions about the connection between European integration, democracy and executive power in European politics and elsewhere.

³“Why the European Community strengthens the state: Domestic Politics and International Cooperation” Center for European Studies Working Paper No. 52, Cambridge: Harvard University. Copies of this paper are available from the Center for European Studies, Harvard University or via <http://www.people.fas.harvard.edu/~moravcs/publications.html#>. The argument is outlined at less length in Moravcsik 1993b, pp. 514-517.

⁴“European” policy-making refers to the effecting in national political systems of norms agreed as a result of participation in European Community/ European Union institutions. An example could be implementation in France of a European Directive on the issuing of securities. Domestic policy-making refers to policies which do not aim to fulfill a European Union (or other international) norm.

International Cooperation and Domestic Politics in Europe

There is a consensus on the effect of European integration on at least one aspect of national politics:⁵ that it has strengthened executive⁶ power, because it is the executive which has direct access to European policy-making and policy-makers in the Council, in the European institutions and other Member States; and that national parliaments, in particular, have not succeeded in scrutinizing or controlling actions by their national governments.⁷ John Biffen, former Leader of the House of Commons, for example, has argued that “in our relationship with the EC, the government has retained its sphere of authority... more effectively than has Parliament.”⁸ In France, legislators are apparently worried that the French Parliament is becoming little more than “a poorly informed rubber stamp.”⁹ An empirical survey of the relationships between national parliaments and the European Union concludes that “National parliaments have been left behind in the rush.”¹⁰

This assessment of the declining role of legislators as a result of European integration is not limited to participants and empirical observers. Many commentators assessing the democratic legitimacy and effectiveness of the European institutions agree that executives have been strengthened against other national institutions, even if they disagree on many other aspects of European integration, and its effects on democracy in Europe. Fritz Scharpf writes that “In areas

⁵This is not to say that there is agreement on *all* aspects of European integration’s influence on national politics or democracy more generally. Indeed major questions remain the subject of heated dispute, including the role of sub-national regions (‘multi-level governance’), the creation of a European consciousness or public (a European ‘Demos’), the influence of interest groups, the accountability of the European Commission, Parliament and Court of Justice, et cetera; not to mention the question of normative assessment of any empirical findings. However, the contention that executives have been strengthened against legislatures is perhaps one of the areas of *least disagreement*. For a counter argument to Moravcsik 1994, see Fioremos 1997 – which however concentrates on declining independence of national governments because of economic interdependence/ capital mobility. However, almost all commentators on the EU agree on the importance of increased economic interdependence, and this is a separate question from the reallocation of political resources within domestic politics.

⁶The executive branch here refers to the prime minister or head of government, or more broadly the cabinet.

⁷See Martin 2000, p. 150.

⁸Cited in Moravcsik 1994, p. 16.

⁹See Norton 1995, p. 48.

¹⁰See Norton 1995, p. 192.

where governments are in agreement, they may thus be able to override domestic opposition through joint action at the European level.”¹¹ Liesbet Hooghe and Gary Marks write that “one contribution of liberal institutionalism ... lies in the attempt to specify conditions under which ‘international cooperation tends on balance to strengthen the domestic power of executives vis-à-vis opposition groups.’”¹² J.H.H. Weiler writes, “Community and Union governance pervert the balance between executive and legislative organs of governance of the State.”¹³ Indeed, it has been argued that strengthening the executive is one of the wider effects of international cooperation in general, and should therefore be considered a problem for democracy. Klaus Dieter Wolf writes “de-democratization will take place as long as intergovernmental cooperation mechanisms offer national governments the opportunity to reassert state autonomy vis-à-vis increasingly assertive domestic and transnational societal pressures.”¹⁴

Andrew Moravcsik’s paper “Why the European Community Strengthens the State: Domestic Politics and International Cooperation”¹⁵ (Moravcsik 1994) advanced this discussion by putting forward a set of theoretical bases to clarify the potential effect on domestic politics of international cooperation. Building on observations about the strengthening of executives (and weakening of legislatures) in the European Community, and on the theoretical literature on two-level games in international relations, Moravcsik set out to show *how* national executives could

¹¹See Scharpf 1999, p. 25 (with a caveat about the ability of national elites to deflect electoral unpopularity onto European institutions).

¹²Hooghe and Marks 2001, p. 31, note 2, quoting Moravcsik 1994.

¹³Weiler 1999, p. 266.

¹⁴Wolf 1999, p. 333 (cited from the abstract).

¹⁵The title of this paper expresses its profound debt to Moravcsik’s 1994 paper. It might be argued in criticism that the term “state” has a broader meaning than merely the executive branch of government, but Moravcsik’s usage is clear, and for this reason, and the sake of consistency, is replicated here.

use international negotiations to enlarge their win-sets in domestic politics, and to apply this to the case of European integration.¹⁶

Four different specific causal mechanisms (two procedural, two cognitive) enable executives to increase their autonomy - “cut slack”:

“By transforming issues traditionally defined as ‘domestic policy’ into ‘foreign policy,’ international engagement can open and close channels for domestic actors to influence the initiation of policy (initiative); alter the domestic constitutional and statutory procedures under which policy decisions are ratified and implemented (institutions); create or redress asymmetries in knowledge (information); and reshape the possibilities for domestic actors to justify policies (ideas).”¹⁷

After outlining his theoretical approach, Moravcsik’s methodology is to demonstrate by illustrative examples the relevance of these causal mechanisms to European integration and democratic politics. All the following examples are cited from Moravcsik 1994.¹⁸

Initiative (Agenda-setting): International negotiations may strengthen the agenda-setting power of national executives, because the outcomes of international agreements – such as European legislation or institutional agreements – can be presented to parliaments to as an un-

¹⁶Moravcsik’s paper does touch on other aspects of European integration and national politics, democracy etc, including the role of regions (“multi-level governance”) and referenda. These issues are separable (at least in large part) from the question of the strengthening or weakening of national executives vis-à-vis other national political actors (such as legislators), which is what the vast majority of Moravcsik’s paper (and especially the empirical contents) concentrate on. This paper similarly concentrates on this issue.

