Editors

Amelia Hadfield and Andrej J. Zwitter

COGITATIO

Table of Contents

Politics and Governance

Open Access Publishing

Amelia Hadfield [1,]* and Andrej J. Zwitter [2,]*

[1] Institute for European Studies, Vrije Universiteit Brussels, Pleinlaan 5, 1050 Brussels, Belgium;
E-Mail: amelia.hadfield@vub.ac.be
[2] Faculty of Law, University of Groningen, Oude Kijk in 't Jatstraat 26, 9712 EK Groningen, The Netherlands;
E-Mail: a.zwitter@rug.nl

* Corresponding authors

The rise of open source online journals, free online courses, and other changes in the research and education environment, coined the "academic spring" by some commentators [1], represents an increasing trend in opening up the rules of access for research. Universities, libraries, publishers and even governments are paying attention to this new movement often referred to with the acronym A2K (access to knowledge).

Peter Suber, the director of the Harvard Open Access Project defines open-access (OA) literature as "digital, online, free of charge, and free of most copyright and licensing restrictions" [2]. When reading the overview that Suber presents of the new domain of open-access literature, it is clear that there are common viewpoints from both sides of the Atlantic on the benefits of offering a place online for royalty-free research. Groups supporting open access research range from Bethesda, Maryland to Berlin, Germany.

In the UK, a report commissioned by the government indicated that universities in the country are paying over 200 million pounds per year for access to scientific journals [1]. In fact, the price of access for journals has risen four times as fast as inflations since the 1980s [2]. The UK government has shown great interest in developing a new model for open access journals and cited the importance of developing an American-European partnership in order to bring costs down and effectively make the transition to open access research [1].

Similarly, the Dutch Government has developed policies and makes available funds to support open source initiatives [3]. One of the main reasons cited for this transition is the increasing belief that the public should have the right to access publically funded research. The European Union follows a similar route. For the first time, the European Union introduced a reimbursement system for the costs of open source publications produced in FP7 projects. This policy will be carried through to Horizon 2020 [4].

Of course, concerns remain over the quality of research if open access prevails. But the status of being an open access journal does not preclude peer review, and Suber argues that the exact same standards of peer review of published works can be, and are already, conducted for open source journals. Peer review also does not depend on the cost or the medium of a specific journal, and can be applied for open access journals as well [2].

OA is also deemed to be more cost-effective than the traditional journal literature. The Harvard Open Access Project reports that OA eliminates all parts of subscription management, removes printing costs, puts an end to the need for legal fees and does not require the same type of marketing approach as traditional subscription journals. OA generally tends to monetize by requiring authors to pay a one-time fee to the open source journal [2]. However, this is only one type of business model for OA journals among a variety (e.g. Green OA self-archiving or Gold OA publishing).

OA also does not dampen the motivation of authors to publish their work. In fact, it is easier for OA journals to allow the author to retain copyright than in traditional journals [2]. Authors that choose to publish

librello

in OA sources allow their work to be read, distributed and reviewed by a wider audience than in traditional journals, which are only available to paying subscribers. In many ways, OA benefits the author themselves by increasing their profile and the visibility of their work, and the audience as they benefit from having access to the research they are interested in.

OA allows for a lessening of the divide between rich and poor in terms of access to research material. Citizens that cannot enroll in universities or in research institutions have the ability to access previously denied research. In a time where budgets are increasingly being cut, readers and general citizens do not have to rely solely on the budgets of their local or university libraries to obtain the research they need. Universities can benefit by more greatly distributing the work of their researchers and reduces the cost of journal subscriptions allowing that to be allocated for something else. Funding agencies and governments benefit by having research disseminated more widely, ultimately allowing it to be more useful in the long-term [2].

Advancing a policy of open source research has also a wider, border-crossing effect that aims to address global challenges and to maximize the social and economic benefits of research, as the G8 Science Ministers acknowledged on the 12th of June 2013 [5]. While the G8 Science Ministers agreed that global challenges require a strengthening of a global research infrastructure, they also recognized that the best way to achieve this would be opening up research data to accelerate discovery and innovation. Eventually, the open source publication of research findings is another important point identified by the G8 Science Ministers.

Ultimately, it seems that the transition is already occurring and that there is a co-existence between traditional, subscription-based journals and the build-up of open access journals. It also appears that there is a general agreement on the positive benefits of OA among many groups operating in both the US and the EU. An emerging concern in the contemporary politics of OA and something that might call for specific OA-related international regulations in the future is the protection of intellectual property rights [6]. Now it remains to be seen how long these trends will continue and how much further OA journals will develop. The inclination towards open access can only benefit the greater proportion of participants in society and can further revolutionize the movement towards making educational resources more accessible to everyone.

Acknowledgments

References

1. Alok J. Open Access Is the Future of Academic Publishing, Says Finch Report. The Guardian. 19 June 2012. Available from: http://www.guardian.co.uk/science/2012/jun/19/open-access-academic-publishing-finch-report (accessed on 27 June 2013).

2. Suber P. Open Access Overview. 2 April 2013. Available from: http://legacy.earlham.edu/~peters/fos/overview.htm (accessed on 27 June 2013).

3. Dutch National Website on Open Access to Scholarly Information. Available from: http://www.openaccess.nl (accessed on 28 June 2013).

4. European Commission. Policy Initiatives—Open Access. Research and Innovation. 14 November 2012. Available from: http://ec.europa.eu/research/science-society/index.cfm?fuseaction=public.topic&id=1294&lang=1 (accessed on 28 June 2013).

5. Foreign and Commonwealth Office. G8 Science Ministers Statement. 12 June 2013. Available from: https://www.gov.uk/government/news/g8-science-ministers-statement (accessed on 28 June 2013).

6. Kapczynski A. The Access to Knowledge Mobilization and the New Politics of Intellectual Property. Yale Law Journal. 2008;117(5):804–885.

Politics and Governance

Political Limits to the Processing of Policy Problems

Peter J. May[1,*], Ashley E. Jochim[2] and Barry Pump[3]

[1] Center for American Politics and Public Policy, Department of Political Science, University of Washington, 101 Gowen Hall, Campus Box 353530, Seattle, WA 98195, USA; E-Mail: pmay@u.washington.edu; Tel.: +1 2065432780; Fax: +1 2066852146
[2] Center on Reinventing Public Education, University of Washington, Seattle, WA 98109, USA; E-Mail: aew9@u.washington.edu
[3] Office of the Historian, U.S. House of Representatives, Washington, DC 20515, USA; E-Mail: barry.pump@mail.house.gov

* Corresponding author

Abstract: This contribution addresses political limits to the processing of policy problems in the United States. Our foci are the forces that limit policymakers' attention to different aspects of problems and how this affects the prospects for problem resolution. We theorize about three sets of forces: interest engagement, linkages among relevant institutions for policymaking, and partisan conflict. We show how the interplay of these forces limits efforts to address complex problems. Based on secondary accounts, we consider these underlying dynamics for ten complex problems. These include the thorny problems of the financial crisis, climate change, and health care; the persistent problems of K-12 education, drug abuse, and food safety; and the looming problems associated with critical infrastructure, the obesity epidemic, ocean health, and terrorism and extreme events. From these accounts we identify different patterns that we label fractured, allied, bureaucratic, and anemic policymaking.

Keywords: complex problems; policy processes; policymaking; problem attention

1. Introduction

Policymaking can be thought of as the conversion of demands into authoritative actions. The scholarly treatment of this spans two different traditions in the literature about American politics. One is the policy process tradition that follows David Easton's [1] depiction of a systems framework that considers the nature of the demands and policy outputs of the political system but leaves the details of the conversion process largely unspecified. The second tradition opens the black box by focusing on policymaking institutions and the processing of demands by presidents, legislatures, and the bureaucracy (see for example, [2-4]). The scholarship associated with both of these traditions is extensive though largely distinct.

librello

These traditions of literature overlap in addressing the organization of policymakers' attention for addressing policy problems. The policy process literature about agenda setting is concerned with the selection of demands for policy action. This literature underscores the multi-dimensional nature of most problems for which gaining policymaking attention to more-or-less agreed upon dimensions is a noteworthy hurdle. Jones and Baumgartner ([5], p. 208) suggest "attention allocation affects the choice of issues, the choice of issue characteristics, and the choice of solutions". But how is attention allocated? A number of scholars (see [6-8]) have argued that the structure of institutions—particularly committees in Congress and agencies in government—affects the channeling of attention towards different policy issues.

A central aspect of how attention is allocated is the interplay of issues and interests among different institutions for policymaking. This interplay is inherently political as various interest groups and partisans attempt to shape institutional agendas to reflect their concerns (see [9], pp. 49–57; [10]) within and across different venues for policymaking (see [11], pp. 228–231; [12], pp. 26–29). Fragmented issue attention frustrates the translation of demands into policies. Unless policymakers are more-or-less on the same page in addressing a given problem, it is difficult to move forward in crafting solutions for remedying the problem.

We examine the forces in American national politics that limit policymakers' attention to different aspects of problems and the prospects for problem resolution. Jones and Baumgartner's [5] information-processing theory of policymaking provides the foundation for our theorizing. They discuss how information overloads within policymaking institutions lead to a mix of selective and shifting attention across different problems and different dimensions of a given problem. In addressing these attention limits, we introduce more explicit consideration of the channeling of attention for a given problem within and across policymaking institutions.

