

Changing tools to catch the beast

*Why the EU studies should take policy seriously,
and how this shift could help to understand integration*

Alessia Damonte

Dept. of Social and Political Studies
Faculty of Political Sciences, University of the Studies, Milan

first draft

- comments welcome -

e-mail: alessia.damonte@unimi.it
skype name: alessia.dam
website: www.socpol.unimi.it/docenti/damonte

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Abstract

While the EU is still enlarging its membership and range of actions, the current stalemate of the integration project is pushing the ‘ontological’ question about the nature of the common Europe again at the top of both the political and the research agendas. This paper aims to contribute the debate and display the possibilities of enhancing the comprehension of the ‘supranational beast’ from a policy perspective.

The focus hence is shifted on implementation and policy frameworks, and the field of analysis widened to cover the institutional transformations occurred within the administrative dimension both at the national and supranational levels in the last decades. From this perspective, previous findings are revisited to account for the new meaning of the common Europe after the Single European Act, the complexity of the current institutional architecture, and the reasons beneath the stalemate.

Finally, the approach is translated into research hypotheses about integration and viable strategies for sustaining it beneath and beyond the usual ‘hard’ institutional re-engineering.

1. Introduction: Bringing the ontological question back in

Once again, we are witnessing a deadlock in the European integration. In the last years, whatever the viewpoint, the process toward an ‘ever closer Union’ has been said to strain: in the market dimension (the partial failure of the directive liberalising services; the influence of the ‘national championship’ logic on mergers and acquisitions); in the social dimension (the relinquishing Lisbon strategy and the poor results of the new instruments for policy coordination); above all, along the institutional dimension (the conflicts over the common budget amount and expenditure; the breakdown of the so-called Constitutional Treaty ratification; the inability to assume a common position into global arenas, and not just in the domains of foreign *politics* –the Iraq war– but also in those of economic *policies* –the Doha round).

But these stalemates hardly resemble the governmental veto games played in the past. They occur at a very crucial point –when the EU agenda has broadened the Single Market programme to include issues related to welfare, the Member States (MSs) have enlarged, and efforts have been made to introduce a more majoritarian supranational decision-making. Moreover, and maybe because of all this, the European Union (EU) has been raising blames and resistances explicitly within more than one national public opinion. Many observers therefore have declared the end of the ‘permissive consensus’ that within the European Economic Community (EEC) authorised governments to negotiate detailed common regimes in camera, calling the EU to deal with the issue of its democratic legitimacy [Norris 1997; Rhinard 2002]. The spreading of a Euro-sceptical public sentiment, and its use into many electoral competitions, anyhow implies that the active subsistence of the ‘supranational level’ has gone well beyond the area of public indifference. Unlike the EEC, no doubt the EU is an issue itself, and mainly because of the way people perceive *how* it does *what*.

The picture of the EU that public discomfort made popular is that of a superior bureaucratic agency aiming to uniform and somehow colonise the MSs’ domestic orders –challenging the national community right to self-determination, imposing often unwelcome ideas and values by external authoritative command. This picture is not just the result of some successful experiment in political communication engineering. A significant part of the expert discourses about the EU feeds and shares this basic view, although giving different normative or positive explanations for it. In spite of the evident heterogeneity of the EU very procedures and institutional arrangements, and the amount of informal practices developed to buttress their functioning, large numbers of scholars and policymakers however still think of it through the conventional idea of political system and policymaking –although of second order.

By one side, what is at stake in the integration process is often reduced to the formal part of the integration process itself, or to some institutional macro-design below it. But the ‘integration for integration’s sake’ could be a misleading perspective, as far as it hinders analysts to focus on the real fabric of the common Europe – its common policies, their achievements and problems. By the other side, when a policy perspective enters the analysis, it is generally to follow the trajectory of some ‘given’ legal output thrown against stable domestic orders, where the insiders are expected to resist it as more as the imposed change exceeds the simple adjustment of the status quo. This view, again, could mislead, to the extent that it misses to account at least for the kind of dynamics, problems, networks, ideas that feature every domestic policy domain where the ‘European output’ has to display effects, and the ways all these factors influenced the ‘input side’ of that supranational decision-making. Anyway, “[w]hatever its institutional manifestations, political authority represents a fusion of power with legitimate social purpose. The prevailing interpretation of international authority focuses on power only; it ignores the dimension of social purpose. The problem with this formulation is that power may predict the form of the international order, but not its *content*” [Ruggie 1982:382].

This work argues that a different story should be told, and a change of framework is needed –to one that possibly gives some tool to understand the beast and allows to operate on it effectively. Such a different framework is here believed to reside in the enhancement, through a stronger policy perspective, of the governance approach (however qualified) and of institutional Europeanisation studies [Borzeli/Risse 2000; Héritier 1996, 2001; Gualini 2004; Hooghe/Marks 1997, 2001; Laffan *et al.* 2000; Lord 2004; Lord/Magnette 2004; Magnette 2003; Marks/Hooghe 2000, 2004; Radaelli 1999, 2000a, 2000b, 2003; Richardson 2000, 2001; Rosenau 1992, 2000, 2004; Zahariadis 2002; Zielonka 2006, 2007].

Here within, however, the focus shifts on the emergence, resilience, decline not simply of rule structures, *or* public organisations, *or* interests formation and gaming, *or* ideas and values. Above all, the explanation is not supposed to derive from one of these elements when taken as ‘the determinant’. Rather, the *explanandum* is the whole regime¹ set to produce European ‘public goods’² –and not as a distinct object, but as an ongoing social process [Olsen 1996] of trial and assertion of principles and causal theories. And a useful way to make order out of it lays in what the pragmatic policy theory takes as the driver of the process itself: the collective *problem* that the policy

¹ I.e. an order embodying “principles about fact, causation, and rectitude, as well as political rights and obligations that are regarded as legitimate” [Ruggie 1982: 380], or, otherwise said, the process and results of authoritative value allocation – policymaking in its broader sense.

² The qualification is not used here in the strong meaning of economics (non rivalry/non excludability in consumption), but to indicate the fact that political processes shape these goods as deserving the mobilisation of public resources (too) in order to assure them being produced: hence the brackets.

regimes aim to deal with [Regonini 2001]. Once again, however, the shape and relevance of ‘the problem at stake’ are social constructions, framing and naming games among a multiplicity of actors within policy domains [Rochefort/Cobb 1994, Schön/Rein 1994, Knoke 2003]. Beyond them lays a policy framework³ that spreads the belief into a specific basic hypothesis about relevant societal dynamics –and so giving problems a sense, bounding the range of possible public actions, defining the policy actors’ interests, and allowing rationality in mobilisation and interaction. At the very end, society-authority relationships could simply be seen as collective trial-and-error experiments in theories about how societies work, where and why this causes problems, if and how these problems should be addresses in order to induce societies to work better. But as far as these relevant dynamics are economic in their nature, requirements or effects, the destiny of the relevant policy frameworks turns out to be strongly intertwined with the fortune of paradigms in economics [Nathan 1988].

From this perspective, this work develops the idea that the stalemate we are witnessing is basically about the policy framework the common Europe should adopt to further integration, if any. But, at the same time, it is also the stalemate caused by the improper transfer of a normative idea about the institutional arrangement through which such “intractable controversy” [Schön/Rein 1994] should be dealt with. Policy lenses, and the findings about actual policymaking processes, are thus here expected to give a better insight of the common Europe –of the internal dynamics of the integration process, and of the related institutional design.

Along this line, first the argument will focus on the limits of the mainstream approach to the common Europe, namely the cognitive bias that somehow forces the EU into a conventional model of political system (par.1). Then (par.2), the current heuristic validity of the conventional model will be questioned. It will be argued that basic models are not meta-historical references, but rather ideal-types aimed to make the operational institutional architectures ‘thinkable’ –hence, that the validity of a model is qualified by the validity of the related policy framework below the operational design. An attempt will then be done to derive the institutional model backing the ‘paradigm shift’ of the 1980s (par.3). Next (par.4), policy frameworks as tools for understanding institutions will be shifted within the common Europe, and applied to account for the change in its meaning after the Single European Act and its stalemates. Finally (par.5) a possible definition of the EU will be given, and translated into hypotheses for validation.

³ Relaxing the definition given by deHaven-Smith and Ripley [1988:101-102], policy frameworks are principles that delineate, guide, and coordinate public action in diverse domains of intervention to address complex public problems.

