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Procedural Politics

Under what conditions, in what ways, and with what effects do actors engage in politics with respect to, rather than merely within, political institutions? Using multiple methods and original data, *Procedural Politics* develops a theory of everyday politics with respect to rules – procedural politics – and applies it to European Union integration and politics. Assuming that actors are influence maximizers, it argues and demonstrates that the jurisdictional ambiguity of issues provides opportunities for procedural politics and that influence differences among institutional alternatives provide the incentives. It also argues and demonstrates that procedural politics occurs by predictable means (most notably, involving procedural coalition formation and strategic issue definition) and exerts predictable effects on policymaking efficiency and outcomes and long-run institutional change. Beyond illuminating previously underappreciated aspects of EU rule governance, these findings generalize to all rule-governed political systems and form the basis of a fuller account of the role of institutions in political life.

Joseph Jupille received his Ph.D. in Political Science from the University of Washington in 2000. He is Assistant Professor of Political Science at Florida International University and Associate Director of the Miami European Union Center. His published work has appeared in, among other places, *Annual Review of Political Science*, *Comparative Political Studies*, and *International Organization*. He has been EU-US Fulbright Fellow and SSRC International Dissertation Fellow. Having been awarded a Jean Monnet Fellowship, he spent the 2003–2004 academic year in the Transatlantic Programme of the Robert Schuman Centre for Advanced Studies at the European University Institute in Fiesole, Italy.

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Procedural Politics

ISSUES, INFLUENCE, AND INSTITUTIONAL CHOICE IN THE EUROPEAN UNION

JOSEPH JUPILLE

Florida International University

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PUBLISHED BY THE PRESS SYNDICATE OF THE UNIVERSITY OF CAMBRIDGE
The Pitt Building, Trumpington Street, Cambridge, United Kingdom

CAMBRIDGE UNIVERSITY PRESS
The Edinburgh Building, Cambridge CB2 2RU, UK
40 West 20th Street, New York, NY 10011-4211, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
Ruiz de Alarcón 13, 28014 Madrid, Spain
Dock House, The Waterfront, Cape Town 8001, South Africa

http://www.cambridge.org

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First published 2004

Printed in the United States of America

Typeface Janson Text Roman 10/13 pt. *System* LaTeX 2ε [TB]

A catalog record for this book is available from the British Library.

Library of Congress Cataloging in Publication Data

Jupille, Joseph Henri.

Procedural politics : issues, influence, and institutional choice in the European Union / Joseph Jupille.

p. cm. – (Cambridge studies in comparative politics)

Includes bibliographical references and index.

ISBN 0-521-83253-5

1. European Union countries – Politics and government. 2. European Union. I. Title. II. Series.

JN30.J87 2004
341.242′2 – dc22 2003069585

ISBN 0 521 83253 5 hardback

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To Lisa. *Je t'aime de tout mon cœur.*

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Preface and Acknowledgments

Rules fascinate me. How can these things that we ourselves devise do what they are supposed to do, which is precisely to prevent us from doing what we might otherwise do (or enable us to do what we otherwise couldn't)? How, in short, can objects of human choice simultaneously serve as sources of human constraint?

These are the fundamental questions addressed in this book. The answers that I give are far from complete, but I think they provide new mileage in helping us to understand what Robert Grafstein (1992) has called the "dual nature of institutions." Indeed, I think Grafstein's lone dichotomy is too simple by at least two factors, and the answers that I give to the questions above operate along three axes: institutional choice and constraint (endogeneity vs. exogeneity), the use of time in institutional explanation (diachronic vs. synchronic), and multiple levels of rules (lower/micro-level/procedural vs. higher/macro-level/constitutional). Two complexes of these factors tend to dominate institutional analysis. One, characterized later as "institutional change," combines an assumption of institutional endogeneity with a focus on constitutions in a diachronic framework. In short, one main approach to institutions is to look at the ways in which humans change constitutions over time. A second complex, later characterized as "institutional effects," combines an assumption of institutional exogeneity with a focus on procedures in a synchronic framework. That is, it focuses on the independent effects of procedures at a given time.

