

Unpacking Member State Preferences In Trade Policy – A Research Agenda.

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Comments and suggestions are very welcome.

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Abstract

In the field of European Union (EU) trade policy research, a large amount of fruitful work has focused on decision-making struggles at the European level. However, few studies have been devoted to the dynamics of preference formation within the Member States. There are no studies that systematically trace positions of EU Member States on trade issues over the years, and we know little of national decision making. Even basic information on governmental procedures is lacking, nor do we know much about the actions and viewpoints of domestic political or societal actors. Furthermore, only a handful of authors try to explain why country A took position X. Rather, Member State desiderata have remained largely exogenous to analyses while states have been treated as unitary actors. Building on an empirical and theoretical critique of the current literature, I argue that we need to complement the question of ‘Why “the EU” did-’, with analyses of ‘Why Member State X wanted-’. In other words: we need to open the black box of Member State preferences.

1. Introduction

This review will repeat a criticism of the literature on the EU's trade policy (EUTP) which has reoccurred throughout the years, without it ever really gaining traction or developing into a new research agenda. My central claim is the following: for various reasons that are elaborated in the text, we need to complement the question of '*Why "the EU" did-*', with analyses of '*Why Member State X wanted-*'. In other words: we need to open the black box of Member State (MS) preferences. As I will demonstrate, this connects to Della Salla's (2014) call for 'EU studies' to complement its focus on the institutions and policies of the EU with more research on the socio-economic and political transformations happening *within* (and because of) it.

The article proceeds as follows. I will begin with an overview of the literature on EUTP, its emphasis, goals and claims, in order to show that there is a lack of research delving deeper into the preference-formation processes of the Member States. In the third section, I discuss why this lack of knowledge is problematic. In the fourth section I formulate a 'wish list' for further studies, exploring some of the theoretical and empirical complexities this would involve. The final part concludes.

To ease the writing process somewhat, I will be using the acronym *European Union Trade Policy Research* (EUTPR).

2. State of the art

Point of this section: demonstrating what has been, and is currently being written on European trade policy

1. Overview of the literature

As has been noted in other reviews (Dür & Zimmerman, 2007; Orbie & Kerremans, 2013) the most 'productive' sectors of the literature on European Union Trade Policy (EUTP) have dealt either with issues of inter-institutional wrangling, with the influence of various interest groups and/or with the policy 'output' of the EU. It is thus very similar to EU studies in general (Della Salla, 2015). Since the methodological and theoretical features of this literature are probably well known to everyone working in our field, a cursory overview of its substance (which is also where a major part of my criticism is situated) should suffice.

Interest-group studies have looked at the relative power of NGOs versus business in accessing the Commission and influencing the policy process (Dür & De Bièvre, 2007), at the role of exporters in pushing for competitive liberalization (Dür, 2007b; Garcia, 2010), have defended (Meunier, 2005) and attacked (Dür, 2007a) the idea that supranationalization was aimed (and succeeds) at reducing policy-capture by domestic lobbyists, investigated the successful defeat of the anti-counterfeiting trade agreement by NGOs (Dür & Mateo, 2013), the fight between import defensive industries and a liberal coalition in the various textile 'wars' with Asian economies (Comino, 2007; Eckhardt, 2011; Heron, 2007) , the effects of ideas, institutions and interests on firms' trade policy demands in the

services sector, and the role played by the European Commission in making sure liberalizing forces won the day (Woll, 2008), and various related topics.

Inter-institutional fights have also received an enormous amount of attention, not only in the studies that focus on it directly but also in many of the other papers mentioned here- an interest in which of the EU institutions holds the reins permeates most of the literature¹. Examples include the work of Sophie Meunier (see Meunier & Kalypso, 1999; Meunier, 2000, 2005), which has looked in detail at the fights over competence in agriculture, procurement and aviation, as well the Member States' response to the Court's 1/94 opinion. In the past ten years, attention has shifted somewhat: away from issues of formal competence, and more towards the analysis of (de-facto) autonomy and power in the struggle over delegation and control that is so central to the literature on two/three level games and principal-agent theory. This body of work is quite voluminous. It has focused on the determinants of Commission autonomy, investigating such variables as the cohesion of the Council (da Conceição-Heldt, 2011, 2013), the scope for Commission collusion and informal deal-making during various stages of bilateral negotiations (Gastinger, 2015), the importance of intra-Commission negotiations (Larsén, 2007), the growing importance of the EP (Van Den Putte, De Ville, & Orbie, 2015) and the effects of the 2004 enlargement –both on Commission autonomy as well as the growing control of large Members States (Elsig, 2010). These articles study the effectiveness of various oversight mechanisms used by the Council as well as the Commission's ability to get its way through informal deal-making, agenda-setting and control over the flow of information (Dür & Elsig, 2011).

Another thematic strand (that overlaps considerably with the studies above) deals with the EU's relationship with third countries. Here, authors look at how 'the EU' is (un)able to shape the international trade system, and at the way it behaves in multilateral as well as bilateral venues (De Bièvre & Poletti, 2013; Young, 2015). An offspring of this literature, which often portrays the EU as a single (though potentially 'conflicted') actor are the handful of works that seek to understand what the EU 'is', see for example Meunier & Abdelal's work on 'managed globalization' (2010) or Zimmerman's opposing, realist conception of the EU (Zimmermann, 2007). In general, however, EUTPR is as 'post-ontological' (Caporaso, 1996 in Della Salla, 2014, p.4) as the rest of EU Studies: interested in studying the EU and its 'governance' rather than theorizing about what it amounts to.

In the past ten years there's also been a small (but growing) amount of studies that perform analyses of the discourse of EUTP. Crespy (2014) studies the contestation by citizen groups and trade unions over the GATS agreement, by investigating how these groups framed service liberalization as well as the ways in which the Commission, in its own communications, responded (and remained largely unresponsive) to their complaints. De Ville & Orbie (2014) scrutinize the discursive response of the Commission to the crisis, and the way the Commission first fought the dangers of '1930s protectionism' while subsequently tying the need for growth to competitiveness and liberalization (external as well as internal). The majority of these studies (see also De Ville & Orbie, 2014; Siles-Brügge, 2011, 2013) is focused on the Commission and DG Trade. One rare exception is the paper by Mathieu & Weinblum (2013), which looks at how Members of European Parliament (MEPs) have rallied around the need for fair trade even though the exact content (and the implications) of this 'empty signifier' differs immensely across ideologies.

¹ *Though in trade policy-research this seldom happens through the lens of the 'classic' integration-theory debates (for a rare exception see Niemann, 2013).*

Many of the authors from the previous paragraph intermingle with **'critical' social science**. This body of work has a pronounced normative lining, although some authors are closer than others to the 'radical' edge of the literature (Orbie & Kerremans, 2013). Bailey & Bossuyt (2013), for example, criticize the idea that the Commission (and DG Trade) is trying to spread global development and egalitarianism through trade. In their view, this discourse is just obfuscation of the neoliberal and neocolonial goals of the EU. In a similar vein, Lucy Ford (2013) works from the perspective of global political ecology and neo-Gramscian theory to pick apart the power relations and the discourses that foster the dominance of neoliberal over social and ecological goal. Sailing under yet another flag, Mark Langan (2009, 2015) uses his 'moral economy' framework to attack the discrepancy between the EU's stated goals in its new generation of trade agreements with the Maghreb and the detrimental effects these deals are likely to have on human well-being, economic development and migration flows. The EU's pursuit of this 'lose-lose' scenario, he claims, must be attributed to the belief among EU policymakers that their aims are both ethically just and economically crucial.

2. Analyses of the Member States in current research

Many of the "critical" works cited above find conventional academic work on EUTP deeply problematic; it is seen as reproducing the self-congratulatory narratives of the Commission, and as missing a more holistic perspective by being overly positivist. There is some merit in this critique, but it is not the line of attack I will be developing here. My bone of contention is primarily substantive, although I believe it also speaks to some methodological quarrels: there is hardly any work being done that tries to understand why Member States favor certain policies.

* In the principal-agent literature, the focus is on the struggle between 'the Council' and 'the Commission'. In terms of the three-level-game metaphor, most attention is paid to the 'second game': that between the 'international negotiator' (the Commission) and the Council. In this literature, an interest in the positions (and, superficially, the preferences) of individual states is confined to the extent to which heterogeneous interests may divide the council and the effects this has on the autonomy of the Commission (da Conceição-Heldt, 2011)².

* Studies on the EU in bi/multilateral negotiations are mostly interested in the effects of Council divisions on the 'effectiveness' of the EU (e.g. the 'Single Voice' debate). If individual positions are explained at all, it is usually in a rather superficial manner – explaining MS preferences is not in itself the goal of this research. Studies of individual MS and their commercial relationship with some country are rare as well. There is a handful of exceptions, primarily related to MS-China relations (Smith, 2014).

* In the interest-group literature there is an almost exclusive focus on EU-level lobbying by EU-level actors. Very limited work has been done on the role of domestic lobby groups in their attempt to influence EUTP (either through national or European channels). A rare exception is the study by Dür & Mateo (2012), which looks at the efforts of national domestic groups in lobbying both their governments as well as EU institutions on trade policy.

² A special issue on principal-agent studies (in trade) (Dür & Elsig, 2011) criticizes this literature for focusing too much on one isolated part of the PA-relationship, ignoring dynamic 'vertical' links; yet none of the articles in the special issue looks at the 'bottom' of the delegation chain: the link from voters and national-level interest groups to higher level actors – even though these are explicitly included in the leading article's diagram of the delegation chain (p. 332).

* In the discourse studies there is an almost exclusive focus on the language produced by the Commission. The only author (I am aware of) studying the role of arguments, frames and deliberations among Member State representatives is Arne Niemann (2004, 2013). He focuses on the importance of ‘communicative action’ in the trade policy committee and the 2004 ‘constitutional convention’, looking at how deliberations shape and are shaped by interactions with the Commission, domestic political pressures and various other variables like time constraints³.

* The above is also true for the critical studies, which either study ‘the EU’ or the Commission and its internal politics. Although often drawing from the neo-Gramscian work by Robert Cox, their analyses of the socioeconomic and ideological structures driving the EU’s policies remain superficially oriented at the EU in aggregate. No attention is given to the variety and potentially contradictory (trans)national forces taking shape across the EU.