2. The current analytical framework, and some reason for not being satisfied with it

In his last work, Majone [2005:107] stated: “under the Community method policy is largely epiphenomenal – the by-product of actions undertaken to advance the integration process, of efforts to maintain ‘institutional balance’, of interinstitutional conflicts and intergovernmental bargaining”. This statement admirably summarise how conventional political science paradigms by and large think the more puzzling side of the EU – the ‘supranational’ European Community (EC).

Here, the system rationale is reduced to its formal decision-making procedure and production, i.e. to a process that anyhow culminates in a single, discrete legal output. The institutional interplay conditioning this output has to be traced back to the traditional corporate actors of the formal ‘trialogue’, or better to the dialectic between the Council and the Commission, and to their zero-sum games for accommodating exogenous preferences about power maintenance or increase. Before and after, there simply are the distinct ‘ascendant’ and ‘descendant’ phases, meant as the twin but decoupled processes of integration and Europeanisation⁴, accounting for the shape and impact of those preferences with respect to national contexts. Sovereignty and ‘the State’ independence are the overall explaining variables, while policies simply result.

Beneath this reading a set of models lays, mainly belonging to historical/rational institutionalist analysis. In spite of their differences, they all share the default hypothesis under which national political contexts are basically discrete universes, closed and locked within path-dependent institutional arrangements and social demands –what constrains the positions governments can ‘legitimately’ take within external arenas, since the decision they pass will affect their constituency in the future. Consequently, thought as a distinct layer of government, the common Europe materialises when and as much as the national governments (the legitimacy holders) calculate that a merging and shifting of their sovereignties is somehow superior than their domestic *status-quo*. Besides, the shape of the common regime basically depends on the result of governmental negotiations, i.e. on some sort of bargained preference composition more or less influenced by the entrepreneurship of the Commission. As a result, the common rules of behaviour inevitably differ from the current national ones to some extent –and the larger the difference, the wilder the domestic actors’ attempts to capture, distort or escape the new rules. As Kohler-Koch [2003] comments on the findings of many

⁴ Following Schmidt [2002:896], European integration is “the process of European Economic Community (EEC)/European Community (EC)/EU construction and policy formulation by a wide range of actors ... engaged in decision-making” at the supranational level, while Europeanisation refers to “the institutional forces for change in member states’ policies, practices and politics” generated by “such decision-making, including both the EU level process and its outcomes” [ibid.].

Europeanisation studies, decades of common decisions have not substantially reduced the differences among the Member countries, even in those sectors where the similarities seemed greater.

Regardless of all the institutional differences political scientists are keenly aware of (the absence of a common *demos*, hence of a proper and homogeneous citizenship, national identity, external boundaries, public sphere; of a coherent party system and shared electoral rules; of a clear division of power and a uniform decision-making procedure; of its own administrative structure), at least in the so-called first pillar the EU is commonly analysed ‘as if’ it was (near to becoming) a top-down political system –incorporating the domestic ones in an overwhelming Russian-doll institutional architecture where certain national regimes are extended well beyond the original States’ boundaries.

This is not just the analytical bias that informed the so-called ‘State-centric approaches’. This is also the understanding shared by some of the more recent and elaborate approaches, flourished during the “post-ontological” research season [Caporaso 1996]. In spite of them being inscribed into the “new governance orthodoxy”, and supposed to feed some post-modern State model [Hix 1998], these lines of reasoning somehow run into the same inability to evade the conventional model as a reference for analysis.

This cognitive bias becomes very clear when we follow these discourses along the crucial test of identifying the ‘recipes for a better and working Europe’.

To the ones that justify the EU upholding because of its effectiveness, as a way to reduce the uncertainties of inter-State agreements, improvements must aim to reinforce the credibility of the basic contract by strictly tying the system to market-building only [Majone 1998, 2005]. This, in order to limit the European competences by design to the fields of efficiency –i.e. wherever the economies of scale made a single ordering rule a net Pareto-superior move, and hence legitimate– and avoid its involvement into the fields of redistributive equality, where the heterogeneity of preferences prevails and the MSs should retain their full sovereignty. Outside the efficiency borders, as a fact, to be legitimate and act the EU should replace its cumbersome institutional design with true majoritarian institutions. But this turn is largely beyond the willingness of the national governments, as well as normatively unviable since the fragmented nature of the common Europe –whose national communities could hardly fit a supranational majoritarian game of preference composition⁵. The EU should then decouple the constitutional design, to be shifted at

⁵ This point is clearly raised by Majone [2005], and was shared by Scharpf until recently times. Beyond any political rhetoric or wishful thinking, active resistances against such a federalisation become patent when paying attention to what some of the MSs’ Constitutional Courts stated during the 1990s, denying the possibility the EC

the transnational level, from democracy, to be maintained at the national level; and allows the former to become the latter's efficiency constraint.

Conversely, to those who see the EU as the way to keep representative democracies responsive, what the integration stalemate calls into question is the very possibility of an institutional delegation in the name of 'efficiency'. And this is especially true as far as the kind of decisions taken at the supranational level refers to a very different policy idea than those running within the national contexts –something that makes the Commission the main responsible for the technocratic hollowing-out of domestic democracies *via* ideational hegemony. The major fault of the EU current institutional design thus rests on the poorness of the democratic mechanisms available to convey political inputs from the domestic constituencies to the European decision-making arenas. The EU would then be improved only by strengthening the single true democratic institution therein –namely, the European Parliament (EP)– if not by completely normalising the institutional architecture in order to meet the standard expectations of input accountability and representativeness any good political system should entail [Norris 1997, Kohler-Koch 2005, Føllesdal/Hix 2006].

The prescribed institutional architecture in the rational account is considerably more non-conventional, and sensitive to the fragmented nature of the EU polity. But the conditions under which transnational constitutionalism could emerge are very demanding for the common Europe, as its critics highlight, requiring the spontaneous alignment of preferences toward a single regime because of its recognised Pareto-superiority. In Europe, the same possibility of such an event is excluded not (only) because of the political elites being conditioned by their electoral cycles to maintain the consensus of the *réntiers* of the status-quo (as the public choice rationale tells), but also by the plurality of “models of capitalisms” [Streeck/Crouch 1996] and of “social models” [Ferrera 2005] rooted in the national domains. The different normative standings about what an efficient policy is, and how far it should be extended, definitely undermine the nevertheless remote possibility that the same objective and known move, expected to produce the same objective and known effects, will be considered by every decision-maker the optimal choice among a range [Geuss 1981]. The viability of this prescription thus implicitly relies on the occurrence of some ‘rational epiphany’ that could suddenly spread the knowledge of the optimality of that very regime throughout Europe. Otherwise, even the creation of a single market ought to be solved within the domain of the heterogeneity of preferences, through a majoritarian decision-making. And this is exactly the point raised by the “democratic deficit” discourse –the rationally unviable design.

could develop any new policy competences but after unanimity in the Council, despite the Treaty provisions [Føllesdal 2006:152].

In a nutshell, the two discourses somehow get to see the EU/MSs relationship as a zero-sum game over policy competences. Above all, they both ascribe to the agent/Commission the position of a super-ordinate authority in charge of commanding the enforcement of the common rules, but weakened by their low legitimacy –because the Commission either enjoys too much room for manoeuvre in shaping them, or makes inappropriate moves beyond the boundaries of Pareto-efficiency. The point, here and again, is thus how to compose exogenous, given, path-dependent preferences in the separate arenas of supranational politics, in order to make the rule that the Commission will enforce more legitimate. But this is the concern as far as the main reference is the conventional idea of political system and policymaking –the validity of which seems always more presumed than demonstrated, and not just for the supranational beast.

3. The conventional idea of political system: always usable knowledge⁶?

Maybe just because of its taken-for-grantedness, the conventional idea of political system deserves to be recalled briefly.

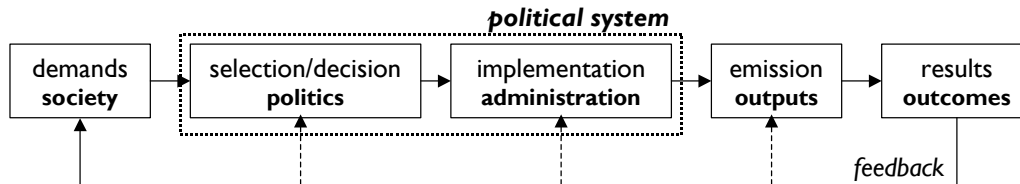
From Easton [1953, 1965] to Almond and Powell [1966, 1978], a political system is a separate world within a national *Gesellschaft*, the emergence of which results from the combined forces of specialisation and differentiation. As any other system, its rationale lays in the function it accomplishes – that is, to meet the demands conveying from society *via* political parties, interest groups, opinion-leaders together with support (inputs). Being the resources limited, its answers (outputs) cannot be but selective: hence its function consists of allocating values authoritatively for and within its social environment. To the system, society is therefore relevant as the initiator and recipient of its internal processes.