¹⁷Moravcsik 1994, p. 7.

¹⁸Moravcsik puts aspects of agenda-setting into both “institutional” and “initiative” categories. See for example Moravcsik 1994, pp. 9 and 11. This has the advantage of highlighting that certain aspects of agenda-setting advantages come from international cooperation per se, while others come from special procedures adopted to implement these procedures domestically. However, this has the cost of somewhat confusing the categories. For the sake of clarity, this paper refers to agenda-setting capabilities under the category “initiative” and all other procedural capabilities of the executive (such as decree-powers, the ability to forego parliamentary procedures completely, constitutional prerogatives etc) into the category of “institutions.”

amendable “take it or leave it decision.” This is the equivalent to a legislative deliberation under a “closed rule.”¹⁹

Institutions: International negotiations may strengthen the executive because of constitutional or other provisions which enhance executive autonomy. As Moravcsik writes, “Relative to procedures commonly used in matters of domestic policy, foreign policy procedures often restrict opportunities for meaningful deliberation.”²⁰ The German Chancellor, for example, may use his “Richtlinienkompetenz” (the “guidelines competence” enshrined in the Grundgesetz [German “Basic Law” or Constitution], Article 65) to enjoy a privileged position in foreign affairs.²¹ Even where domestic ratification is required, the opportunities for parliaments and publics to amend, alter or reject either European treaties or (perhaps even more so) day-to-day European legislation are very limited. In France, only 8 percent of European Directives are implemented with the involvement of the National Assembly.²² Further, where a European Directive has been agreed by the Council (and other European institutions), opposition can be not only difficult but illegal.²³ European law thus acts to reinforce executive initiatives for policy change.

Information: International negotiations can create domestic informational asymmetries in favor of the executive. Executives may, through their direct participation in international negotiations and institutions, possess technical and political information which is not available to domestic societal groups which seek to influence or control their actions. In the EC, for example, “Debates and votes in the meetings of the Commission, the Council of Ministers, COREPER and the European Council – as in many other international negotiations – take place almost entirely

¹⁹Moravcsik 1994, p. 9.

²⁰Moravcsik 1994, p. 11.

²¹Moravcsik 1994, p. 16. The Richtlinienkompetenz – or the Chancellor’s constitutional power to give policy guidelines – is not limited to foreign affairs.

²²Moravcsik 1994, p. 21.

²³Moravcsik 1994, p. 21.

off the public record.”²⁴ Without information, societal groups face formidable cognitive barriers to influencing European policy.

Ideas: International negotiations can also bolster the domestic power of political executives by providing them with additional sources of ideological legitimation associated with international cooperation. The “European idea” is, on the one hand, formidably connected to ideas of peace, prosperity and cosmopolitanism and, on the other, is notably vague and open-ended; it thus provides a particularly flexible instrument through which executives can legitimate their policies ideologically.²⁵

Note that none of these four causal mechanisms relies on the *content* of international cooperation providing the national executive with any tangible resources to “buy” support from domestic groups. If international cooperation provides tangible advantages which can be shared with other domestic groups, it will be easier for the executive to ratify its international agreements. But at its simplest and starkest, the argument is that the national executive is strengthened *whether or not there exist gains from international cooperation (and whether or not these are shared with other national elites or organized interests)*. As Moravcsik writes:

“In extreme cases, executives may welcome multilateral restrictions on national sovereignty in place of unilateral action, even in the absence of a direct international *quid pro quo*, as long as it increases their autonomy at home – a paradoxical prediction for conventional theories of international relations.”²⁶

²⁴Moravcsik 1994, p. 23.

²⁵Moravcsik 1994, p. 24.

²⁶Moravcsik 1994, p. 2.

Even if pursuing an identical policy to previous domestic ambitions, international cooperation can – through these causal mechanisms – strengthen the executive domestically, in pursuit of their goals.²⁷

Moravcsik's achievement is to provide a set of theoretical bases for the effect of international cooperation on domestic politics, and to furnish extensive examples for his application in the important test case of the European Community.²⁸ Based on these findings, Moravcsik reaches conclusions about the effects of European integration, most importantly arguing that the resulting increased autonomy for national executives has made an important contribution to the successes of integration. Enlarging executive win-sets has allowed the pursuit policies which create diffuse public benefits for the many but considerable costs for powerful interest groups – just like “fast track” arrangements for domestic ratification of trade liberalization. Any such “democratic deficit” might therefore only be solved at the risk of reducing public benefits.²⁹ Moravcsik's argument about the interaction of international and domestic politics is illustrated in Figure One [see end]. Domestic executives whose domestic policy initiatives would be blocked by other national actors are able to succeed because of the additional executive resources provided by European integration.

²⁷From a methodological perspective, keeping the policy unchanged makes it possible to isolate the effects of the four causal mechanisms from the possible effect of changes in policy content. In reverse, looking at the validity of the causal mechanisms by which nation executives may be strengthened will show whether unchanged policies (i.e. policies which would normally fail nationally) could in fact be implemented, or whether additional benefits from international cooperation are necessary for successful implementation.

