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 under-appreciated 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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Continued after the Index
Procedural Politics

ISSUES, INFLUENCE, AND INSTITUTIONAL CHOICE IN THE EUROPEAN UNION

JOSEPH JUPILLE

Florida International University
To Lisa. Je t’aime de tout mon cœur.
Contents

List of Figures  page x
List of Tables  xii
Preface and Acknowledgments  xiii
List of Acronyms Used in the Text  xvii

1 INTRODUCTION: CHOICE, CONSTRAINT, AND EUROPEAN UNION INSTITUTIONS  1
2 THEORIZING PROCEDURAL POLITICS: ISSUES, INFLUENCE, AND INSTITUTIONAL CHOICE  15
3 THE EUROPEAN UNION AS A PROCEDURAL SYSTEM: RULES, PREFERENCES, AND STRATEGIC INTERACTION  42
4 PATTERNS: DETERMINANTS AND EFFECTS OF EU PROCEDURAL POLITICS  82
5 GREENING THE MARKET? PROCEDURAL POLITICS AND EU ENVIRONMENTAL POLICY  127
6 MAD COWS AND ENGLISHMEN: PROCEDURAL POLITICS AND EU AGRICULTURAL POLICY  171
7 CONCLUSION: PROCEDURAL POLITICS AND RULE GOVERNANCE IN THE EUROPEAN UNION AND BEYOND  221

Bibliography  247
Index  271
### Figures

<table>
<thead>
<tr>
<th>Number</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Approaches to Institutions</td>
<td>3</td>
</tr>
<tr>
<td>2</td>
<td>Jurisdictional Ambiguity: Overlap and Gaps</td>
<td>21</td>
</tr>
<tr>
<td>3</td>
<td>Fusion</td>
<td>29</td>
</tr>
<tr>
<td>4</td>
<td>Fission</td>
<td>30</td>
</tr>
<tr>
<td>5</td>
<td>Reframing</td>
<td>30</td>
</tr>
<tr>
<td>6</td>
<td>Procedures, Dimensionality, and Legislative Outcomes</td>
<td>36</td>
</tr>
<tr>
<td>7</td>
<td>Hypothetical Example of Cardinal Preference Ordering</td>
<td>62</td>
</tr>
<tr>
<td>8</td>
<td>Simple Procedures</td>
<td>69</td>
</tr>
<tr>
<td>9</td>
<td>Cooperation Procedure</td>
<td>71</td>
</tr>
<tr>
<td>10</td>
<td>Codecision Procedure</td>
<td>73</td>
</tr>
<tr>
<td>11</td>
<td>Institutional Choice Game Tree</td>
<td>74</td>
</tr>
<tr>
<td>12</td>
<td>Jurisdictional Fragmentation, 1987–1997</td>
<td>84</td>
</tr>
<tr>
<td>13</td>
<td>The Practice of Voting in the Council, 1966–1987</td>
<td>85</td>
</tr>
<tr>
<td>14</td>
<td>Three Models of Temporal Variation</td>
<td>86</td>
</tr>
<tr>
<td>15</td>
<td>Legal Basis Disputes, 1979–1998</td>
<td>87</td>
</tr>
<tr>
<td>17</td>
<td>Winners and Losers at the ECJ, Through Mid-2003</td>
<td>99</td>
</tr>
<tr>
<td>18</td>
<td>Sectoral Variation in Procedural Politics</td>
<td>102</td>
</tr>
<tr>
<td>19</td>
<td>Jurisdictional Ambiguity and the Probability of Procedural Political Dispute</td>
<td>110</td>
</tr>
<tr>
<td>21</td>
<td>Prior Period Disputes and Institutional Change: SEA to TEU</td>
<td>119</td>
</tr>
<tr>
<td>23</td>
<td>Dual Legal Basis in Agricultural Legislation, 1969–1995</td>
<td>177</td>
</tr>
</tbody>
</table>
List of Figures

24  Agriculture and Human Health: Issue Overlap, 1980–2002 178
25  Agricultural Legal Basis Cases at the ECJ 184
26  Mad Cow Disease (BSE), 1989–2002 195
27  BSE/Human Health Connection in the UK, 1985–2002 197
28  BSE Regulatory Outcomes with and Without Procedural Politics 216
# Tables

