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The New Institutionalisms and European Integration

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Abstract

The European Union is without question the most densely institutionalised international organization in the world, with a welter of intergovernmental and supranational institutions and a rapidly growing body of primary and secondary legislation. This paper examines the new institutionalisms in rational choice and historical analysis and their contributions to EU studies, briefly summarizing the core assumptions of each approach before discussing specific applications to the study of the EU and the question of enlargement. The rational-choice institutionalist study of the EU, I argue, has advanced considerably over the past two decades, with increasingly sophisticated elaboration and testing of theories relating to executive, legislative and judicial politics as well as public opinion, enlargement and other vital topics. Historical institutionalist accounts, by contrast, have been slower to move beyond the concepts of lock-in and path-dependence as broad metaphors for the integration process, but here too recent work has begun to refine the theory into distinct, testable hypotheses. In that context, the primary challenge for rational-choice institutionalists consists in the specification of new and more accurate models of EU institutions, and the testing of those models through a range of empirical methods; while for historical institutionalists, the primary challenge is to specify and test more precise hypotheses about types of institutions likely to generate positive or negative feedbacks, the mechanisms of path-dependence, and the impact of temporal factors on the path of European integration.

Key words: Agency theory, agenda-setting, Council of Ministers, European Commission, European Court of Justice, European Parliament, institutions, institutionalism, path dependence

1 Introduction

The European Union is without question the most densely institutionalised international organization in the world, with a welter of intergovernmental and supranational institutions and a rapidly growing body of primary and secondary legislation, the so-called *acquis communautaire*. Small wonder, then, that the body of literature known under the rubric of “the new institutionalism” has been applied with increasing frequency and with increasing success to the

study of the Union as a polity and to European integration as a process. In fact, however, the “new institutionalism” in social theory has evolved into plural institutionalisms, with rational-choice, sociological and historical variants, each with a distinctive set of hypotheses and insights about the EU. This chapter examines the new institutionalisms in rational choice and historical analysis and their contributions to EU studies, briefly summarizing the core assumptions of each approach before discussing specific applications to the study of the European Union and the question of EU enlargement, and concluding with an analysis of the strengths and weaknesses of institutional approaches to the study of European integration.

The Origins of Rational-Choice and Historical Institutionalism

The new institutionalism(s) in political science did not, of course, originate in the field of EU studies, but reflected a gradual and diverse re-introduction of institutions into a large body of theories (such as behaviourism, pluralism, Marxism, and neorealism) in which institutions had been either absent or epiphenomenal, i.e. reflections of deeper factors or processes such as capitalism or the distribution of political power in a given domestic society or international system. By contrast with these institution-free accounts of politics, which dominated American political science between the 1950s and the 1970s, three primary “institutionalisms” developed during the course of the 1980s and early 1990s, each with a distinct definition of institutions and a distinct account of how they “matter” in the study of politics (March and Olsen 1989; Hall and Taylor 1996).

The first of these institutionalisms arose within the rational-choice approach to the study of politics, as pioneered by students of American politics. To simplify only slightly, the contemporary rational-choice institutionalist literature began with the effort by American political scientists to understand the origins and effects of US Congressional institutions. During the late 1970s, rational-choice scholars like William Riker (1980) noted that, in formal models of majoritarian decisionmaking, policy choices are inherently unstable, “cycling” among multiple possible equilibria, with no single policy able to command a lasting majority among legislators. Yet empirically oriented scholars of the US Congress noted that the House and Senate were indeed able to agree on stable policies, raising the question of how and why such stability was achieved. In this context, Kenneth Shepsle (1979, 1986) argued that Congressional institutions, and in particular the committee system, could produce “structure-induced equilibrium” by ruling some alternatives as permissible or impermissible and by structuring the voting and veto power of various actors in the decision-making process. In more recent work, Shepsle and others have turned their attention to the problem of “equilibrium institutions,” namely, how actors choose or design institutions to secure mutual gains, and how those institutions change or persist over time.

Shepsle’s innovation and the subsequent development of the rational-choice approach to Congressional institutions have produced a number of theoretical offshoots with potential applications in comparative as well as international politics. For example, Shepsle and others have examined in some detail the “agenda-setting” power of the Congressional committees that are the linchpin of his structure-induced equilibrium, specifying the conditions under which agenda-setting committees could influence the outcomes of Congressional votes (Shepsle and Weingast 1984; Ordeshook and Schwartz 1987). Shepsle’s “distributive” model of Congressional committees has, however, been challenged by Keith Krehbiel (1991) and other scholars, who agree that committees possess agenda-power but argue that the committee system serves an “informational” rather than distributive function by providing members with an incentive to acquire and share policy-relevant information with other members of Congress.

In another offshoot, students of the Congress have developed principal-agent models of Congressional delegation of authority to regulatory bureaucracies (and later to courts) and the

efforts of Congress to control those bureaucracies (Moe 1984; McCubbins and Schwartz 1987; Cooter and Ginsburg 1996). More recently, Epstein and O'Halloran (1999) and others (Huber and Shipan 2000) have pioneered a "transaction cost approach" to the design of political institutions, arguing that legislators deliberately and systematically design political institutions to minimize the transaction costs associated with making public policy. Although originally formulated and applied in the context of American political institutions, these approaches are applicable in other comparative and international political contexts, including that of the European Union.

By contrast with the formal definition of institutions in rational choice approaches, sociological institutionalism and constructivist approaches in international relations (examined in detail by Thomas Risse in his chapter in this volume) define institutions much more broadly to include informal norms and conventions as well as formal rules, and they argue that such institutions "constitute" actors, shaping the way in which actors view the world. Moreover, by contrast with rational-choice models, in which actors are regarded as strategic utility-maximizers whose preferences are taken as given, sociological institutionalist accounts often begin with the assumption that people act according to a "logic of appropriateness," taking cues from their institutional environment as they construct their preferences and select the appropriate behavior for a given institutional environment. In the case of the EU, sociological institutionalist and constructivist scholars have examined the process by which EU and other institutional norms are diffused and shape the preferences and behavior of actors in both domestic and international politics (Risse, this volume).

Historical institutionalists, finally, took up a position in between the two camps, focusing on the effects of institutions *over time* (Thelen 1999; Pierson 2000, 2004). By contrast with the rational-choice approaches discussed above, HI scholars generally reject "functionalist" explanations for institutional design. In such functionalist explanations, political institutions are assumed to have been deliberately designed by contemporary actors for the efficient performance of specific functions, such as the provision of policy-relevant information or the adoption of expert and credible policies, and little or no attention is paid to historical legacies. In contrast with this view, historical institutionalists argue that institutional choices taken in the past can persist, or become "locked in," thereby shaping and constraining actors later in time. Institutions, it is argued, are "sticky," or resistant to change, both because of the uncertainty associated with institutional design, and because national constitutions and international treaties can create significant transaction costs and set high institutional thresholds (such as a supermajority or unanimous agreement) to later reforms (Pollack 1996: 437-38).

In perhaps the most sophisticated presentation of this strand of historical-institutionalist thinking, Paul Pierson (2000, 2004) has suggested that political institutions and public policies are frequently characterized by what Pierson calls "positive feedbacks," insofar as those institutions and policies generate incentives for actors to stick with and not abandon existing institutions, adapting them only incrementally to changing political environments. Insofar as political institutions and public policies are in fact characterized by positive feedbacks, Pierson argues, politics will be characterized by certain interrelated phenomena, including: *inertia*, or *lock-ins*, whereby existing institutions may remain in equilibrium for extended periods despite considerable political change; *a critical role for timing and sequencing*, in which relatively small and contingent events that occur at *critical junctures* early in a sequence shape (that is, provide the institutional context for) events that occur later; and *path-dependence*, in which early decisions provide incentives for actors to perpetuate institutional and policy choices inherited from the past, even when the resulting outcomes are manifestly inefficient. With regard to the

last concept of path dependence, perhaps the most influential notion in recent historical-institutionalist work, Pierson cites with approval Margaret Levi's definition:

Path dependence has to mean, if it is mean anything, that once a country or region has started down a path, the costs of reversal are very high. There will be other choice points, but the entrenchments of certain institutional arrangements obstruct easy reversal of the initial choice. Perhaps the better metaphor is a tree, rather than a path. From the same trunk, there are many different branches and smaller branches. Although it is possible to turn around or to clamber from one to the other—and essential if the chosen branch dies—the branch on which a climber begins is the one she tends to follow (Levi 1997: 28, quoted in Pierson 2000: 252).

Note that theories such as Pierson's and Levi's, while rejecting equilibrium analysis, typically adopt assumptions about actors and their preferences that are fully consistent with those of rational choice theory (North 1990; Pierson 2004, 2004). For this reason, this chapter does not consider historical institutionalism as a distinct and competing school of thought, but rather as a particular variant of rational-choice theory emphasizing the importance of time, feedbacks, sequencing, and path-dependence in the study of politics.