²⁸Moravcsik 1994 also provides at full length four examples of European Community policy-making “strengthening the state”: structural adjustment in the European Coal and Steel Community; France and the Creation of the Common Market; the consequences of the Common Commercial Policy; and the founding and functioning of the European Monetary System. For reasons of space, these are not considered at length in this paper.

²⁹See Moravcsik 1994, p. 56. “The democratic deficit is not a problem; it is a dilemma.” For the connection between strengthening the state and broader theorizing about European integration, see Moravcsik 1998, p. 76.

European integration and domestic politics in European states.

Moravcsik's approach is persuasive. Above all, it clarifies specific causal mechanisms by which international cooperation might have an impact on the distribution of power at the domestic level. The schema (institutions, initiative, information, ideas) is arguably comprehensive. It has the distinct virtue of theoretical broadness and applicability to international cooperation in general, not merely to European integration and domestic politics in Europe. Its approach deserves application to a wide variety of international institutions and different national political regimes.

The question for this paper is, however, what does this general schema explain about politics in Europe – the effects of European integration on European politics and democracy, and vice versa? In answering, we must compare executive influence in European policy-making to executive influence in other aspects of domestic policy. This task is admittedly difficult, and this paper is just the beginning of much-needed research on this issue. But, with that caveat, there are good reasons to believe that the effects which Moravcsik convincingly argues *might* flow from international cooperation have had little concrete impact in the case of the European Union and domestic politics in Europe. Why is this?

The broad justification for this contention is that in today's European domestic politics, national executives often have a very dominant position in the areas of agenda-setting and information; and that where institutions do provide opportunities for other societal groups to influence domestic policy-making, it is very rare that they do not also provide similar opportunities to influence European policy-making. Indeed the hypothesized effects of three of the four causal mechanisms (institutions, initiative and information) for the influence of *international cooperation* are strikingly consistent with wider observations on the state of European *domestic* politics.

In large part this is because in parliamentary regimes, with disciplined parties (Laver and Shepsle 1994), legislative control of the executive is very limited.³⁰ Other veto points, such as strong second chambers or central banks, do, contrary to expectations, maintain their role in European policy-making.

These three causal mechanisms of influence are re-examined from this perspective below. Two prior notes should be made. I restrict my analysis to the political organizational factors of initiative, institutions and information, and omit a full analysis of the effect of the European idea. This is motivated by the methodological concern that it is necessary to control for more easily observable factors such as institutions in order to isolate the independent effects of ideas. As King, Keohane and Verba write “In particular, the observed dependent variable (policies) and explanatory variable (ideas held by individuals) must be prepared with a precisely defined counterfactual situation in which the explanatory variable takes on a different value: the relevant individuals had different ideas” (King, Keohane and Verba 1994: 191). An assessment of the impact of the EU on national executive initiative, information and institutions should therefore proceed prior to consideration of the impact of ideas.³¹ Second, the methodology adopted here is to take Moravcsik’s own examples of how the EU “strengthens the state,” and re-examine them by reference to the broader literature on initiative, institutions and information in domestic politics in European politics. This paper – although it intends to be as comprehensive as such a paper of such length allows – does not set out a full empirical investigation of the impact of the EU on national executive resources. Rather its selective and illustrative approach is a replica of Morav-

³⁰See Laver and Shepsle 1999, pp. 12-13. “The conventional coalition theorists’ view of governance by legislature flies in the face of the undoubtedly firm control of legislatures by the government of the day, a generalization recently reviewed and supported in a series of country studies (Laver and Shepsle, 1994). As we shall see, conceiving of the structure of policy making and implementation in a more realistic manner provides an altogether richer and more suggestive account of government formation. *A legislature makes and breaks governments, to be sure, but it does not, in our view, run the country.*” Emphasis in original.

³¹Note that if the conclusions of this paper are accepted, national executives may not be in need of a great deal of strengthening from the “European idea.”

csik's own methodology and evidence. By re-considering the best evidence given for reinforcement of the executive, rather than selecting other aspects of domestic politics which might suggest different conclusions, it biases its investigation against the rejection of Moravcsik's conclusion, and confronts the "strengthen the state" argument directly on its strongest ground.³²

³²In the same way that a quantitative research finding might be disputed by re-analysis of the original data set.

Initiative, institutions, information reconsidered:

Initiative (Agenda-setting): Does European integration strengthen the initiative powers of national executives? The answer to this question depends on where the agenda-setting right lies in more routine European domestic politics. If agenda-setting is usually firmly in the hands of the executive, then the European Union can have little effect. If agenda-setting is more disputed or dispersed, then international cooperation, if it provides the executive with uncommon opportunities to make take-it-or-leave-it proposals, can have a significant effect.

The evidence is, overwhelmingly, the national executives in contemporary Europe are firmly in control of the agenda-setting process in national parliaments; and that this finding holds substantially true across a wide variety of parliamentary systems. Recent work on parliamentary regimes has emphasized the agenda-setting dominance of national governments.³³ In France, the government has the right to control the parliamentary agenda under Article 48 of the Constitution.³⁴ In Ireland, one commentator writes, the executive “has virtually total control over the legislative timetable.”³⁵ Strikingly, while Moravcsik claims that international cooperation offers particular opportunities for offering legislatures proposals “under a closed rule,”³⁶ a recent theoretical work on contemporary parliamentary government concludes “that governmental statutory power in parliamentary democracies is comparable to that of committees in the U.S. Congress armed with restrictive procedural rules”³⁷ – and not just in foreign affairs.

³³Laver and Shepsle, p. 278ff. See also p. 41: “One of the main ways in which the cabinet dominates the legislature in the business of making public policy has to do with the flow of legislative business. Typically in parliamentary democracies, the cabinet has a tight grip on the parliamentary timetable.”