Our argument is as follows. Many problems are multi-dimensional in that they are comprised of intertwined bundles of different issues and characteristics. As a consequence, policymakers must grapple with diverse problem formulations promoted by different policy advocates external to and within government. The degree to which interests are engaged and effectively articulate issues and solutions affects institutional agendas and the foci of policymakers' attention. Yet, how that attention is channeled as problems are processed within and across policymaking institutions differs. In particular, the way in which different aspects of a problem are parceled out and handed off to competing institutions either fosters or hinders policymakers' attention and eventual problem resolution. Fractured attention is especially noteworthy with highly partisan issues as policymakers divert attention through the strategic use of veto points that are built into policymaking institutions. We show how policy problems vary with respect to the interplay of interest engagement, the channeling of attention within institutions, and partisan conflict. This interplay, in turn, leads to different patterns of policymaking that limit policymakers' attention and the prospects for crafting agreed-upon remedies to policy problems.

2. Conceptual Foundations

The development of a shared understanding of a given problem is the essence of policymaking—what Heclo ([13], p. 305) refers to as "collective puzzlement on society's behalf". These shared understandings are shaped by a set of forces that channel policymakers' attention for addressing and resolving policy problems. The convergence in attention to particular dimensions of a problem is a critical element. Without such convergence, as argued by John Kingdon ([9], pp. 173–204), a policy window for taking action will not open. Simply put, policymakers need to be on the same page in order to address a given problem. Problems that have multiple, competing dimensions provide different paths for policymaking as advocates highlight different dimensions, different congressional committees claim jurisdiction, and conflicts arise over the aspects of the problem, if any, to be addressed. These dynamics fragment policymakers' attention and frustrate the potential for problem resolution.

We theorize that interest engagement with a given issue, the way that policymaking institutions are organized for the issue, and partisan conflict over it are key forces that limit the attention of policymakers and the prospects for problem resolution. We elaborate on these notions and the propositions related to them in what follows.

2.1. Interest Engagement and Issue Attention

What draws policymakers' attention to problems in the first place? Exogenous events that cannot be ignored, such as an oil spill or hurricane, are one set of influences (see [14], pp. 131–150; [9], pp. 99–105). But beyond such events triggering attention to problems, why does attention get channeled to some aspects of problems but not to others? For example, the Deepwater Horizon oil spill was about ocean health as much as it was about the fishing communities of the Gulf of Mexico. But in the wake of the disaster, policymakers' attention focused on BP's reparations to local economies. One truism of American politics is that problems are not addressed unless there are advocates for addressing them. Though such advocacy is not sufficient to compel action, it is almost always necessary. Without such advocacy, elected officials or other authoritative actors perceive little benefit in addressing a given problem, and there is a limited basis for crafting viable solutions. Advocates also provide rationales for action.

Interest engagement clearly does not imply agreement among the interests about particular problem formulations or solutions. Interest advocates for different sets of issues often have different beliefs about the nature of the problem or solutions. As a consequence, they fall into what Sabatier and Weible [15] depict as opposing advocacy coalitions. Given divergence in beliefs, the likelihood of agreement on the relevant dimensions of a problem, or the preferred solutions, is low. In the face of such conflict, policymakers are reluctant to pick "winners" or "losers" in such debates unless they have a compelling rationale for doing so. These considerations lead to the proposition:

> Proposition 1—Interest Engagement. Policymaking attention is fragmented by the presence of competing advocacy coalitions and weak policy communities.

This proposition gets at the makeup of the networks of interests (see [13]) and the extent to which they become politically relevant forces in drawing attention to a given dimension of a problem and providing a political rationale for addressing it (see [10]). Organized interests compete with each other in advancing issues, shaping problem formulations, putting forth preferred solutions, and lobbying policymakers (see [16]; [9], pp. 48–74). The important point from our perspective is how this is sorted out across issues rather than across interest groups. As Baumgartner and his colleagues empirically demonstrate ([16], pp. 1–28), some issues attract a lot of interest engagement while others receive little. Though focusing events like disasters and scandals are presumed to draw attention to particular issues, Birkland ([14], pp. 62–73) shows that this only happens in a sustained way when organized interests exist and are capable of capitalizing on the focusing event.

Weakly developed issue networks and policy communities characterize some issues (see [17]). As we show below, a variety of current policy problems—critical infrastructure, ocean health, and the threat of terrorism—have weakly developed publics. This results from insufficient incentives for groups to mobilize around the problem, as is especially the case with public goods. Without political mobilization that spans dimensions of a given problem, policymakers have a limited basis for taking policy action.

2.2. Structure of Policymaking and the Channeling of Attention

Policymaking institutions channel attention to issues differently. The ways these institutions shape how multi-dimensional problems—those that are comprised of intertwined bundles of different issues and characteristics—are processed is of particular interest (see [5], pp. 4–17). Climate change is as much about agricultural and forestry practices as it is about fossil fuel energy consumption.

Despite the potential for shifts in attention to the issues that are deemed important at any point in time, it is useful to remember that the allocation of attention across issues is highly organized within American policymaking institutions. Procedural rules formally define jurisdictions within Congress, though committees compete for turf (see [18]) and agencies have defined areas of expertise and reputations to defend [19]. As a consequence, the collective puzzling about problems is often parceled out in structured ways within and among policymaking institutions. This permits the efficient handling of large numbers of problems but also limits the treatment of complex, multi-dimensional problems. This is because different policymaking institutions (different committees in Congress and different agencies) focus on different dimensions or attributes of a given problem.

How attention is channeled for different attributes of a problem within and among policymaking institutions affects the foci of policymakers' attention. Of particular relevance is the degree to which actors in different policymaking institutions are connected and interdependent. We think of institutional interdependencies as the extent to which actors dealing with aspects of a given problem overlap or are linked through regular agency or committee interactions (see [20]), share ideas or policy goals as with boundary-spanning regimes (see [21]), or have "policy proximity" provided by shared policy tools or other features (see [22], p. 20). These institutional alignments condition patterns of attention, and at the same time they embody past patterns of political conflict and agreement. In this respect, the institutional channeling of attention is at least partially conditioned on prior patterns of policymaking for a given issue.

The distinction between serial and parallel processing of information is especially relevant (see [23]). Highly interdependent institutions are subject to serial processing of information as policymakers hand off problems through more-or-less regularized channels. Consider the financial crisis of 2008 that began as a banking crisis and rapidly cascaded into a crisis for insurance, securities and fiscal policy. Not only are these issues interrelated but the policymaking institutions that deal with them are tightly linked (see [24]). Actors in less interdependent policymaking institutions do not have patterns of interaction that establish regularized information flows among them. Contrast the financial crisis with the disruptions following the terrorist attacks of 9/11 and subsequent policymaking. In studying the policy reverberations of the terrorism threat, May, Sapotichne and Workman [25] show that policymakers in different committees in Congress worked through their sense of the problem and viable solutions in a disconnected fashion.

Policymakers in interdependent institutions have advantages in forming policy responses to complex policy problems. Resolution of the problem becomes a shared undertaking as the fate of political actors

becomes linked as a result of their common connections (see [26]). At the same time, the involvement of regularized sets of players leads to the treatment of problems in a similar manner to the past. This is because the "usual suspects" often wear blinders that limit the incorporation of new information and perspectives in problem processing. In other words, the structure of institutional interactions matters for how information about policy problems is processed. When a problem or event falls outside "standard operating procedure", interdependent institutions may lack the capacity to adapt their structure and respond in a timely manner. This leads to the following proposition:

> Proposition 2a—Interdependent Institutions. Policymaking attention is constrained when highly interdependent institutions limit the capacity of policymakers to confront new or unexpected problems.

For example, in attempts to address the financial crisis of 2008, power coalesced around the Secretary of the Treasury and the Chairman of the Federal Reserve Board of Governors because the tightly knit congressional structure designed to deal with banking issues could not process all the elements of the crisis in a timely manner. In contrast to the "land rush" observed in other crises (see [27]), where committees with varying interests each tried to claim jurisdiction over a particular aspect of the problem, the financial crisis was characterized by a streamlined decision-making process with all the congressional stakeholders at, sometimes literally, the same table with administration and bureaucratic officials (see [28], pp. 442–443). Despite the potential for turf wars due to overlapping jurisdictions (e.g., Financial Services with Judiciary on bankruptcy or Financial Services and Energy and Commerce on consumer issues), Congress essentially abdicated its oversight and policymaking functions at the height of the crisis, as evinced during the 2010 midterm elections when incumbents struggled to explain their votes for the Troubled Asset Relief Program and other bailouts.

> Proposition 2b—Loosely-Linked Institutions. For problems processed in loosely linked institutions, policymaking attention is fragmented by institutional conflicts.

Institutional conflicts are more likely to arise when attention to problems is parceled out among less interdependent institutions. This is because actors in competing institutions (committees and agencies) attempt to define the dimensions of the problem at hand and available solutions to fit their purview (see [5], pp. 55–70; [9], pp. 99–105). Jurisdictional competition in Congress and within the bureaucracy acts as a disintegrative force as loosely-linked political institutions pull policymaking in different directions (see [11]; [29], pp. 193–215; [30]). External shocks like 9/11 can lead to spillovers in attention as different players see connections between the focal event (e.g., an airplane crashing into the World Trade Center) and issues of concern to them (e.g., potential poisoning of the food supply). Yet, the attention is uneven across policymaking institutions given that they vary in their susceptibility to the disruption and ability to generalize from it. The net result of such institutional conflict is to increase the potential for impasse, delays, and disjunctions in policymaking.