By and large, the "first generation" of historical institutionalist work has been more effective in explaining *continuity* (often in the face of exogenous shocks) than in explaining institutional or endogenous source of *change* (as in the original neofunctionalist theory, which posited spillover as the primary engine of the integrative process). For this reason, both historical institutionalist and rational-choice theorists have devoted increasing attention in recent years to the challenge of theorizing the sources of both continuity and change in political life. Within historical institutionalism, a growing "second-generation" literature has focused on the central claim that existing institutions and policies may produce not only *positive* feedbacks that support existing institutions and policies, but also *negative* feedbacks that create pressures for institutional and policy change. Existing institutions and policies, in this view, may have perverse effects that can gradually undermine social or political support for them (Streeck and Thelen 2005; Hall and Thelen 2006). Welfare-state programs, for example, may be structured such that the value of benefits erodes, and this benefit erosion in turn may lead to a decline in public support for those programs – a clear negative feedback in an issue-area long characterized by positive feedbacks and stability (Immergut 2006).

Within rational-choice theory, a similar approach is taken by Avner Greif and David Laitin (2004), who provide a formal model of institutional change in which feedbacks from institutions can either strengthen and reinforce existing institutions, or conversely undermine them. *Self-reinforcing* institutions, in this view, are those that change the political environment in ways that make the institution more stable in the face of exogenous shocks. *Self-undermining* institutions, by contrast, are those that change the environment such that a previously stable institutional equilibrium is undermined; these institutions "can cultivate the seeds of their own demise" (Greif and Laitin 2004: 34), producing not stability but increasing pressure for change with the passage of time.

Perhaps most importantly, such rational-choice and historical institutionalist work has gone far beyond the now-familiar claims that political institutions are path-dependent or "sticky." Instead, this literature tells us, political institutions and policies can produce *varying* effects over time, depending on the characteristics of the institution or policy in question and the types of feedback effects it generates. For example, some institutions, such as national constitutions, involve considerable start-up costs, generate adaptive effects among large numbers of people, and can be changed only by a large majority of parliamentarians and the electorate, and should therefore generate positive feedbacks and path-dependent behavior. By contrast, however, other institutions or public policies may involve lower fixed costs, fewer adaptive effects, and lower

institutional barriers to wholesale reform, and in these cases institutions and policies may be changed easily, with little or no evidence of historical legacies or path-dependence. And in still other cases, existing institutions and policies – including, possibly, European integration – may produce negative feedbacks and become self-undermining over time. In theory, therefore, historical institutionalism and its component concepts such as feedback effects and path dependence offer the prospect, not just of claiming that “history matters,” but of explaining *how* and *under what conditions* historical events do—or do not—shape contemporary and future political choices and outcomes.

2. Applications to the Study of the European Union

Within the past decade, all three new institutionalisms have been adopted by students of European integration, with results that have been reviewed extensively elsewhere (Jupille and Caporaso 1999; Dowding 2000; Aspinwall and Schneider 2001; Pollack 1996, 2007). Rational-choice institutionalist analyses of the EU arguably date back to the late 1980s, with Fritz Scharpf’s (1988) pioneering work on “joint-decision traps” in the EU and other federal systems, and continued into the 1990s and 2000s with work by George Tsebelis, Geoffrey Garrett and others who sought to model in rational-choice terms the origins and above all the workings of EU institutions. Simplifying considerably, we can say that rational choice analyses have examined all three of the major functions of government at the Union level: (1) legislative politics, including decision-making within the Council of Ministers as well as the ever-changing legislative role of the European Parliament; (2) executive politics, i.e. the delegation of executive powers to the European Commission and other agencies, and their exercise of those powers; and (3) judicial politics, specifically the European Court of Justice’s role vis-à-vis EU member governments and national courts. The remainder of this section briefly discusses each of these bodies of literature, with special attention to the first question of executive politics, followed by (4) a brief discussion of historical institutionalist approaches emphasizing joint-decision traps, lock-ins, and European integration as a path-dependent process.

2.1 Legislative Politics

Without doubt the best-developed strand of rational choice theory in EU studies has focused on EU legislative processes. Drawing heavily on theories and spatial models of legislative behavior and organization, students of EU legislative politics have adapted and tested models of legislative politics to understand the process of legislative decision-making in the EU. This literature, as Gail McElroy (2007) points out, has focused on three major questions: legislative politics within the European Parliament; the voting power of the various states in the Council of Ministers; and the respective powers of these two bodies in the EU legislative process.

The European Parliament (EP) has been the subject of extensive theoretical modeling and empirical study over the past two decades, with a growing number of scholars studying the legislative organization of the EP and the voting behavior of its members (MEPs), adapting models of legislative politics derived largely from the study of the US Congress. The early studies of the Parliament, in the 1980s and early 1990s, emphasized the striking fact that, in spite of the multinational nature of the Parliament, the best predictor of MEP voting behavior is not nationality but an MEP’s “party group,” with the various party groups demonstrating extraordinarily high measures of cohesion in roll-call votes. These MEPs, moreover, were shown to contest elections and cast their votes in a two-dimensional “issue space,” including not only the familiar nationalism/supranationalism dimension but also and especially the more

traditional, “domestic” dimension of left-right contestation (Hix 2001). Still other studies have focused on the legislative organization of the EP, including not only the party groups but also the Parliament’s powerful committees, whose members play an important agenda-setting role in preparing legislation for debate on the floor of Parliament (Kreppel 2001). Perhaps most fundamentally, these scholars have shown, the EP can increasingly be studied as a “normal parliament” whose members vote predictably and cohesively within a political space dominated by the familiar contestation between parties of the left and right (Tsebelis and Garrett 2001a; Hix, Noury and Roland 2007).

By contrast with this rich EP literature, the rational choice literature on the Council of Ministers until recently focused on the relatively narrow question of member-state voting power under different decision rules. In this context, a number of scholars have used increasingly elaborate formal models of Council voting to establish the relative voting weights – and hence the bargaining power – of various member states under various qualified majority voting (QMV) voting formulas. The use of such voting-power indexes has led to substantial debate among rational choice scholars, with several scholars criticizing the approach for its emphasis on formal voting weight at the expense of national preferences (Albert 2003). In recent years, however, the study of legislative politics in the Council has undergone a renaissance, driven in part by lively theoretical debates among rational-choice, constructivist and other scholars, and in part by the increasing public availability of Council voting records and data-sets such as the Decision-Making in the European Union (DEU) project (Thomson et al. 2006). This thriving literature has produced new theoretical conjectures, and new qualitative and quantitative empirical tests, on issues such as the relative power of EU member states in the Council; the coalition patterns among member states within the Council (which appear to break down largely on geographical or North-South lines); the Council’s remarkable (and, for traditional legislative-politics models) puzzling tradition of consensus decision-making, rather than minimum-winning coalitions; and the as-yet uneven evidence for the socialization of national officials in the Council and its subsidiary committees and working groups (for an excellent review see Naurin and Wallace 2008 and the chapters in that volume; see also Mattila 2004; Hayes-Renshaw and Wallace 2006; and Thomson et al. 2006).

Third and finally, a large and ever-growing literature has attempted to model in rational choice terms, and to study empirically, the inter-institutional relations among the Commission (as agenda setter) and the Council and Parliament, under different legislative procedures. Over the course of the 1980s and the 1990s, the legislative powers of the EP have grown sequentially, from the relatively modest and non-binding “consultation procedure” through the creation of the “cooperation” and “assent” procedures in the 1980s, and the creation and reform of a “co-decision procedure” in the 1990s. This expansion of EP legislative power, and the complex nature of the new legislative procedures, has fostered the development of a burgeoning literature and led to several vigorous debates among rational choice scholars about the nature and extent of the EP’s and the Council’s respective influence across the various procedures. The first of these debates concerned the power of the European Parliament under the cooperation procedure. In an influential article, George Tsebelis (1994) argued that this provision gave the Parliament “conditional agenda-setting” power, insofar as the Parliament would now enjoy the ability to make specific proposals that would be easier for the Council to adopt than to amend. Other scholars disputed Tsebelis’s model, arguing that the EP’s proposed amendments would had no special status without the approval of the Commission, which therefore remained the principal agenda setter. This theoretical debate, in turn, motivated a series of empirical studies which appeared to confirm the basic predictions of Tsebelis’s model, namely that the Parliament

enjoyed much greater success in influencing the content of legislation under cooperation than under the older consultation procedure (Kreppel 1999).