Both approaches are "right," as far as they go, but each could be improved by importing elements of the other. It costs a lot to change constitutions, for example: might they not be viewed best as exogenous constraints? Lower-order procedures are often not uniquely determined but form part of a plural menu of available procedural alternatives: might they not be

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treated fruitfully as (endogenous) objects of choice? How do at-a-given-time (synchronic) developments influence what happens over time (diachronically)? I seek to contribute to the development of a fuller institutionalism, one that is true, first, to the definitional requirement that institutions be objects of human choice and the practical requirement that they be independent sources of human constraint; second, to the fact that many (most?) institutional arrangements are highly complex and occupy numerous levels of analysis; and third, to the fact that institutions have a past, a present, and a future.

I bring these threads together with an analysis of procedural politics, which I define as everyday politics with respect to rules. My main focus is on the possibilities for everyday institutional choice at a low (procedural) level of analysis. I will state the argument repeatedly in the pages that follow, and so as not to bore the reader too quickly I'll simply say here that I think actors possess much more sophistication about institutions than they are commonly given credit for. That is, I do not think their institution-choosing strategies are limited to over-time changes in higher-order rules. Everyday politics with respect to rules, I believe, is every bit as important as over-time politics over them and everyday politics within them.

I am also, of course, interested in understanding and explaining European Union (EU) integration and politics, in grappling with the nature of this substantively important, empirically unique, but (I think) theoretically informative political system. But here, too, I have a broader and rather more abstract goal: I am quite convinced that the European Union offers unique research opportunities for comparativists and international relations (IR) scholars alike precisely because it is partly international organization and partly hierarchical polity. Stripped of some of the confounding factors that hold nation-states together – history, culture, language, common political traditions, and the like – the EU allows us to isolate the operation of institutions against a relatively noise-free (in the sense of confounding theoretical variables) environment. Unlike the international system, though, the EU is not quite (some might say not at all) an anarchy. The rules here actually mean something. This combination – consequential rules that are allowed, indeed demand, a leading role in conditioning politics – makes the EU a particularly rich laboratory for studying the operation of institutions. As I have argued elsewhere (Jupille and Caporaso 1999; Jupille, Caporaso, and Checkel 2003), study of the EU must draw from a variety of fields and stands uniquely positioned to contribute insights in kind. So I hope and trust that this study of institutions, as applied to the unique polity that is the

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European Union, will prove informative across a variety of fields and areas of interest.

If I have drawn liberally or even recklessly from a variety of sources in producing my own account of procedural politics in the European Union, it is because I was consistently allowed, encouraged, and even pushed to think outside and across received boundaries by many people in positions to influence my path. Words could never express how grateful I am to the members of my dissertation committee: Jim Caporaso (chair), Christine Ingebritsen, Bryan Jones, John Keeler, and Margaret Levi. Because I could never do justice to all that they have given me, I will not attempt to enumerate here their gifts to me. Each made countless contributions, and I would like each to know that his or her support has meant the world to me. I have truly been privileged to work with such distinguished scholars, such exemplary individuals, and such dedicated and generous friends. Many other colleagues and friends have given generously of their encouragement and criticism with respect to various aspects of this project. I would like to thank Roni Amit, Dave Andrews, Cliff Carrubba, Jeffrey Chwieroth, Scott Cooper, Keith Dougherty, Debbi Elms, Orfeo Fioretos, Liesbet Hooghe, Cynthia Horne, Dan Kelemen, Amie Kreppel, Gary Marks, Peter May, Matt Moe, Andrew Moravcsik, Neill Nugent, Mary Alice Pickert, Martin Rhodes, Alec Stone Sweet, Helen Wallace, Mike Ward, and John Wilkerson for support, encouragement, and helpful advice on various elements of the manuscript. Apologies to any I may have forgotten. Simon Hix and Mark Pollack read the entire manuscript and provided terrifically challenging criticisms.