When unfolded [Luhmann 1971, Almond/Powell 1978], the demand/support conversion (actually, policymaking) just apply the cybernetic logic to the organisations of the formal constitutional design: it is politics that transforms such societal input by decision into a legal output. The administration acquires it as the basis for

⁶ Following Haas [2004: 573], “usable knowledge encompasses a substantive core that makes it usable for policy-makers, and a procedural dimension that provides a mechanism for transmitting knowledge from the scientific community to the policy world and provides for agency when theorizing about broader patterns of social learning, policy-making, and international relations”. Thus, ‘usable knowledge’ should be credible, legitimate and salient. “Credibility means that the key knowledge producers and their consumers believe that their product is true. Legitimate means that the claims are believed to be legitimate, that is developed through a process that minimizes the potential for bias and is more equitable in terms of participation by those who are dependent upon the information. Finally, saliency means that such information is provided in a timely manner and contains information that is useful for making public policy by decision-makers” [*ibid*: 574].

implementation, *thus* producing new outputs, *hence* outcomes, *hence* new demands and support (fig.1).

Fig. 1. A conventional representation of the political system and policymaking



Source: elaboration from Almond/Powell [1978].

In spite of this kind of functionalism being barely evoked long since, no wonder its schemes and logic can still be found –for instance, beneath the “bringing the State back in” studies, or the theory of delegation that clearly inform many analyses of the supranational institutional arrangement. This endurance can be explained by the resilience of a normative idea about the foundation of democracy. As ‘authoritative allocation of values’, politics is about the legitimate composition of the societal conflicts of beliefs and interests; mainly, is about paying more attention to some conflicts than to others, and defining how to settle them. “The definition of the alternatives is the supreme instrument of power” [Schattschneider 1960:69]: hence the voters should give this power to those they trust will choose for the good of the community, and bound them by rules that will assure the fair composition of preferences. It is representativeness that assures responsiveness, and the basic institutional design should make this true.

This normative assumption naturally results into models where elected politicians hold the whole bulk of the “political propriety rights” [Moe 1990], i.e. the main tasks and competences about deciding policies [Majone 2001a:58]. As far as the legitimacy of the public programmes depends on their capacity to translate the principal/Legislator’s will accurately, the administrative process has to assure the reliable conversion of the original intentions into practice. Here within, such a reliability is associated with command, requiring the organisations and the people from the ‘administrative sub-system’ to perform ‘correctly’. The original policy design thus gains from the existence of very detailed, *ex-ante* instructions politics should give in order to ensure behaviours cumulate right and produce exactly the expected outputs, hence outcomes, hence support. The absence of distance between the prescribed and the performed behaviour becomes the normative standard for assessing administration, also indicating where control should exert.

The stress on representativeness, thus, easily leads toward input-driven systems, top-down policy designs, Wilsonian-Weberian administration of public-owned bureaucratic structures, and devices for control focused on procedure.

.1. The conditional validity of models

Despite it being a widespread and long-lasting reference for analysis, education, and action, the top-down model of political system and policymaking can neither be taken as a normative absolute value, nor explained just because of, alternatively, isomorphism; institutional biases shaping power games; inheritances within the legal and administrative national orders. The basic reasons for its success rather lay in the proof it actually gave to describe and prescribe the proper working of institutional arrangements. And these arrangements were ‘proper’ to the extent that, in a specific period, fitted governmental tasks and duties there were demands and techniques for, and made sense within a policy framework [Campbell 1998, Blyth 2002]⁷. Therefore, the validity of the conventional model is basically tied to the historical fortune of the Keynesian “embedded liberalism” [Ruggie 1982, Blyth 2002].

Prescribing the possibility for governments to prevent harmful economic dynamics by stabilising players’ expectations from the ‘demand side’, Keynesianism incorporated a strong belief in knowledge and rational decisions. The governmental super-ordered control over societal dynamics was legitimate at least to the extent that it was ‘done with knowledge’. ‘The Government’ could know and produce the common good (or the welfare utility function): thus, the ‘demand-sided’ paradigm offered practical reasons for reinforcing the political system capacities to extract and concentrate policymaking resources within its domain. It put the political system at the centre of both societal and knowledge ‘input flows’, and placed this centre above society and economy to sharpen its control capabilities. Moreover, it justified the conditions enabling such a centre: the boundaries of the public jurisdiction definitely

⁷ On this point I agree on the criticisms Blyth [2002] moves to the historical institutionalist thesis [Skocpol/Weir 1985, Hall 1989] where the diffusion of a policy framework is said to depend on its congruence with the institutional structure of the ‘implanted’ national context. As he remarks, “such a notion sits awkwardly with Hall’s later notion of paradigmatic shift. For example, if periods of third-order change involve ideas that are transformative of institutions themselves, then surely the power of such ideas is their ability to reinterpret existing practices and policies” [Blyth 2002:22]. This paradox, he notes, cannot be solved just by appealing to some exogenous punctuation, as far as “the point of turning to ideas is to endogenize change” [*id*, n.23]. However, such an ‘endogenization’ could in my opinion reside not just in the ups and downs of the confrontation among embedded timeless ideas, but rather in the ‘reinvention’ of policy frameworks by political entrepreneurs within windows of opportunities, as Kingdon [1984] depicts –thus meaning to allow garbage can logic some role in shaping political orders.

became those of the production and consumption markets, while these markets gained a deeply rooted national nature⁸.

It is current wisdom now that Keynesianism lost its position of dominant paradigm when the Bretton Woods agreement broke up, and stagflation occurred – i.e. when governments and societies faced events that could not be managed from within that doctrine. But if it is from the economic sphere that the failure of the centralising model became ‘undeniable’ and the paradigm shift ‘unavoidable’, nonetheless it is mostly from the administrative sphere, and from the analysis of the policymaking⁹, that the ability of this model to grasp reality was seriously questioned, and in a more subversive and lasting way.

.2. Hollowing out the conventional model

Just when it seemed that the interventionist top-down paradigm was become ‘normal science’ from any viewpoint –included that of policy analysis, that propped it on the ‘stage heuristic’ model [Lasswell 1956]– the study of administration started to corrode the very beliefs on which it rested.

First it was the normative stance about the distribution of power inside of the political system that fell. Because of the need for a scientific organisation and application of knowledge, the actual site of decision-making was soon recognised to shift from politics to administration. After Weber’s insight about the asymmetry favouring the skilled bureaucrats over the politicians’ amateurism in decisions, Burnham declared the ‘managerial revolution’ in 1941, and in 1964 Elull made plain the relationship between the advances in specialised techniques for complex planning and the decreasing room for politics in policy design. With the design beyond the elected officials’ control, it has been the very consequentiality of ends and means in decision that overthrew.

⁸ It is only within these context and dynamics that T. H. Marshall’s theory of citizenship makes sense – where social entitlements get the meaning of legitimate claims for State direct provisions to nationals, and where the translation of such claims into positive plans results from social and political elites’ dynamics.

⁹ What will follow is mainly the story of the way US scholars from policy inquiry and social choice dealt with their Big Government [Regonini 2001, Parsons 1995]. This, because of three reasons: (1) the US is where the policy studies flourished and gained the status of proper discipline, while in Europe the dominance of legalistic approaches to administration, and of political economy to neo-corporatism/corporativism, left political science to focus on the ‘input side’ of the policy process, delaying such a development; (2) being the US a country where ‘administration’ means a process and not a set of organisations, and where that ‘branch of power’ was deliberately not even mentioned into the constitutional design, centralised positive administration is simply counter-intuitive – what makes its rationale and failure ‘clearer’; (3) in spite of the fact that Reagan’s New Beginning was not the first example of supply-side turn (coming after New Zealand and UK), in the 1980s the ‘Washington consensus’, the fortune of the Chicago school, and the efforts of US consultants to spread the neo-lib reasons altogether has made that discourse the international reference – hence, once again, the US a place where to focus for understanding.