2.3. Partisan Conflict and Veto Points

Policy problems differ in the extent to which they engender partisan conflict. Some problems such as the obesity epidemic and drug abuse are valence issues for which there is little debate about the desirability of acting but conflict over the role of government and appropriate interventions (more generally see [11], pp. 150–171). Other problems such as climate change engender varied patterns of partisan conflict over the problem and solutions. In generating a "heated up" policy space, partisan conflict fosters an unstable policymaking environment. Each set of competing issue dimensions presents opportunities for partisan policy entrepreneurs to take advantage of veto points that are built into the institutions of policymaking. Skillful use of these hurdles can frustrate policymaking. This leads to the following proposition:

> Proposition 3—Partisan Conflict and Veto Points. Partisan conflict increases the strategic importance of veto points and fragments policymaking attention.

This proposition addresses the way that members of opposing political parties have increasingly taken advantage of the multiple veto points inherent in the American political system to frustrate policymakers' attention. This has expanded beyond the use of committee power in order to block bills in Congress. There has been increased use of procedural rules to modify the extent of debate and filibusters in the Senate to block policy enactment (see [31]). These mechanisms have both direct effects in delaying or blocking policy action and indirect effects in advocates' reshaping policy proposals in order to avert partisan use of procedural maneuvers. Daniel Carpenter ([32], p. 825) refers to the combined effect of this as "institutional strangulation" derived from "strategies of partisan intransigence".

Consider recent attempts to modify financial regulations in the wake of the 2008 crisis. The proposed new regulations spanned multiple issues from the size of banks to the creation of open exchanges for trading derivatives. In about a month and a half of consideration in the U.S. Senate, only a handful of contested votes did not fall largely along party lines. Indeed, even the definition of "financial company" was subject to a party-line vote (see [33]). This illustrates how partisan conflicts often begin as ideological disagreements but

spill over into the more mundane aspects of policy-making when there are perceived electoral returns on disagreement.

We theorize that the effect of partisan intransigence in undermining problem resolution differs when issues are processed serially or in parallel. Under serial processing, where the resolution of issues is handed-off among connected policymaking institutions, any single veto point in the chain is a source of delay, if not blockage of problem resolution. Policy entrepreneurs must work hard to eliminate the veto points or to gain sufficient consensus to overcome them. Carpenter ([32], p. 828) discusses how this played out for financial reform in the Obama Administration in documenting how provisions in the House bill were "watered down and in some cases abjectly voted down" by those promoting reform in order to press ahead. Moreover, Carpenter ([32], p. 830) suggests that the associated policy networks and agencies that are tightly linked in financial policymaking form less formal veto points: "the veto points are not necessarily those of Congress, but those of administrative and advisory politics. In this networked world, ideas are more likely to disappear from the agenda not with research, but because they are deemed outside of the set of 'legitimate' ideas".

Partisan forces are also at work for the parallel processing of issues. But here the structure of policymaking works to limit the importance of a single veto point and enables "work arounds". Consider the evolution of homeland security policy after the terrorist attacks of 11th September 2001. Policymakers in different committees in Congress worked through their sense of the problem and viable solutions in a disconnected fashion, which led to the creation of issue-specific legislation such as the creation of the Transportation Security Administration for transportation security [34] and passing the Public Health Security and Bioterrorism Response Act of 2001 [35] for biosecurity. This is far different than creation of a comprehensive homeland security reform. Even when that came later with the enactment of the Homeland Security Act of 2002 [36], numerous—largely disconnected—committees in Congress were involved, leading to both the kind of turf fights we cite above as endemic to parallel processing and also the piecemeal patching together of different provisions (see [37], pp. 689–700).

3. Varieties of Problems

We examine ten complex problems in order to characterize the interplay of interest engagement, institutional channeling of attention, and partisan politics in limiting policymakers' attention to particular dimensions of a problem and resultant problem resolution. We selected these cases with several considerations in mind. We only selected contemporary domestic problems. This provides a current perspective rather than a historical one. In order to provide meaningful comparisons, we selected cases to ensure sufficient variation among the three forces we consider. We also sought cases that reflected different problem areas. Finally, we sought cases for which there is an available academic and policy literature that depicts the politics surrounding the problem and efforts to resolve it. This included a review of relevant scholarly literature in political science and public administration, policy digests by government analytic agencies (mainly Congressional Research Service, General Accountability Office), and policy digests by independent sources (mainly CQ Researcher and CQ Almanac).

Our evidence for the political processing of these is drawn from the secondary accounts. For each case, we developed a profile that characterized the nature of the problem and evidence for linkages among relevant policymaking institutions, the engagement of different publics, and the extent and forms of partisan conflict surrounding the problem and its resolution. These assessments are necessarily impressionistic because of the variation with which the source material addresses the characteristics of interest for our research.

We assessed institutional linkages by looking for evidence of commonalities among committees in Congress, the White House, and the bureaucracy when they addressed the problem or considered solutions. An example of stronger linkages is the interplay between the Treasury Department, Federal Reserve, and Congressional banking committees in addressing the cascading effects of the fiscal crisis. An example of weaker linkages is the parallel policy development among different sectors for addressing the protection of critical infrastructures.

We assessed the degree of engagement of different interest groups and other policy publics when they addressed each problem or advocated solutions. The extent to which these groups advocated for similar problem formulations and solutions is of particular relevance. Finally, we considered various aspects of partisan conflict. The degree of partisan conflict is affected by the extent of ideological polarization and the electoral importance of an issue for the majority party's legislative coalition. Electoral importance is a significant dimension of partisan conflict because it affects a majority coalition's willingness to address an issue (i.e., put it on the agenda) and the opposing party's willingness to counter-mobilize and draw potentially advantageous distinctions. Health care reform illustrates this as ideological polarization between political parties is exacerbated by the electoral significance of the issue, which results in an unusually high degree of conflict. Issues characterized by the weakest degree of partisan conflict demonstrate little polarization and are low among the parties' policy priorities while issues characterized by the greatest degree of partisan conflict are both highly polarizing and key electoral issues.

Relevant features of the different policy problems we considered are arrayed in Figure 1.
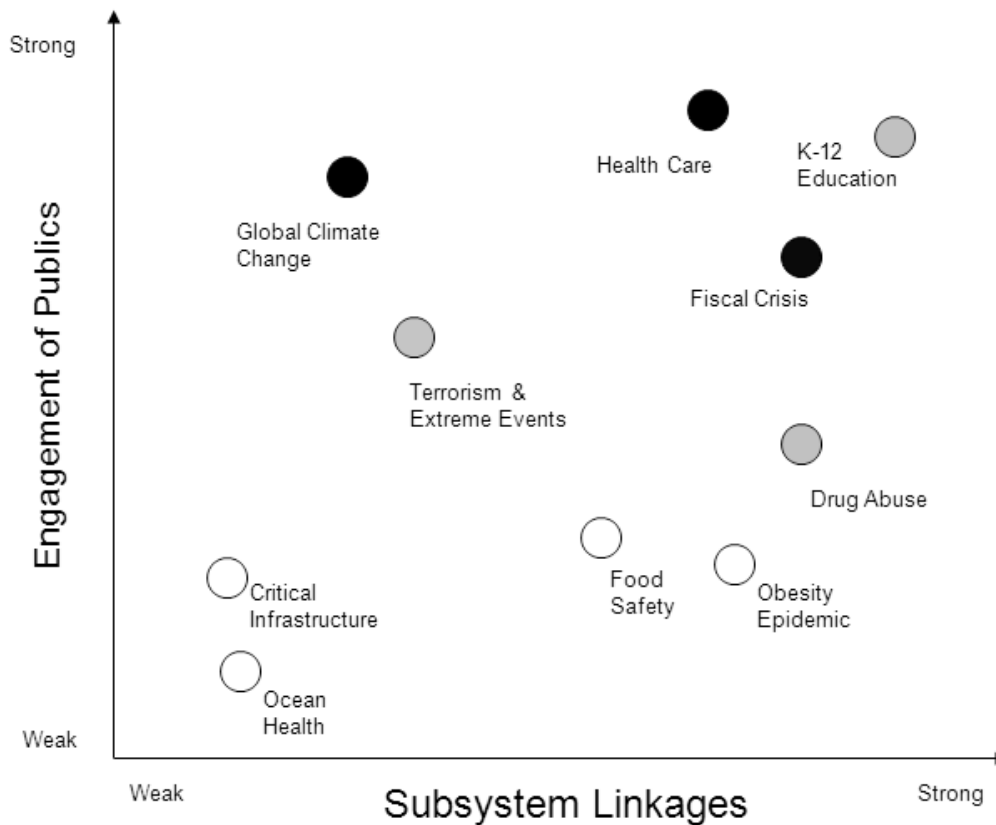
Figure 1. Policymaking features of selected policy problems. Circles indicate the degree of partisan conflict over an issue or solution—darker shading indicates greater conflict.

The horizontal axis depicts the strength of linkages among relevant institutional actors, keeping in mind that the number of relevant institutions (i.e., committees in Congress, federal agencies) varies among the selected problems. The vertical axis depicts the strength of engagement of different interests. The shading of the circles next to each issue label indicates the extent of partisan conflict with darker circles depicting greater conflict. Given the imprecision of measuring each of these, it is best to consider the location of each problem as a relative comparison rather than an absolute one.