In sum, most research currently either ignores the positions of the Member States or uses them as part of a variable that determines the behavior of the Council.

When explanations of individual state’s behavior *are* formulated, these are usually not very elaborate – taking at most two or three sentences⁴. Often, the situation in the Council is described using phrases like ‘France and several other Member States’, ‘Germany, supported by a series of small states’ or ‘the majority of Member States’. In other words: the exact composition of the coalitions within the Council is treated as a negligible, perhaps even ‘random’ detail. In part, this is probably a side effect of the research orientation of institutional/competence and principal-agent studies: what matters is the ‘camps’ and their size, not their composition. Apart from the dangers such vagueness may pose for the power of these analyses (as discussed in the next section), it also has the side-effect that our collective knowledge of Member State positions across issues and time is very fragmented⁵. More importantly, even when Member State positions are mentioned at all, they are usually discussed in rather dichotomous ways (pro/contra; liberal/protectionist) – without any attention to the specifics (the content, the history, the driving forces) of their demands.

Another problem is that we only know something about Member State positions in relation to issues that eventually made it to the European agenda, reflecting the tendency of the literature to focus solely on politicized issues (Adriaensen, 2014)⁶. Similarly, we know next to nothing⁷ about the commercial policies of states prior to their accession to the EU. Was trade policy politicized in Sweden before 1994? In Poland? Portugal? Was it part of the discussion related to joining the EU or

³ However, he does not explain where Member States’ (and their representatives’) initial stance came from, nor does he discuss how the interaction between the Committee members and his somewhat vague variable of ‘domestic constraints’ took place, or what determined whether MS-representatives were successful in influencing their national principals.

⁴ For example: Niemann (2004) claims that Spain was the only state opposing the Basic Telecom proposal in the late nineties, because the issue was ‘substantially politicized’ domestically. An entire world of politics is contained in that sentence, but we get little insight in why this was so, or why Spain eventually yielded to the Commission’s pressure.

⁵ In the study of EU anti-dumping there is another problem: it seems hard to square the picture various authors have painted of coalitions and dynamics within the Council, with some claiming dumping measures have been highly contentious while others argue that discussion are characterized by generally peaceful log-rolling (compare Nordstrom (2011) to Evenett & Vermulst (2005) and Young & Peterson (2014)). Part of why we need more stock-taking of Member-State positions is because it’ll make it easier to check claims about the dynamics of trade politics within the Council (see *infra*).

⁶ As Adriaensen (2014, p15) correctly points out, this can in itself be very problematic since we’re building our theories on a set of cases which may not be representative for the bulk of policy issues.

⁷ Unless there is much work that has just not reached the mainstream channels of EUTP-research?

not? This would help shed light on their role after joining the Community⁸. Finally, statements about a country's 'overall profile/expected stance/probable preference' are often made based on (or at least: with reference to) no or a very limited amount of sources.

This Member State-related language of EUTPR also reproduces one of the reductionist assumptions of realist IR⁹: the portrayal of states as unitary 'actors' with identities, interests and beliefs. Speaking about 'France', 'Germany' or 'Malta' as if these abstract entities were doing the acting can be justified in some cases – *but only if we remember that this is an extremely simplified heuristic*. As was remarked by Mark Gilbert in his criticism of 'integration' studies more generally: *'the problem is that states do not make treaties, their leaders do (2008, p. 652).'* 'France' is composed of a president, a prime minister, ministers, cabinets, bureaucracies, parliaments, diplomats, political parties, etc, all populated by people whose behavior in the end determines, to varying degrees, what is (not) said in the Council and the Trade Policy Committee. It is a token of the nature of EUTPR that there is almost never any mention of governments, parties, the ideological orientation of the national executive, or any other actor below the 'State' - let alone 'Tony Blair', 'Fog Rasmussen' or 'Giancarlo Galan'. These abstract entities are presented as thinking, calculating 'actors' with observable interests that they respond to in predictable ways¹⁰. I think this can at times be a useful shortcut, but it will always obscure the fact that what 'France' wants, thinks and does is contested also internally (and thus changes over time and across issues).

This conceptual characteristic of EUTPR again leads to 'data issues': we lack basic information about domestic decision-making structures. We do not know¹¹ what ministries were involved, what committees there are, how internal disputes are settled, what procedures there are for consulting with interest groups, what kind of personnel (economists, lawyers, diplomats, ...) handles trade policies, whether parliament plays a role, ... or how any of this has changed over the years. Digging through the literature yields some info France, Germany and the UK (see my table in the annex). But even information about the big three is fragmented, often vague, and scattered across various (ageing) sources (Asbeek Brusse, 1997; Falke, 2005; Hayes, 1993; Hiscox, 2002; Milner, 1988).

All of this leads to my central point: we do not understand, and do not really attempt to understand, why Member States do what they do, or want what they want. There is theorizing nor empirical research, and the explanations that *are* given are often ad-hoc, marginal parts of a bigger story.

I am not arguing against the use of abstraction or stylized principal-agent analyses. I think both have their place. Nor am I arguing for a sort of interpretivist turn in EU studies where we should *only* focus on the local discursive struggles between national policy departments, etc. I am also not attacking positivist straw-men, because I think the search for generalization can be useful. In fact, I believe faceless theorizing as well as as-large-an-n-as-we-can-muster studies all have their place in political

⁸ For instance, the 'collusive delegation' argument loses some more steam once we realize that a majority of states did not play a part in constructing the supposedly 'insulated' institutional framework, and each of these may have had widely differing state-society relationships with respect to trade policy. See also Elsig(2010), who has suggested that in post-Communist Member States business is not used to exerting influence on trade policy, even though trade administrations are often in demand for their input.

⁹ I'm sure this argument has been made numerous times in international relations and international history. References would be greatly appreciated.

¹⁰ As Gilbert remarks critically when discussing the work of Moravcsik: 'time passes, actors and circumstances change, new challenges arise, but the song of political behavior remains the same (2008: p. 653)'.

¹¹ In the sense that no one has ever bothered to compile any overviews. See fn. 4. This information is bound to be available somewhere, at least its bloodless procedural aspects.

science. But: these are both just part of a bigger explanatory project, which will never yield satisfactory insights if we refuse to acknowledge the complexities of day-to-day politicking. In short, we need to understand the social, economic and political forces that shape the context in which the inter-institutional wrestling match takes place. I try to develop this point in the next section.

3. Why this is a problem

I am not the first person to highlight this gap in the literature. Similar critiques have been ventilated by Alons (2013), Adriaensen (2014), Dür & Zimmerman (2007) and especially Young (2007a). These authors have all called for more studies of individual Member States' trade preferences as well as the need for comparisons of domestic trade-policy making processes across the EU. However, only Alons (2010, 2013) and in part Adriaensen (2014) have subsequently lived up to this challenge while none of them have pressed sufficiently the need for this kind of research. In what follows, I will recapitulate and re-emphasize some of their claims while also introducing some new elements in order to demonstrate that this lack of attention to the Member States is problematic.

The structure of this part is as follows. In order to make the argument that we need to study the positions and preferences of the Member States (and the wider socioeconomic and political developments driving them), I first need to address two rejoinders that would make such a project superfluous from the standpoint of EUTPR. I need to show that the MS still matter in the formation of trade policy, and that their preferences are neither stable nor uniform. In the subsequent sections, I show why our lack of attention to the preferences of the MS is problematic.

a. The MS are still important actors in trade policy of the EU

Of course, there would be little value in studying the Member States if they had no control over the direction of EUTP (and if we could assume this state of affairs will continue indefinitely, see *infra*).

Some years ago, one counter-argument to this claim was offered by the enduring autonomy of Member States in their use of certain trade instruments. Until the early to mid-nineties, the MS were able to wield a variety of traditional trade barriers to co-regulate their borders, including quotas, voluntary export restraints and export credits. However, as Messerlin (in a rare study of this phenomenon), has shown: this wiggle room vanished when these tools were gradually 'communitarized' – with national protections often being reproduced at the Community level (Messerlin, 2001). As the international trade agenda subsequently moved on to 'new' trade issues¹², other areas of MS autonomy became politicized: their control over the international trade in services, public procurement, and the wide variety of domestic regulatory barriers that started showing up in the crosshairs of 'deep trade' liberalization. Member State autonomy in these domains was wielded first and foremost by deciding whether or not to support supranationalization, but was for example also exercised by their conclusion (to the dismay of the Commission) of bilateral deals on aviation services with the US (Meunier, 2005). Eventually, however, control over these

¹² In part also because 'the EU' itself started demanding negotiations on such issues, often after expanding the internal market to these sectors.

domains was ceded to the EU, and it's hard to imagine new items emanating on the international trade agenda that do not currently fall under the EU's exclusive competence.

However, even though most instruments have been transferred to the EU, states retain some domestic wiggle room. First of all, there are the many administrative and regulatory barriers that determine actual import costs. For example, Bourdet & Persson (2012) look at (tariff equivalents of) customs procedures, using calculations based on the World Bank's 'Doing Business' database, to illustrate that 3^d countries face strongly divergent customs regimes across Member States, with potentially substantial trade effects¹³. Secondly, Member States can also use European policies to obtain their own, country-specific trading regime. After studying fluctuations in 'de facto tariffs', Ehrlich (Ehrlich, 2009) concludes that "*individual EU countries maintain sufficient control over their trade policies [and] that the politics and economics within the individual countries still influence the setting of that policy in much the same way as they do in other countries (p. 166)*". Dividing, per country, the value of customs revenue by the value of total imports, he shows that some countries imports more high-tariff goods than others and thus that the protection offered by these barriers differs across Member States. He attributes this to Member States' differing desires for openness across sectors. Although his data range from 1957 until 1994¹⁴, there is little reason to assume that the dynamic he puts forward is now wholly irrelevant: the MS can still have (or at least strive for) individual 'policies' *through* the EU.