As far as the legitimate decision-makers were at the mercy of their skilled ‘subordinates’, the translation of societal inputs turned to be strongly affected by the limits and the logic of the administration structures. Simon [1957] was just the first to cast doubts on the optimal translation of ‘inputs’ into ‘outcomes’, since the constraints that actual cognitive abilities, ambiguous excessive information, resource scarcity inflict to the rationality of the “administrative man” face to the real world complexity. Nevertheless, he still believed the administrative decision-making able to cope with problems rationally – at least under conditions of stability and at the organisational level, thanks to repetition, routinisation, and technology. Soon after, Lindblom [1959] argued that none of the conditions Simon tied such rationality to really occurs, dismantling what was left of the “rational comprehensive” approach.

To deal with complex policy issues rather came to mean to “muddle through”: that is, the search for a viable agreement among at least politicians, administrators, and experts, made possible by overlooking theory, limiting the alternatives to small incremental changes, and “ignoring important possible consequences of possible policies, as well as the values attached to the neglected consequences” [Lindblom 1959:85]. “Disjoined incrementalism” became the descriptive and prescriptive reference for decision-making aiming to ameliorate policies when the level of understanding is low [Braybrooke/Lindblom 1963]. But the resulting “partisan mutual adjustment” [Lindblom 1965] is not just the mode for coordination that normatively fits to plural democracies most¹⁰. As far as actual policies do not develop in the clean insulation of functionalistic subsystem workflows, but within crowded political spaces and through the relations connecting a variety of participants, incremental adjustment is also the unavoidable mode of coordination that informally stems from below the hierarchical, centralised official policymaking, and what prevents top-down plans from complete failure in implementation [Lindblom/Woodhouse 1993].

Lindblom’s acknowledged superiority of voluntary fine-tuning practices for assuring policy effectiveness, thus, drastically reversed the hierarchy of politics, administration and society, and cast serious doubts on the sense of thinking them as distinct worlds. His contribution just came to reinforce the findings of these implementation studies highlighting the intrinsic impossibility for central control and planning to succeed. From the late 1960s onward, evidences have shown that the decision taken at the centre of the political system is only half of the policy story, and very often not the relevant one –but for setting the yardstick against which the poorness

¹⁰ Where the degree of plurality has not just a societal dimension, given by groups number, kind and relations, but also an institutional one, resulting from the jurisdictions number, kind and relations. In Europe, Scharpf [1988] made reference to partisan mutual adjustment, however to the one informed by ‘deference’, to explain the inter-institutional relation dynamics within the “joint decision trap” of the Western German federalism –a mechanism that Scharpf extended to the decisional dynamics of the integration.

of its achievement could later be measured. In order to explain the actual policy outputs and outcomes, attention should instead be paid to the local fields where prescriptions turn into practice and the ultimate game of implementation really takes place – the one of pressures, exchanges, negotiations, dispute settlement among autonomous public and private actors moving within dense and diverse institutional and political settings [Pressman/Wildawsky 1973, Bardach 1977]. There within, what people really bring home (outcomes) does not depend on how far the products of administration mirror the central instruction, but on how, and by whom, these outputs are shaped *in the field*. No wonder that, at the very end, actual results hardly remind of the ‘original’ policy intention outlined by the centre – the higher the stiffness of the plan, the wider the gap between intended and achieved.

Further along this perspective, the problem with “getting things done” thus is not just that the implementation chain is too long or too exposed to mistranslations and misbehaviours [Pressman/Wildawsky 1973], or that the centre should enhance its institutional capacity and devote more personnel to assure outcomes [Goggin *et al.* 1990]. Instead, the problem lays in the very idea of good implementation as proceeding ‘promptly and without modification’, in the premise of policymaking as “forward mapping” [Elmore 1979] around a problem set once and for all by a centre, in policy as a positive programme set prior to action in order to instruct it on the basis that “if X is done at time t_1 , then Y will result at time t_2 ” [Pressman/Wildawsky 1973]. At a closer inspection, implementation under complexity rather leads to pictures that range from “polycentricity” [Ostrom *et al.* 1961] to “ungovernability” [Yates 1980]. Behavioural strict control from the top to enforce some grand design, disregarding contexts while frustrating implementers’ problem-solving abilities, is the wrong way not just to cope with problems, but mainly to think about it [Davis 1969, Lipsky 1977]. Once again, it is the scientific programme, and the institutional arrangement below it, that does not work –but under conditions of a far-reaching behavioural discipline.

These disenchanting looks at the policymaking, thus, shook the confidence in a rational operationalisation of the means-ends relation, and in a straightforward way toward outcomes, just to the ground. Moreover, they left the normative stance about the superiority of representativeness to face the finding that implementation is just as political as the process around the formal decision-making – with the relevant difference that it largely occurs outside the control of the representatives. But this is nothing compared to what has been done to the possibility of an ‘optimal’ decision from politics –and not just because of its inevitable exposure to the capture of powerful actors, from outside as well as inside the decision-making [Dahl 1961, Bachrach/Baratz 1963, Niskanen 1973]. As Arrow [1951, 1967] demonstrated (also thanks to the funds from the RAND Corporation and the Rockefeller Foundation), there is no rational chance for such a rule to exist that could really compose individuals’ free preferences and identify

unwaveringly what the majority takes as a Pareto-superior choice. Without offending Rousseau, by itself representative democracy could vote one-shot decisions only by violating someone's will. To concentrate all the decision-making within a legislature, thus, just means to allow a majority, however enlightened it may be, to tyrannise the country. Otherwise said, the relationship between representativeness and responsiveness is not one of consequentiality –it rather is a trade-off.

And this is not to mean that representative democracy assures some kind of rational decision anyway. After the garbage can model [Cohen/March/Olsen 1972], it is the same idea of interest as 'given' that goes blurred. The detection of some clear pattern of interest promotion and defence in decision becomes possible only as an *ex-post* rationalisation of a process that, while happening, ambiguity leaves at the mercy of eventualities. Real decisions occur in situations where ambiguity reigns [Cyert/March 1992]. As Kingdon [1984] would foster, in the frantic space of politics decision is often a "political entrepreneur" who happens to hit the "windows of opportunity", and there within to couple a problem and a solution in a way that people pass, as far as it somehow 'sounds right'. After all, the decision-making the elected politicians play is a symbolic activity [Edelman 1971] –simple bandwagoning to show here and now they are addressing problems, but hardly advancing considerate solutions.

In the 1980s, hence, of the conventional model and its top-down rationale there was very little left indeed. The analyses that aimed to fill the functionalistic picture with real people have resulted into a world where binding choices intended for common good were uneven and symbolic, while their enforcement built domains where power always makes the difference –usually for conservation. Centralising the policymaking has just implied to assure that "power relationships, once established, are self-sustaining" [Gaventa 1980:256], and that true problems will get lost in these games.

Then, the paradigm changed.

.3. *Paradigm shift*

In the 1980s it was beyond question that, if Keynes was the one who failed (with Hobbes), then Hayek (and Locke) would provide the solution.

Actually, neo-classic thinking imposed itself clearly from macroeconomics, and from the diffusion of the monetarist readings and treatments to trigger growth Friedman was advancing since late 1950s; but its re-emergence as a frame of reference was rather linked to the spreading of the microfoundations critique to Keynesian postulations, and the favour for rational expectations, supply-side, public choice analyses [Bell/Kristol 1981; Blyth 2002]. Within such a frame, many of the breakdowns of centralised planning were given an easy explanation: government as a super-ordered centre could not substitute market and prices as a way to distribute necessary information.

Individuals simply were far more skilled than the government assumed, and centralised planning was just distorting expectations that otherwise will produce the optimal outcome [Hayek 1945]. Growth and people empowerment *via* free markets is thus what this framework promised.

Hayekian ideas became a policy framework internationally relevant when, during the 1980s, both the World Bank (WB) and the International Monetary Fund (IMF) happened to be chaired in line with the US Treasury. The result was the fixing, institutionalisation and dissemination of what later would be called ‘the Washington consensus’. Although not directly addressed to the ‘developed countries’, it anyway became the standard reference for assessing the credibility of national economies –and governments. In the prescriptions of the Washington consensus, ‘disembedding liberalism’ as the main strategy for growth directly coupled with the issue of how to make it true –how to change the policy fields from spaces shaped by demand-sided, public-funded programmes into supply-sided markets as soon and far as possible. These prescriptions hence did not aim to change constitutional designs, but to run them in a different way. The main issue about the reform of public action was reframed into “how to organise (more generally, how to govern) the ‘eighteen distinct operations’ (transactions) made famous by Adam Smith ... rather than how many pins to make and at what price” [O.Williamson 1996:6]. The WB coined the term ‘good governance’ to indicate such an operational order, and largely succeeded in spreading it internationally [Minogue *et al.* 1998].