1. Rule Preferences and Procedural Coalitions  
   Page 33
2. Summary of Procedural Political Hypotheses  
   39
3. Votes in the EU Council of Ministers  
   47
4. Procedural Preference Rankings  
   62
5. Perfect Bayesian Equilibria for Institutional Selection Game  
   80
6. Jurisdictional Fragmentation and Legal/Procedural Disputes  
   89
7. Aggregate Revealed Rules Preferences Among Disputed Cases  
   92
8. Procedural Preferences: “Proposals” and “Responses”  
   94
9. Influence Maximization: Predictive Success  
   96
10. Relogit Estimates of the Determinants of Procedural Political Disputes  
    108
11. Procedural Politics and Decision-Making Efficiency  
    113
12. Logit Estimates: SEA-TEU Procedural Change  
    118
13. Explaining EP Empowerment: SEA to TEU  
    120
14. Procedural Evolution of EU Environmental Policy  
    131
15. Issue Framing and Procedural Preferences in EU Environmental Policy  
    136
16. Predicted Procedural Coalitions in EU Environmental Policy  
    138
17. Alternatives and Issues in Agricultural Policy  
    179
18. Predicted Procedural Coalitions in EU Agricultural Policy  
    183
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
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 insti-
tutionalism, one that is true, first, to the definitional requirement that in-
stitutions 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 Euro-
pean 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 politi-
cal traditions, and the like – the EU allows us to isolate the operation of
institutions against a relatively noise-free (in the sense of confounding the-
oretical 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
Preface and Acknowledgments

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 Kreppeu, 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.

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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.
**Acronyms Used in the Text**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>AVC</td>
<td>Assent procedure</td>
</tr>
<tr>
<td>AVCU</td>
<td>Assent procedure with Council unanimity</td>
</tr>
<tr>
<td>AVF</td>
<td>Facultative consultation procedure</td>
</tr>
<tr>
<td>AVFQ</td>
<td>Facultative consultation procedure with Council qualified majority voting</td>
</tr>
<tr>
<td>AVFS</td>
<td>Facultative consultation procedure with Council simple majority voting</td>
</tr>
<tr>
<td>AVFU</td>
<td>Facultative consultation procedure with Council unanimity</td>
</tr>
<tr>
<td>BSE</td>
<td>Bovine spongiform encephalopathy</td>
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<tr>
<td>CAP</td>
<td>Common Agricultural Policy</td>
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<tr>
<td>CJD</td>
<td>Creutzfeldt-Jakob Disease</td>
</tr>
<tr>
<td>CNS</td>
<td>Consultation procedure</td>
</tr>
<tr>
<td>CNSQ</td>
<td>Consultation procedure with Council qualified majority voting</td>
</tr>
<tr>
<td>CNSU</td>
<td>Consultation procedure with Council unanimity</td>
</tr>
<tr>
<td>CODQ</td>
<td>Codecision procedure with Council qualified majority voting</td>
</tr>
<tr>
<td>CODU</td>
<td>Codecision procedure with Council unanimity</td>
</tr>
<tr>
<td>COREPER</td>
<td>Committee of permanent representatives to the EU</td>
</tr>
<tr>
<td>EJC</td>
<td>European Court of Justice</td>
</tr>
<tr>
<td>EMU</td>
<td>Economic and Monetary Union</td>
</tr>
<tr>
<td>EP</td>
<td>European Parliament</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
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<tr>
<td>IGC</td>
<td>Intergovernmental conference</td>
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<td>IR</td>
<td>International relations</td>
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<tr>
<td>LI</td>
<td>Liberal intergovernmentalism</td>
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</tbody>
</table>
## List of Acronyms Used in the Text

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>MEP</td>
<td>Member of the European Parliament</td>
</tr>
<tr>
<td>MP</td>
<td>Member of parliament</td>
</tr>
<tr>
<td>OLS</td>
<td>Ordinary least squares</td>
</tr>
<tr>
<td>QMV</td>
<td>Qualified majority voting</td>
</tr>
<tr>
<td>SEA</td>
<td>Single European Act</td>
</tr>
<tr>
<td>SYNQ</td>
<td>Cooperation procedure</td>
</tr>
<tr>
<td>TEU</td>
<td>Treaty on European Union</td>
</tr>
<tr>
<td>vCJD</td>
<td>Variant of Creuzfeldt-Jakob Disease</td>
</tr>
</tbody>
</table>
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