This is further underlined by the fact that the MS have held on to most of their prerogatives is in old-fashioned commercial diplomacy and export promotion— another subject that has received little attention so far, except perhaps in regards to Member State relations with China (e.g. Smith, 2014). This can be important in many ways, not least because it will of course impact the exporting performance of every country in different ways. Bilateral economic diplomacy can, for example, be relevant in relation to anti-subsidy and anti-dumping investigations by non-EU countries. Even though the EU may formally act as a unified actor, non-EU countries can still target individual Member States (see the graph in the annex)¹⁵.

Of course, the most obvious way to propagate studying the MS from an 'EU studies' standpoint is that the positions of the Member States, both individually and as aggregated by the Council, shape EU policies (Alons, 2011). They have to agree (*inter alia*) on negotiating mandates, ratify agreements and condone trade defensive measures, while also playing an important role in the construction (through EU laws and treaties) of the overarching trade-policy framework. Hence, even analysts that are only interested in EU-level dynamics have to deal with the fact that several of these European actors (the Council, but also the EP, the European Council and at times the Commission) are composed of units that are at least partially responsive to domestic concerns. In other words: the importance of country positions and preferences is implicit in much of the current literature¹⁶.

¹³ They leave open the question to what extent these differences are there by design/on purpose.

¹⁴ A shortcoming of Ehrlich's paper is that he does not justify this cutoff date. After trying to reproduce his study, I believe it is due to data availability.

¹⁵ For example, see the recent solar-panel dispute with China and the way Chinese counter-measures played a role in the eventual outcome.

¹⁶ Even those in the principal-agent literature which argue that the Commission dominates the Council recognize the potential influence of the Member States.

b. Diversity and Change in MS Preferences

Even if the Member States remain relevant, studying their preferences might still be superfluous if it can be shown that they are either all the same or, alternatively, different but in very predictable and stable ways. In this section, I expand and take issue with both these claims.

b.1 First point: the effects of EUTP differ across Member States.

Reviewing debates in the 1990s, Patrick Messerlin (2001) argued that both the ‘fortress’ as well as the ‘liberal power’ Europe stories were misguided: the EU’s openness remained largely stable, in part because protections upheld by the Member States were ‘communitarized’. Dissolution of MS-policies was compensated for by community-level measures. This did not mean, however, that the effects and politics of trade policy converged as well : *‘Member State goals and strategies in trade policy thus will continue to differ – perhaps more than ever, because similar effects on member state economies can no longer be achieved by a differentiated use of trade instruments (2001:73)’*. Analogous to the asymmetric effects of the ECB’s monetary policies, European trade policy can have different effects on each member state (and across time and sectors), and this leads to heterogeneous and potentially conflicting policy preferences at the EU level.

That this is a very real possibility is best illustrated by the forthcoming book by De Ville & Vermeiren (2016). They show how the rise of China, in combination with EU’s exchange rate and trade policies, had diverging effects on the economic and trade performance of the various forms of capitalism embedded in the EU. As has been shown by various authors (e.g. Comino, 2007; Eckhardt, 2011; e.g. Heron, 2007), this divergence subsequently led to the various trade ‘wars’ of the past decade, mostly over policies targeting China. The asymmetric effects of East-Asia’s rise led to intense political struggles within the Council and the Commission, over the use of policies that had become, and remained, European. Although discussions were particularly fierce over ‘old’ industries like textiles and clothing, there is, as Heron notes (2007), no need to assume that these fights are a thing of the past. He believed they would just shift to new sectors as emerging economies climb the value chain, something that seems to be well illustrated by the heated debates over defensive measures in solar panels and telecommunications, which broke loose after 2012¹⁷. With the rise of the ‘new’ and ‘deep’ trade agenda, disagreement has also sprung up about the need for services liberalization, rules-of-origin, the need for labor provisions, food safety issues, etc (Young, 2007b). There is no single, ‘European’ stance towards all these issues – even though the Council has still managed to find the requisite majorities more often than not.

As in the previous sections, however, I must point out that we actually know far too little about the divergent effects of the EU’s trade policies. Little attention has been paid to how the distributional effects of trade policy are spread out, how Member States try to manage this, or what the response

¹⁷ This is unremarkable from at least one chunk of the empirical literature on trade policy, namely works studying the determinants of trade defense investigations. One frequent result from these studies is that anti-dumping investigations tend to be linked to exchange rate fluctuations: when the domestic currency appreciates and foreign goods become cheaper, the call for defenses rises (see for example Bown & Crowley, 2013; Broz & Werfel, 2013). Today, there is still room for diverging fluctuations within the EU. Only 19/28 Member States are part of the Eurozone, and even among the Euro-countries there is no reason to expect uniform effects from a given change in the exchange rate; for instance because some countries’ exports compete on quality rather than price (De Ville & Vermeiren, 2016; Marin, Schymik, & Tscheke, 2015). Hence, there will always be conflicting demands for defenses.

of afflicted actors has been. Does anti-dumping benefit some states more than others? Vandebussche & Vliegelaan (2011) say the duties are spread out evenly, but their analysis is quite rudimentary. Do EU tariffs have differing effects across MS? Ehrlich (Ehrlich, 2009) and Messerlin (2001) said 'yes', but their research is outdated. Are states still trying to foster some kind of 'embedded' compromise, through compensating the 'losers' of trade? Burgoon (2010) claims some are, but his data and interpretations remain superficial. There is so much room for more interesting, in depth research here; and a lot of it seems essential if we want to understand the trajectory and the effects of the EU's commercial policy.

b.2 Second point: they have diverging and dynamic trade policy preferences

In sum: the unequal effects of various trade policies, and the simple fact that the EU is composed of 28 states with their own socioeconomic and political systems that respond in a variety of ways to all sorts of 'shocks', means that their policy preferences will continue to differ.

But I still need to reply to the second critique: deep studies of preference formation may be superfluous if positions are extremely stable.

It might be so that countries have well-known unchanging preferences across topics, that there is some kind of 'state' preference for a certain type of trade policy which is largely immune to the vagaries of politics, business cycles or ideology. In EUTPR, this currently boils down to the question whether there is an eternal divide between the 'Northern free-traders' and the 'Southern protectionists'¹⁸. Alternatively, positions may be fluid yet largely predictable. For example: if a government's position is always just a function of its trade balance in some sector then we could decide to leave the 'black box' untouched. We would just accept that there's some mechanism producing, in general, expected outcomes without trying to pick apart the exact way this causal chain works. In both cases, rules of thumb rather than well-developed theories will do - *'like always, state X will probably do Y, probably for this (A) or that (B) reason'*.

First of all, I would again like to point out that even this kind of 'superficial' analysis has not been done in any systematic or even frequent way. Member State positions are often explained by pointing at variables like the competitiveness of a domestic industry or the trade balance, but as far as I know there has been very little research where such connections have themselves been the explanandum: *'do states' positions correlate with variable X?* This sort of research is very common for non-EU countries¹⁹, but it has rarely been applied to the EU as whole²⁰, while Ehrlich (Ehrlich,

¹⁸ Another divide implicit in the literature is that between 'small' and 'big' MS. The latter are assumed to be dominant, while the first are always seen as following the lead of a more powerful state – usually branded the 'leader' of some coalition. This supposition has probably received even less scrutiny than the geographical heuristic. I would like to thank Niels Gheyle for pointing this out.

¹⁹ For example, the amount of studies probing the determinants of anti-dumping investigations is huge, for a review see Nelson (2006).

²⁰ I'm aware of a handful of recent studies that also include the EU as a case: Bown & Crowley (2013), Knetter & Prusa (2003), Jallab, Sandretto & Gbakou (2006), and Oatley (2010). However, these authors do not really deal with some of the problems that arise by including the EU in such studies, for example in concern to the choice of independent variables; aggregate, EU-level exchange rates, economic growth or unemployment figures are problematic proxies for the political dynamics these models try to capture.

2009) and Evenett & Vermulst (2005) are the only ones I am aware of testing statistically the determinants of individual MS preferences²¹.

Secondly: the empirical support for such self-inflicted myopia is, in any case, pretty dubious. In 2006 Matthew Baldwin²², who had served in DG Trade for some time, criticized both practitioners and academics for *'[overemphasizing] simplistically [the] differences in the Council between the 'northern liberals' and the 'Club Med' protectionists (2006, p. 931)'*, as this led to faulty interpretations of Council dynamics. Doubts over any sort of permanent division were also raised by Messerlin (2001), who showed how the 'structural' parameters driving Member State preferences had been changing in the 1990s, which according to him correlated with a change in the usual pro-contra dynamics of traditional (market access-oriented) EUTP²³. As has been remarked by Young (2007a), the dawn of the 'new trade agenda' since the 1990s further weakened the usefulness of our customary stereotypes, as the openness-versus-protectionism continuum lost relevance. New actors (non-trade ministries, NGOs, ...) have demanded a say on new issues ('trade and -' labor, the environment, development, ...) and this has led to new cleavages cross-cutting the old socioeconomic divide. This is well illustrated by the current debates on the transatlantic trade and investment partnership (TTIP), with 'traditionally liberal' states taking a far more skeptical stance than supposedly protectionist southerners (De Ville & Silles-Brügge, 2015) and with concerns over food safety, regulatory cultures and sovereignty playing a more important role than the proposed tariff schedules. As the remarks by Heron (2007) quoted above make clear, however, coalitions may continue to shift even in traditional trade politics²⁴.

This hints at something else: the period where commercial policy was de-politicized and where Member State trade preferences converged appears to have been very short indeed. Somewhere between the 'new protectionism' of the 1970s-1980s and the Seattle protests in 1999 there was the harmonious intermezzo that Baldwin (2006) dubbed 'trade policy Heaven', when the Member States converged on free trade without new trade politics lodging us back into 'trade policy Hell'. Yet even during the 1990s there were intense arguments over aviation services, public procurement, trade defenses, Uruguay, Blair House, etc ... with Member States taking positions that were not always in accordance with north-south distinctions (see the table in the annex).

Of course, there is no way to know for sure unless we actually chart the positions of the Member States in detail. As was mentioned, the validity of the north-south shorthand has been questioned by

²¹ This is somewhat surprising. In standard OEP research it is very common, and it would not require arduous data collection or advanced statistics to produce some basic (but interesting!) results. The only major hurdle is the collection/operationalization of the dependent variable: how to quantify the preferences of Member States across time and issues? But if nothing else the quantitative political-economy literature has been creative in coming up with measurable proxies for the thing we're actually interested in.