Several points stand out from this comparison. One is the variation in the political and policymaking characteristics of these problems. Some, such as health care and K-12 education, have well-established policy-making venues with engaged publics and moderate to high degrees of partisan conflict. Others, like critical infrastructure and ocean health, are more disconnected in their policy treatment with limited engagement of policy publics and low levels of partisan conflict. A second observation is that nearly three-quarters of the problems can be labeled valence issues involving the lessening of harms. Yet, unlike typical valence issues, there is partisan debate for a number of these problems about the extent and timing of future harms and thus the need to act now or in a comprehensive fashion. Contrast the immediacy and the rush to act

during the financial crisis with the more glacial approach and uncertainties surrounding approaches to addressing global climate change. A third observation is the interplay of partisan conflict with the other dimensions we consider. Higher degrees of partisan conflict are associated with stronger engagement of publics, perhaps reflective of the increased salience of the issues and the more entrenched beliefs about the problem or solutions. The strength of institutional linkages appears to be only loosely related to partisan conflict.

The cases suggest four broad patterns of policymaking. Those that fit within each pattern are identified by dividing each axis in two so as to provide four quadrants: Two cases in the upper left (climate change and terrorism and extreme events), three in the upper right (economic crisis, health care, and K-12 education), three in the lower right (drug abuse, food safety, obesity epidemic), and the remaining two cases in the lower left (ocean health and critical infrastructure). Based on our reading of the secondary literature concerning these problem areas, we identify four fairly distinctive policymaking patterns. It is important to recognize that there is variation among cases within each of these quadrants in part due to differences in the extent of partisan conflict. The policymaking patterns and resultant limits to problem resolution are summarized in Table 1 and elaborated in the following discussion.

Table 1. Policymaking patterns and their limits.

		Institutional Linkages	
		Weak	**Strong**
Engagement of Publics	**Strong**	*Fractured Policymaking*	*Allied Policymaking*
		• High salience	• High salience
		• Disintegrative politics	• Coalition politics
		• Partial resolution	• Unstable resolution
	Weak	*Anemic Policymaking*	*Bureaucratic Policymaking*
		• Low salience	• Low salience
		• Seemingly apolitical	• Turf politics
		• Lacking resolution	• Deferred resolution

3.1. Fractured Policymaking

The two cases in the upper left quadrant comprise what we label fractured policymaking; marked by highly engaged interests that emphasize different aspects of a given problem, moderate to high partisan conflict, and weak institutional linkages. The strong engagement of publics increases the salience and political stakes of these issues, adding to their fractured politics. The disorganized and haphazard issue attention is a result of weak institutional linkages and the parallel processing of different issue attributes among different institutions (especially committees in Congress). The result is attention to a particular dimension of a problem rather than to the interplay of multiple dimensions. These dynamics are evident from considering the two cases in this quadrant.

Most discussions of climate change highlight the interplay of the physical and socio-economic dimensions of the evolving problem, the uncertainty over the extent of the problem, and the difficulties of projecting future impacts (see [38]). For our purposes, however, the important considerations are the political and policymaking limits to addressing the problem in an integrative fashion. We attribute failure to achieve comprehensive approaches in the United States to the forces that undermine problem resolution. One is the weak ties among relevant actors in different policymaking institutions (primarily different congressional committees), which consider different aspects of the problem—principally, Agriculture, Energy and Commerce, Natural Resources, Small Business, and Taxation (see [39]). In essence, policymakers are acting in parallel with different agendas, timelines, and foci. By definition, this fragments attention. Second, the extensive engagement of different coalitions addressing aspects of the problem and advocating solutions undermines reform efforts. As discussed by McCright and Dunlap [40], this was especially evident in the efforts of different coalitions to defeat the ratification of the Kyoto Protocol. The third force, which has been noteworthy for limiting the enactment of reforms, is the high degree of partisan conflict at national levels over climate change issues. Dunlap and McCright [41] document the partisan split in the general public and within Congress, as Republicans are increasingly reluctant to address the problem.

The terrorist attacks of 11th September 2001 clearly elevated the threat of terrorism on the policy agenda and focused policymakers' attention to that threat and potential spillover concerning such things as the safety of the food supply and threats to public health. May, Sapotichne and Workman [25] empirically demonstrate the policymaking responses to these threats were highly disjunctive in that different congressional committees worked through their sense of the problem and viable solutions in a disconnected fashion. The end result was a set of policies that reflected the different agendas, constituencies, and political concerns of the various committees and federal agencies that addressed different risks. The creation of the Department of Homeland Security provided a hobbled approach to coordinating these efforts with an agency that was stitched together in a haphazard manner (see [42,43]). The failures of the response to Hurricane Katrina highlighted the singular focus of the homeland security efforts on terrorism at the expense of ignoring the threats posed by natural and technological disasters. The end result of this policymaking is what May, Jochim and Sapotichne [44] characterize as a weak policy regime. Despite the evident limits of this regime, the homeland security apparatus has been sustained politically by partisan coalitions in Congress who benefit from fomenting concerns about terrorism (more generally see [45], pp. 78–110).

3.2. Allied Policymaking

The three cases in the upper right quadrant comprise what we label allied policymaking; marked by high salience and fairly contentious partisan conflict, but supportive reform coalitions. Partisan politics strongly influenced these issues as they were mainly serially processed within interdependent policymaking institu-

tions. The result is what we label unstable problem resolution. In each instance the problems narrowed—K-12 education focused on accountability, health care focused on access (as opposed to cost reduction), and financial reform focused on stability (with less attention to systemic risk). This narrowing allowed for policymaking around key aspects of each problem while also disappointing advocates concerned with other problem aspects, thereby undermining the reforms. For the cases of health care and financial reform, the partisan use of veto points led to further instability, which resulted in adjustments that weakened the reforms. These dynamics are evident from considering each of the three cases in this quadrant.

The politics and policymaking for K-12 education is marked by a fairly stable policy community that has operated for decades at the federal, state, and local levels involving key players like teachers' unions, experts and researchers, civil rights organizations, and bureaucrats. Though there have been sharp divides among the players over a range of K-12 issues (see [46]), reform coalitions have formed at various points in time among key allies within the K-12 policy community—most notably for the enactment of No Child Left Behind in 2001. In this regard, Paul Manna [47] discusses how the sharing of ideas and the linkages across different venues of policymaking fostered changes in the national education agenda along with a narrowing of that agenda. Patrick McGuinn [48] advances this understanding by showing how the power of ideas such as accountability, standards, and testing took hold at a time of increased concern about educational performance. As attention converged on accountability, reformers largely overcame traditional bases of opposition. Presidential advocacy provided additional momentum for accountability-based reform. All of this was accomplished in a bipartisan manner, although this masked the underlying disorder generated by conflicts involving teachers' unions, some state governors, and other educational reform advocates. The subsequent backlash to K-12 accountability underscores the fragility of such coalitions (more generally see [49], pp. 29–33).

The saga of health care reform, which began in the run-up to the 2008 election and continued through the enactment of comprehensive reforms in March 2010, epitomizes the political and policymaking complexities of allied policymaking. The long history of failed health care reforms in the United States is, as David Wilsford [50] points out, marked by powerful government institutions and conflicting interests (also see [51]). Theda Skocpol's [52] insightful depiction of the failures of the Clinton health care reform further underscores the challenges of creating a reform coalition in Congress and a strong constituency for a particular plan. As analyzed by Jacob Hacker [53], the quest for consequential reform seemed to define the Obama administration's efforts to avoid the pitfalls of the Clinton reform and Congress's efforts to craft a

viable coalition in support of increasingly less-comprehensive reforms—albeit with shifting definitions of what constituted meaningful reform. In essence, the "comprehensive" reform became a "stitched-together" reform in search of a viable allied coalition. A major constraint throughout was the partisan divide in Congress over reform, which continues today with promises by conservative Republicans to dismantle the enacted reforms.

The regulatory overhaul of the financial system in 2010 further illustrates allied politics with the added pressures of an extraordinary crisis in the global financial system. Banks stopped lending and the problems facing the financial industry led to the worst economic downturn since the Great Depression. In this regard, the effects of the problem were widely felt, to put it mildly. Yet, the policymaking that ensued did not reflect this degree of disruption, as linked-players within the banking, finance, and securities subsystems engaged in serial processing of the problem. Perhaps more than for any other contemporary problem, these players were acutely aware of their "shared fate" in crafting reform. As Congleton [54] notes, policymaking to deal with the financial crisis and its underlying causes was remarkably routine given how the urgency of the crisis permeated the discourse and decision making of policy actors. Williams [55] suggests this is due to the tight linkages among relevant players with few new players entering the policy discussion. As discussed by Carpenter [32], competing ideological visions for the role of government in the economy dominated the partisan conflict over policy responses. Minority-party Republicans perceived electoral returns on disagreement with majority-party Democrats, and the high level of polarization led to tremendous gridlock but for a small group of moderate Republicans who made increasingly less-comprehensive reform possible.

3.3. Bureaucratic Policymaking

The three cases in the lower right quadrant comprise what we label bureaucratic policymaking; marked by moderate to low partisan conflict that plays out mostly in the policymaking backwaters, occasional high-level attention, and reliance on experts to drive policy change. The weaker engagement of publics reflects the generally low salience of these issues. As a consequence, the subject matter experts within government and specialized organizations that follow the issues provide the impetus for action and the sources of policy reform, which results in policymaking that is deferred, but not explicitly delegated, to the administrative branch. At times, as with each of the cases we consider, there is higher-level intervention on the part of presidents seeking coordinated action among President agencies. Though Congress has been involved in holding hearings and considering reforms, most of the policymaking for these issues has involved new regulations or administrative efforts to better co-

ordinate agency actions. These dynamics are evident from considering each of the three cases in this quadrant.