A second controversy emerged in the literature over the power of Parliament under the co-decision procedure introduced by the Maastricht Treaty (co-decision I) and reformed by the Treaty of Amsterdam (co-decision II). In another controversial article, Tsebelis (1997) argued that, contrary to common perceptions of the co-decision procedure as a step forward for the EP, Parliament had actually *lost* legislative power in the move from cooperation to co-decision I. By contrast, other rational choice scholars disputed Garrett and Tsebelis's claims, noting that alternative specifications of the model predicted more modest agenda-setting power for the EP under cooperation, and and/or a stronger position for the EP in co-decision. Here again, quantitative and qualitative empirical analyses have provided at least tentative answers to the question of EP influence across the various legislative procedures, with the most extensive study suggesting that the EP has indeed enjoyed greater legislative influence under co-decision I than under cooperation, largely at the expense of the Commission (Tsebelis et al., 2001). In any event, the Treaty of Amsterdam subsequently simplified the co-decision procedure, creating a genuinely bicameral co-decision II procedure.

To some observers, these debates have verged on scholasticism, focusing more on model specification than on the empirical reality of legislative decision-making, and coming around to empirical testing relatively late in the day (Crombez, Steunenberg and Corbett, 2000; Garrett, Tsebelis and Corbett, 2001). Taken as a whole, however, the debate over the EP's legislative powers, like early work on the internal organization of the Parliament, has both clarified the basic theoretical assumptions that scholars make about the various actors and their preferences, *and* motivated systematic empirical studies that have generated cumulative knowledge about the EU legislative process.

2.2. Executive Politics

The study of EU executive politics is not the exclusive preserve of rational choice scholars (Tallberg 2007). Neofunctionalists and intergovernmentalists have been debating the causal role of the executive Commission for decades, and the Commission has been studied as well by sociological institutionalists, by students of political entrepreneurship, and by normative democratic theorists. Nevertheless, RCI and principal-agent analysis have emerged over the past decade as the dominant approach to the study of the Commission and other executive actors such as the European Central Bank and the growing body of EU agencies. These studies generally address two specific sets of questions. First, they ask why and under what conditions a group of (member-state) *principals* might delegate powers to (supranational) *agents*, such as the Commission, the European Central Bank, or the Court of Justice. With regard to this first question, rationalists like Moravcsik (1998), Majone (2001), Franchino (2002, 2004, 2007), and Pollack (2003) have drawn from the theoretical literature on delegation in American, comparative and international politics in order to devise and test hypotheses about the motives of EU member governments in delegating specific powers and functions to the Commission and other supranational actors.

Simplifying considerably, such *transaction-cost* accounts of delegation argue that member-state principals, as rational actors, delegate powers to supranational organizations primarily to lower the transaction costs of policymaking, in particular by allowing member governments to commit themselves credibly to international agreements and to benefit from the policy-relevant expertise provided by supranational actors. Despite differences in emphasis, the empirical work of these scholars has collectively demonstrated that EU member governments do indeed delegate powers to the Commission, the European Central Bank and the Court of Justice

largely to reduce the transaction costs of policymaking, in particular through the monitoring of member-state compliance, the filling-in of framework treaties (“incomplete contracts”), and the speedy and efficient adoption of implementing regulations that would otherwise have to be adopted in a time-consuming legislative process by the member governments themselves (Moravcsik, 1998; Pollack, 2003; Franchino 2002, 2004, 2007). By contrast with these positive results, however, scholars have found little or no support for the hypothesis that member states delegate powers to the Commission to take advantage of its superior expertise (Moravcsik, 1998; Pollack, 2003). Similarly, the same studies generally concede that transaction-cost models do a poor job of predicting patterns of delegation to the European Parliament, which appears to have been delegated powers primarily in response to concerns about democratic legitimacy rather than in order to reduce the transaction costs of policymaking.

In addition to the question of delegation, rational-choice institutionalists have devoted greater attention to a second question posed by principal-agent models: What if an agent—such as the European Commission, the Court of Justice, or the European Central Bank—behaves in ways that diverge from the preferences of the principals? The answer to this question in analysis lies primarily in the administrative procedures that the principals may establish to define *ex ante* the scope of agency activities, as well as the oversight procedures that allow for *ex post* oversight and sanctioning of errant agents. Applied to the European Union, principal-agent analysis therefore leads to the hypothesis that agency autonomy is likely to vary across issue-areas and over time, as a function of the preferences of the member states, the distribution of information between principals and agents, and the decision rules governing the application of sanctions or the adoption of new legislation. By and large, empirical studies of executive politics in the EU have supported these hypotheses, pointing in particular to the significance of decision rules as a crucial determinant of executive autonomy (Pollack 1997, 2003; Tallberg 1999, 2000; Tsebelis and Garrett 2001b).

Much of this literature on delegation and agency focuses on the rather arcane question of *comitology*, the committees of member state representatives established to supervise the Commission in its implementation of EU law. For rational-choice theorists, comitology committees act as *control mechanisms* designed by member-state principals to supervise their supranational agent (the Commission) in its executive duties. In this approach, member government preferences are assumed to be fixed, the aim of comitology is control rather than deliberation, and the rules governing a committee *matter* in determining the discretion of the Commission in a given issue-area. More specifically, rational-choice analysts have analyzed the differences among the three primary types of comitology committees—namely, advisory committees, management committees, and regulatory committees—noting that, in formal models of executive decision-making, the Commission is least constrained under the advisory committee procedure, and most constrained under the regulatory committee procedure, with the management committee procedure occupying a middle ground (Steunenberg et al. 1996). Under these circumstances, rationalists predict, EU member governments will prefer and select comitology committees designed to maximize their expected utility by producing favourable “policy streams” in a given issue-area; and they will carefully calibrate the autonomy or responsiveness of the Commission through the selection of specific comitology procedures (Pollack 2003; Franchino 2000).

By contrast with this rationalist view of comitology as a control mechanism, Christian Joerges and Jürgen Neyer (1997) draw on Habermasian accounts of deliberative democracy as well as constructivist analysis in political science to argue that EU comitology committees provide a forum in which national and supranational experts meet and *deliberate* in a search for the best or most efficient solutions to common policy problems. In this view, comitology is not

an arena for hardball intergovernmental bargaining, as rationalists assume, but rather a technocratic version of deliberative democracy in which informal norms, deliberation, good arguments and consensus matter more than formal voting rules, which are rarely invoked.

Comitology, then, emerges as a key area in which rationalist and constructivist theorists provide competing accounts and hypotheses on a common empirical terrain, which offers the unusual prospect of direct, competitive empirical testing. Unfortunately, as I have argued elsewhere (Pollack 2003), testing such hypotheses requires researchers to deal with serious methodological challenges, including the measurement of elusive concepts such as “deliberation” (for constructivists and sociological institutionalists) and “autonomy” and “control” (for rationalists). Faced with these difficulties, students of comitology have pursued two distinct research strategies to test hypotheses about the significance of EU committees. First, as Franchino demonstrates in his landmark book (2007), the decision to delegate powers to the Commission, as well as the choice of comitology procedure and other oversight mechanisms, are systematically influenced by institutional and environmental factors including the degree of conflict within the Council, the degree of conflict between the Council and the Commission, and the decision rules governing the adoption of legislation (i.e., voting rules in the Council, and the varying role of the European Parliament (see also Dogan 2000, Pollack 2003, and Franchino 2002, 2004). This careful and systematic selection of comitology committees suggests, in turn, the differences in comitology procedures do indeed matter for subsequent policy outcomes.

Second, moving from the delegation to the post-delegation stage, other scholars have undertaken process-tracing case studies of Commission behavior under comitology, allowing the observer to establish the respective preferences of actors such the Commission and of the member governments and examine the process of committee decision-making in practice. Among rational-choice analysts, Schmidt (1997) and Pollack (2003) have engaged in such case-study analysis, in areas such as the liberalization of telecommunications and electricity, merger control, the management of the Structural Funds, and the negotiation of the Uruguay Round. Their findings, although tentative, suggest that member governments do indeed use comitology committees as instruments of control, and that Commission autonomy and influence vary as a function of the administrative and oversight procedures adopted by the Council. By contrast, however, Joerges and Neyer’s (1997) empirical research in the foodstuffs sector, although not reported in the form of a case study, de-emphasizes the control functions of comitology in favor of the emergence of deliberative interaction among delegates in scientific advisory committees. These disparate results suggest the need for further empirical work, and careful case selection, to determine the extent of, and the conditions for, the use of comitology committees as a means of control or a forum for deliberation, respectively.

In sum, the rational choice, principal-agent approach has indeed come to dominate the study of the Commission and other executive actors in the past several decades. This principal-agent literature, like other rational choice approaches, can be criticized for its focus on a particular set of (albeit very important) questions about the relationship between principals and agents, and for its neglect of other equally important questions, such as the internal workings of the Commission. Furthermore, as Simon Hix (2007: 149-50) has argued, the traditional PA assumption that the Commission is an outlier with particularly intense preferences for greater integration may be misleading in the post-Maastricht era where the EU has already placed markers in nearly every area of public policy. Nevertheless, principal-agent models have provided a theoretical framework to ask a series of pointed questions about the causes and consequences of delegating executive power to EU actors, and they have directed scholars’ attention to factors such as transaction costs, information asymmetries, and the operation of formal rules and administrative law, that had been neglected or indeed ignored by earlier studies.