²² Although this critique loses its steam because of remarks later in his text, it has been supported by various other authors. Later in the text, Baldwin states that deals in the Council will often depend on the position of a small set of 'swing states', namely Germany, Austria, Finland and Czech Republic. He also claims that the 2004-enlargement has not tilted the ideological 'status-quo' regarding free trade. Both statements imply the existence of recognizable and largely stable 'camps'

²³ For instance, he argues that several countries whose manufacturing sectors were protected at less-than-average (the EU average) levels (Sweden, Finland, Denmark) in the early nineties moved further away from the EU average by 1999, while the more-than-averagely protected group (Spain and Italy) became less so. Because France got less open in the same period (starting from less-than-average protection), this may have caused it to lose its central, deal-brokering role in manufacturing trade (as, so claims Messerlin, illustrated by a series of anti-dumping cases that were defended fiercely by France but did not get past the Council). See Messerlin, 2001, pp. 121-128.

²⁴ A (superficial) illustration of this point is included in the annex: the Merchandise trade Correlation Index (a measure of export-competition) of EU-countries with China shows that 'the North' has been catching up with 'the South' in terms of direct export-competition with China.

various authors several times before. However, when surveying the literature it turns out that there is little trace of any authors actually defending this as a valid analytical distinction²⁵. Rather: it is merely *mentioned* -when the coalitions in the Council seem to match up with a N/S distinction²⁶, allowing the author to very briefly explain the states' positions (often implicitly) without delving into the issue much further (see *infra*). In this sense, it links up with a quote from a paper criticizing a widely held but erroneous belief of IR-scholars about their own field - in that the idea of a N/S divide is *'[...]not a detailed historical narrative that can be traced to a single authoritative source, or group of sources, but rather an 'anecdote' that has been briefly recounted by a wide variety of authors'* (Quirk & Vigneswaran, 2005, p. 90)²⁷. Put differently: this shorthand seems to survive even though (and perhaps because) no one has ever bothered to check if, when and why it is valid²⁸.

This may be even less benign than it seems. Rule-of-thumb analysis can lead to "epistemological laziness"²⁹: we tend to look for patterns which confirm our expectations. How many analysts have been content to cease their inquiry after finding some evidence that, *prima-facie*, the usual suspects are in their designated spot³⁰? When combined with superficial, ad-hoc theorizing this produces explanations of deviations from the expected trajectory, without questioning whether this assumption actually holds (weren't we wrong to expect this behavior in the first place? Were we expecting it for the right reasons?). For instance, this leads to the effect that Member State preferences are somehow exempt from the ideas versus interests debate that still thrills much of the research community: the ad-hoc theory just makes a little ontological leap. When an author wants to explain some Member State's behavior she'll have some heuristics available, and when the economic (competitiveness, trade balance) one doesn't cut it the behavior must be due to 'well-known/deep seated' ideational concerns (fears over sovereignty, the desire to strengthen European integration, free trade ideology, ...) ³¹.

c. Why it matters that they matter

In sum: the Member States still matter. So why is it problematic that we know so little about why they do what they do?

²⁵ Although Young & Peterson (2014) and Alons (2011) (briefly) support its validity, albeit with various qualifications.

²⁶ And, as can be seen from the table in the annex, they often do, but this is itself not an explanation, and there are many cases where positions have strayed from the expected path. As I explain, we might also worry whether the N/S heuristic leads to self-confirming 'laziness'.

²⁷ Namely the idea that there was a 'Great Debate' between idealists and realists in the early to mid-20th century, and that the realists were victorious. This story is largely nonsense (such a debate did not take place, there were barely any authors active that fit the characteristics of either 'camp', and the realists did not end up dominating the field), yet it is reproduced (briefly) by IR-scholars over and over in order to frame their own arguments (Quirk & Vigneswaran, 2005)

²⁸ Which might still be the case. I'm not claiming the heuristic is completely misguided; the divide on several policy issues has run along N-S lines (see the draft table in the annex). The point is that we should actually investigate this claim in order to judge whether and why it has been so, and how persistent it will be over time and policy issues.

²⁹ I am sure there is a more common word for this phenomenon from psychology.

³⁰ For one potential indication of this happening, see Larsen's discussion of intra-Council negotiations over the EU-South Africa accord: the author claims that there was broadly a classic North-South cleavage, but after noting that this is 'In line with a general pattern of EU trade policy', she also points out (briefly) that when it came to products sensitive to the 'North' (beef, milk powder, cut flowers) "protectionist tendencies were very clear in these states as well" (Larsén, 2007, p. 867). So to what extent did N/S divisions actually characterize discussions in the Council, and for what products?

³¹ "Ontological laziness"? This claim is currently mostly based on a hunch (but see Meunier & Nicolaidis (1999) for an example); some more work is needed to see whether I'm widely overstating it. Comments welcome.

Does it really not matter whether ‘the southern states’ also includes Italy for a certain topic? Or whether Poland and Hungary but not Czech Republic and Slovakia were opposed to some proposal? Whether ‘the majority’ of states was 12/15 or rather 8/15? Again: the answer can only be ‘no’ if we’re interested in nothing but intra-Community power struggles (rather than in the substantive content of trade policies, which will of course be influenced by the varying positions). But even in this case, our conclusions will be suspicious.

Even for the usual agenda (which institutions won?, which interest groups?), our explanations will remain vulnerable if we do not complement our focus on the interplay between ‘institutions’ with insight about the dynamics at less aggregated levels. The tendency will be to attribute everything that happens at the European level to developments at the European level, but there is no profound theoretical reason to believe why this would be so. A member of the TPC might be responsive to peer-pressure from fellow committee members, but he will also be under varying amounts of scrutiny from national bureaucrats, politicians and at times ‘the public’. The same can be true for the MEPs (which are not solely and uniformly motivated by their drive to increase the European Parliament’s weight) and ministers at the Council. Hence, to put it in statistical terms: it’s as if we’re estimating a model without controlling for several key variables.

At times, however, analysts have not been able to ignore the deviant, defiant or simply influential role played by specific Member States. What we are then offered is usually a brief, ad-hoc explanation. For example, when studying Commissioner Brittan’s proposal to negotiate an FTA with the USA in the late nineties we might be content to note that ‘the Council’ was opposed (perhaps referring to the aftermath of Blair House or citing EU/world-wide factors like growing suspicion of globalization or a lack of pressure from export interests). In other words, we could frame it as an instance of the Council re-asserting its control over bilateral trade negotiations. When looking at the events that led to the FTA being stillborn, however, no analyst would be able to ignore the important role played by France, as it appears to have been primarily Paris which fiercely opposed the proposal while most other MS were cautious at best. The researcher then gives us a two-sentence, prima facie plausible account of France’s defiance. She might, for example, mention the Blair House ordeal, France’s interest in audiovisual services or the slumbering anti-americanism of ‘the French’. Again, this explanation would be treated as something that’s of secondary importance. It would not receive substantial attention, equally plausible stories would not be weighed, and the sources would be limited to a single interview³² or ‘common knowledge’. What matters is that a member of the Council was opposed, that it had sufficient leverage to convince the rest or impose its will, and that the Commission did not get the mandate.

History’s end (reductio-at-Sovietum)

Many analyses tend to emphasize stability, argue from the status quo or from what is ‘given’: how does the dynamic play out ‘given: the rules/the preferences’. But this ignores the fact that positions can change and that states can be dissatisfied with the status quo, that previous compromises may be called into question or circumvented through other means. When we only

³² On analyzing politics purely based on interviews at the EU-level: might put academics in the strange position that we basically outsource our explanatory work to the people we’re studying: what are they basing this on, and how accurate can this be? Shouldn’t we check?

study the way the Council reacts to proposals by the Commission and the way they struggle during the subsequent negotiations, with MS preferences only being a variable that determines agent autonomy, we miss the factors pushing for policy to go in a certain direction.

For instance, it is sometimes claimed that the EU is, at its core, structurally biased in favor of free trade. Hanson (2003) for example, attributes the persistence of free-trade policies (despite recessionary pressures) to the institutional make-up of the EU: the 'default condition' could simply not be overturned because of liberal veto-players. The story of 'collusive delegation' tells a similar tale: the common commercial policy has been designed to give the Commission, assumed to be a liberal actor, an important and autonomous role to hinder protectionist lobbying. Both of these stories are, however, contingent on some empirical assumptions which may not be true forever. The formal rules may hinder protectionist policies for a long time, but diverging wishes will increasingly strain the system. This may initially lead to liberal 'lock-in', but eventually political actors will have to find a way to let out some steam. Countries whose preference is perpetually frustrated in one area will demand side-payments in another, or they will try to and come to creative solutions to realize their policy objectives. It may also lead to politicization of decision-making itself and may call into question the transfer of sovereignty. Formal vetoes may be overruled by political power plays, and culminating policies may lead to a new 'default condition'.

Moreover, an institutional analysis is dependent on the *positions* of the MS, not their *preference*. But, as Young (2007a) has remarked: these are not the same. Two countries with different preference can have similar positions for strategic reasons (for example, because they want a deal in another dossier), but also because they both have different ideas about the outcome of a certain policy (for example: countries may support stronger trade defenses both because they believe this will give the EU extra leverage in prying open foreign markets, or they may support such a new tool because they hope it will protect their own). This means that positions can change not just because preferences are altered, but also because analyses of likely outcomes or the politics change. Importantly: these positions are not the logical consequence of some timeless 'State Interest', but the end result of a process of aggregation. And, "[b]ecause of the aggregation process it is possible for positions to stay the same even if the underlying preferences change, at least up until some 'tipping point'" (Young, 2007a, p. 3). In other words: if we do not study the determinants of positions and preferences, we will almost always be caught off-guard when states adopt an unexpected stance, and we will not be able to give satisfactory explanations of the broader developments in European trade policy³³.