As a consequence, many of the prescriptions of the ‘Washington consensus’ make quite difficult to separate the content of new economic policies from their organisational side, and monetarist/supply-sided policy instruments from administrative techniques –i.e. New Public Management (NPM), the most lasting label from the first mover, New Zealand¹¹. In the end, the ‘NPM’ has come to cover many things, from local experiments of community-empowerment to the recasting of some bureaucratic

¹¹ In spite of its different national versions, the ‘global managerial revolution’ however revolves “around six core ideas: the search for greater productivity, more public reliance on private markets, a stronger orientation toward service, more decentralisation from national to subnational governments, increased capacity to devise and track public policy, and tactics to enhance accountability for results” [Armocost 2000:v]. This revolution thus appears as the necessary completion of the 1980s international agenda for growth made of detailed target and standards for a number of issues: fiscal discipline; public expenditure redirection; tax reform; financial liberalisation; exchange rates; trade liberalisation; foreign direct investment; privatisation of State enterprises; deregulation; secure property rights [J.Williamson 1994]. The original bitterness of the market-orientation was watered down in the 1990s by an ‘institutionalist correction’, and the IMF/WB growth strategy limited to “stabilise the real economy as well as inflation; improve the regulatory framework of the financial system, rather than assume that liberalization is the only game in town; include a competition policy; consider various possible mechanisms for improving the efficiency of government, rather than seeking to minimize government’s role; focus on improving human capital formation; increase the transfer of technology” [J.Williamson 2004:14]. If possible, the organisational dimension of growth has thus become even clearer, while the pressure toward isomorphism slightly lowered.

rationale through rigid top-down micro-control over agencies¹². Although it should be considered less a coherent *corpus* of prescription than the translation of buzzwords and techniques made popular by private consultants and gurus, it anyway depicts a starkly different administrative organisation from that of the old scientific management, because it builds on the opposite cornerstone of refusing hierarchy as an effective mode of co-ordination.

Following what Drucker [1974, 1985, 1990], Kanter [1983, 1989], Peters and Watermann [1982] among others were saying to corporations similarly challenged by the disembedding of liberalism, big administrative structures should disarticulate, their units flatten and let free to develop their own strategies –the ‘systemic’ coherence relying on these different strategies all aiming to a common shared objective. Control should change into steering: providing missions and incentives to signal the right pathway, and room for manoeuvre to people and organisational units –to be evaluated *ex-post* on the basis of the achieved results. Partnership and contract should substitute command as the foundational logic, in order to commit people and boost their capabilities to innovate; and ‘total quality’ set as the main value for assuring worth changes and the enduring satisfaction of the customers –the main driver for organisational learning and adapting.

The gurus’ discourse fitted well to governments affected by similar problems of disaffection –of voters/taxpayers/users, disillusioned by the failures of the public programmes [Mayntz 1993, Norris 1999; Nye *et al.* 1997]. Improving responsiveness entered the governmental agendas as the rationale below the ‘reinvention’ of both public structure and instruments. As far as the old ‘big and dull government’ was too expensive and ineffective, then, the ‘lean and smart government’ should save and sharpen its original function. The Ockham’s blade of cuts would then apply to what exceeds government’s core business –that is, *deciding* about how to provide ‘public goods’ effectively, not *providing* them [Osborne/Gaebler 1992]. Direct provision should hence cease to be the default option, and leave instead room for regulative attempts to enhance or activate societal and market abilities to provide goods and services. The simple dynamic of demand and supply will define what ‘desirable’ is, but also sharpen the capacity to meet the specific demands of real citizens (now customers). Only face to patent market and society incapacity for it, the government should take charge of supply –but by sustaining competing ‘production companies’ through public money, rather than commanding organisations outside markets. So, public expenditure transforms into a device for reducing unevenness in market access, for bolstering the formation of competitive providers, for backing partnership; and the fine-tuning of the taxation levels changes into a way to promote, regulate or restrict specific consumption/production

¹² For a review (and advocacy) of strategies, see Osborne and Gaebler [1992], Osborne and Plastrik [1997], Kaplan [2001]. For a review of actual applications see Kettl [2000], Pollitt and Bouckaert [2000].

habits rather than to compensate inequalities. As a consequence, the main task of administration becomes that of drawing rules for effective (quasi-)markets, of monitoring them, and assuring they run as evenly as possible. Of course, it is a political matter to define what market effect is ‘uneven’ and to what extent. Nevertheless, the ‘correcting’ and ‘cushioning’ intervention a public authority undertakes should not affect the basic primacy of non-hierarchical coordination –in which lay the very conditions for economic growth.

.4. The ‘reinvented’ policymaking and its consequences

Interestingly enough, the new managerial revolution neither questioned the central position of politics into the legitimacy chain –at least directly. With the IMF and WB growth agenda, it has instead been claimed responsible for the overall “hollowing out” of the State capacity to control the national economy [Rhodes 1997]. In the ‘restoration’ of market mechanisms and in the adoption of monetarist measures to reduce inflation, the State functions of distribution, production, planning were said lost, as well as a certain ‘hard’ version of regulation [Biersteker 1990].

But, making the contents of the Washington consensus out from the structure to implement it, the ‘management for reinvention’ appears just to focus on the strategies to support effective implementation when the relevant resources for policy are beyond the direct control of a single public centre (while prescribing this as the default, healthy situation any country should aim to). As a normative approach to administrative reform, it mainly promotes a useful exercise: finding an answer to the question of what a government should do, and how it could pursue this better. In a basic meaning, it just implies to make responsiveness true by identifying the institutional arrangement the most effective in solving relevant social problems. But, as far as the policy resources are spread through a number of actors of various kind at different levels, this leads to assume that specific tasks or functions are ‘better’ undertaken by certain actors because of the skills and resources they have, and by certain mechanisms of coordination among them, irrespective of former given jurisdictions –where the concrete identification of these mechanisms and actors strictly depends on the problem at stake (i.e. the issue, and the attached values).

By itself, ‘NPM’ can thus be thought as nothing more than a problem-driven strategy for re-building the operational structure of public action, and assure its effectiveness. But –as far as ‘public goods’ supply relies on the relationship between providers and customers– the very nature of the administrative bodies changes. Within the neo-lib paradigm, what these organisations are asked for is a competence in building and ruling markets –thus implying formal and substantive competences to define how much competitive these markets should be, hence their width and degree of openness;

what criteria the providers should meet in order to be entitled to enter and stay on that market, if any; what defines a fair relationship among providers, and between providers and customers; and, if prices are not sufficiently informative about the differences in the ‘public goods’ as produced by different providers (as it is the case for specific complex services or ‘experience goods’), how this gap should be bridged in order to empower the customers and make them able to choose. These administrative bodies, hence, are or have to become the agencies of the “regulatory State” [Majone 1994], set at the level ‘the most appropriate’ to rule their policy domain effectively (this allowing any ‘rescaling’ experiment).

Here and again, the information asymmetry with politics appears wider than ever. It is in the institutional solution to this relationship that lays the swerve from the classic model of administration and policymaking. Osborne and Gaebler would agree with Majone’s portrayal of the ideal agency, when he explains that the principal-agent chain should tie the agency to ‘short-terministic’ politicians only in the ‘constitutional’ dimension, when defining the institutional mandate. With regard to concrete action, the only ‘inputs’ politics could fruitfully (hence legitimately) feed the agency with are public financial resources, and ultimate goals/values –that means, again, the meta-rules of the policy game. Within these constraints, the concrete design is here completely left in the hands of the agency.

This does not mean the triumph of technocracy. For effectiveness’ sake, the agency is not allowed to decide by itself, in a repletion of hierarchy, but should publicly confront policy-takers/stakeholders and discuss with them the possible alternative contents of the future regime. As Shapiro puts it, “giving reasons is a device for enhancing democratic influence over administration by making government more transparent. The reasons-giving administrator is likely to make more reasonable decisions than he or she otherwise might and is more subject to general surveillance” [Shapiro 1992:183, in Majone 1998:21]. This is expected to increase the regime legitimacy at least by enhancing compliance, because explicit reasons give the actors of the policy domain an explanation for the soundness of the rules, and the exchange between agency, stakeholders and policy-takers extracts pre-contractual information necessary for the regime to be sustainable.