The politics of drug abuse policy is not as straightforward as it appears. On the one hand, it is a classic macro-political issue driven by presidential initiatives that began in 1971 with Nixon's War on Drugs and continued as a mainstream aspect of presidential politics in future elections (see [56]; [57], pp. 34–73). Few political actors seem to be able to resist punitive attitudes given the dynamics of a highly salient issue coupled with a weak and powerless target group. However, as much as macro political attention seems to dominate efforts to define the drug problem, there is also an "inside-the-beltway" component driven by the prominent role that federal, state, and local criminal justice bureaucrats play in policymaking (see [58]). As shown by Meier and Smith [59], the durability of drug use criminalization has been reinforced by the powerful set of interlocking federal, state, and local enforcement agencies, with strong federal funding and access at local levels to asset seizures made under the Crime Control Act of 1984. The countervailing forces of public health advocates who argue for drug treatment programs have gained traction at various points in time, but they are generally politically weaker than the criminal justice advocates.

The safety of food in the United States is a problem that receives episodic attention in the aftermath of different scares which attract media attention. Beginning with the Meat and Poultry Act of 1906, which followed Upton Sinclair's depiction of the stockyards of Chicago, food safety has been marked by a patchwork system of laws, regulations, and responsible authorities, which largely grew out of efforts to address specific health threats from particular food sources, rather than some coherent, over-arching master plan (see [60]). There have been presidential and congressional efforts to bring about comprehensive reform of food safety regulation (see [61]). The most notable among these was the long-sought passage of the Food Safety and Modernization Act in 2010 [62]. Though the reform is notable in giving the FDA expanded powers and reducing the bureaucratic confusion in food safety inspection, the same forces that conspired to impede prior reforms worked to limit key aspects of the 2010 reform. Chief among these are a powerful industry alliance of food producers and packers that has raised concerns about the costs of reforms and challenged new regulations in the courts (see [63]). Consumer and environmental groups have had only limited effectiveness in advocating for reforms. Given the insufficient political basis for comprehensive reform, change has been typically accomplished through the regulatory process. The exception is the 2010 reform that was blocked in the Senate for over a year, but pushed through with a bipartisan Senate vote (73–25) in the wake of a massive recall of more than a half-billion tainted eggs. Reform advocates were able to take advantage of this although the reform will take years to implement and depend on additional funding to carry it out.

The problem of obesity has received much attention in the media and health circles in recent years in the United States. Despite increased attention to the problem by public health advocates, there appears to be little concern on the part of the broader citizenry and traditional ideological or partisan divisions do not seem to apply at national levels (see [64]). As in the politics of food safety, strong food industry interests and their supporters have muted advocates for comprehensive policy (see [65]). States and localities have filled the void with a patchwork of regulatory actions. But, as noted by social policy observers Kersh and Morone [66], gaps and regulatory inconsistencies have led advocates to renew calls for coherent national approaches. As for the drug abuse and food safety problems, high-level executive branch intervention—in this case a White House Task Force led by Michelle Obama—has attempted to bring about greater policy coherence for addressing childhood obesity. That initiative sets a goal of solving the problem of childhood obesity in a generation, commits federal agencies to a number of administrative actions in support of that goal, and establishes a variety of partnerships with advocacy and private-sector organizations.

3.4. Anemic Policymaking

The remaining two cases in the lower left quadrant comprise what we label anemic policymaking because of the lack of impetus for addressing them and a limited basis for problem resolution. Sustained attention to such issues is typically limited to narrow policy communities around vague problem conceptualizations. These are the most difficult problems to address from a political perspective. The difficulties arise from several sources. One is the disconnection between players addressing aspects of the problem. Absent macro-political intervention by presidents or congressional leaders, usually in the wake of a major crisis, there is little basis for agreement about the problem or its resolution. Even in the aftermath of major crises, reform efforts can be piecemeal and short-lived. Unlike allied policymaking, there is little basis for forming an effective coalition in support of reform. Like bureaucratic policymaking, these issues are largely within the domain of substantive policy experts. The relative lack of partisan conflict might be viewed as positive. Yet the lack of broader-based publics undermines the impetus for action. These dynamics are evident from considering aspects of the three cases in this quadrant.

Though two major commissions have recently highlighted the seriousness of the decline of ocean health—the Pew Oceans Commission [67] and the U.S. Commission of Ocean Policy [68]—progress in addressing this problem has been halting and piecemeal. The Pew Oceans Commission report ([67], p. viii) suc-

cinctly states: "plagued with systemic problems, U.S. ocean governance is in disarray". The disarray reflects the institutional layering of responsibilities ranging from environmental conditions, to fisheries management, to international trade that the Pew report notes constitute more than 140 laws involving at least six cabinet-level departments and dozens of agencies.

But why has such reform been stymied, given the seeming consensus about the need for it? The answer, we argue, is the lack of engagement among a broader-based set of publics. In this regard, Sarah Chasis ([69], p. A20) of the Natural Resources Defense Council notes that progress is stymied by "too few ocean champions on the Hill, the lack of a strong administration leadership, tight budget times, and a lack of public awareness". At the same time there has been little partisan or interest group conflict over the need to address these problems. The lack of partisanship is evinced by Bush administration appointments to the U.S. Commission on Ocean Policy and by the Obama administration's formation of the National Ocean Council for coordinating governmental programs. Though these issues have reached the presidential agenda, they are notably absent from the congressional agenda. As suggested by the actions of the Obama administration, future change for ocean policy may look more like bureaucratic policymaking than reform policymaking.

Attention to the security of the nation's critical infrastructure—banking and communications, chemical plants, energy facilities, government facilities and other "critical assets"—has also been dominated by presidential actions, beginning in 1996 with President Clinton's appointment of the Commission on Critical Infrastructure Protection. Subsequent documents have had varied definitions of what constitutes critical infrastructure involving a plethora of different federal, state, and private entities (see [70]). The engagement of different interests has been very uneven and highly disbursed among the different types of critical facilities that are designated within the federal "partnership plan" for addressing critical infrastructure. This unevenness undermines the ability to bring about co-ordinated action in support of a national approach to the problem. As noted by Myriam Dunn ([71], p. 260), in discussing one aspect of the problem, critical information protection "has become an issue of high relevance to many different, very diverse, and often overlapping communities. These different groups, be they private, public, or a mixture of both, usually do not agree on the nature of the problem or on what needs to be protected. Depending on their influence or on the resources at hand, various key players shape the issue in accordance with their view of the problem". Here the limits are as much within the private sector as they are within the public sector. As with ocean policy, the politics of infrastructure protection are played out by experts and with little or no partisan rancor. The result is a policy path defined by bureaucratic inertia around "partnership planning" that has evident disjunctions.

4. Conclusions

The preceding discussion helps to identify the forces in American politics which conspire to fragment policymakers' attention to different aspects of problems and thereby limit the prospects for problem resolution. Perhaps the most important point is that these forces vary considerably in their significance for different types of problems. Fractured policymaking, as found for climate change and the threat of terrorism, is marked by disintegrative politics, moderate to strong partisan conflict, and partial policy resolution. Allied policymaking, as found for the financial crisis, health care, and K-12 education, is marked by high salience, fairly contentious partisanship, and unstable policy resolution. Bureaucratic policymaking, as found with the national drug abuse problem, lapses in food safety, and the obesity epidemic, is marked by moderate to low partisan conflict, reliance on experts and bureaucrats as the drivers of policy change, and deferred policy resolution to the administrative branch. Anemic policymaking, as found for the problems of declining ocean health and the vulnerability of critical infrastructures, is marked by low salience, weak and insufficiently developed publics, low to moderate partisan conflict, and a limited basis for policy resolution.

Each pattern of policymaking suggests a different challenge for achieving policy resolution. Problems that are characterized by fractured policymaking and are hampered by partisan conflicts can be especially difficult to overcome. Any prospect for reform would seem to rest on effective coalition building as the examples of allied policymaking—financial reform, health care reform, and K-12 education—demonstrate. Yet such reform policymaking entails transitory and unstable coalitions that can dissolve and weaken the political basis for the reforms, as discussed by Eric Patashnik ([49], pp. 29–33). Bureaucratic policymaking suffers from the inability to "lock in" policy changes without legislative action. The challenges of anemic policymaking are particularly acute in that they lack the interest bases for mobilizing action and tend to fall through institutional cracks.

This discussion raises at least two considerations that merit consideration in future research. One is the mechanisms for, and patterns in, the transformation of problems from one category of policymaking to another over time—in other words, the political dynamics of problem processing. We have hinted at how some problems (health care in particular) have moved from the realm of fractured policymaking to allied policymaking. Here, the keys were coalition building in support of more comprehensive policy. But clearly that is difficult to achieve and any such coalition is likely to be highly unstable. In this case, as in financial sector reform, the degree of comprehensiveness waned as

the process played out. Problems characterized by bureaucratic policymaking take on new dynamics with macro-political involvement, as illustrated by the 2010 reforms in food safety. Such transformations in bureaucratic policymaking tend to be episodic and driven by focusing events, as illustrated by the massive egg recall in 2010, prompting food safety reform. We also suggest that presidential administrative reforms have the potential for converting anemic policymaking to bureaucratic policymaking. This is illustrated by the treatment of food safety in the past and the emerging federal steps in addressing the obesity epidemic. But we noted that such actions are limited in that they do not provide the necessary constituency or political support to be durable reforms.