2.3. Judicial Politics and Legal Integration

In addition to the lively debate about the nature of EU executive politics, rational-choice institutionalists have also engaged in an increasingly sophisticated research programme into the nature of EU judicial politics and the role of the European Court of Justice in the integration process. Writing in the early 1990s, for example, Geoffrey Garrett first drew on principal-agent analysis to argue that the Court, as an agent of the EU's member governments, was bound to follow the wishes of the most powerful member states. These member states, Garrett argued, had established the ECJ as a means to solve problems of incomplete contracting and monitoring compliance with EU obligations, and they rationally accepted ECJ jurisprudence, even when rulings went against them, because of their longer-term interest in the enforcement of EU law (Garrett 1992). In such a setting, Garrett and Weingast (1993: 189) argued, the ECJ might identify "constructed focal points" among multiple equilibrium outcomes, but the Court was unlikely to rule against the preferences of powerful EU member states, as Burley and Mattli (1993) had suggested in a famous article drawing on neofunctionalist theory.

Responding to Garrett's work, other scholars have argued forcefully that Garrett's model overestimated the control mechanisms available to powerful member states and the ease of sanctioning an activist Court, which has been far more autonomous than Garrett suggests. To simplify considerably, such accounts suggest that the Court has been able to pursue the process of legal integration far beyond the collective preferences of the member governments, in part because of the high costs to member states in overruling or failing to comply with ECJ decisions, and in part because the ECJ enjoys powerful allies in the form of national courts and individual litigants, the ECJ's "other interlocutors" which refer hundreds of cases per year to the ECJ via the "preliminary reference" procedure of Article 234 (Weiler 1994; Mattli and Slaughter 1995, 1998; Stone Sweet and Caporaso 1998; Stone Sweet and Brunell 1998; Alter 2001). In this view, best summarized by Stone Sweet and Caporaso (1998: 129), "the move to supremacy and direct effect must be understood as audacious acts of agency" by the Court. At the same time, however, they argue that:

. . . judicial politics in the EC is not easily captured by [principal-agent] imagery. The Court's constitutionalization of the treaty system produced profound structural changes. Among other things, it reconstituted relationships among the ECJ, national judges, and private and public actors at the national and transnational levels. Often enough, the impact of the Court's rule-making is to effectively constrain member-state governments, both individually and collectively. The P-A framework is ill-equipped to capture these dynamics.

Stone Sweet and his collaborators are undoubtedly correct in their assertion that a simple principal-agent model of member government-ECJ relations cannot constitute a satisfactory theory of EU legal integration, since the ECJ must necessarily address other actors, including the individual litigants who bring cases as well as the national courts that are responsible for submitting and applying the bulk of all contemporary ECJ decisions. By the same token, however, no satisfactory theory of EU legal integration can *omit* the principal-agent relationship between the member governments and the ECJ, since it is this relationship that sets the bounds of ECJ discretion through the adoption and amendment of the treaties and through the threat or use of control mechanisms such as legislative overruling and non-compliance; and indeed, rational-choice approaches to the ECJ have gradually become more complex, and have been subjected to greater empirical testing, in response to critics (Garrett 1995; Garrett, Kelemen and Schulz 1998; and Kilroy 1999).

More recently, as Lisa Conant (2007) points out, the literature on the ECJ and legal integration has increasingly moved from the traditional question of the ECJ's relationship with national governments, toward the study of the ECJ's other interlocutors, including most notably the national courts that bring the majority of cases before the ECJ, and the individual litigants who use EU law to achieve their aims within national legal systems. Such studies have problematized and sought to explain the complex and ambivalent relationship between the ECJ and national courts, as well as the varying litigation strategies of "one-shot" litigants and "repeat players" before the courts (Mattli and Slaughter, 1998; Alter, 2001; Conant, 2002). These and other studies, influenced largely (although not exclusively) by rational choice models, have demonstrated the complexities of ECJ legal integration, the interrelationships among supranational, national and subnational political and legal actors, and the limits of EU law in national legal contexts.

2.4. Unintended Consequences, Joint-Decision Traps, and Path-Dependence

Thus far, we have looked at the executive, judicial and legislative politics of the European Union through the standard lenses of rational choice theory, in which institutions are either: (1) independent (or intervening) variables that explain how institutions shape policy outcomes (what Shepsle [1986] calls "structure-induced equilibria"); or (2) dependent variables created and maintained by rational actors to perform certain functions for the actors that created them (Shepsle's "equilibrium institutions"). Implicit or explicit in such accounts is the notion that institutions, once created, are indeed "sticky" and persist over time; yet the functionalist assumption that institutions are indeed *chosen* to perform certain functions is seldom tested empirically, and little attention is usually given to the specific question of how institutions evolve and shape political outcomes *over time*. Thus, despite the substantial contributions of rationalist approaches to our understanding of the EU, much of the rational-choice literature on the EU arguably underemphasizes the central point of the early neofunctionalist literature, namely the concept of European integration as a *process* which does indeed unfold over time, often as a result of the unintended consequences of early integration decisions that become difficult for the EU's constitutive member states to control or overturn.

For these reasons, EU scholars have turned increasingly to historical institutionalism in an effort to understand temporal aspects of European integration, including phenomena such as feedback effects, lock-ins, and path-dependence (see e.g. Scharpf 1988, Bulmer 1994, Pierson 1996, Armstrong and Bulmer 1998, and the authors in Cowles, Risse and Caporaso 2001). In a pioneering article, for example, Fritz Scharpf (1988) argued that the institutional rules of certain joint decisionmaking systems, such as German federalism or the European Union, lead to what he called "the joint decision-trap," in which a given institution or policy, once instituted, tends to remain in place, rigid and inflexible, even in the face of a changing policy environment. Such joint-decision traps, Scharpf specified, were particularly likely in institutions characterized by three interrelated rules: intergovernmentalism (as opposed to federalism or supranational decisionmaking); a voting rule of unanimity (as opposed to majority); and a default condition in which a policy or institution would persist (as opposed to being terminated) in the event of no agreement. Under these specific conditions, Scharpf argued, policies such as the EU's Common Agricultural Policy could become entrenched or locked-in, even in the face of ever-growing agricultural surpluses or other pressures, as long as a single member state remained able to block policy or institutional reforms. On the other hand, Scharpf implied (albeit without elaboration) that a change in any of these three rules—for example, a move to supranational or majoritarian decisionmaking, or a change in the default rule providing that policies be terminated unless

periodically reauthorized—could alleviate the joint-decision trap and allow for ready adaptation of existing institutions to changing circumstances.

Similarly, Pierson's (1996) study of path-dependence in the EU seeks to understand European integration as a process that unfolds over time, and the conditions under which path-dependent processes are most likely to occur. Working from essentially rationalist assumptions, Pierson argues that, despite the initial primacy of member governments in the design of EU institutions and policies, "gaps" may occur in the ability of member governments to control the subsequent institutions and policies, for four reasons. First, member governments in democratic societies may, because of electoral considerations, apply a high "discount rate" to the future, agreeing to EU policies that lead to a long-term loss of national control in return for short-term electoral returns. Second, even when governments do not heavily discount the future, unintended consequences of institutional choices may create additional gaps, which member governments may or may not be able to close through subsequent action. Third, Pierson argues, the preferences of member governments may change over time, most obviously because of electoral turnover, leaving new member governments with new preferences to inherit an *acquis communautaire* negotiated by, and according to the preferences of, a different government. Given the decision rules of intergovernmentalism and unanimity emphasized by Scharpf, however, individual member governments are likely to find themselves "immobilized by the dead weight of past initiatives" (Pierson 1996: 137). Fourth and finally, Pierson argues, EU institutions and policies may become locked-in not only as the result of change-resistant institutional rules from above, but also through the incremental growth in political support for existing, entrenched institutions *from below*, as societal actors adapt to and develop a vested interest in the continuation of specific EU policies. In the area of social policy, for example, the European Court of Justice has developed a significant jurisprudence on gender equality that certainly exceeds the original expectations of the member governments. Rolling back these unexpected consequences, however, has proven difficult, both because of the need for a unanimous agreement to overturn an ECJ decision in this area, and because of the domestic constituencies (e.g., working women) with a vested interest in the maintenance of the *acquis*.