But the mechanism could evolve from a ‘steering from above’ in a real ‘steering from within’ when the agency leaves its super-ordered position to frame and play the game of implementation as a true co-production [Kickert *et al.* 1997]. In these ‘virtuous cases’, giving reasons could really trigger a problem-solving [Scharpf 1997], an integrative bargain [Walton/McKersie 1965] informed by mutual learning [Dorf/Sabel 1998] –a deliberation about ‘how to make a bigger cake’, instead of struggling over the way to divide the existing one. It can go even further when the ‘public good’ should result from a project for which diverse resources have to be pooled. Thus, the reasons-

giving administrator becomes the policy entrepreneur that mobilises ‘those with an interest’ in a problem resolution and offer them a path of collaboration. Policy arenas change into places where the watering down of ideologies and the sorting of pragmatic ‘action frames’ out from interactions can occur [Kickert *et al.*, 1997].

As the main reference of the ‘reinvented government’, thus, effectiveness shapes the operational institutional design around the real capabilities each actor has, and distributes ‘policymaking entitlements’ to public and private actors of the policy domain because of the key resources they can make available. The consequences are almost disrupting for the traditional concept of political system and of policymaking.

The legislative arena is not anymore the only or the main place where any conflict is settled down, but just where the ‘decision to decide’ is taken, and the broad values set –this reviving the concept of ‘post-parliamentary democracies’ developed within the network studies [Richardson/Jordan 1979, Lord 2004]. The fixing of the policy contents comes directly from within the policy field, where policy design and implementation collapse in a collective process of deliberations, negotiations, adjustments, steered by the agency and involving a plurality of different actors, that in the end results into ‘the solution’.

Rather than through the input-output model, the actual working of the policymaking is thus better grabbed by the idea of subsequent rounds of negotiation to shape the problem, the broader institutional and action frame to address it, and the details about the mechanisms to solve it [Teisman 2000]. The input-output dynamic collapse and gain a meaning only within the sequence of events, where the issue at stake defines and together is defined by the interests that mobilise and the different networks that activate. Time is the factual structuring, independent variable, for allowing the answer to a sequence of questions to be found: what is the problem? What its solution? When should it be put in place? How could it be done, by whom? Whose opinions are relevant in assessing the way the solution is working? Here within, effective delivery becomes the main driver of the overall policy process and of the institutional arrangements below.

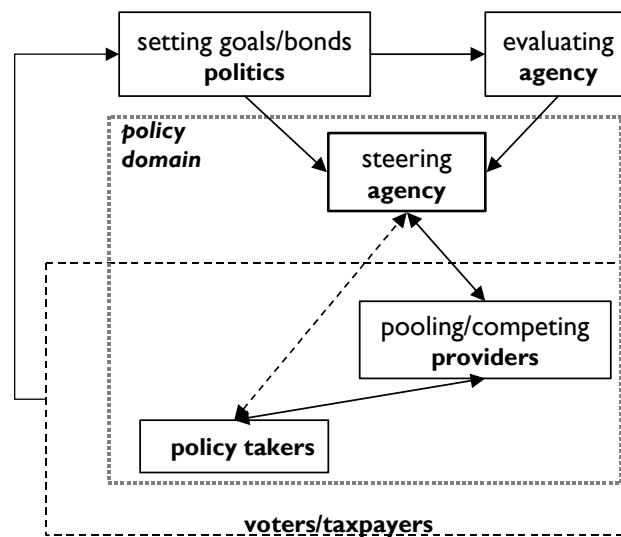
At the end, the relationship between representativeness and responsiveness is not simply reversed. It develops into a higher complexity, by recognising the multiple access point the policymaking could and should have for mobilising and making use of the disperse skills, information, money –more generally, the resources– that the problem-solving needs. The consequence is part of the institutional design being created within the policymaking –in the micro-constitutionalism [Jachtenfuchs/Kohler-Koch 2004] of governance.

“Governance ... is crucially about the processes that public managers, citizens, and stakeholders use in determining what shape policy, its implementation, and its enforcement will take” [Blomgren Bingham *et al.* 2005:548]. Governance is “creating

the ‘capacity to act’, bringing together the resources required to accomplish the collective ends of society” in an otherwise fragmented world [Stoker 1991:51, Stone 1989]. It means “solving problems and creating opportunities, and the structural and processual conditions aimed at doing so” [Kooiman 1999:69]. It implies to develop the ‘power to’ accomplish collective goals by inducing “reluctant partners” to cooperate, rather than a ‘power over’ them [Stoker 1991]. The way this could be done highly depends on the kind of problem, but again the kind of problem depends on the discourse that frames it, by those who mobilise within the policy domain as well as outside, in the wider public sphere. Building win-win interest constellations through action frames could be a way; compelling them in ‘the shadow of hierarchy’ a worth device [Scharpf 1997]. Policy networking and social coalition-building anyway become the basic strategies to guide people’s action and thus ‘get things done’: and, within this policymaking, it mainly is an administrative task [Klijn/Koppenjan 2000]. The agency emerges as the real pivot around which the policymaking and its politics revolves.

The result is a very different model of political system (fig.2).

Fig. 2. The ‘reinvented’ model of political system and policymaking



Source: own elaboration.

Although the policy design gains the meaning of a delivery design, and the implementation field comes out as the *locus* of the concrete problem-solving and of the crucial social dynamics, this does not mean that politics has lost its relevance. Instead, politics is asked to enable the problem-solving, to give the overall value direction, to take into account the perverse effects that the results of the ‘solutions’ reached in a policy domain could exert over the dynamics in other policy domains; to adapt the basic institutional design and promote changes or strategies to cope with this all. Moreover,

politics is still linked to the wider electorate, encompassing the sectorial populations of the policy domains, thus allowing to take into account perceived social sustainability of the overall regimes effects. The differential ‘input conveyance’ implied by this model (from the policy-takers to the policy domain, from the universe of voters to the constitutional domain) hence depicts a Madisonian solution to the Arrow’s trade-off between representativeness and responsiveness, and a compensation between the deliberative-bargaining decisions stemming from the reason-giving administration and the ties and directions defined by the representatives’ choices. The control, too, is always part of its competences –although with a different meaning. Rather than being applied directly at the micro-level of actors’ behaviour to account for their compliance to a ‘correct’ standard, it aims to learning, moves on a higher level, and relies on the independent evaluation of processes and *outcomes* from different sources –policy-takers, accountability offices, experts and academics.

Of course, to work this ideal-type needs that some basic conditions occur. Politics should delegate widely, loosen its grip on society, and drop the idea of being its integrative, normative apex, for offering people visions of the collective future. Agencies should be credible, open and learning structures, accountable to their public (before than to their principal) in multiple ways. Society has to become more plural, ready to mobilise, and ‘entrepreneurial’, taking upon itself the production of new ‘public goods’ when the current offer does not meet the demands. Individuals should be ready to bear more risks and costs, in terms of uncertainty and of personal resources for having policies that works. At the very end, the ‘reinvented’ government is not hollowed out at all; instead, it shares with, or shifts to society, the responsibility for solving problems concretely.

Are the MSs policy domains actually fitting this model? For the most part of them and their policy sector, they are not – although interesting efforts to put this logic in place could be found in the Scandinavian countries or in the Netherlands [Bergman/Strøm 2004, Pollitt *et al.* 2001, Kickert 1997, Bennett 1997]. Anywhere else, it could be questioned how far the process of administrative “fragmegration” [Rosenau 1999] has learned from the public debate, if any, about the substantive mode of delivery that should result; if the relationship with central politics has turned into something different from command; how open each policymaking is to the claims of both providers and customers; if evaluation has been enhanced and used; if the bodies resulting from the transformation of the old national bureaucracies have been given the sufficient room and ability to make worth of the different sources of information; if society is pressing and organising instead of delegating. From an administrative viewpoint, the fascination for economy and efficiency rather than effectiveness, that both the NPM talk and the evaluation practices embody in many countries, seems conversely to indicate that what has been taken from the ‘reinventing discourse’ is just

the micro-managerial part of the whole paradigm. The so-fostered rational use of financial resources, as the requisite that makes a country's macroeconomic indicators fit the international requirement of credibility, by itself is not a menace for the old scientific programme, but instead simply allows to transfer it into new bottles. Governments still seem to hold the super-ordered central position within policymaking processes, the main concern of which remains direct control if not substitution to societal/market dynamics.

The 'old' model could have not been effectively dropped, especially in continental Europe, in spite of Keynes being declared dead even in Mitterand's France, at least from the 1980s – the common Europe abetting. The puzzle is then double: to what extent the 'conventional model' of centralisation still holds its validity in the MSs, and how the EU gets into the resulting picture.

4. Reframing the puzzle of the EC from a policy perspective

The reinvention shift is a useful starting point for trying to understand the changes occurred to the common Europe.