To give a somewhat more dramatic version of this point, echoing the argument made by Mark Gilbert (2008, 2011), one could also point at the a-historical naïveté that is exhibited by EUTPR (and EU-studies in general) . There is an implicit belief in the stability of the current policy-making regime (and its policy-output) which is perhaps not wholly justified. Renationalization, desintegration or unpredictable other varieties of variegated cooperation are always possible. Alternatively, the

³³ For example, in regards to the unanimous support of all the Member States for the start of the TTIP negotiations, all we have are partial and somewhat unsatisfactory ('power of the Commission's "trading ourselves out of the crisis" discourse') explanations (Orbie & De Ville, 2014), which do not seem to take full account of how far several Member States' positions have shifted since the last botched attempt at a transatlantic deal in the early 1990s. Apart from France, which resisted the Commission's 1998 proposal for a transatlantic free trade area most intensely, a wide variety of countries including the Netherlands, Germany, Belgium, Spain and Italy all voiced reservations about the Commission's initiative, while Denmark, Finland, Luxemburg, Sweden, Portugal and (although this was less clear at the time) Greece were supportive of the plans (Agence Europe, 1998).

progressive story of (increasingly liberal and supranational) European trade policy may eventually turn out to be a mirage, a lapse between protectionist intervals – perhaps within ten years we will find ourselves in need of explanations of an autarchic ‘Fortress Europe’. It may seem unlikely today, but the Eurocrisis, looming Brexit and the current gradual breakdown of Schengen should teach us that Europe has not (and will not) escape the unpredictable maelstrom of history. But in EUPTR as in the wider literature on the EU, there has been *‘little attention [paid] to the question of the EU in “crisis” and the deeper social, political or economic forces that might raise challenges for the trajectory of European integration* (Della Salla, 2015, p. 5).” Our current heuristics and related ad-hoc explanations are based on superficial interpretations of historically contingent empirical regularities. Therefore, as a field we are perpetually at danger of becoming post-’91-Sovietologists.

Questions we need to ask : on the interlinkage of trade with other policies

a. Entangled policy fields.

There’s a question looming between the lines of my remarks so far: are we interested in trade policy because it tells us something about European integration, or are we interested in trade policy because it’s important in its own right? And because it tells us something about the wider socioeconomic/ ideological/political/... forces in which it is shaped? If the answer to the latter questions is ‘yes’, then we need to acknowledge that trade policy is not an island –its effects, goals and politics are intertwined with other policies- and our studies will have to broaden their scope.

Again, looking at the MS will be helpful. Paying attention to decision making and preference-formation in and of the Member States will help us study more closely the interlinkages between various domains: competition policy, foreign policy, neighborhood policy, industrial policy, monetary and fiscal policies, ... Although researchers have recently started exploring some of these links (Clift & Woll, 2012a; Damro, 2006; McGuire, 2006; Rosamond, 2012), they have so far merely scratched the surface. Again, I think this agenda would benefit from looking at the Member States more closely, because this is where the interplay between these domains will be most visible and relevant. Some of these links just won’t be obvious at the aggregate, ‘EU’ level.

I think this is true for a variety of topics, including foreign policy and geopolitics, but I will here focus on the connections between trade and other economic policies. In the past this link was quite obvious. For instance, import defensive industries often had the choice between not just trade policies but also domestic subsidies and regulatory support³⁴ - well illustrated by Milner’s (1988) study of the French case in the 1970s & 1980s. But even today these links exist: on at least two occasions (during the ‘aviation wars’ and during the negotiations over the Basic Telecommunications agreement, both in the mid-to-late nineties) the Commission has used its strong competition prerogatives as a lever to get its way from Member States in trade policy affairs (Meunier, 2005; Woll, 2008). The nexus is also present in the case of anti-subsidy disputes³⁵ and in the entanglement of the trade sphere with international investment and investment agreements. Perhaps a ‘European patriotism’ is taking the place of the national or local ‘patriotisms’, thus making studies of the

³⁴ Of course, they could also opt to manage their own affairs through individual business strategies and/or anti-competitive behavior (Milner, 1988).

³⁵ For example, the way China attacked Spanish and Greece solar-panel subsidies in response to their governments’ support for the EU’s anti-dumping investigation that targeted Chinese imports of the same product.

national level less informative, but this is currently far from clear (and would indeed be, in itself, an important phenomenon in need of further study – see Clift & Woll, 2012b). As long as countries care about ‘their’ companies, ‘their’ workers and ‘their’ international relations, it will be natural to study the ties between these various domains at this level as well as at (the ways in which they connect to) the EU-level³⁶. Moreover, assuming we’re interested in trade policy at least in part because of the distributional implications this has, and the effects a certain regime of openness has on our socio-economic models – then we should also be interested in the links between various tools that shape these outcomes³⁷.

b. Democracy and legitimacy

In his article, Baldwin (2006) lamented the cutbacks Member States were³⁸ enacting in their national trade-policy capacity (personnel, money, ...) because the Commission was dependent on the ability of the MS to aggregate (and choose between!) various competing interests to make sure that its trade policies were widely supported. Although Baldwin only mentions ‘interests’, if interpreted broadly this points at an additional reason why more scrutiny of the MS is warranted. The support and the democratic legitimacy of Europe’s trade policy depend on the extent to which it is seen as acceptable on both the ‘input’ as well as the ‘output’ side. This debate is more relevant than ever: trade policy nowadays impinges on core aspects of states’ ‘social contract’, and this (along with the perceived lack of transparency and inclusiveness of negotiations) has led to sporadic outbursts of politicization and protest in the past 15 years. Some seem to claim that this problem can be solved at the EU-level, by strengthening the role of the EP and increasing the variety of stakeholders consulted, but this ignores the highly (and unavoidably) selective process that determines who gets a say here. As for many other policy areas, national channels will remain the most important *potential* venue for exerting influence on policies for a large majority of actors (and citizens in general). As was noted by Krajewski (2010), the debate about the democratic nature of the common commercial policy will not dissolve now that the EP has gained a more prominent role – the lack of input from national parliaments and other societal actors may be far more worrying.

Again, we don’t really know, and research of national decision-making is needed to find out how ‘democratic’ this part of the policy process is.

4. What needs doing

In this final section I would like to present some thoughts on the theoretical ways we might approach member state preferences, and the sort of empirical work this would entail. I will attempt to outline the complexities involved, but I also hope to illuminate how we might potentially deal with them. This is not (just) my personal research agenda, it is rather intended as a ‘wishlist’ which hopefully appeals to other researchers as well. I have artificially cut up this section in two for the ease of

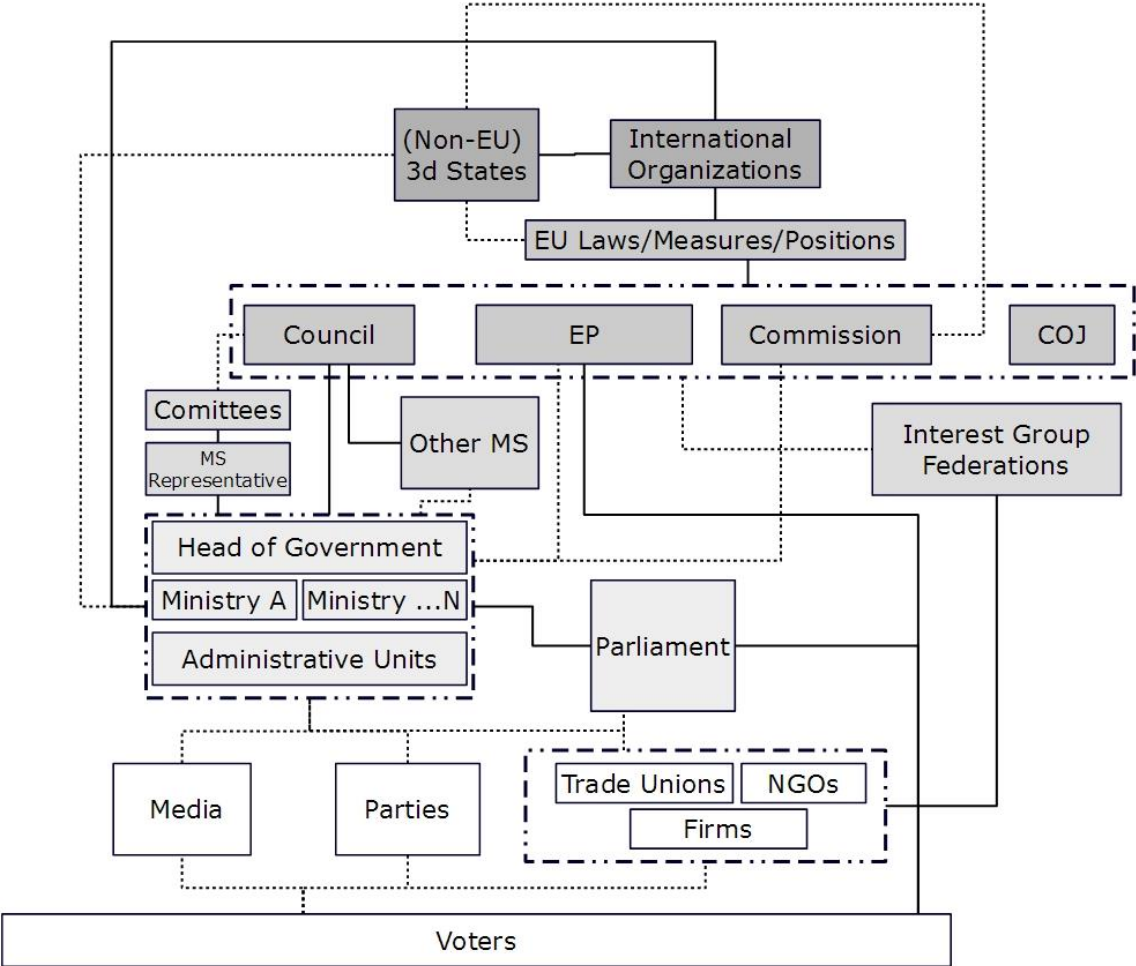
³⁶ And the global level, although the distinction with the EU-level has become even less useful now that the EU is also responsible for trade-related investment.

³⁷ Which are subsequently turned into ‘inputs’ in the political process, of course. A neat example is the potential of a liberal feedback-loop: abolishing trade barriers weakens import-defensive and strengthens export-competitive industries, thereby eroding supporters of protectionism, which leads to further liberalization, etc. (Drezner, 2014).