A second future research direction gets at the reasons why the political processing of problems take the forms that they do. We have identified the policymaking patterns for various problems and the elements that comprise each pattern, but we have not established how these patterns come about. Put differently, the patterns of policymaking do not occur by happenstance. Different interests may be well served by keeping the treatment of a given problem anemic or on the back burner of government. Why, for example, have the well-recognized problems associated with declining ocean health not been addressed? Or why was the fractured system of monitoring the safety of food that way for so long? In these and other similar circumstances, it is evident that some interests benefit from more limited policy actions. These same forces are likely at work in establishing and maintaining the institutional arrangements that channel policymaking attention in particular ways either to foster or fragment uniformity in attention.

Consideration of how fundamental forces in American politics limit the treatment of different problems adds new insights for the study of public policy. As this contribution suggests, two lines of inquiry are especially relevant: how attention is channeled into different dimensions of problems within and across policymaking institutions and how interest-based and partisan politics are both affected by the channeling of policymaking attention and help to limit it.

Acknowledgements

References

1. Easton D. An Approach to the Analysis of Political Systems. World Politics. 1957;9(3):383–400.

2. Baumgartner FR, Jones BD, MacLeod MC. The Evolution of Legislative Jurisdictions. The Journal of Politics. 2000;62(2):321–349.

3. Jones BD, Sulkin T, Larsen HA. Policy Punctuations in American Political Institutions. American Political Science Review. 2003;97(1):151–169.

4. May PJ, Workman S, Jones BD. Organizing Attention: Responses of the Bureaucracy to Agenda Disruption. Journal of Public Administration Research and Theory. 2008;18(4):517–541.

5. Jones BD, Baumgartner FR. The Politics of Attention. Chicago, IL, USA: University of Chicago Press; 2005.

6. Arrow KJ. The Limits of Organization. New York, NY, USA: W. W. Norton and Company; 1974.

7. Hammond TH. Agenda Control, Organizational Structure and Bureaucratic Politics. American Journal of Political Science. 1986;30(2):379–420.

8. Krehbiel K. Information and Legislative Organization. Ann Arbor, MI, USA: University of Michigan Press; 1991.

9. Kingdon JW. Agendas, Alternative, and Public Policies. Glenview, IL, USA: Scott, Foresman and Company; 1984.

10. Stone DA. Causal Stories and the Formation of Policy Agendas. Political Science Quarterly. 1989;104(2):281–300.

11. Baumgartner FR, Jones BD. Agendas and Instability in American Politics. Chicago, IL, USA: University of Chicago Press; 1993.

12. Pralle SB. Branching Out, Digging In: Environmental Advocacy and Agenda Setting. Washington, DC, USA: Georgetown University Press; 2006.

13. Heclo H. Issue Networks and the Executive Establishment. In: King A, editor. The New American Political System. Washington, DC, USA: American Enterprise Institute; 1974. pp. 87–124.

14. Birkland TA. After Disaster: Agenda Setting, Public Policy, and Focusing Events. Washington, DC, USA: Georgetown University Press; 1997.

15. Sabatier P, Weible C. The Advocacy Coalition Framework, Innovations and Clarifications. In: Sabatier P, editor. Theories of the Policy Process. 2nd ed. Boulder, CO, USA: Westview Press; 2007. pp. 189–220.

16. Baumgartner FR, Berry JM, Hojnacki M, Kimball DC, Leech BL. Lobbying and Policy Change: Who Wins, Who Loses, and Why. Chicago, IL, USA: University of Chicago Press; 2009.

17. May PJ. Reconsidering Policy Design: Policies and Publics. Journal of Public Policy. 1991;11(2):187–206.

18. King DC. Turf Wars: How Congressional Committees Claim Jurisdiction. Chicago, IL, USA: University of Chicago Press; 1997.

19. Carpenter DP. Reputation and Power: Organizational Image and Pharmaceutical Regulation at the FDA. Princeton, NJ, USA: Princeton University Press; 2010.

20. Zafonte M, Sabatier PA. Share Beliefs and Imposed Interdependencies as Determinants of Ally Networks in Overlapping Subsystems. Journal of Theoretical Politics. 1998;10(4):473–505.

21. Jochim AE, May PJ. Beyond Subsystems: Policy Regimes and Governance. Policy Studies Journal. 2010; 38(2):303–327.

22. Nohrstedt D, Weible CM. The Logic of Policy Change after Crisis: Proximity and Subsystem Interaction. Risk, Hazards & Crisis in Public Policy. 2010;1(2): 1–32.

23. Workman S, Jones BD, Jochim AE. Information Processing and Policy Dynamics. Policy Studies Journal. 2009;37(1):75–92.

24. Khademian A. Bankruptcies, Bailouts and the Banking Bureaucracy: The Bush Agenda and the Capacity for Crisis. The Forum. 2009;7(4):1–19.

25. May PJ, Sapotichne J, Workman S. Widespread Policy Disruption: Terrorism, Public Risks, and Homeland Security. Policy Studies Journal. 2009;37(2):171–194.

26. Grant W, MacNamara A. When Policy Communities Intersect: The Case of Agriculture and Banking. Political Studies. 1995;43(3):509–515.

27. Jones CO, Strahan R. The Effect of Energy Politics on Congressional and Executive Organization in the 1970s. Legislative Studies Quarterly. 1985;10(2): 151–179.

28. Sorkin AR. Too Big to Fail: The Inside Story of How Wall Street and Washington Fought to Save the Financial System—And Themselves. New York, NY, USA: Viking; 2009.

29. Alder ES, Wilkerson JW. Intended Consequences: Jurisdictional Reform and Issue Control in the U.S. House of Representatives. Legislative Studies Quarterly. 2008;33(1):85–112.

30. Nicholson-Crotty S. Bureaucratic Competition in the Policy Process. Policy Studies Journal. 2005;33 (3):341–361.

31. Theriault SM. Party Polarization in Congress. New York, NY, USA: Cambridge University Press; 2008.

32. Carpenter D. Institutional Strangulation: Bureaucratic Politics and Financial Reform in the Obama Administration. Perspective on Politics. 2010;8(3):825–846.

33. Senate Amendment 3898 to S. 3217 offered by Sen. Ensign of Nevada and roll call 135 on 6 May 2010.

34. U.S. Public Law 107-71. 19 November 2001.

35. U.S. Public Law 107-188. 12 June 2002.

36. U.S. Public Law 107-296. 25 November 2002.

37. Cohen DK, Cuellar MF, Weingast BR. Crisis in Bureaucracy: Homeland Security and the Political Design of Legal Mandates. Stanford Law Review. 2006;59(3):673–759.

38. Hempel LC. Greenhouse Warming: The Changing Climate in Science and Politics: A Review Essay.

39. Selin H, VanDeveer SD. Political Science and Prediction: What's Next for U.S. Climate Change Policy. Review of Policy Research. 2007;24(1):1–27.

40. McCright AM, Dunlap RE. Defeating Kyoto: The Conservative Movement's Impact on U.S. Climate Change Policy. Social Problems. 2003;50(3):348–373.

41. Dunlap RE, McCright AM. A Widening Gap: Republican and Democratic Views on Climate Change. Environment: Science and Policy for Sustainable Development. September/October 2008. Available from: http://www.environmentmagazine.org/Archives/Back% 20Issues/September-October%202008/dunlap-full.html (accessed on 18 April 2013).

42. Kettl DF. Contingent Coordination: Practical and Theoretical Puzzles for Homeland Security. American Review of Public Administration. 2003;33(3):253–277.

43. Wise CR. Organizing for Homeland Security after Katrina: Is Adaptive Management What's Missing? Public Administration Review. 2006;66(3):302–317.

44. May PJ, Jochim AE, Sapotichne J. Constructing Homeland Security. Policy Studies Journal. 2011;39 (2):285–307.

45. Goodin RE. What's Wrong with Terrorism? Cambridge, UK: Polity Press; 2006.

46. Mintrom M, Vergari S. Advocacy Coalitions, Policy Entrepreneurs, and Policy Change. Policy Studies Journal. 1996;24(3):420–434.

47. Manna P. School's In: Federalism and the National Education Agenda. Washington, DC, USA: Georgetown University Press; 2006.

48. McGuinn PJ. No Child Left Behind and the Transformation of Federal Education Policy, 1965–2000. Lawrence, KS, USA: University Press of Kansas; 2006.

49. Patashnik EM. Reforms at Risk: What Happens after Major Policy Changes Are Enacted. Princeton, NJ, USA: Princeton University Press; 2008.

50. Wilsford D. Path Dependency, or Why History Makes It Difficult but Not Impossible to Reform Health Care Systems in a Big Way. Journal of Public Policy. 1994;14(3):251–283.

51. Berkowitz ED. The Scenic Road to Nowhere: Reflections on the History of National Health Insurance in the United States. The Forum. 2010;8(1). doi: 10.2202/1540-8884.1350.

52. Skocpol T. Boomerang: Health Care Reform and the Turn against Government. New York, NY, USA: W.W. Norton and Company; 1996.

53. Hacker JS. The Road to Somewhere: Why Health Reform Happened. Perspective on Politics. 1996; 8(3):861–876.

54. Congleton RD. On the Political Economy of the Financial Crisis and the Bailout of 2008–2009. Public Choice. 2009;140(3/4):287–317.

55. Williams RA. Exogenous Shocks in Subsystem Adjustment and Policy Change: The Credit Crunch and Canadian Banking Regulation. Journal of Public Policy. 2009;29(1):29–53.

Political Research Quarterly. 1993;46(1):213–239.