Looking beyond these pioneering works by Pierson and Scharpf, most historical institutionalist analyses of the EU have emphasized positive feedbacks, in which an initial integrative act can lead to functional spillover (Haas 1958), gaps in member-state control (Pollack 2003), gradual accretion of institutional forms and actors (Thatcher and Coen 2008), long-term socialization of elites (Checkel 2005) and the negotiation of informal agreements that become entrenched and are subsequently codified after-the-fact (Farrell and Héritier 2005). While these works offer us important insights about the development of European integration over time, their most important contribution is not the idea that institutions are "sticky"—which is a generic and rather banal institutionalist claim—but rather their statements about the *conditions* under which we should expect feedback effects and path-dependent behavior. In Scharpf's analysis, for example, lock-ins occur only under a specific set of decision rules; in other areas, joint-decision traps may be avoided insofar as existing institutions and policies either expire (hence their default condition is *not* the status quo) or can be amended by supranational decision or by qualified majority (breaking the logjam of unanimous intergovernmental decisionmaking). Similarly, while Pierson calls our attention to the prospects of micro-level adaptations to EU policies and institutions, and hence increasing returns, not all EU policies create such effects, and we should therefore expect variation in the stability and path-dependent character of different EU policies and institutions. To take only one example, the EU's Structural Funds might at first glance seem to be a classic candidate for a joint-decision trap and path-dependent behavior, like the Common Agricultural Policy. By contrast with the CAP,

however, the Structural Funds must be reauthorized at periodic intervals by a unanimous agreement among the member states, and this “default condition” of expiration, together with the uneven pattern of reliance on the Structural Funds across member states and their citizens, allows EU member states to reform the funds more readily, and with less incidence of path-dependence, than we observe in Treaty reform or in the Common Agricultural Policy. Finally, the notion that EU institutions and policies might have negative or self-undermining feedback effects has been explored less systematically, yet the Union’s long constitutional crisis and the long-term decline in public support for further integration suggest that negative feedbacks should be the focus of greater attention in future studies of institutional change.

3. The New Institutionalisms and EU Enlargement

The enlargement of the European Union has posed multiple challenges to EU policymakers, and multiple research questions to students of European integration (Wallace 2000; Schimmelfennig and Sedelmeier 2002). Simplifying slightly, we can say that the bulk of the recent scholarship focuses on four primary questions raised by the current enlargement of the EU:

1. Why did the European Union decide, during the course of the 1990s, to enter into enlargement negotiations with as many as 12 new members, despite the obvious budgetary and institutional challenges this would pose for the members of the EU?
2. How can we account for the subsequent negotiations between the European Union and the individual candidate countries, including the preponderant bargaining power of the Union but also its occasional willingness to enter into compromises with the candidate countries?
3. What effects, if any, has the European Union and its promise of eventual membership had on the process of political and economic reform in the candidate countries, particularly the former communist countries of Central and Eastern Europe? And
4. What effects is the projected enlargement of the Union from 15 to as many as 27 members likely to have on the institutions and policies of an enlarged EU?

Simplifying once again, it seems fair to say that sociological institutionalist and constructivist scholars have devoted greater attention than either rational-choice or historical institutionalist scholars to the first two questions, while historical institutionalists have devoted somewhat greater attention to the process of reform in Central and Eastern Europe, and rational-choice institutionalists have applied their familiar tools to projecting the impact of enlargement on the institutions of an EU of 27 or more members.

With regard to the first and second questions, regarding the EU’s decision to accept membership applications from and negotiate membership agreements with the new democracies of Central and Eastern Europe, a number of sociological institutionalist and constructivist scholars argue that the conduct of the EU’s member governments at the very least presents a puzzle for rationalist accounts of European integration. In this view, rational-choice theory cannot explain why and how EU member governments have, gradually and somewhat grudgingly, embraced the goal of EU enlargement despite the substantial financial costs of enlargement (particularly for countries like Spain which fear the diversion of EU structural and agricultural aid to the less developed CEE states). Such decisions, it is argued, cannot be explained except with reference to the acceptance of common norms and common standards of

legitimacy, according to which the Union cannot reject pleas for membership from neighbouring countries that credibly invoke “European” values such as democracy and free markets (Sedelmeier 2000; Fierke and Wiener 1999). In an interesting twist on this essentially constructivist argument, Schimmelfennig (2001) argues that while rational-choice calculations of material interests can explain member-state preferences on enlargement, their reluctant decision to enlarge represents a case of rhetorical entrapment in which governments, having professed allegiance to a set of common Community norms, were then constrained to live up to those norms in their public behavior. Indeed, Schimmelfennig’s argument occupies an intermediate space between rationalist and constructivist (or sociological institutionalist) analyses, since the informal norms of democracy and free markets do not appear to “constitute” the EU’s member governments, but rather to act as external constraints for governments concerned about the reputation on the international scene. Finally, it is worth pointing out that the sociological institutionalist account is not uncontested; indeed, as Andrew Moravcsik and Milada Vachudova (2003) have pointed out, the issue-specific material interests of EU member governments provide at the very least a good first-cut set of predictions about their behavior in the enlargement negotiations, and the relative success of rationalist and constructivist accounts of those negotiations remains a matter for further empirical research.

Turning to the third major question posed by enlargement—namely, the effects of the EU on the policies and institutions of the applicant countries—we find arguments associated with all three variants of the new institutionalism. A number of scholars, drawing on the influential “Europeanization” literature within the EU (Cowles, Risse, and Caporaso 2001; Börzel and Risse 2007) and on the early literature on post-Communist transitions (Stark 1992), adopt an historical-institutionalist perspective, noting the path-dependent nature of national institutions and national policies, and underlining the variation in the acceptance and transposition of EU norms by candidate countries, each of which has integrated new elements of the *acquis communautaire* in line with its own distinct national traditions (Jacoby 2004; Vachudova 2005). Other scholars, writing in a constructivist or sociological institutionalist vein, acknowledge the importance of historical legacies but emphasize the constitutive power of EU and international norms for the elites of the newly democratising countries of Central and Eastern Europe, arguing that international social learning and the diffusion of legitimate norms has played a central role in the transition from communist to “European” politics and policies in each of these countries (Checkel 2005; Epstein 2005; Gheciu 2005). A third set of theorists, drawing from rational-choice institutionalist scholarship, have articulated a distinctively rationalist set of causal mechanisms, whereby explicit EU “conditionality” provides rational incentives for domestic actors to undertake reforms in anticipation of the credible perspective of EU membership (Kelley 2004; Schimmelfennig and Sedelmeier 2005b; Vachudova 2005).

In the most extensive effort to test these competing theories, Frank Schimmelfennig and Ulrich Sedelmeier led a team of researchers who sought explicitly to test alternative rationalist and constructivist hypotheses about the effect of EU membership on the new member states in central and eastern Europe (Schimmelfennig and Sedelmeier 2005a). Drawing on previous rationalist and constructivist work, Schimmelfennig and Sedelmeier derived three distinct models of the mechanisms driving the Europeanization of the candidate/new member countries of central and eastern Europe. The first, “external incentives” model was derived from rational choice models of bargaining, focusing on the asymmetrical bargaining power of the EU and its applicant states and in particular on EU “conditionality,” namely the EU’s insistence that candidate countries apply the *acquis communautaire* as a prerequisite to membership. Against this rationalist model, the authors put up two competing constructivist or sociological institutionalist accounts – a “social learning” model predicated on a “logic of appropriateness”

and focusing on the socialization of state and civil-society actors in the target countries, and a “lesson-drawing” model in which dissatisfied governments in central and eastern Europe actively seek out and import EU practices, with the Union itself playing an essentially passive role.

Schimmelfennig and Sedelmeier’s findings, based on a series of case studies cutting across multiple countries and multiple issue-areas, provide striking support for the external incentives model. While various studies in the larger project found some instances of socialization and/or lesson-drawing in the absence of conditionality, the authors conclude that, on balance, “the external incentives provided by the EU can largely account for the impact of the EU on candidate countries.” Observed variations in rule adoption, moreover, are explained in large part by the independent variables hypothesized in the external incentives model, including most notably a credible membership perspective and clear political conditionality (Schimmelfennig and Sedelmeier, 2005b: 210-11). Other recent studies employ varying theoretical frameworks and focus on different aspects of the Europeanization process, but here too the general finding is that explicit and credible political conditionality is the most important source of EU leverage and policy change in the new and candidate countries, with socialization and lesson-drawing having a much weaker and more variable impact (Jacoby, 2004; Kelley, 2004; Vachudova, 2005; Schimmelfennig, 2005; Zürn and Checkel, 2005).