³⁸ Apparently? I have not found any other sources discussing this, and Baldwin’s remarks remain very vague. Tips welcome.

presentation. In the first halve, I will discuss some ‘commonsensical’ empirical material we will probably want to gather. In the second halve, I discuss how we can go about our theoretical and explanatory work.

An empirical wish list



If we accept that the broad questions I’ve put forward in this text are relevant, it should also be clear that we do not currently have the ‘data’ needed to even begin our explanatory work. In terms of the flowchart portrayed above (a modification of the schematics found in Dür & Elsig (2011) and Young & Petersson (2014)), our most basic task will be to fill in some of the ‘boxes’ before we can start understanding the links.

First of all, even if we would like to do simple correlation-type comparative studies of MS preferences, we just do not possess information about the positions and preferences of Member States about trade policy issues over the years. By possess information I mean: no one has published any academic articles or books that gather this data. Considering the archival rules of the EU as well as the regular reporting by specialized news media (such as Agence Europe), I am sure that at least superficial information about the positions taken by most Member States should be relatively easy to

obtain. The difficulty is making it detailed enough and accounting for the various steps each regulation/measure goes through as well as the associated shifts in MS positions³⁹.

A valuable next step would be to gather information about national decision-making structures, of which we know very little. We need to know how decisions within the member state governments and bureaucracies take shape: what ministries play a role, whether parliament is involved, what procedures there are to consult ‘stakeholders’, who has privileged access.... We need some cartography of both informal and formal decision-making. The PhD by Johan Adriaensen (2014) is exemplary here, as he gives us a detailed overview of intra-governmental decision-making structures in Spain, Belgium, Estonia and Poland. Inspired by the Comparative Public Administration literature and based on semi-structured interviews with trade officials, he looks at a variety of factors like the amount and training of staff, state-society relations and inter-ministerial coordination:

	Spain	Belgium	Estonia	Poland
Public Actors				
Centralization	<i>High</i>	<i>Low</i>	<i>Low</i>	<i>Medium</i>
Competencies	<i>Clear Division</i>	<i>Overlapping Competencies</i>	<i>Clear division – risk of gaps</i>	<i>Overlap in coordination</i>
Coordination				
Method of coordination	<i>Ad hoc at discretion of sub-directorates</i>	<i>Formalized weekly meeting</i>	<i>MFA asks input – mail and phone correspondence</i>	<i>Formalized weekly meetings</i>
Nature of coordination	<i>Consultation – reaffirmation</i>	<i>Negotiation</i>	<i>Aggregation</i>	<i>Consultation & negotiation</i>
Conflict resolution	<i>MFA* mediates</i>	<i>Ministerial discussion; no strong coordination to decide</i>	<i>Ad hoc</i>	<i>Ministerial coordination body</i>
Human Capital				
Quantity (staff)	<i>Large</i>	<i>Medium</i>	<i>Very small</i>	<i>Medium</i>
Training & Experience	<i>Technical and diplomatic corps, life-long career in trade possible</i>	<i>Diplomats (MFA) & Civil servants</i>	<i>Diplomats (MFA) & Civil servants</i>	<i>Civil servants, limited experience</i>
State-Society				
Presence of business associations	<i>High</i>	<i>High</i>	<i>Low</i>	<i>Low</i>
Interaction	<i>Mixed</i>	<i>Mixed</i>	<i>State</i>	<i>State</i>

Source: Adapted from Adriaensen (2014, p. 124)

*MFA : Ministry of Foreign Affairs

However: Adriaensen does not really specify what period he examines, he only discusses these four cases and he has only a limited discussion about the *politics* of policy-making in these countries. Again, I have composed a cursory overview of what can be scraped from the existing literature in the annex.

Moving downwards brings us to the ‘societal’ level : very little is known about the positions of trade unions, business groups, parties or voters in relation to trade policy - or at least: I am not aware of any comparative studies that catalogue, for example, the position of business actors on trade issues across countries, sectors or time. There have also barely been studies (one exception is the paper by Dür & Mateo, 2012) that look at the interaction between European federations (ETUC, BusinessEurope, UNICE, ...) and their membership on trade: when do national players go it alone, which countries dominate transnational groups (whose interest are being represented by them?), how do these things vary across issues and actors? Much like with the Member States as a whole, we tend to rely on ad-hoc explanations and simple heuristics. For example, there is an assumption

³⁹ In the annex, I have included a very rough overview MS positions across a small amount of issues, based on in the existing literature.

that production forces from 'international' sectors tend to support free trade (see the work of Bieler (2005) and others), and that trade unions (in general) or left wing parties will tend to be more protectionist. As with the Member States, these rules of thumb are based on incomplete data. At the very least they are not universal across time and space: the British trade unions, for example, were long-time opponents of protections that got more and more divided on this issue from the mid-1960s on, while Swedish labor has almost always been supportive of openness (Hiscox, 2002).

Further down, we need a firm grasp of the economic developments as well as the ideological/paradigmatic debates shaping trade policy preferences of relevant actors throughout time and space. On the economic dimension plenty of work is already being done; there is no lack of detailed studies of the European economies and their trading relationships, production profiles, global integration, etc... It is more a question of putting this data to better use in our explanatory work. On the ideational front there is much more room for novel research. I am not aware of any studies that offer in-depth comparisons of the trade debate across Member States, actors or time (although they're perhaps hiding in plain sight, under the cloak of globalization-studies)⁴⁰.

Finally, moving back up and sideward, a domestic-level focus could also teach us something about the behavior of MEPs and intra-Commission struggles. There is a tendency in EUTPR to view the EP as a single unified actor, which has successfully wrestled with the other institutions to gain a more important role and is now often considered as an actor which tends to be more critical, social and environment-minded than the others. Still, there are numerous ideological but also national fractures, and the EP has at time proven to more welcoming to interest-groups than the Council (Van Den Putte et al., 2015); research tying voting on trade issues to 'domestic' (electoral, party-political, ideological, economic...) pressures might offer an interesting avenue to further unpack the EP as an actor in trade⁴¹. The same is true for the Commission. So far, little attention has been paid to trade policy preference-formation of the Commission and DG-Trade⁴², which is often assumed to be a liberal actor. Again, apart from the changes in 'the Commission's' behavior across time & topics⁴³, there is evidence that the position of individual Commissioners on trade issues is sometimes in line with their home-governments' views (e.g. Agence Europe, 2012; Dür, 2007b; Elsig & Dupont, 2012). Again this linkage should be delved in to as part of the wider attempt to pry open the Commission's black box.

I think the above research agenda should not just apply to the past fifteen years, but should also be seen as a call for a new history of the past decades of European trade politics. We should complement our central narrative, focused on European institutions' Sisyphean struggle for 'control'

⁴⁰ Some of the studies that I am aware of are Irwin's (general) intellectual history of free trade (1998), Alons' (2010) discussion of the ideological views on agriculture and free trade in Germany and France (in the 1980s-90s), Schonhardt-Bailey's (2006) study of UK trade debates in the 19th century, Falke's criticism of German (party-political) thinking on globalization and trade in the 1990s-2000s (2005). References would be much appreciated.

⁴¹ Of course, without ignoring the obvious importance of the European context and supra-national pressures.

⁴² At times this leads to somewhat odd conclusions. For example, in the article by Elsig & Dupont (2012), they conclude that 'pluralist' conceptions of the EU's negotiation process, emphasizing the influence of interest-groups, are mistaken because the Commission was not pushed to start up negotiations with South-Korea due to interest-group lobbying, but rather decided to do so autonomously and pro-actively, 'driven by the desire to provide regulatory solutions to make sure that Europe's business can compete with other trading powers' (p. 499). Without some explanation about why the Commission would be intrinsically motivated by the EU's exporting capacity, it seems hard to claim that the Commission was more than the pluralist aggregator of business preferences.

⁴³ For example, although DG Trade is assumed to side with free trade forces, the Trade Defense Directorate which handles anti-dumping is considered more 'protectionist', and apparently lends a welcoming ear to import-defensive businesses (Young & Peterson, 2014).

and ‘autonomy’, with an exploration of the politics of trade within the Member States – and how this spilled over to and interacted with the European level. This will allow us to better answer questions about the stability of preferences, the politicization of trade politics, and many of the other questions we’re confronted with today. We may yet come to more fine-grained heuristics than can help us analyze Council dynamics .

Theory

The diagram at the beginning of this part makes clear that the determinants of state preferences are complex and multi-dimensional; most of the connecting lines go both ways and all of the ‘boxes’ can themselves be unpacked *ad infinitum*. We will want to understand how firms form their preferences, when unions decide to invest resources in trade policy, if and why trade decision-making became insulated from societal demands, what effect bilateral economic and political relations of Member States with third countries have on their positions, if there has been party-political conflict over trade and what determines party positions, under what circumstances TPC-members are allowed to act autonomously, whether developments in economic theorizing have had effects on policy-making paradigms, if publics care about trade and the determinants of their vote, etcetera.

Still, we do not have to start from a blank sheet – I believe many of the theoretical tools that can help us answer some of these questions already exist. But we need to confront this literature with the specific context of the European Union (and every individual Member State), and sift through it in order to find the generalizations, mechanisms, questions, ways of looking, data requirements, et cetera, that are most useful for our goal: gaining a deeper understanding of the politics and policies of European trade policy, by unpacking the matryoshka of Member State preferences.