³⁴Thiébault 1994, p. 140.

³⁵Farrell 1994, p. 74.

³⁶See Moravcsik 1994, p. 9.

³⁷See Laver and Shepsle, p. 279. The attribution of agenda-setting power to executives in parliamentary systems is not merely a matter of observation but – at least to some degree – a matter intrinsic to the nature of parliamentary systems *per se*, where parliaments consider package alternatives set forth by executives. As Tsebelis writes: “In parliamentary systems the executive (government) controls the agenda, and the legislature (parliament) accepts or rejects proposals, while in presidential systems the legislature makes the proposals and the executive (president) signs

Contemporary parliaments in Europe routinely give overwhelming agenda-setting rights to national executives. There is little for European integration to add.

Institutions: Do European democracies provide European executives with distinct foreign policy-making powers which provide more autonomy – or “agency slack” – to national executives than normal domestic policy-making? The evidence here is generally negative. Even in parliamentary regimes, where executives have particular constitutional powers, such as the German Chancellor’s *Richtlinienkompetenz* (the “Guidelines competence,” Article 65 of the *Grundgesetz*), observers cannot agree that what impact – if any – such procedures have on policy-making, placing much more emphasis on coalition requirements and other political constraints. One commentator on the Chancellor and the constitution writes: “The chancellor’s constitutional capacity to determine policy parameters in this way is considerably restricted by the political requirements of the parliamentary system and coalition government” and “When considering the effect of the constitution on chancellors since 1949, the outstanding feature is the great elasticity of Article 65.”³⁸

or vetoes them. ... The property is more general: the veto player who has the power to propose will have a significant advantage in policy-making. This analysis indicates that *with respect to legislation*, parliaments will be more significant in presidential than parliamentary systems, and presidents will be less significant than governments.” See Tsebelis 1995, p. 325. Italics in the original. National executive influence on non-legislative institutions, such as central banks or second chambers, is considered in the following section.

³⁸See Southern, pp. 32 and 41. See also Padgett, pp. 4-5: “The complexity of government defies a precise codification of inner-executive relations according to these principles, and constitutional provisions do little more than sketch a broad outline. Ultimately it is the political environment which is decisive in establishing the parameters of executive authority. Thus countries with similar constitutional provisions display sharp variations in the exercise of executive authority. The Italian and German constitutions are strikingly similar in this respect [executive authority], but the German Chancellor can exercise immeasurably more power over government than his Italian counterpart can.” See also Moravcsik (1998), p. 102: “Adenauer repeatedly attempted to extract greater concessions [from his domestic coalition partners]. In January 1956 he went so far as to invoke the Chancellor’s constitutional foreign policy powers (*Richtlinienkompetenz*), requesting that agriculture and industry bear ‘sacrifices’ in order to achieve geopolitical goals, including closer relations with France and European institutions with real autonomy, particularly in the field of nuclear energy. But this move failed to shift the compromise.” As these examples show, the fact that governments have agenda-setting and other advantages vis-à-vis parliaments does not mean that there are no constraints on government behavior. The main constraint is the necessity to maintain a parliamentary majority, which often means the necessity of negotiating with coalition partners. See Laver and Schepsle 1996, p. 41: “In effect, the only way for the legislature to effect a substantial change in government policy is to change the government, or at least mount a credible threat to do so.”

This may be because the making of policy in parliamentary regimes, in an environment of disciplined political parties which is the norm for contemporary European politics, the main constraint on executive behavior is the requirement to retain a majority in (the dominant house of) parliament. Institutional constraints are derivative of this: where a parliamentary majority is willing to support the executive, other constraints do not hold; where a majority is unwilling to support an executive, executive foreign policy powers (constitutional or otherwise) cannot be successfully invoked. Put another way, focusing on constitutional attribution of powers may be appropriate for separation of powers regimes (although there may be room for doubt even there), but for parliamentary regimes it is inappropriately *formalist*. Enumeration of constitutional powers matters little compared to political constraints, even in foreign policy.³⁹

France's semi-presidential regime may appear different in this regard. Not only does the separate election of the president increase the likelihood of separate preferences between legislature and executive, but there are also considerable executive prerogatives.⁴⁰ As noted above, less than 8 percent of European Directives are implemented in France with the involvement of the National Assembly. But this is *not* due to the foreign policy powers of the President. Rather French constitutional scholars confirm that it reflects the fact that the French government has considerable decree-making power (under the division of competences in Articles 34 and 37 of the constitution⁴¹), which can be used for European Directives just as they can for domestic regulations.⁴² There is no "extra" power for Directives. If the French Republic wanted of its own ac-

³⁹This is not to say that constitutional arrangements can make no difference whatever. "Rules of the game" type powers, like the power to fire ministers or call elections, will have an effect on all aspects of politics, not European politics alone.

⁴⁰See Huber 1996, pp. 24-37 for an assessment of the executive powers in the French constitution.

⁴¹For the articles of the French constitution, see Finer, Bogdanor and Rudden 1995.

⁴²Levesque, p. 52. As a scholar of French European policy and administration writes: "Toute directive publiée au *Journal officiel des Communautés européennes* amène ainsi le département concerné à étudier le choix de la norme de transposition. Selon que le text concerne un domaine que relève de l'article 34 ou de l'article 37 de la Constitution, les services compétents proposent un projet de loi ou de décret."

cord to change its economic regulations in the same way in which European Directives required it to, it would use the same procedures. The French executive is autonomous from parliamentary influence in the implementation of European Directives not because these are “foreign policy issues” but because the French executive is autonomous in such policy areas whether implementing European or domestic initiatives.