Even when focusing on the bargaining of given preferences within the MS, this change seems patent. Commenting on the activism of the late 1980s and 1990s, Hayes-Renshaw and Wallace [1997:259] came to the conclusion that "Council negotiations have over the history of the EC been subject to a push/pull between more integrative and more confrontational modes. In the mid-1980s the more integrative mode gained ascendancy. It is hard otherwise to account for the speed and the ease with which both the principles and the details of the SEA were agreed, or to explain the subsequent high output from Council negotiations".

When accounting for the drivers of such 'integrative mode', and the resulting new common regimes put in place during that decades, Scharpf draws in the existence of a shared problem, for which the rescaling of competences to the EU was taken as the solution. The "quest for *economies of scale* has not only driven the geographic enlargement from the Economic Community of the Six to the preset Union of the Fifteen and beyond. It also explains the progress from a free-trade area to a customs union and to a common market eliminating national non-tariff barriers to trade" [Scharpf 2000:9, 1999].

Beneath that season of Euro-activism, Scharpf highlights the change occurred to the meaning of the common regimes: "economic goals became progressively radicalized – moving from the mere integration of national markets as they existed in the 'mixed economies' of member states to an active extension and perfection of market competition. It thus became a European governing function to eliminate national

subsidies, public procurement practices and the ‘privileges’ of public enterprises, public utilities and public services that could be construed as distortions of free market competition. By the same logic, finally, it was thought that the transaction costs imposed by the existence of multiple currencies and variable exchange rates ought to be eliminated by the creation of a monetary union and a common currency (Verdun1996, 2000; Moravcsik 1998)” [*id*:9].

If we get ‘policy frameworks’ in that picture, and link them to the administrative reforms that were in many of the MSs agendas in that period, the result is that what occurred in the years from the Single European Act to the implementation of the Economic and Monetary Union is a paradigm shift again –and a very relevant one. The transformation of the EEC into the EC and then in the EU somehow indicates the MSs committing to give collectively up the old Keynesian modes of intervention for the Hayekian one. But this did not mean just the change of contents and styles of regulation; it implied the concrete re-allocation of the policymaking entitlements. To be true and effective, the Hayekian paradigm was said to need the rescaling of the market toward the continental dimension. This move implied that the steering of the domestic third order change was mainly given to the Commission. From the arena where the MS could decide about the way to ease trade flows of private goods among national economies otherwise closed, the supranational level became the steering point to design both the transition of protected or monopolised domestic policy sectors toward market (where still existing), and the building of the common continental economic space where these new private actors could play. Irony of the history, the burden of this paradigm shift was eased on a true Keynesian as Jacques D elors was.

Besides the mere enacting of new legislation, the extent to which the Commission-led processes of ‘fragemegration’ and reinvention of sectorial governance has really succeeded could be object of evaluation –if privatisations have really turned into the building of competitive and open domestic markets, if these markets have actually merged into a homogeneous continental economic space, if the new delivery systems have kept the promises to solve the problems they were meant for. Interestingly enough, then, to assess the success of the 1990s integration means to give an answer to almost the same questions raised when focusing on the MSs adherence to some version of the NPM. The only difference is that, seen from the European side, such an evaluation should run in term of the range of the ‘non-tariff barriers’ that central governments still maintain to protect the privatised domains, the control over the M&A dynamics and its effect on the wider European markets, and focus on the extent to which these are just prudential strategies to limit the expected disrupting effects of a continental competition on the national community, or instead the expressions of local policy frameworks different and alternative to the Hayekian one fostered by the

Commission. The questions about the degree of integration, up to now, thus overlap with those about the degree to which each country is consistent with the NPM logic.

If the commitment toward some ‘true reinvention’ is questionable with regard to many of the MSs, especially the Western continental ones, the same cannot be said of the Commission, that from the middle 1980s appears to have radically changed its way to play the policymaking game for “escaping deadlocks” [Héritier 1999b]. The practices of ‘1992 programme’ thus have implied the Commission moving from a pure top-down command approach to a position of ‘steering from within’ –so much that “[f]or the most part, the rhetoric of a uniform *acquis communautaire* now seems a distant memory” [Lord 2004:2]. And the relaxing of the top-down approach does seem due not just to the paradigm shift in contents, but also to the increasing heterogeneity of the space to be steered – to the increasing ‘pluralisation’ of the common Europe.

To quote Majone [2002:9], “[f]rom the early 1960s to about 1973 – the date of the first enlargement of the EC to the United Kingdom, Ireland and Denmark – the European Commission’s approach to harmonisation was characterised by a distinct preference for detailed measures designed to regulate exhaustively the problems in question to the exclusion of previously existing national regulations – the approach known as total harmonisation”. Here within, “[o]nce the Community has acted, national regulations no longer apply: the common market operates under a common set of rules.” But –with a clear shift toward the ‘reinventing’ paradigm– “[b]y the mid-1970s the limits of the approach had become clear. As the Commission was to admit some years later, ‘[e]xperience has shown that the alternative of relying on a strategy based totally on harmonisation would be over-regulatory, would take a long time to implement and could stifle innovation’ (Commission 1985, 17). ... The emphasis shifted from total to ‘optional’ and ‘minimum’ harmonisation – and to mutual recognition” [*ibid.*:10] –where “different regulatory approaches can compete. The end result is *ex post*, or bottom-up harmonisation achieved through market-like processes rather than through imposition by central regulators as in the case of *ex ante*, or top-down, (total) harmonisation” [*ibid.*:11]. Moreover, the decision-making process became more blurred, crowded, and attentive to the implementation stages because of the need of effectiveness as a managerial value: “good legislation” became a concern, but “good legislation requires consultation, regulation impact assessment, and systematic evaluation of the results achieved by European public policies” [Radaelli 1999:5]. Together with the institutionalisation of principles such as subsidiarity, partnership, flexibility in MSs opting for the common regime as well as in defining the concrete instruments for domestic implementation, all these steering strategies depict a policymaking always less ‘government’-like and always more ‘governance’-oriented [Marks/Hooghe 2000, 2004] –implying a shift also in the analytic dimension.

At least because “[t]he EU does not resemble, or have, a government, so governance offers some descriptive purchase on the character of the polity” [Bulmer 1998:366]. The EU could be conceptualized as a polity because “it already has acquired for itself at least the policy-making attributes of a modern state” [Richardson 1996:5]. Then, “integration is less about incorporating territorial units into larger administrative bodies, such as a federation, and more about the complex ways in which the EU authoritatively allocates values” [Zahariadis 2002: 229].

Furthering this line of reasoning, analyses focus on the disentangling effect that the European system, because of its driving principles and steering devices, has over the nationally coupled concepts of jurisdiction and policy regime. “First, an effective system of governance does not need to be state-based or state-centric (Peters, 2000). Second, an effective system of governance does not even need to be territorial or territorially-fixed (Ruggie, 1993). Third and most importantly, an effective system of governance must be able to represent the basic types of variety found in the system to be governed (Kooiman, 1993). This means that the more diverse the qualities to be governed, the more diverse the necessary governing measures and structures and the more diverse the relationship between them.” [Zielonka 2007: 192].

What gives a terrain for a common European regime to develop, hence, simply is the mobilisation of interests and their “trans-national *ad hoc* rainbow coalition building” [Richardson 2000:1015]. And, as far as under conditions of heterogeneity the policymaking is such that no actor can be able to exert control so to assure his/her ‘desired outcome’ [Marks/Hooghe/Blank 1996, Héritier 1999a], inevitably policy ideas as “focal points” [Goldstein/Keohane 1993, Bush 1999] become the only glue available to support the coupling of problems and solutions, and to get actors deciding between cooperation or confrontation.

Moreover: as Richardson [2000:1022] warns, “ideas and their attendant policy frames often ‘capture’ all stakeholders who then find themselves adjusting to a new set of rules and power distributions quite different from the old policy regimes”. Ideas, as true institutions, can compel people into path-dependency. A risk that a good design should take into account.

5. Conclusions: a usable definition of the beast, and a research agenda

At the end of this journey, it could be possible to get back to the wicked question of the common Europe nature from another way than the usual one, and dare some fixing.

From a policy perspective, the EC/EU is a voluntary system to give common solutions to shared problems – better, a ‘Sphere of Authority’ [Rosenau 2004]; a

governance system, producing public policies, that *because and within* these processes is able to generate the resources (notably, also the cleavages that feed mobilisation and confrontation, thus the rules to compose conflicts) as well as the structural adjustments it needs for surviving and consolidate.