I owe further thanks to all of the organizations and individuals who provided financial or logistical support as I moved this project through predissertation, dissertation, write-up, revisions, and beyond. For financial support at various stages of my research and writing I would like to thank the Council for European Studies (CES), the Association to Unite the Democracies, the EU-US Fulbright program, the Social Science Research Council (SSRC), the Institute for the Study of World Politics (ISWP), the University of Washington Graduate School, the European Union Centers (EUC) in Seattle and Miami, and the Florida International University College of Arts and Sciences and Provost's Office. Additional logistical support was provided by the University of Washington, the Instituts d'Études Européennes at the Université Libre de Bruxelles and the Université Catholique de Louvain-la-Neuve, and Florida International University. The Robert Schuman Centre for Advanced Studies in Florence, Italy,

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provided an inspiring environment within which to undertake the otherwise dull work of copyediting review.

Countless individuals, working within and outside official capacities in the above organizations, provided crucial assistance at various stages of my work. Margaret Nicholson of the Fulbright office in Brussels; Kent Worcester of the SSRC; UW Documents Librarian David Maack; UW Political Science staff Carole Davison-Mulligan, Ann Buscherfeld, Karin Stromberg, Meera Roy, Mark Roskoski, Sharon Redeker, and Cheryl Mehaffey; FIU Political Science secretary Lany Muñoz; and Francesca Parenti at the Schuman Centre provided cheerful and able assistance. Maria Ilcheva of FIU provided research assistance so proficiently that I had trouble keeping up with her. In addition, numerous EU officials gave generously of their time and insights and tolerated my sometimes overzealous pursuit of elusive data. I would like to thank all of my interviewees in Brussels and Luxembourg. From the European Parliament I received extraordinary assistance, most notably from Emilio de Capitani, Wim Hoogsteder, Paulette Bourseau, and a dearly missed friend, the late Chris Piening. Nicole Huckert of the European Commission Secretariat General generously provided the files that became the dataset analyzed in Chapter 4. In all of the EU institutions, officials whose names I do not know provided small kindnesses and services that I cannot repay but that I will never forget.

Cambridge University Press provided excellent support and guidance for this first-time author. I would particularly like to thank series editor Margaret Levi, political science editor Lew Bateman, production editor Janis Bolster, and copy editor Patterson Lamb for their support, encouragement, patience, generosity of time and spirit, and consummate professionalism in shepherding the manuscript (and its author) through the process. They deserve much credit and none of the blame for what you will read in the following pages.

Finally, most important, I would like to acknowledge the love and support of my family. My parents are models of everything that I would hope to be. My sons, Michael, Alexander, and Jackson, have given me untold laughter, optimism, and a love that I never knew possible. Finally, my wife, Lisa, should share equal credit for whatever is worthwhile in this book. Her love, support, smiles, laughter, willingness to listen, intelligence, humor, and unbelievable strength inspire me every day. I dedicate this book to her.

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Acronyms Used in the Text

AVC	Assent procedure
AVCU	Assent procedure with Council unanimity
AVF	Facultative consultation procedure
AVFQ	Facultative consultation procedure with Council qualified majority voting
AVFS	Facultative consultation procedure with Council simple majority voting
AVFU	Facultative consultation procedure with Council unanimity
BSE	Bovine spongiform encephalopathy
CAP	Common Agricultural Policy
CJD	Creuzfeldt-Jakob Disease
CNS	Consultation procedure
CNSQ	Consultation procedure with Council qualified majority voting
CNSU	Consultation procedure with Council unanimity
CODQ	Codecision procedure with Council qualified majority voting
CODU	Codecision procedure with Council unanimity
COREPER	Committee of permanent representatives to the EU
EJC	European Court of Justice
EMU	Economic and Monetary Union
EP	European Parliament
EU	European Union
IGC	Intergovernmental conference
IR	International relations
LI	Liberal intergovernmentalism

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List of Acronyms Used in the Text

MEP	Member of the European Parliament
MP	Member of parliament
OLS	Ordinary least squares
QMV	Qualified majority voting
SEA	Single European Act
SYNQ	Cooperation procedure
TEU	Treaty on European Union
vCJD	Variant of Creuzfeldt-Jakob Disease

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