There is a broader point here, which is that the issue areas which make up the bulk of EU decision-making (economic regulation) may be even more associated with executive institutional and initiative advantages in domestic politics than, for example, taxation or health care (this is likely true in other Member States too). In the case of France, Article 37 of the constitution gives the executive the power to make rules (without parliamentary involvement) in the domain of “régulation,” which is to say all matters which fall outside the domain of law, as stated in article 34. Without asserting a complete identity of terminology or scope, the fact that French executive decree-making power is associated with the constitutional concept of “régulation” and the European integration is an essentially regulatory construction (Majone 1996) may well explain much of executive autonomy on European policy-making in France.

What about other institutional barriers on executive dominance, such as powerful second legislative chambers, regional governments, central banks and constitutional courts? Here too, there is evidence is that institutions, where powerful domestically, tend to maintain their influence on European policy. Institutional veto points, even where not required for the taking of the “European” decision in the Council of Ministers (or European Council, more generally “Brussels”), continue to have a very significant role thereafter, even in defiance of European “legal” sanctions.

One case may be illustrative of this point (this is an under-researched area). In the case of the Packaging and Packaging Waste Directive, implementation was much prompter in Britain (which had to fundamentally change its waste processing regime, at considerable cost and deviation from national policy norms) than in Germany (whose previous regime was only slightly altered) because of the need for the assent of the Bundesrat to alterations in existing German policy. The mere fact of eventual penalties for non-compliance with European law was not sufficient to secure the agreement of the Bundesrat. Rather than being strengthened, “the federal government was trapped between the Commission on the one hand and the Bundesrat on the other.”⁴³ Agreement was only reached through concessions on a related issue – a significant side-payment, in effect – by the federal government (Haverland 2000). The evidence of this case suggests that where national systems provide for other veto-players with which the national executive would usually have to negotiate, they are unable to escape this obligation merely by making “European” policy.

Germany also provides an example of failure by the federal government to use European policy to effectively strengthen its hand against the Bundesbank. In the late 1970s, Chancellor Schmidt tried to use the creation of the European Monetary System to force the Bundesbank into loosening monetary policy. But while the Bundesbank was incapable of preventing the creation of the EMS, which was conceived in which secret negotiations by heads of government, the Bundesbank *was* capable of ensuring that the EMS would not result in a loosening of its anti-inflationary mandate – which was Schmidt’s real objective.⁴⁴ European initiatives on subject

⁴³See Haverland 2000, p. 99.

⁴⁴I am grateful to Mark Copelovitch for advice on this point. While this example shows that national executives do on occasion indeed try to go around national constraints through international cooperation, it also shows that such domestic constraints frequently persist despite these efforts. See Moravcsik 1994, pp. 39-45. By contrast, see Moravcsik, n.d., for a subsequent view that European policy had a “relatively modest” impact on domestic political resources.

matters where non-executive national elites would normally have veto roles tend to be still-born, incomplete or even counter-productive (exposing the executive to the potential of sanctions at the Court of Justice,⁴⁵ without being able to change policy).

To be fair and complete, there *are* a number of examples of tangible executive prerogatives for European policy-making. In the UK for example, the European Communities Act 1972 allows the government to amend primary legislation by statutory instrument (albeit through a parliamentary process) to implement European obligations.⁴⁶ In France, the government has the ability to implement European Regulations (not Directives) without a legislative process even where they would normally fall outside the scope of the French executive's constitutional decree-making powers.⁴⁷ The significance of such institutional prerogatives (and any others) deserves further examination, but it is not clear that they add up to a general conclusion of a significantly reinforced executive, given a base-line of general executive dominance in the regulatory issue-areas most relevant to European integration. The use of statutory instruments has been rising in the United Kingdom over the twentieth century, quite exogenously from European integration (Page 2001). In the French case, further research is needed to assess whether an important quantum of European Regulations fall outside the French executive's decree power in matters of "régulation."

Information: Does the European Union provide greater opportunities for national executives to "cut slack" because their behavior is less observable by other societal groups? Is interna-

⁴⁵Haverland 2000, p. 99.

⁴⁶Primary legislation is legislation passed by Parliament. Secondary legislation is orders made by government ministers, usually with the possibility of parliamentary review and rejection within a specified period of time. Usually secondary legislation cannot override primary legislation. However the European Communities Act 1971 allows just such secondary legislation to amend primary legislation, if it is needed to fulfill a European Community obligation.

⁴⁷See Lequesne pp. 230-233. European regulations may be implemented by decree whether or not such action would normally be within the French government's decree-making power. Lequesne notes however that European regulations rarely need national implementing measures and that the French government sometimes adopts such measures by law (i.e. through the French parliament) anyway.

tional policy-making more opaque than domestic policy-making? This may seem intuitively plausible, but even here a comparison with domestic policy-making must be established. What is the level of informational dominance of national executives in the domestic political systems and how does this compare to executive actions on European policy? Three points are worth making, all of which significantly qualify any effect of international cooperation.

First, observers of European politics argue that European executives already have considerable information advantages vis-à-vis their national legislatures. On the question of legislative information, Laver and Shepsle, writing about contemporary parliamentarism in general, conclude that “By virtue of controlling the main departments of state, ... the cabinet ... has a near monopoly of both the information and the drafting skills needed to prepare legislation....”⁴⁸

Second, it is not clear that European policy-making is intrinsically more opaque than domestic policy-making. In fact it might be argued that the reverse is true. As Moravcsik himself notes elsewhere: “Constant scrutiny from 15 different governments, moreover, renders the EU more transparent and less corrupt than almost any national government in Europe. ‘Sunshine laws’ reveal documents, newspapers widely report deliberations, and the near total absence of discretionary spending or bureaucratic adjudication almost eliminates common incentives for corruption.”⁴⁹ Even negotiations on “grand bargains” may be more transparent than national political power-broking, given the relatively open agenda-setting for IGC and summit discussions.