Fourth and finally, the recent enlargement of the EU to 27 (and possibly more) member states raises significant questions about the operation of EU institutions and policies, and rational-choice institutionalist analysts have active in theorizing the effects of enlargement and of the 2001 Treaty of Nice (designed in large part to prepare for enlargement) on the distribution of voting power among member states, as well as the member states’ collective ability to reach agreement on new policies. Specifically, a number of rational-choice models based on the provisions of the Treaty of Nice hypothesized that the likelihood of reaching agreement *decreased* in an enlarged, post-Nice EU (largely because of the raising of the QMV threshold from 71.2% of all weighted votes to 73.9%), while the relative voting weight of each of the individual members will also decrease as their numbers increase; larger member states, however, would benefit disproportionately from the Nice reforms in an enlarged EU (Baldwin et al., 2001; Bräuninger and König 2001; Felsenthal and Machover 2001). These hypotheses have received mixed support in the very early studies of the newly enlarged EU of 25 or 27. On the one hand, one of the most striking features of the Treaty of Nice is the extent to which the methods of rational-choice scholars were in fact replicated by the delegations to the Nice European Council, where negotiators reportedly brought calculators to assess the impact of proposed institutional changes on their respective voting weights. In this case, more than any other, rational-choice analysts can reasonably claim not only to have accurately depicted, but also to have influenced, the decision-making characteristics of EU member governments in the process of European integration. On the other hand, however, preliminary studies of EU institutions and legislation in the enlarged EU suggest that the core institutions (Commission, Council, EP, and ECJ) have continued to function effectively despite the shock of the 2004 “big-bang” enlargement, and that the EU’s legislative output has continued to grow unabated after as well as before enlargement (Dehousse et al. 2007; Thomson 2007; Wallace 2007). Analyzing and explaining the workings of EU institutions after enlargement remains as one of the most significant research challenges in today’s EU.

4 Challenges and Prospects of Rational Choice and Historical Institutionalism

Over the course of the past decade, the new institutionalisms—including sociological institutionalism and constructivism as well as the rational-choice and historical variants analysed in this chapter—have arguably become the dominant approaches to the study of European

integration. Moreover, despite the differences among them, all three institutionalisms offer substantial advantages over the traditional neofunctionalist and intergovernmentalist theories of European integration, in three ways. First, whereas the old neofunctionalist/intergovernmentalist debate was limited almost exclusively to EU studies, new institutionalist analyses draw explicitly from and can in turn contribute to the development of general theories of politics. Indeed, the rational-choice and historical institutionalist theories reviewed in this chapter share basic assumptions and approaches not only with each other, as I have argued, but also with a wide variety of rationalist theories of EU politics (e.g. Moravcsik 1998), comparative domestic politics (Hix 2005), and international politics (Milner 1998), and the theoretical compatibility of these cases in turn allows for comparison with relevant domestic and international cases outside the EU.

This observation points to a second advantage, namely that institutional analyses generally challenge the traditional distinction between international relations and comparative politics, and indeed we have seen that the basic concepts of institutionalist analysis are applicable both at the “international” level of the EU and at the level of member states, where the mediating impact of domestic institutions can help explain patterns of Europeanization among current member states and applicant countries.

Third and finally, all three institutionalisms have advanced considerably over the past two decades, in terms of both theoretical elaboration and empirical testing. At the start of the 1990s, for example, the rational-choice institutionalist literature on the European Union was in its infancy, concerned primarily with the elaboration of formal models in the absence of empirical testing. Since then, however, rational-choice scholars have made real progress in both the specification of formal models and the gathering of new data to test them. Historical institutionalist accounts, by contrast, have been slower to move beyond the concepts of lock-in and path-dependence as broad metaphors for the integration process, but here too recent work has begun to refine the theory into distinct, testable hypotheses. In that context, the primary challenge for rational-choice institutionalists consists in the specification of new and more accurate models of EU institutions, and the testing of those models through a range of empirical approaches including qualitative as well as quantitative analysis; while for historical institutionalists, the primary challenge is to specify and test more precise hypotheses about types of institutions likely to generate positive or negative feedbacks, the mechanisms of path-dependence, and the impact of temporal factors on the path of European integration.

Despite their multiple strengths and promise, finally, a careful balance sheet reveals two potential weaknesses of rational-choice and historical institutionalism as those approaches have been defined in this chapter. First, both varieties of institutionalism are essentially mid-level theories, concerned largely with the effects of institutions as intervening variables in EU politics. As such, neither theory constitutes in and of itself an adequate theory of European *integration*, the ultimate causes of which typically remain exogenous to the theory. Historical institutionalism has begun to address some of these questions, examining the ways in which initial integrative acts *may* create unintended consequences and lead to an endogenous, path-dependent process of integration, but even in such accounts the root causes of integration may be external to the theory itself. Here again, however, the compatibility of rational-choice and historical institutionalism with other rationalist theories of politics offers the prospect of linking mid-level analysis of EU institutions with broader theories that might explain the integration process more fully. Second, the rational-choice approach to the EU is based on a highly restrictive set of assumptions about the nature of actors and institutions—assumptions that have been fundamentally questioned by sociological institutionalists and constructivists, who believe that rational-choice theory is blind to the most important constitutive and transformative effects of EU institutions on the

preferences and identities of the people who interact with them. To the extent that EU institutions do indeed have such effects—an empirical question which begs continuing research—rational-choice institutionalists may be systematically underestimating the importance and impact of the European institutions that are their primary object of study.

Guide to further reading

Aspinwall, M., and G. Schneider (eds.) (2001). *The Rules of Integration: Institutional Approaches to the Study of Europe* (New York: Manchester University Press). [Edited volume featuring a number of institutionalist analyses of the European Union, with an excellent introduction by Aspinwall and Schneider.]

Franchino, Fabio (2007). *The Powers of the Union: Delegation in the EU*. New York: Cambridge University Press. [A theoretically and empirically rigorous analysis of the delegation of powers to EU institutions and member-states, which explores in detail the determinants of member-state decisions to delegate powers to the Union.]

Hix, Simon, Abdul G. Noury, and Gérard Roland (2007). *Democratic Politics in the European Parliament* (New York: Cambridge University Press). [A comprehensive analysis of legislative politics in the European Parliament, based on the most extensive database of roll-call votes over the history of the EP.]

Jupille, J., and J.A. Caporaso (1999). “Institutionalism and the European Union: Beyond International Relations and Comparative Politics,” *Annual Review of Political Science* 2: 429-44. [Another excellent review of institutionalist analyses to the European Union, emphasizing the promise of institutionalism as an approach capable of overcoming the gap between comparative politics and international relations.]

Hall, P.A., and R.C.R. Taylor (1996). “Political Science and the Three New Institutionalisms,” *Political Studies* 44/5: 936-57. [An excellent review article, summarizing the basic assumptions and arguments of what the authors call the “three new institutionalisms” in political science: rational-choice, historical, and sociological.]

Naurin, Daniel, and Helen Wallace, eds. (2008). *Unveiling the Council: Games Governments Play in Brussels* (London: Palgrave, forthcoming). [A cutting-edge collection of scholarship on the Council of Ministers, drawing on a range of theoretical perspectives and a wealth of new qualitative and quantitative empirical data.]

Pierson, P. (2004). *Politics in Time: History, Institutions, and Social Analysis* (Princeton: Princeton University Press). [The best and most comprehensive statement of historical institutionalism, emphasizing the importance of feedback effects and path-dependence in political life.]

Pollack, M.A. (2003). *The Engines of European Integration: Delegation, Agency and Agenda-Setting in the EU* (New York: Oxford University Press). [An extended rational choice

institutionalist discussion of delegation to, and agency and agenda-setting by, supranational organizations.]

Schimmelfennig, Frank, and Ulrich Sedelmeier, eds. (2005). *The Europeanization of Central and Eastern Europe* (Ithaca: Cornell University Press). [A superb comparative analysis of the impacts of the EU in the new member states and candidate countries of Central and Eastern Europe, pitting a rationalist “external incentives” model against competing explanations drawn from other theoretical approaches.]

References

Albert, Max (2003). “The Voting Power Approach: Measurement without Theory,” *European Union Politics* 4/3: 351-366.

Alter, K.J. (2001). *Establishing the Supremacy of European Law: The Making of an International Rule of Law in Europe* (New York: Oxford University Press).

Armstrong, K., and S. Bulmer, S. (1998). *The Governance of the Single European Market* (New York: Manchester University Press).

Aspinwall, M., and G. Schneider (eds.) (2001). *The Rules of Integration: Institutional Approaches to the Study of Europe* (New York: Manchester University Press).

Baldwin, R., E. Berglöf, F. Giavazzi, and M. Widgrén (2001). *Nice Try: Should the Treaty of Nice be Ratified?* Monitoring European Integration 11. London, Centre for Economic Policy Research. Consulted on-line on 3 October 2002 at <http://www.cepr.org/pubs/books/P140.asp>.

Börzel, Tanja A., and Thomas Risse, “Europeanization: The Domestic Impact of EU Politics,” in Knud Erik Jørgensen, Mark A. Pollack and Ben Rosamond, eds., *The Handbook of European Union Politics* (New York: Sage, 2007), 483-504.

Bräuninger, T., and T. König (2001). “Voting Power in the Post-Nice European Union,” Department of Politics and Management, University of Konstanz, manuscript consulted on-line on 3 October 2002 at <http://www.uni-konstanz.de/FuF/Verwiss/koenig/manuskript1.pdf>.