In this sense, it is a systems where each policy process is together highly political and polity-building [Hooghe and Marks 1997], and as lively as its problem-solution coupling can be. It is in the coalitional and confrontational game around the definition of an issue as a ‘common problem’ that policy frames emerge and affirm their validity while shaping the regime; and it is in the scrutiny of its results –the outcomes– that the couple could evolve. That is why, to restrain the pluralist drift and maintain the regime adherent to reality, “[t]he Union should guarantee free access to various European networks and make sure that the ongoing bargaining process is transparent and open” [Heritier 2003:30], and constrain the policymaking into a Madisonian *material* design of multiple accountability in which independent evaluators and ‘affected interests’ should have a position. Anyway, “coordination (..) does not necessarily imply a coordinator. Under an operative federalism, coordination occurs by interaction among many governments, not by intellectual cogitation by a single one. Federalism means mutuality, not hierarchy, multiple rather than single causation, a sharing instead of a monopoly of power. One can determine if the federal beast is alive only by whether it kicks – and then whom it kicks and who kicks it back” [Wildavsky 1992:142, quoted in Regonini 2004:22].

The end of the ‘permissive consensus’ maybe signals the beginning of a wider politicisation of the common Europe: at least, the fact that the policy framework the Commission adopted in the 1980s for re-launching the integration programme is not as shared as once. But this can be a threat just within a majoritarian, conventional frame of reference, as far as the EU nor has developed the mechanisms for fairly compose these different thrusts of ‘absolute politics’ in the conventional way, neither seems worth engaging in such an operation, since its fragmented structure made of multiple sovereignties. But the EU offers an interesting orientation toward institutional experimentalism, and a number of arenas and mechanisms for policy problem-solving where interests that find reasons to confront could decide for a common solution.

As far as this narrative seems sound, Europe is a matter of interests, not of identities. This is not to say that there is no connection between the two. But the identities that the common Europe activates and talks to are the ‘weak’ ones, coming from needs that policies can meet ‘adequately’, rather than the ‘strong’ ones made available by the nation-building processes and the ideological competition of politics. Interestingly enough, it is from its very beginning that the supranational beast has proven to collapse face to the power games of absolute confrontation that set any issue as discrete zero-sum game, but to be able to deal with them when put into a policy,

problem-solving frame backed by a shared framework –no matter if Keynesian or Hayekian. Thus, the integration project seems to gain a sense only to the extent to which it offers a pragmatically ‘better’ solution for (reshaping) the production and delivery of ‘public goods’ than the default, national or local one, to satisfy needs –i.e., when it is able to build and mobilise the demands of a ‘public’ with a common interest in a regime, rather than a common belonging. The EU reference point seems to be the commonality, not the “holistic ‘community of identity’” [Nicolaidis 2003: 6].

Taking the “outcome-based” legitimacy beyond the symbolism of politics, the ‘ever closer Union’ cannot thus be the end, the unjustified and justifying value, but the way toward something worth. Integration does not advance, but instead could reverse, if it is not able to find an answer to a very basic question: an ever closer Union what for?

Descriptively and normatively, hence, integration is not just the compositional effect of government preferences. As far as integration rather is the search for a common solution, its driving reasons lay within the implementation terrain, where the problems arise from the current way policies are run in the different national domains. Moreover, since the lack of proper ‘own’ administration, integration inevitably means that the national structures of implementation and delivery (implementation networks included) are basic elements of the EU policymaking, holding a direct responsibility in the shape and working of the common regimes. Within a ‘reinvented’ European policymaking, integration and Europeanisation are just two sides of the same policymaking coin. From this perspective, there is no logic separation, but organisational, between supranational, national, and sub-national levels when looking at the whole policymaking process. The matter, as the ‘reinventing exercise’ has thought, is how the policymaking actually distributes entitlements according to the issue at stake in order to assure the holders play the problem-solving game effectively.

But the special current situation of the EU is that of regime-building or maintenance within a policy framework that seems to fray. This situation, when read through policy lenses focused on implementation and policy-frameworks, arises some hypotheses for a research agenda.

What should be assessed first is the degree of institutionalisation, i.e. of taken-for-grantedness, of the common Europe within the policy actors that moves into each common regime. Hence,

Hp.1. The degree of ‘integration’ depends on the number of relevant policy actors that build their strategies and expectations having the broader European space and basic goals as their main reference.

Hp. 2. To be set and work successfully, a common regime does depend on the building of a policy frame that could be shared and give the relevant policy actors the perception of their problems being addressed adequately for solution¹³.

This implies that integration is ‘institutionalised’ [Giuliani 2004] as far as not only those involved in the implementation of ‘Europeanised’ policies behave according to the EU legal prescriptions, or better adapt their institutional context, the distribution of the policy entitlements and their strategies in order to develop ‘fitting’ dynamics, but also to the extent to which they mobilise to ask for a revision of the basic European design when inadequate. Moreover, it implies that those in charge of the domestic regimes somehow affecting the common ones take the latter as a constraint for their strategies and actions, and behave consequently –both respecting the European framework limits and exploiting the opportunities. The puzzle of the current relationship between the MSs and the EU could then be conceptualised not just in terms of legal orders, but of the interplay among domestic and European policy frameworks; of policy community/coalition-building; of Hall’s change orders and of their directions.

What is odd and should be explored, in the fragmented European polity, is exactly the plurality of legitimate ways an issue is framed by the diverse policy networks, the endurance of the network composition and degree of closure, and the effect this plurality exerts on the policy processes – within a policy domain, from the moulding of a common problem through the identification of a solution to its implementation and delivery; and among policy domains, in selecting, ignoring or framing the interdependences. Research questions could focus on the ways these framing processes are pushed or pulled, by whom, and around which ideational “focal points”; and how these focal points are challenged by implementation problems.

The results of the two general hypotheses validation could cast a light upon the degree of real institutionalisation of the common Europe, beyond the vague swinging of pro-Euro positions that regularly comes from the Eurobarometer. They could also help to test a further and less general hypothesis: that the current stalemate depends on the fact that, to the relevant domestic policy actors, the acceptance of the European policy framework is at least conditional upon specific issues (private goods), hence its extension to cover the affected but not yet Europeanised policy sectors (merit/experience goods, above all if usually under public regimes of production) would at least require a substantial reframing: in part of the nature given to these goods, but mainly of the main framework where the preferences about the possible extension of a common regime, the values that should be taken into account, and the features a delivery system should have for making the values true could make sense.

¹³ Hence not on the calculation of the ‘adjustment costs’ –thus maybe implying just more time or resources devoted to the re-orientation.

This being the case, a viable way out of stalemates could depend not just on efforts of hard institutional reengineering – especially with a majoritarian flavour. Exactly because it is not a *demos*, before than a conventional way to compose political preferences the common Europe could need a way to reach a sharing of what its policy ‘problem’ is –this meaning not just finding linkages among issues within the different governmental agendas, but a shared framework of reference to address them; and not just by the holders of some ‘formal legitimacy’, but also by the holders of the material legitimacy, i.e. the actors in the field.

Inquiries could then help to find answers about which shared policy framework –which basic ‘delivery ideology’– could sustain the common Europe in its effort for growth, if any; hence, which kind of production/delivery system (as for width, openness, running, providers) ‘we’ do need for any specific ‘public good’ being able to solve ‘our’ problems, taken into account the interdependence of the national systems. Such an ideational product could really be a worth and powerful asset not just in the definition of an inner order of production, but in the international domain, too, as far as the international economic governance values ideas as resources, and the global public policy for growth is far from being free from fault or material legitimacy problems [Majone 2002, Werveij/Joslin 2003].¹⁴

But anyway the usable material knowledge for ‘reinventing Europe’ could just come from Elmore’s “backward mapping” the actual ways policies are run –from the analysis of the reasons for resistances and vetoing within the ‘Europeanised’ domains, of the failures within the ‘non-Europeanised’ domestic policy sectors, and of the threats coming from the interplay among EU-ruled and MS-ruled regimes. The answer is a matter of administration, where citizenship entitlements become provisions. Moreover, it is a matter of coordination of the diverse administrative processes within some frame of reference that could be shared and offer a sound and sustainable solution to the stretching of the whole set of citizenship entitlements (political, economic, social) that integration has caused, displacing the fields and the rules that make these entitlements true. At the very end, it is a matter for *policy* entrepreneurs.

Yet again, the relevant task is speaking truth – to the many powers of the common Europe, but mainly to ourselves.

¹⁴ The possibility of substituting the Hayekian policy framework with a Schumpeterian one, for instance, could get research into an interesting field.

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