Third, it is worth remembering that organized groups are able to address many of the difficulties associated with monitoring European policy-making. The Länder in Germany have developed a wide range of information sources including the supply of “detached national experts” to the European institutions and the establishment of representative offices in Brussels (Baden-

⁴⁸See Laver and Shepsle 1996, p. 41. See also p. 38 ff.

⁴⁹Moravcsik 2001.

Württemberg, 2001). Interest groups address their informational difficulties not least by employing former officials who have been deeply involved in European issues: the London Investment Bankers' Association (LIBA), for example, therefore employs former officials of the Bank of England, with previous experience in the EU process.⁵⁰ Many of these difficulties are not qualitatively different to those which they need to regularly address to express their interests at the national level. Of course, interest groups and other institutions do not have complete information on European policy-making – but they certainly do not have complete information on national policy-making either.

Two possible objections

There are two connected objections which it is worth responding to at this point. First, it may be suggested that the argument that the European Union strengthens the state is “at the margin” and even if the executive is powerful at the domestic level, it is *even more* powerful when making European policy. Second, it might be argued that there is considerable variation in matters of executive dominance at the national level, and that a gross simplification is being practiced by suggesting that all European states have this executive dominance.

It is undeniable that this paper necessarily generalizes and simplifies in an attempt to sketch a broad picture of the overall impact of European integration on domestic politics. So, of course, do arguments that Europe has indeed “strengthened the state” or “perverted democracy.” More detailed investigation research, sensitive to country and issue-area variation, is needed. However, to the above objections there are two responses.

The first is that many of the examples given of executive reinforcement in particular national systems – such as the “guidelines” powers of the German Chancellor or the French executive’s non-parliamentary implementation of European Directives – have turned out on closer ex-

⁵⁰Personal knowledge.

amination to be misleading or very exaggerated, even though these are presumably the strongest examples available to support the “strengthen the state” hypothesis.⁵¹

The second response is that, even allowing for some variation in national institutions, there are theoretical reasons why the above conclusions should hold broadly true across the European parliamentary democracies.⁵² The advantage of specifying clear causal mechanisms for the effect of international cooperation on domestic politics is that these mechanisms can be compared with domestic assessments of these resources. The tendency for international cooperation to strengthen the executive is therefore likely to be meaningful and important where the state executive has significantly different preferences from the legislature (more likely in separation of powers systems, less in parliamentary regimes⁵³), where distinct foreign policy powers are held by distinctly elected executives (rather than parliamentary executives), where international agreements have the capacity to bypass normal veto-players at the national level (but the examples considered above suggest that national veto-players – such as central banks or powerful sec-

⁵¹Moravcsik 1994 contains other examples of European impact on domestic politics which would also benefit from comparison with base-line national politics. A claim that national bodies coordinating European policy are inaccessible to national elites and lobbyists (p. 19): but there is no consideration of similar coordination bodies on domestic policy. Similarly, a claim that Thatcher saw that protectionist sentiment in the House of Commons could be sidelined by the Single European Act is approvingly cited (p. 19) – but it is not clear that Thatcher was much restrained by such sentiment in her economic liberalism in wider national policy-making, or whether the House of Commons is usually considered to have a significant impact on policy.

⁵²A similar objection – does variation in national practice invalidate conclusions which are held to be widely applicable? – is answered by the authors of a recent book on parliamentary democracy as follows: “The relative advantage of the cabinet [in agenda-setting] vis-à-vis parliament does of course vary from place to place and time to time. The nature of such variation depends mostly on the ability of parliament to bring independent judgment to bear upon the government’s proposals, as well as on the formal need for the government to acquire statutory authority from the parliament for its activities. This relationship, however, stacks the deck heavily in favor of the government. The government, after all, has a large and expert civil service at its disposal. Even in those cases in which parliament may muster some limited resources for detailed policy evaluation, the government’s control of procedural levers is sufficient to neutralize these.”⁵² Laver and Shepsle 1996 pp. 278-279. See also p. 280: “So long as it maintains the overall confidence of parliament, something it must take care to maintain at all times, the model assumes that the cabinet can maneuver in a more or less unfettered manner. A natural avenue for further work, of course, would relax this stricture, modeling agenda power in a more subtle and differentiated fashion. However this development might proceed, one thing is almost certain to remain clear. Whatever else it might be, parliamentary democracy is not rule by legislature.”

⁵³Some of the distinctive aspects of French semi-presidential arrangements have already been discussed earlier in this paper.

ond chambers – tend to maintain their influence in Europe), where executives do not dominate agenda-setting (a dominance which is at least to some degree structurally inherent in parliamentary regimes⁵⁴), and where the information advantages of the executive are not already large, or where policy-making at the international level is notably opaque (which is arguably not true of the European Union).

This analysis suggests that the executive is not likely to be strengthened by the EU in the disciplined parliamentary democracies which are the norm in the contemporary Europe.⁵⁵ The impact of European integration on domestic politics from the three formal causal mechanisms of initiative, institutions and information is likely to be minimal.

⁵⁴See Tsebelis 1996. Moravcsik 1994, page 64 refers to the “fast-track” procedure for trade agreements in the U.S. Congress. The importance of such a procedure in the U.S. is that it reverses the normal agenda-setting arrangements in presidential government. In parliamentary governments, however, executives frequently already enjoy agenda-setting powers.