56. Kuzmarov J. From Counter-Insurgency to Narco-Insurgency: Vietnam and the International War on Drugs. Journal of Policy History. 2008;20(3):344–378.

57. Whitford AB, Yates J. Presidential Rhetoric and the Public Agenda, Constructing the War on Drugs. Baltimore, MD, USA: Johns Hopkins University Press; 2009.

58. Miller LL. Rethinking Bureaucrats in the Policy Process: Criminal Justice Agents and the National Crime Agenda. Policy Studies Journal. 2004;32(4): 569–588.

59. Meier KJ, Smith KB. Say It Ain't So, Moe: Institutional Design, Policy Effectiveness, and Drug Policy. Journal of Public Administration Research and Theory. 1994;4(4):429–442.

60. Hosansky D. Food Safety: Is Our Food Supply as Safe as it Could Be? The CQ Researcher. 2002;12 (38):897–920.

61. Becker GS, Porter DV. The Federal Food Safety System: A Primer. Report RS22600, Updated 20 February 2007. Washington, DC, USA: Congressional Research Service; 2007.

62. U.S. Public Law 111-353. 4 January 2011.

63. Casey D. Agency Capture: the USDA's Struggle to Pass Food Safety Regulations. Kansas Journal of Law and Public Policy. 1997;7:142–160.

64. Oliver JE, Lee T. Public Opinion and the Politics of Obesity in America. Journal of Health Politics, Policy and Law. 2005;30(5):923–954.

65. Kersh R, Morone J. The Politics of Obesity: Seven Steps to Government Action. Health Affairs. 2002;21(6):142–153.

66. Kersh R, Morone JA. Obesity, Courts, and the New Politics of Public Health. Journal of Health Politics, Policy and Law. 2005;30(5):839–868.

67. Pew Oceans Commission. America's Living Oceans, Charting a Course for Sea Change. Arlington, VA, USA: Pew Oceans Commission; 2003.

68. U.S. Commission on Ocean Policy. An Ocean Blueprint for the 21st Century. Final Report. Washington, DC, USA: U.S. Commission on Ocean Policy; 2004.

69. Chasis S. A Call for Ocean-Policy Reform. The American Prospect. 2008;19(12):A18–A20.

70. Brown KA. Critical Path: A Brief History of Critical Infrastructure Protection in the United States. Fairfax, VA, USA: Spectrum Publishing Group, Inc; 2006.

71. Dunn M. The Socio-Political Dimensions of Critical Information Infrastructure Protection (CIIP). International Journal of Critical Infrastructures. 2005; 1(2/3):258–268.

Politics and
Governance

Research Article

Inter-Party Conflict Management in Coalition Governments: Analyzing the Role of Coalition Agreements in Belgium, Germany, Italy and the Netherlands

Catherine Moury[1,*] and Arco Timmermans[2,3]

[1] Faculty of Social Sciences and Humanities, New University of Lisbon, Avenida de Berna, 26-C, 1069 Lisbon, Portugal; E-Mail: catherine.moury@fcsh.unl.pt; Tel.: +351 217908300 Fax: +351 217908308
[2] Institute of Public Administration, University of Leiden, Campus The Hague, 2511 VA The Hague, The Netherlands; E-Mail: a.timmermans@cdh.leidenuniv.nl
[3] Montesquieu Institute, 2514 EJ The Hague, The Netherlands

* Corresponding author

Abstract: In this article, we focus on manifest interparty conflict over policy issues and the role of coalition agreements in solving these conflicts. We present empirical findings on the characteristics of coalition agreements including deals over policy controversy and on inter-party conflict occurring during the lifetime of governments in Germany, Belgium, Italy and the Netherlands. We analyze the ways in which parties in government were or were not constrained by written deals over disputed issues. Coalition agreements from all four countries include specific policy deals, one third of which are precisely defined. These policy deals concern both consensual and controversial issues. Our central finding is that, in the case of intra-party conflict, parties almost always fall back on the initial policy deals when these exist. As such, policy statements of the coalition agreement facilitate decision making in each of the countries studied.

1. Introduction

Parties that join a coalition want to remain visible to the electorate, but once in office they need to compromise with their partners to pass policies. This co-operation is inherently risky because parties might have to support policies passed by the government that are different from the policies they defended during the election campaign. To reduce uncertainty and facilitate political deals with partners, party leaders

librello

forming a new coalition government often negotiate a *coalition agreement*. A coalition agreement is a written document containing policy intentions endorsed by the party organizations before government inauguration. Because they are often drafted under conditions that facilitate compromise, party leaders can agree on more policy deals than they would otherwise, and by producing broad packages the results also become more acceptable to the MPs, the rank and file and the voters of the coalition parties. Our central hypothesis in this contribution is that coalition agreements include enforceable policy deals that help governments resolve conflicts and commit the parties to a particular course of action in decision-making.

While the literature on coalition politics was initially sceptical about these agreements and portrayed policy negotiations in government formation as acts of window dressing [1-3], recent empirical research convincingly shows that coalition agreements contribute significantly to effective coalition governance. For example, it has been demonstrated that coalition agreements are not only quite long and comprehensive (and are getting even longer) [4-6] but also that they contain most of the substance of the government agenda [7-9] and reduce the likelihood of inter-party conflict during the government's term in office [8,10-12]. This empirical work, however, is still very limited in scope and often is confined to two small countries (Belgium, the Netherlands) in which coalitions are composed of parties of similar size that have a long tradition of drafting coalition agreements. Little research has addressed other configurations, such as the combination of a large and a small party, or situations where parties have already drafted a coalition agreement before the election.

To further extend our knowledge of the role of coalition agreements in multiparty politics, we measure the extent to which coalition agreements include policy deals on controversial issues with precise statements. We then analyze a dataset of 114 cases of major interparty conflict and examine the ways in which parties in government referred to deals in coalition agreements made over disputed policies, or experienced conflict over issues not addressed in the coalition agreement. We follow the development of these conflicts from their initial manifestation to the successful or unsuccessful attempts at resolution during the lifetime of the government. Our case studies include governments in Belgium and the Netherlands, two countries with a long practice of coalition agreements, as well as Italy, where coalition agreements are a recent phenomenon and are seen to be low-key, and Germany where governments are sometimes a broad ('grand') coalition but at other times consist of a large and a small party.

The analysis contains eleven governments in countries with institutional differences and where the substance of coalition agreements and ways of coalition conflict management also vary. Given the limited number of cases in this study, we must be cautious when making inferences about what our findings explain. In this article we consider, for countries varying in the configuration in which coalition agreements are made, whether these agreements include concrete policy statements on disputed matters and analyze whether political decision making in the four countries is thus facilitated. In this way we empirically investigate the possible roles of coalition agreements in a more varied context than has been done in coalition research thus far.

2. The Role of Coalition Agreements: Theoretical Framework and Hypotheses

Parties joining a coalition come from campaigns during which they emphasized their own profile and often indicated differences in viewpoint with other parties. At the negotiation table, they need to find deals and compromises, but these are risky because they can put the credibility of earlier electoral claims and promises at stake. Governing in coalition can disaffect party members and voters of the party. Parties coming from the opposition, particularly, may have developed 'radical' views and solutions that require a major leap towards compromise with other parties. The words of a former minister and party leader illustrate this tension very well:

> "The risk of governing is that a party in government loses members and voters who do not recognise themselves in the actions of the party. (…) It is a very subtle game: the party should not be presenting itself at the following elections as the betrayer of the party spirit. (…) It is a question of a balance between reality and identity." [13]

Party leaders probably face this tension most intensely. They naturally wish to keep their leadership position and hence try to minimize party disunity around their choices [1]. Although party leaders may be put at risk by accepting compromises and package deals, ignoring conflicts or not being able to decide on common policies would certainly go against their longer-term interests. When making each policy decision, party leaders must therefore appraise its intrinsic value; its expected repercussion within the electorate, the parliamentary group and the rank-and-file; and the time and effort which would be needed to obtain an agreement. Party leaders would (instinctively) leave matters if the expected costs of a decision outweigh the benefits; in such cases they may prefer to procrastinate.

As we see it, coalition agreements reduce the costs associated with policy making and enable party leaders to agree on more policy deals than they would otherwise. Party leaders and ministers do not have to negotiate on each single policy independently as

these are already mentioned in some degree of detail in deals in the coalition agreement. The specific conditions under which coalition agreements are drafted—behind closed doors, in a limited time, addressing multiple issues in parallel—removes public and media pressure and facilitates making compromises and policy packages [14]. Negotiators (including party leaders) are often 'ministerable' and this further enhances the likelihood of agreement and commitment [15].

Consequently, we argue that party leaders engage in negotiations over major and often disputed issues and value the policy deals included in the coalition agreement. We expect that such deals are not just 'everybody happy talk' but are sufficiently substantive and concrete to be enforceable. Parties do address issues that are controversial in government formation because this allows them to be linked to other matters that enhance party and public acceptance and because they are more likely to be manageable later on. This early settlement also helps to make the government less vulnerable to opposition parties trying to attack the government on its weak points.

As we know, coalition agreements are not self-enforcing ([16], p. 582); and ministers are not likely to stick to the original deals if there are no complementary mechanisms constraining their actions. However, we would argue that ministers and MPs have many incentives to comply with the documents. One of these is certainly the MP's and ministers' own ambition. Once in power, ministers would then prefer to avoid appearing being unreliable and disloyal, in order to be renewed in their functions and avoid continuous blaming by their peers. These recent findings are related to the literature on agreements and credible commitment, which argues that actors have incentives to bind themselves to common intentions even if this reduces their leeway in policy making [8]. In other words, if parties spend time and effort making deals over policy issues, some of which may be intensely disputed, they are likely to show a degree of commitment when these deals are on the governmental agenda. As written below, this may be motivated by political morality or be a matter of self-interest and reputation in the coalition game.