A good starting point is the ‘classic’ literature on the political-economy of free trade and protectionism. A lot of this work has been conducted within the paradigmatic lines of what David Lake has labeled ‘Open Economy Politics’ (OEP) (Lake, 2009). Here, analyses build on economic theory to deduce preferences, and assume that trade-policy is formed in a largely linear manner, with voters and/or interest-groups transferring policy-demands to vote (or ‘bribe’) -seeking politicians. Amongst other variables, these studies point at (and debate) the importance of class versus factor mobility (Hiscox, 2002) the influence of geographic or market concentration (Schonhardt-Bailey, 2006) or the effects of intra-industry trade (Kono, 2009). They have also paid much attention to institutional factors, for example by looking at the role of ‘veto-points’ in decision making (Henisz & Mansfield, 2006) or the constraining role of international organizations (Baccini & Kim, 2012). In recent years, there has been increasing attention paid to the role of economic integration and ‘global value chains’ in shaking up protectionist coalitions (Ahmad, 2013; IMF, 2013; Timmer, Los, Stehrer, & de Vries, 2013)⁴⁴. Other strands in this literature have looked at the

⁴⁴ Imports increasingly serve as inputs for exports, which may in turn be re-imported after some processing abroad, which means that the free-trade coalition has been broadened while the strength of import-defensive producers has dwindled. In many ways, this is nothing more than the continuation of long-standing research on the link between economic internationalization and liberalization. See for example Milner, 1988. The validity of these ideas is somewhat taken for granted, perhaps too easily. For example, two studies from the Swedish National Board of Trade (Kommerskollegium, 2010, 2012) find that downstream users of inputs are seldom successful at fending off EU AD-duties on these inputs, even if the (estimated) costs to these (large) industries are much more significant than the gains from

supposed link between ‘hard times’ and protectionism (see Hanson (2003, p. 85) for an overview, Rose (2012) for a critique) and whether people become more inclined to support free trade if an expanding welfare state offers compensation and a safety net (Mayda, Sinnott, & O’Rourke, 2007; Ruggie, 1982). For a more in depth overview, see Milner (2013).

This literature got much of its elegance because of its focus on traditional trade policies, in which the stakes were rather obvious, dichotomous and quantifiable: ‘*where on the open/closed continuum will we end up in nation/sector X, given this constellation of interests, institutions and power?*’. I believe this sort of study is still relevant. Although free trade has become increasingly hegemonic, there are still pockets of protectionism and economic interests remain an important driver (and countervailing force) even in the new trade agendas. Moreover, it seems history has not ended: the global economy is always in flux, and shifting distributional effects can always breed new challenges to the current open regime. The theoretical armory of ‘OEP’ will therefore remain useful. For example, a combination of the literature on crisis-bred-protectionism, embedded liberalism and the liberalizing effect of (institutionalized) global integration would make an intriguing lens for us to look at Member State trade politics since 2008.

But, of course, the world *has* changed somewhat over the past decades. As we discussed above, there is no denying the rise of the new and ‘deep’ trade agenda, which has led to disputes that look quite different from those dominating open-vs-closed OEP. Young (2007b) has made a useful distinction between four kinds of trade policies, and the associated politics:

Politics:	Traditional Trade Politics	Commercial Trade Politics	Social Trade Politics
Policies:	<i>Tariffs, quotas, trade facilitation, agriculture (export subsidies, levies)</i>	<i>Services, intellectual property rights, subsidies, (trade related) investment (measures), competition policy, government procurement, agriculture (subsidies.)</i>	<i>Sanitary and phytosanitary rules, technical barriers to trade, environment, labor standards, agriculture (multifunctionality)</i>
EU/Member State Balance	EU dominance	Extensive Member State involvement	Extensive Member State involvement
Distribution of costs and benefits of liberalization	Concentrated costs and benefits, diffuse benefits	Concentrated costs and benefits, diffuse benefits (significant uncertainty)	Concentrated costs and benefits, diffuse benefits
Types of principle actors	Trade officials Firms Trade unions	Trade officials Non-Trade officials Firms politicians	Trade officials Non-trade officials Firms Politicians NGOs
Prevailing ideational context	How to increase economic welfare? [How to promote development?]	How to increase economic welfare?	Whether to increase economic welfare at the expense of realizing post-material values?

Source: Young (2007b)

protection flowing to defensive initiators. This indicates that the ‘liberalizing’ effect of growing integration remains dependent on political (and administrative) intermediation.

As this makes clear, when trying to understand member state preferences our explanatory work will have to take account of the sort of trade policy we're dealing with and the consequences this has for the actors involved, the saliency of certain arguments (for example 'sovereignty' versus 'economic gains'), and the explanatory power of certain mechanisms. Depending on the subject under study, there will be a greater role for factors like framing, politicization, identity, ... Theories designed to study struggles over 'free-trade' will be of limited use here, and we will probably have to abandon trade-specific theories in favor of insights from other fields. Young (2007b) proposes looking at regulation theory, the literature on politicization (see Gheyle, this conference) seems like another viable option.

Exploring these theoretical links here, and the large, heterogeneous literature on how ideas, interests and institutions shape trade (related) policies, would bloat this article even further. Rather, to soothe worries that the research agenda I'm proposing would be undoable, I would like to finish with one example of a study which has successfully combined a wide variety of variables and sources to construct an in-depth narrative of Member State preference formation. In her PhD and subsequent articles, Gerry Alons (2010) looks at the preferences of France and Germany before and during the Uruguay Round. Building on archival material as well as interviews, she analyzes how the domestic and international politics of the trade round evolved over the course of some fifteen years, and how this translated into shifting positions during several steps of the negotiations. Her theoretical framework is eclectic. Building on a division between the state (as an international actor) and the government, it includes factors like the polarity of the international system, domestic mobilization (and polarization), the susceptibility of the government to societal demands, and ideological beliefs as well as economic structures. These elements are then combined in detailed narratives of the preference-formation process; for example, to study Germany's position just before and after negotiations commenced, she discusses the intra-governmental fragmentation of decision making (many ministries were involved and coordination was weak), the ideological divide on agricultural liberalization between the SPD and the CDU, domestic social tensions and associated electoral swings, the (variable) lobbying by various domestic and transnational groups, and the international interests of the German state in maintaining both the multilateral system as well as good relations with France and its identity as a 'trading state'. Although she focuses on an 'old-fashioned' sector, agriculture, I think this theoretically informed yet context sensitive study can serve as a good example of how we may study historical as well as current trade politics in all its complexity.

Conclusion, Challenges, Problems

In this article, I have developed a critique of the literature that seeks to understand European trade policy, arguing that we know far too little of the political and socioeconomic forces that shape Member States' trade preferences. This is reflected both in important empirical gaps (information on Member State and domestic actors' trade-policy positions is sparse) as well as incomplete and ad-hoc theorizing. I have argued that it is time to remedy these lacunae. The Member States remain important actors, and if we do not know which country pushed for what outcome and why then narratives built around other variables will remain incomplete.

Perhaps this research program violates the principle of parsimony. One aspect of this is purely logistical: the availability of documents, language issues and the sheer amount of work to be done

are all important hurdles. But this is a challenge for anyone trying to do detailed comparative work across borders and it has not stopped similar research in other fields. Surely, there are ways for the research community to resolve these issues through some division of labor.

You could also contend that my critique will lead to infinite regress: if we want to know A we should know how B works meaning we have to understand D in order to fully grasp C, etc... I think this is a sensible point to make in a world of limited time and money, and there are limits to the kind of gaps in our knowledge we should reasonably strive to fill up. Being social scientists, we'll have to accept perpetually large error terms. But I would claim that we have not yet reached the stratum where costs outweigh the benefits of delving deeper.

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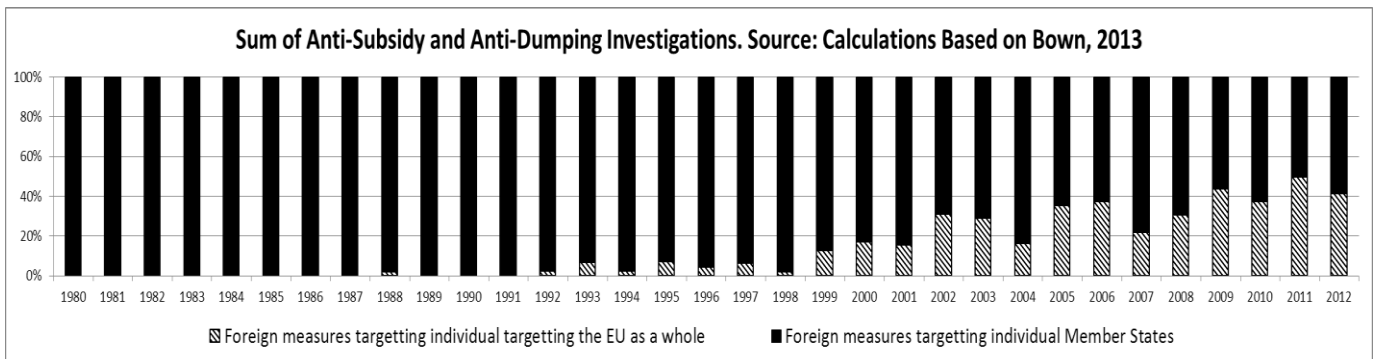
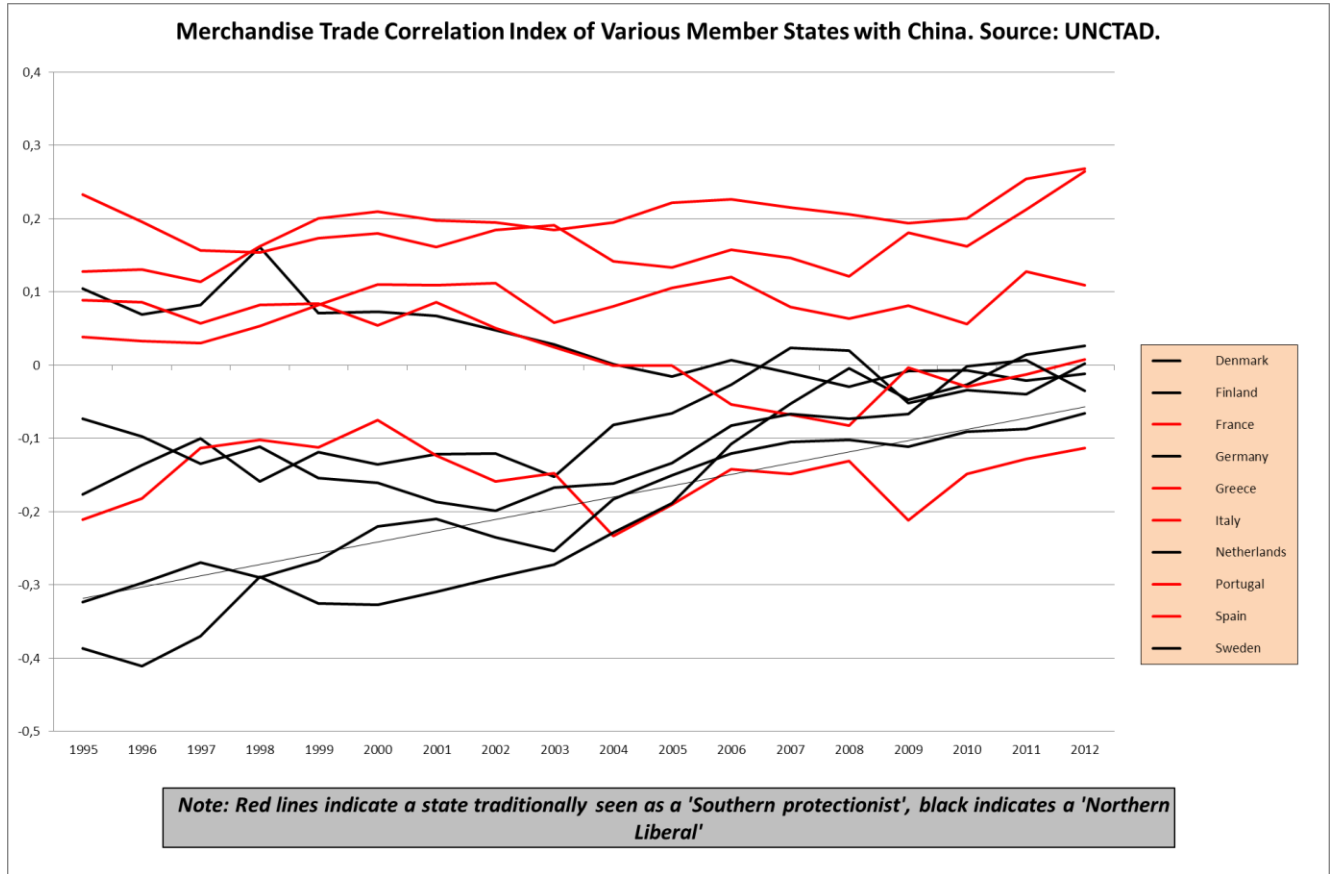
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APPENDIX: SOME OVERVIEWS AND TABLES