⁵⁵The obvious significant counterexample is Italy, whose parliamentary democracy has multiple agenda-setters and veto points (see, for example, Furlong in Norton 1990). But again, given the reality of these existing domestic arrangements, it is not clear that domestic resources are significantly changed by European policy initiatives. See, for example, Dieter Kerwer’s “The modest impact of Europe on Italian Transport Policy” (Kerwer 2001).

Conclusions: National Governments and European Integration

European openness built on national closure?

Many observers suggest that the European Union is suffering a democratic crisis. Some suggest that this is because the European institutions facilitate market “negative integration” more than regulative or redistributive “positive integration.”⁵⁶ Others argue that there is a malaise of democratic participation which only wide-reaching institutional change can revitalize.⁵⁷ One aspect (only) of this debate about European integration and democracy concerns the connection between European integration and the distribution of national political resources. On this point, diverse commentators agree that national executives have been meaningfully strengthened at the national level against other domestic political actors, and that this centralization is part of the national “democratic deficit” which is a partner to the European “democratic deficit” at the European level.⁵⁸ This is the underlying logic to the conventional view that international cooperation is a “problem for democracy” or that “national parliaments have been left behind in the rush.” If the same causal developments (that international cooperation has changed domestic political balances) are seen from another, more positive, perspective, there may be not a democratic deficit but a democratic dilemma, where national executives, empowered by the EU, are able to deliver benefits provided by policies that national political actors would otherwise block.. These views are illustrated in Figure One.⁵⁹

⁵⁶Scharpf 1999.

⁵⁷Schmitter 2000.

⁵⁸For a contrary assertion (which may not refer to the balance of political resources within Member States), see Schmitter 2000, p. 127

⁵⁹Given the extensive critique here of Moravcsik’s 1994 paper, it is only fair and reasonable to note that Moravcsik’s own views on the role of executives in European integration have changed over time. As mentioned above (see footnote 44), see Moravcsik, n.d., for a subsequent view that the impact of European monetary agreements “has had a relatively modest impact on the balance of political resources in domestic politics” (p. 33). More recently, in assessing (and largely rejecting) the possibility of a European “democratic deficit,” Moravcsik argues both that the EU institutions are part of a “broader trend towards ... strong executive leadership” at the national level, and that there are considerable normative arguments for such developments, including the need to defend diffuse interests of the

This paper suggests otherwise. It suggests that international cooperation in the European context has hardly changed existing executive resources. The limited involvement of national parliaments in particular is not the result of any particular crisis induced by the process of European integration but rather the result of broader changes in domestic political organization in twentieth-century Europe, and – if it is a crisis at all – it is a crisis whose causes are far removed from European integration.⁶⁰ The argument that European integration has been very important in enlarging executive win-sets – that the EU has “strengthened the state” in this sense – in contemporary Europe should be rejected. Where national executives want to change policy, but face tangible obstacles at the national level, the European Union does not automatically dissolve them.

This analysis cannot but call attention to the fact that the prerequisites for international cooperation in terms of the necessary executive autonomy – dominance in information, agenda-setting and institutions – have been conspicuously present in contemporary Europe, because of exogenous national political developments, perhaps most importantly changes in political party organisation. This opens up a new possibility for explanations of European integration, which is that executive autonomy has been an essential prior ingredient in the formulation of the European Union, rather than a result of it, and that today’s disciplined party systems, executive orders,⁶¹ and dominated legislatures are an essential precondition for international cooperation in Europe. This alternative understanding is illustrated in Figure 2.

“median voter” from the capture of open political processes by particularistic minorities (Moravcsik 2002, p. 606; see also pp. 613ff., esp. p. 614), an approach which is consistent with the arguments of this paper. See also Moravcsik 2000.

⁶⁰On the changing role of political parties, legislatures and executives over time, see, for example, Maier 1981; Taylor 2000.

⁶¹Decree-laws in France, statutory instruments in Britain, and similar executive instruments elsewhere.

This is not just a rejection of the hypothesis that the EU has “strengthened the state” but the suggestion of its opposite: that a strong national state has been necessary for the building of the EU: European openness is built on the prior closure of national politics in Europe. The European Union would therefore be not so much an institution which creates “fast track” style arrangements for trade liberalization in Europe, but rather one which relies on widespread exogenous developments in “fast track” democracy – decision-making with closed agenda-setting and information asymmetries, particularly in the issue areas which European integration touches on most importantly – at the national level. On this argument, it would be the national level of politics – rather than the EU level – which would be the better subject of criticism on abstract grounds of openness and accountability, but paradoxically the EU level would *require* that type of national politics in order for the Union to function successfully.⁶²

Finally, this approach – of measuring effects of international cooperation on domestic politics or democracy *at the margin*, with specific reference to the details of normal decision-making arrangements of the participating states – may have a broader methodological value in contemporary debates on international cooperation and democracy. If questions of cooperation and democracy are considered only in the abstract, as problems facing anonymous “democratic states” and unspecified “international organizations,” certain tensions and opportunities can certainly be clarified and exposed. But on the other hand, it is quite possible that the particular details of the international cooperation on the one hand, and the pre-existing structure of domestic political organization on the other, might in any particular case give a different perspective. To take one example only, Keohane and Nye argue lucidly in “The club model of multilateral coop-

⁶²For a somewhat similar argument about a very different subject, see Mathieu Deflem’s (Deflem, 2000) argument about the historical foundations of international police cooperation (the forerunner of today’s Interpol): “The formation of international police organizations was historically made possible when public police institutions were sufficiently detached from the political centers of their respective states to function autonomously as expert bureaucracies” (p. 1).