Bulmer, S. (1994). “The Governance of the European Union: A New Institutionalist Approach,” *Journal of Public Policy* 13/4: 351-80.

Burley, A.-M., and W. Mattli (1993). “Europe Before the Court: A Political Theory of Legal Integration,” *International Organization* 47/1: 41-76.

Checkel, Jeffrey T. (2005). “International Institutions and Socialization in Europe: Introduction and Framework,” *International Organization*, 59/4: 801-26.

Conant, Lisa (2007) “Judicial Politics,” in Knud Erik Jørgensen, Mark A. Pollack and Ben Rosamond, eds., *The Handbook of European Union Politics* (New York: Sage, 2007), 213-29.

Conant, Lisa (2002). *Justice Contained: Law and Politics in the European Union*. Ithaca, NY: Cornell University Press.

Cowles, Maria, Green, James A. Caporaso, and Thomas Risse (2001). *Transforming Europe: Europeanization and Domestic Change* (Ithaca: Cornell University Press).

Cooter, R.D. and T. Ginsburg (1996). "Comparative Judicial Discretion," *International Review of Law and Economics*, 16/3: 295–313.

Crombez, Christophe, Bernard Steunenberg, and Richard Corbett (2000). "Understanding the EU Legislative Process: Political Scientists' and Practitioners' Perspectives," *European Union Politics*, 1/3: 363 - 381.

Dehousse, Renaud, Florence Deloche-Gaudez, and Olivier Duhamel (2007). *Élargissement: Comment l'Europe s'adapte* (Paris: Les Presses Sciences Po).

Dogan, R. (2000). "A Cross-sectoral View of Comitology: Incidence, Issues and Implications," in T. Christiansen and E. Kirchner (eds.), *Committee Governance in the European Union* (New York: St. Martin's Press), 45-61.

Dowding, Keith (2000). "Institutionalist Research on the European Union: A Critical Review," *European Union Politics* 1/1: 125-44.

Epstein, D., and S. O'Halloran (1999). *Delegating Powers: A Transaction Cost Politics Approach to Policy Making under Separate Powers* (New York: Cambridge University Press).

Epstein, Rachel (2005). "Diverging Effects of Social Learning and External Incentives in Polish Central Banking and Agriculture," in F. Schimmelfennig and U. Sedelmeier, eds., *The Europeanization of Central and Eastern Europe* (Ithaca: Cornell University Press), 178-198.

Farrell, Henry, and Adrienne Héritier (2005). "A Rationalist-Institutionalist Explanation of Endogenous Regional Integration," *Journal of European Public Policy*, 12/2: 273-90.

Felsenthal, D., and M. Machover (2001). "The Treaty of Nice and Qualified Majority Voting," London School of Economics, paper consulted on-line on 4 October 2002 at <http://www.lse.ac.uk/Depts/cpnss/projects/VPPpdf/niceqmv.pdf>.

Fierke, K. and A. Wiener (1999). "Constructing Institutional Interests: EU and NATO Enlargement," *Journal of European Public Policy* 6/5: 721-42.

Franchino, Fabio (2007). *The Powers of the Union: Delegation in the EU* (New York: Cambridge University Press).

Franchino, Fabio (2004) "Delegating Powers in the European Community," *British Journal of Political Science*, 34/2: 449-76.

- Franchino, Fabio (2002) "Efficiency or Credibility? Testing the Two Logics of Delegation to the European Commission," *Journal of European Public Policy*, 9/5: 677-694.
- Garrett, G. (1992). "International Cooperation and Institutional Choice: The European Community's Internal Market," *International Organization* 46/2: 533-60.
- Garrett, G. (1995). "The Politics of Legal Integration in the European Union," *International Organization* 49/1: 171-181.
- Garrett, G., R.D. Kelemen and H. Schulz (1998). "The European Court of Justice, National Governments, and Legal Integration in the European Union," *International Organization* 52/1: 149-76.
- Garrett, G., and G. Tsebelis (1996). "An Institutional Critique of Intergovernmentalism," *International Organization* 50/2: 269-99.
- Garrett, Geoffrey, George Tsebelis, and Richard Corbett (2001). "The EU Legislative Process: Academics vs. Practitioners - Round 2," *European Union Politics*, 2/3: 353 - 366.
- Garrett, G., and B. Weingast (1993). "Ideas, Interests, and Institutions: Constructing the European Community's Internal Market," in J. Goldstein and R. Keohane, eds., *Ideas and Foreign Policy* (Ithaca: Cornell University Press), 173-206.
- Gheciu, Alexandra (2002). "Security Institutions as Agents of Socialization? NATO and the 'New Europe'," *International Organization* 59/4: 973-1012.
- Greif, Avner, and David D. Laitin (2004). "A Theory of Endogenous Institutional Change," *American Political Science Review*, 98/4: 633-52.
- Haas, Ernst B. (1958) *The Uniting of Europe: Political, Social and Economical Forces 1950-1957*. London: Stevens & Sons Limited.
- Hall, P.A., and R.C.R. Taylor (1996). "Political Science and the Three New Institutionalisms," *Political Studies* 44/5: 936-57.
- Hall, Peter A., and Kathleen Thelen (2006). "Varieties of Capitalism and Institutional Change," *APSA European Politics & Society: Newsletter of the European Politics and Society Section of the American Political Science Association*, 5/1: 1, 3-4, accessed at: <http://www.apsanet.org/~ep/newsletter.html>.
- Hayes-Renshaw, Fiona, and Helen Wallace (2006). *The Council of Ministers*, 2nd revised and updated edition (London: Palgrave).
- Hix, S. (2001). "Legislative Behaviour and Party Competition in EP: An Application of Nominate to the EU," *Journal of Common Market Studies* 39/4: 663-688.
- Hix, Simon (2005). *The Political System of the European Union*, 2nd edition. New York: Palgrave.

Hix, Simon (2007). "The European Union as a Polity (1)," in Knud Erik Jørgensen, Mark A. Pollack and Ben Rosamond, eds., *The Handbook of European Union Politics* (New York: Sage, 2007), 141-158.

Hix, Simon, Abdul G. Noury, and Gérard Roland (2007). *Democratic Politics in the European Parliament* (New York: Cambridge University Press).

Huber, J. and C. Shipan (2000). "The Costs of Control: Legislators, Agencies, and Transaction Costs," *Legislative Studies Quarterly* 25/1: 25–52.

Immergut, Ellen (2006). "From Constraints to Change," *APSA European Politics & Society: Newsletter of the European Politics and Society Section of the American Political Science Association*, 5(2): 4-6.

Jacoby, Wade (2004). *The Enlargement of the European Union: Ordering from the Menu in Central Europe*. New York: Cambridge University Press.

Joerges, C., and J. Neyer (1997). "Transforming Strategic Interaction into Deliberative Problem-Solving: European Comitology in the Foodstuffs Sector," *Journal of European Public Policy*, 4/4: 609–25.

Jupille, J., and J.A. Caporaso (1999). "Institutionalism and the European Union: Beyond International Relations and Comparative Politics," *Annual Review of Political Science* 2: 429-44.

Kelley, Judith (2004). "International Actors on the Domestic Scene: Membership Conditionality and Socialization by International Institutions," *International Organization*, 58(2): 425-58.

Kilroy, B. (1999). *Integration Through Law: ECJ and Governments in the EU*. Ph.D. dissertation, UCLA.

Krehbiel, K. (1991). *Information and Legislative Organization* (Ann Arbor: University of Michigan Press).

Kreppel, A. (1999). "The European Parliament's Influence over EU Policy Outcomes," *Journal of Common Market Studies* 37/3: 521-38

Kreppel, A. (2001). *The European Parliament and Supranational Party System: A Study in Institutional Development* (New York: Cambridge University Press).

Majone, G. (2001). "Two Logics of Delegation: Agency and Fiduciary Relations in EU Governance," *European Union Politics* 2/1: 103–21.

March, J.G., and J.P. Olsen (1989). *Rediscovering Institutions: The Organizational Basis of Politics* (New York: Free Press).

Mattila, Mikko (2004). "Contested Decisions – Empirical Analysis of Voting in the EU Council of Ministers," *European Journal of Political Research* 43(1): 29-50.