MEMBER STATE DECISION MAKING AND POLITICS

COUNTRY	SOURCE	PERIOD	INTERNAL DECISION MAKING	TRADE POLITICS
DEU	Asbeek-Brusse (1997)	Early Post-War, 1950s	Important ministries: Trade, Agriculture	German governments in the early postwar era were often divided over commercial & integration policies. Debates in which the parliament and interest groups were very much involved. Fights over liberalization, with agriculture as most protectionist force, contra trade unions, export industries and consumer organizations.
GBR	Asbeek-Brusse (1997)	Early Post-War, 1950s		Limited liberalization, protectionism for most sensitive sectors. Afraid to hurt imperial preferences, lose out to German competitiveness
GBR	Hiscox, 2002	1960s		Widespread for subsidies to defensive sectors to compensate for liberalization. Growing divisions within trade unions & Labour on protectionism.
SWE	Hiscox, 2002	Early Post-War, 1950s	Strong influence of trans-sectoral coordination between unions and employers	Widespread support for free trade, also across trade unions and most industries. Policies to support mobility and compress wage effects of lib, to safeguard support for openness.
NLD	Asbeek-Brusse (1997)	Early Post-War, 1950s		Infant-industry thinking, use of quota's to support growth (and restoration) of industry. Gradually phased out, partially replaced with cartels (and other).
DEU	Hayes, 1993; Streeck, 2009; Hiscox 2002	1970s-1980s	FDP-controlled trade ministry (1969-1993),	Generally pro-trade, with some exception in agriculture as well as some services and a handful of industrial sectors. Attempts to limit pressures for prot at EC level. However: accusations of indirect-protectionism through 'AG Deutschland' + increasing talk of 'fairness' and 'reciprocity' towards the end of the eighties.
FRA	Hayes, 1993; Milner, 1988; Hiscox, 2002	1970s-1980s	Fragmented. Ministry of External Trade created in 1974 but many other ministries involved (AGRI, INDUS, ECON, FORPOL). Led to ad-hoc and informal decision-making. Little interest from parliament, strong influence from business.	Crisis response: wide variety of interventionist and protectionist measures. Using both domestic ('new protectionism': quotas, VERs, export subsidies, ...) European (support for protectionist procurement, restrictions on various goods), and international (MFA) means. Shift towards more liberal approach in the late eighties - but still cross-party support for policies to breed national champions (also protectionist).
GBR	Hayes, 1993; Hiscox, 2002.	1970s-1980s	As in France, trade policymaking in the 70s-80s was spread across several departments: the Department of Trade & Industry, the Foreign & Commonwealth Office, the Treasury and others. But: more pluralistic interest-group lobbying and a far more active parliament.	Before the late eighties: position often closest to that of France. Free trade discourse was dominant for long period, but was replaced with more 'pragmatic' approach by crisis in 1970s. CBI and TUC, long time proponents of FT, started calling for protection. Led to support for MFA and use of VERs and quota's - although never as restrictive as FRA. Changed during second Thatcher term.
DEU	Falke, 2005; Alons, 2010	1990s- Early 2005	Under red-green coalition (98-2005): liberal ministry of Economics' dominant position was impinged upon by new competitors: apart from the traditionally protectionist ministry of Agriculture, the ministries of the Environment, Foreign Aid and Labour were now also demanding a say in trade issues. The coalition also introduced novel actors like anti-globalist NGO's in consultation procedures, while parliament became both more active as well as more critical in concern to trade ('globalization') policy.	"Increasingly incoherent." Franco-German friendship overruled liberal demands of DEU in Uruguay Round. Meanwhile: rise of environmental, food safety and labor issues, at times overshadowing traditional market access concerns.

MEMBER STATE POSITIONS ON SOME ISSUES – VARIOUS SOURCES (w.i.p)

DEBATE	EU-CHILE	Open Skies Agreements - Competence (1990-1992)	Open Skies Agreements - Competence (1992-1996)	KOR-EU - Duty Drawback	EU-South Africa	Opening of new (Uruguay) Round
Source	Dür, 2007	Meunier, 2005	Meunier, 2005	Elsig, 2012	Frenhoff-Larsen, 2007	Alons, 2010
DATE	Signed 2000	1990-1992	1992-1996	2010	1995-	Early eighties
AUT	Contra		Contra (?)			
BEL			Contra (?)			
BGR						
CRO						
CYP						
CZE			Contra (?)	Contra		
DEU		Pro	Mixed, Pro	Contra*		Pro
DNK			Contra (?)			Contra
ESP	Pro		Pro	Contra	Prot	
EST						
FIN					Lib	
FRA	Contra	Pro	Contra - LIB		Prot	Contra
GBR		Contra	Contra-PROT		Lib	Pro
GRC			Contra-LIB		Prot	Contra
HUN				Contra		
IRL	Contra		Contra (?)			Contra
ITA			Contra (?)	Contra		Contra
LTH						
LTV						
LUX			Contra (?)			
MLT						
NLD			Contra (?)		Lib	
POL						
PRT			Contra (?)		Prot	
ROM						
SVK						
SVN						
SWE					Lib	
Comments	Unclear: "divided Commission (AUS, FRA, IRL vs ESP, reflected battle lines in Council) "	Eventually, unanimous rejection of handing over mandate to the Commission in 1992.	Too LIB/PROT or SOV' indicate why a MS distrusted COM. (Liberal//protectionist/sovereignty) ; ? Indicates no specific information is given. By 1996, everyone but GBR was in favor of giving the Commission a limited mandate.	*Eventually, Germany changed its positions, leading to a swing towards Council approval.	However, according to the author protectionist tendencies were also clearly noticeable when discussions were about products from the 'North': beef, milk powder, cut flowers. He does not elaborate.	

DEBATE	Reciprocity Clause in Utilities Directive	Competence: new trade issues - post UR	New Trade Issues in Treaty of Amsterdam	Early Doha - AGRI - Mandate Squabble	Basic Telecommunications Services Agreement - Pre negotiations	Trade, CLS and Development - Early Doha
Source	Meunier, 2005	Meunier & Nicolaïdis	Meunier, 2005	da Conceicao-Heldt, 2012	Niemann, 2004	Young & Holmes, 20
DATE	Late 80s-1990	1994-1998	1994-1998	2003-2005	Mid 1990s	1999
AUT			Pro	More Control	Middle pos.	
BEL		Pro		More Control	Prot+>Lib+-	
BGR						
CRO						
CYP				More Control		
CZE						
DEU	Contra	"+-Contra	Pro	Contra	Lib+-	
DNK		Contra-Sov		Contra	Lib	
ESP		C?	Contra-Sov	More Control	Prot+>Prot+	
EST						
FIN			Pro		Lib	
FRA	Pro	Contra- Sov	Contra-Sov	More Control	? > Lib+-	PROT PRO
GBR	Contra	Contra-Sov	Contra-Sov	Contra	Lib	LIB CONTRA
GRC		Contra-Lib	Pro		Prot+>Prot+-	
HUN				More Control		
IRL		Pro		More Control	Prot+>Lib	
ITA	Pro	Pro		More Control	Midden	
LTH				More Control		
LTV						
LUX		C?			Prot+>Lib	
MLT						
NLD	Contra	C?	Pro	Contra	Lib	
POL				More Control		
PRT		Contra - Prot	Contra-Sov	More Control	Prot+ >Lib+-	
ROM						
SVK						
SVN						
SWE			Pro	Contra	Lib	DEV PRO
Comments	<i>Positions indicate overall 'camps'. In the end only France voted against the directive bc it thought the included reciprocity clause was too soft.</i>	<i>Eight member states are told to be opposed, but these are not all named. This means ESP / NLD and/or LUX have to be opposed as well.</i>	<i>Strong changes over time.</i>	<i>More control = new committee to control the Commission in agricultural negotiations.</i>	<i>Initial position of the MS > Position of TPC member after Deliberation . Pro/Contra Lib</i>	<i>Mention of 'coalitions' but only these countries named.</i>