eration and problems of democratic legitimacy” that international cooperation is not transparent; that outsiders (both the rest of the government, and the general public) are excluded; and, most seriously, that “the lack of mediating politicians” is the most serious ‘democratic deficit’ of international organizations.”⁶³ All these points are very well made. But in many countries, not least in Europe, and in some issue areas, such as economic regulation, national policy-making might already be based on opaque procedures; on arrangements which exclude outsiders and the public; and the mediating role of elected politicians might already be exiguous. Call it the ‘club model of national policy-making’, and it might be a fair description of regulatory policy-making arrangements in the French Fifth Republic, and indeed elsewhere. The change required by the ‘club model’ of international cooperation of such a national political system would be quite different from the effects on a more open and contestable domestic politics. Questions of international cooperation and democracy therefore benefit from consideration not only against abstract democratic theory, but also in light of the effect *at the margin* and the interaction with the existing national democratic arrangements of the participating states.

This paper, which accepts Moravcsik’s approach to considering the interaction of international and domestic politics but (largely) rejects his conclusions as they apply to Europe, aims not to end the discussion of the connection between European integration and democracy, but to advance it. Serious consideration of the hypothesis suggested above – that the strong national state has built the European Union – would require extensive investigation and testing against alternative hypotheses. Further research on the connection between international cooperation and executive resources in the European Union and beyond is the best way to address this question.

⁶³Keohane and Nye, 2001, p. 23.

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Figure One: The Strong State as Consequence of European Integration.
“Strengthen the State”.

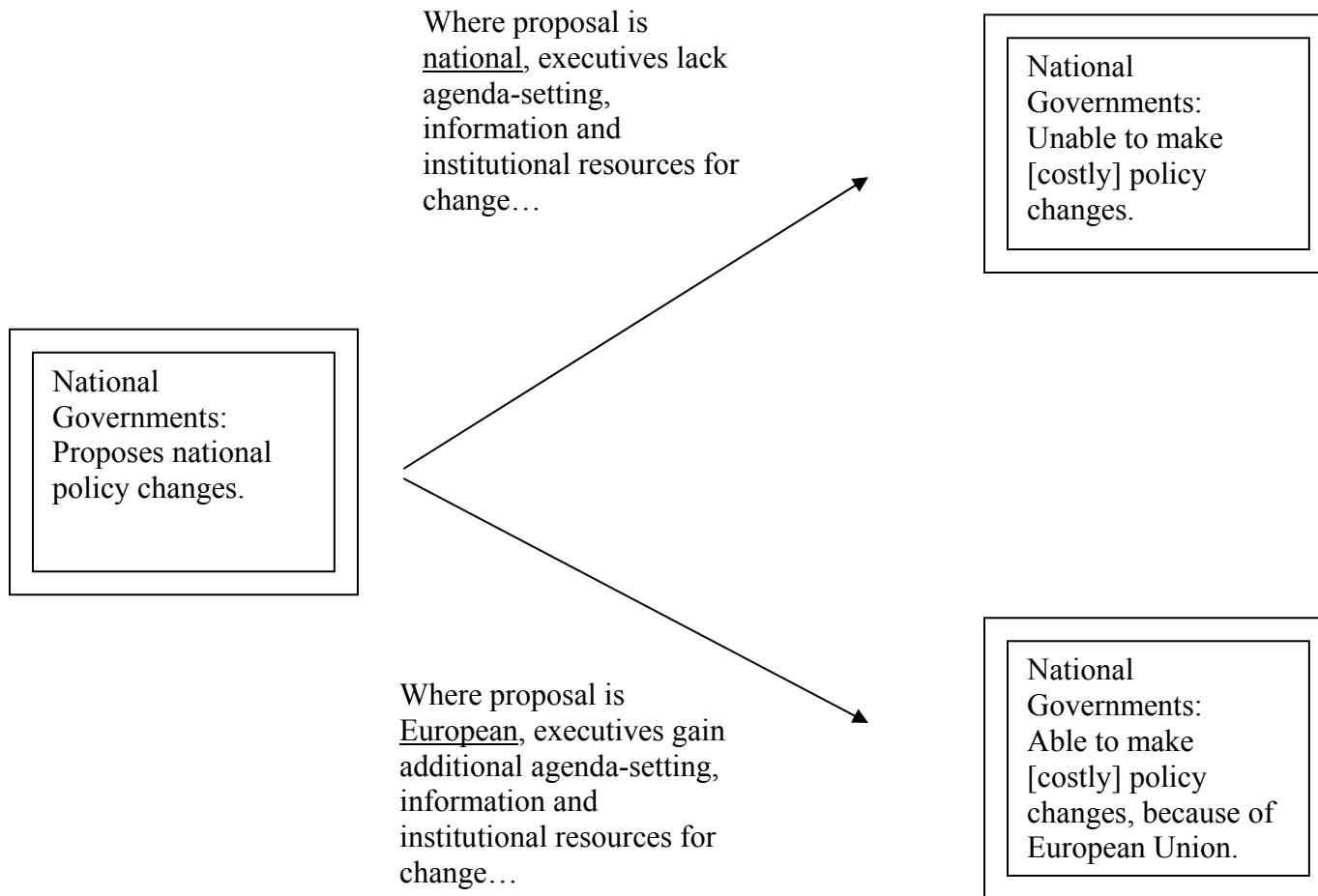


Figure Two: European integration as consequence of the Strong State.
“Strong State as Prequel”.