- Mattli, W., and A.M. Slaughter (1995). "Law and Politics in the European Union: A Reply to Garrett," *International Organization* 49/1: 183-90.
- Mattli, W., and A.M. Slaughter (1998). "Revisiting the European Court of Justice," *International Organization* 52/1: 177-209.
- McCubbins, M. and T. Schwartz (1987). "Congressional Oversight Overlooked: Police Patrols versus Fire Alarms," in M. McCubbins and T. Sullivan (eds), *Congress: Structure and Policy* (New York: Cambridge University Press), 426-40.
- McElroy, Gail (2007). "Legislative Politics," in Knud Erik Jørgensen, Mark A. Pollack and Ben Rosamond, eds., *The Handbook of European Union Politics* (New York: Sage, 2007), 175-194.
- Milner, H.V. (1998). "Rationalizing Politics: The Emerging Synthesis of International, American, and Comparative Politics," *International Organization* 52/4: 759-786.
- Moe, T. (1984). "The New Economics of Organization," *American Journal of Political Science* 28/4: 739-77.
- Moravcsik, A. (1998). *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht* (Ithaca: Cornell University Press).
- Moravcsik, A., and M.A. Vachudova (2003). "National Interest, State Power, and EU Enlargement," *East European Politics and Societies*, Vol. 17, No. 1 (Winter), pp. 42-57.
- Naurin, Daniel, and Helen Wallace (2008). "Introduction: From Rags to Riches," in Naurin and Wallace, eds., *Unveiling the Council: Games Governments Play in Brussels* (London: Palgrave, forthcoming).
- North, D. (1990). *Institutions, Institutional Change and Economic Performance* (New York: Cambridge University Press).
- Ordeshook, P.C. and T. Schwartz, Thomas (1987). "Agenda and the Control of Political Outcomes," *American Political Science Review* 81/1: 179-200.
- Pierson, P. (1996). "The Path to European Integration: A Historical Institutional Analysis," *Comparative Political Studies*, 29/2: 123-163.
- Pierson, P. (2000). "Increasing Returns, Path Dependence, and the Study of Politics," *American Political Science Review* 94/2: 251-267.
- Pierson, P. (2004). *Politics in Time: History, Institutions, and Social Analysis* (Princeton: Princeton University Press).
- Pollack, M.A. (1996). "The New Institutionalism and EU Governance: The Promise and Limits, of Institutional Analysis," *Governance*, 9/4: 429-458.

- Pollack, M.A. (1997). "Delegation, Agency and Agenda Setting in the European Community," *International Organization*, 51/1, pp. 99-135.
- Pollack, M.A. (2003). *The Engines of European Integration: Delegation, Agency and Agenda-Setting in the EU* (New York: Oxford University Press).
- Pollack, M.A. (2007). "Rational Choice and EU Politics," in Knud Erik Jørgensen, Mark A. Pollack and Ben Rosamond, eds., *The Handbook of European Union Politics* (New York: Sage, 2007), 31-55.
- Riker, W. (1980). "Implications from the Dis-equilibrium of Majority Rule for the Study of Institutions," *American Political Science Review* 74/3: 432-47.
- Scharpf, F.W. (1988). "The Joint-Decision Trap: Lessons from German Federalism and European Integration," *Public Administration*, 66/3, pp. 239-78.
- Schimmelfennig, F. (2001). "The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union," *International Organization* 55/1: 47-80.
- Schimmelfennig, F. (2005). "Strategic Calculation and International Socialization: Membership Incentives, Party Constellations, and Sustained Compliance in Central and Eastern Europe," *International Organization* 59/4: 827-60.
- Schimmelfennig, F., and U. Sedelmeier (2002). "Theorizing EU Enlargement: Research Focus, Hypotheses, and the State of Research," *Journal of European Public Policy* 9/4: 500-528.
- Schimmelfennig, Frank, and Ulrich Sedelmeier, eds. (2005a). *The Europeanization of Central and Eastern Europe* (Ithaca: Cornell University Press).
- Schimmelfennig, Frank, and Ulrich Sedelmeier (2005b). "Introduction: Conceptualizing the Europeanization of Central and Eastern Europe," in Schimmelfennig and Sedelmeier, eds., pp. 1-28.
- Schimmelfennig, Frank, and Ulrich Sedelmeier (2005c). "Conclusions: The Impact of the EU on the Accession Countries," in Schimmelfennig and Sedelmeier, eds., pp. 210-228.
- Schmidt, S.K. (1997). "Sterile Debates and Dubious Generalisations: European Integration Theory Tested by Telecommunications and Electricity," *Journal of Public Policy* 16/3: 233-71.
- Sedelmeier, U. (2000). "Eastern Enlargement: Risk, Rationality, and Role-Compliance," in Maria Green Cowles and Michael Smith (eds.) *State of the European Union Volume 5: Risk, Reforms, Resistance, and Revival* (Oxford: Oxford University Press), 164-85.
- Shepsle, K.A. (1979). "Institutional Arrangements and Equilibrium in Multidimensional Voting Models," *American Journal of Political Science* 23/1: 27-60.
- Shepsle, K.A. (1986). "Institutional Equilibrium and Equilibrium Institutions," in Herbert Weisberg, ed., *Political Science: The Science of Politics* (New York: Agathon), 51-81.

- Shepsle, K.A. and B.R. Weingast (1984). "Uncovered Sets and Sophisticated Voting Outcomes with Implications for Agenda Control," *American Journal of Political Science* 28/1: 49–74.
- Stark, D. (1992). "Path Dependence and Privatization Strategies in East Central Europe," *East European Politics and Society* 6/1: 17-54.
- Steunenberg, B., C. Koboldt, and D. Schmidtchen (1996). "Policymaking, Comitology, and the Balance of Power in the European Union," *International Review of Law and Economics* 16/2: 329-44.
- Stone Sweet, A., and T.L. Brunell (1998). "Constructing a Supranational Constitution: Dispute Resolution and Governance in the European Community," *American Political Science Review* 92/1: 63-81.
- Stone Sweet, A., and J.A. Caporaso (1998). "From Free Trade to Supranational Polity: The European Court and Integration," in W. Sandholtz and A. Stone Sweet (eds.), *European Integration and Supranational Governance* (New York: Oxford University Press), 92-133.
- Streeck, Wolfgang, and Kathleen Thelen (2005). "Introduction: Institutional Change in Advanced Political Economies," in Streeck and Thelen, eds., *Beyond Continuity: Institutional Change in Advanced Political Economies* (New York: Oxford University Press), 1-39.
- Tallberg, J. (1999). *Making States Comply: The European Commission, the European Court of Justice and the Enforcement of the Internal Market* (Lund, Sweden: Lund University).
- Tallberg, J. (2000). "The Anatomy of Autonomy: An Institutional Account of Variation in Supranational Influence," *Journal of Common Market Studies* 38/5: 843–64.
- Tallberg, J. (2007). "Executive Politics," in Knud Erik Jørgensen, Mark A. Pollack and Ben Rosamond, eds., *The Handbook of European Union Politics* (New York: Sage). 195-212.
- Thatcher, Mark, and David Coen (2008). "Reshaping European Regulatory Space: An Evolutionary Analysis," *West European Politics*, forthcoming.
- Thelen, K. (1999). "Historical Institutionalism in Comparative Politics," *Annual Review of Political Science* 2: 369-404.
- Thomson, R. (2007). "The Impact of Enlargement on Legislative Decision Making in the European Union," paper presented at the General Conference of the European Consortium for Political Research, Pisa, Italy, 6-8 September.
- Thomson, Robert, Frans N. Stokman, Christopher H. Achen and Thomas König (2006). *The European Union Decides* (New York: Cambridge University Press).
- Tsebelis, G. (1994). "The Power of the European Parliament as a Conditional Agenda Setter," *American Political Science Review* 88/1: 129-142.

- Tsebelis, G. (1997). "Maastricht and the Democratic Deficit," *Aussenwirtschaft* 52/1: 29-56.
- Tsebelis, G., and G. Garrett (2001a). "Legislative Politics in the European Union," *European Union Politics* 1/1: 9-36.
- Tsebelis, G., and G. Garrett (2001b). "The Institutional Foundations of Intergovernmentalism and Supranationalism in the European Union," *International Organization* 55/2: 357-90.
- Tsebelis, G., C.B. Jensen, A. Kalandrakis, and A. Kreppel (2001). "Legislative Procedures in the European Union," *British Journal of Political Science* 31/4: 573-99.
- Vachudova, M.A. (2005). Vachudova, Milada Anna (2005). *Europe Undivided: Democracy, Leverage, and Integration after Communism*. New York: Oxford University Press.
- Wallace, H. (2000). "EU Enlargement: A Neglected Subject," in Maria Green Cowles and Michael Smith (eds.) *State of the European Union Volume 5: Risk, Reforms, Resistance, and Revival* (Oxford: Oxford University Press), 149-63.
- Wallace, H. (2007). "Adapting to Enlargement of the European Union: Institutional Practice since May 2004," *TEPSA Working Paper*, Brussels: TEPSA.
- Weiler, J.H.H. (1994). "A Quiet Revolution: The European Court of Justice and its Interlocutors," *Comparative Political Studies*, 24/4: 510-34.
- Zürn, Michael, and Jeffrey T. Checkel (2005). "Getting Socialized to Build Bridges: Constructivism and Rationalism, Europe and the Nation-State," *International Organization*, 59(4): 1045-1079.