Our argument is not new, but the literature on coalition governments contains a strong view that coalition agreements are either quite unsubstantive with just weak commitments [1,17] or that such agreements mostly include points of interparty harmony as opposed to disputed matters [18]. Luebbert [1] considered the drafting of a coalition agreement to be an act of window dressing. His main point was that party leaders are motivated above all by the desire to keep their position and are mainly concerned with minimizing party disunity. As the concrete elaboration of principles always generates dissension, party leaders only include statements in the coalition agreement that are so general that they do not offend anyone. Laver and Shepsle's [17] well known portfolio allocation model is based on the assumption that ministers have exclusive jurisdiction over their area of expertise. Thus, they see coalition building negotiations as 'cheap talk' during which nothing concrete and committing is decided so that coalition agreements are not enforceable.

Recent empirical research, however, shows that coalition agreements do contain matters of pre-existing consensus. One reason for this is that the production of these policy documents in government formation has become institutionalized [6]. They have become a comprehensive type of policy agenda [6,19] and this expanding content includes issues of manifest conflict between coalition parties [11,12]. Interviews with (former) ministers also indicate that the reduction of conflict sources and the need to build trust among partners are the main rationales for drafting a coalition agreement. When mistrust is high, agreements become more comprehensive and contain more points on which parties took divergent positions in the election campaign [8]. Another finding is that deals in coalition agreements facilitate and ease decision making [8,11,12], and have a positive effect on the duration of governments [20].

Moreover party leaders can use a range of mechanisms to ensure that ministers (from their own party or a coalition partner) comply with the coalition agreement. Party leaders often know who the minsters they appoint are and are thus in a position to screen and select ministers from their own party not only to ensure as much discipline as possible [21-23] but also to veto the nomination of ministers who have been particularly disloyal to coalition deals in the past [8]. And these party leaders can use tools to be well informed about and to control what their colleagues do. Examples of these mechanisms are intra- and inter-party meetings [12,24], Junior Ministers ([16,25]; but see [8,26] for a different view), parliamentary committees [18,27] and cabinets and their preparatory meetings [8]. Finally, party leaders can also force another minister to act [8], for example by blocking his measures in the cabinet (as in Belgium), by asking parliamentary groups to prepare a motion of censure against them or to draft the legislation themselves (the Netherlands, Germany), or by requesting that the Prime Minister write the proposal himself (Italy, Germany).

This repertoire of coalition governance includes tracking and monitoring the deals in written policy agreements. In Belgian and Dutch governments, for example, deals on disputed issues are made and effectively enforced in most cases, in particular when they are specified [12]. Walgrave et al. [9] compare the attention given to an issue in coalition agreements and the legislation adopted in Belgium. They demonstrate that coalition agreements are good indicators of the legislative agenda. Further, Moury [8] shows that an average of 68% of the testable statements included in the coalition agreement for eight cabinets in Belgium, Italy, the Netherlands and Germany become formal cabinet decisions and sixty per cent of import-

ant cabinet decisions are directly traceable to the document.

In sum, the abovementioned literature argues and demonstrates that coalition agreements are an effective mechanism of coalition governance. Because the coalition agreement makes it easier to compromise and reduces agency costs, party leaders not only want ministers to comply with the document but can to a great extent oblige them to do so. In this contribution, we take a slightly different approach to disputed issues and the way they are managed by coalition governments. Instead of concentrating primarily on the coalition agreement or on cabinet decisions, we focus on all major inter-party *conflicts* emerging during the entire governmental life cycle, from government formation until its termination. We analyze which of this set of disputed issues were included in the coalition agreement and which were not foreseen or were ignored and emerged later. Then we compare how these conflicts were handled during the term of the government. In this way we are able to see whether early deals included in the coalition agreement led to substantive government decisions more (or less) often than cases where no such deals existed and conflicts appeared during the term in office. A focus on inter-party conflict is important to the study of coalition governance as policy conflicts are the second most frequent cause of government termination in Western European coalition systems after regular elections [28].

The above mentioned studies inform our contention that, when facing controversy about a policy issue, parties want to refer to a deal included in the coalition agreement when such a deal exists. Parties invest in settling a dispute (or at least begin addressing such matters) at an early stage, so as to begin the course of government with a policy agenda that is as balanced and shared between the partners as possible. Similarly, we expect that controversies already addressed in a coalition agreement are more likely to be followed by governmental policy decisions than disputes between parties not previously placed on the coalition agenda. Such unanticipated or neglected conflicts are more likely to destabilize the coalition and lead to inertia in governmental decision-making. In this way, coalition agreements involve an obligation to produce a result. Even when deals are not precise, or matters in need of political solution are placed on the agenda, coalition members are under increased political pressure to actually find a solution when conflict occurs.

On the basis of this argument we formulate two hypotheses:

H1: If issues disputed during government formation are settled in deals in a coalition agreement, political decisions taken by the government in office are in line with these deals.

H2: Disputes on issues during the term of a government are more likely to be followed by a political decision if the disputed issues were included in the coalition agreement than if the disputes are new to the coalition agenda.

With these two hypotheses, we thus consider the possibility that deals in coalition agreements do not permanently remove all disputes from the coalition life. It is important here to appreciate that the expectation from our first hypothesis is that decisions remain relatively close to the initial deals in the coalition agreement despite recurring conflict. The deals are thus expected to commit the parties even if attempts are made to depart from them. The second hypothesis is a more explicit test of whether deals in coalition agreements actually provide returns on political investments made in government formation; as compared to those deals on which such early political transaction costs were not made. As indicated, parties refraining from negotiating deals on controversial issues in government formation may have either dropped the issues from the agenda or simply not seen them in the first place.

3. Units of Analysis and Measurement

This article focuses on the way in which coalition parties make deals over controversial issues and the difference deals included in coalition agreements make to the government's political decision-making. In this section, we present our units of analysis and approach to measurement in order to test our two hypotheses with empirical observations on governments in the four countries under study.

3.1. Contents of Coalition Agreements

Our measure of the feasibility of coalition agreements relates to the doability of intentions included in such documents. We build on a technique introduced by Royed [29] and further developed by the Comparative Party Pledge Group (CPPG); we identify feasible statements ('pledges') included in the coalition agreement and distinguish them from more general statements on problems that do not specify how the coalition will try to overcome them. A 'pledge' is defined as 'a commitment to carry out some action or produce some outcome, where an objective estimation can be made as to whether or not the action was indeed taken or the outcome produced' ([29], p. 79). Thus, pledges are testable statements as it is possible to determine whether they have been carried out. We distinguish such pledges from rhetorical statements about policy problems and issues which contain some intention to resolve the problem but leave open how this is to be done. While such statements may contain rhetorical language, they can still be relevant because fleshing out this intention is placed on the coalition agenda, and creates expectations about result (rhetorical statements are something akin to the 'general policy

language' of legislation, as described by Huber and Shipan [30]).

Pledges can still be more or less precise. Relatively imprecise pledges leave some leeway as to how they are implemented, e.g. the intention to 'reduce income tax' or 'induce immigrants to learn the national language'. Precise pledges contain more concrete actions with less room for manoeuvre, e.g. the intention to 'reduce income tax by three per cent for all employees in the private and public sector in the next budgetary year', and to 'introduce compulsory language courses for all those migrating into the country, beginning on 1 January 2008'. We counted the number of precise and imprecise pledges in order to measure to what extent coalition programs are specific and contain concrete statements.

3.2. Deals on Major Controversial Issues

After analyzing the content of coalition agreements, we focus on major interparty conflicts. We consider disputes occurring at any time between government formation and termination as we analyze the degree to which such conflicts were anticipated in coalition agreements or were not foreseen or ignored. We have operationalized a major inter-party conflict as an instance of explicit dispute that involves the mobilization of party branches—ministerial, parliamentary, extra-parliamentary—or even entire parties acting *en bloc* in confrontation with one or more other parties in the coalition. This type of controversy differs from interdepartmental conflicts where ministers are involved primarily as heads of their government department [31]. Interdepartmental conflicts may escalate to interparty conflicts, but they were only counted if this escalation was apparent in our data sources. This approach follows the method used to analyze conflict management arenas in the comparative volume on coalition governments by Strøm et al. [24].

We used national media sources and secondary data [32] to identify major interparty conflicts. All conflicts reported in annual political reports plus all conflicts reported in the weekly press were considered. In addition, a key word search was made in newspaper archives to select only those conflicts that were reported in the national press for more than one day (i.e. lasting several days or recurring at different points in time during the term of the government). This helped us to identify the major disputes on policy issues [33].

We then coded whether the conflict was mentioned in the coalition agreement or first appeared after the government took office. As noted in the previous section, policy controversy during government formation may be settled through deals containing precise or imprecise pledges, or statements that indicate a problem definition and goals but no clear course of action about solutions. Conflicts during the term of the government may arise over statements documented in a coalition agreement or on matters without previous reference. As noted above, unclear commitments that raise expectations may serve as a policy agenda because parties can take them as a starting point that justifies giving the issue attention, and demand that other parties cooperate in elaborating them to more concrete policies to be endorsed by the government. Thus we distinguish such vague commitments in coalition agreements from situations where nothing is mentioned about a disputed issue [34].

3.3. Role of the Coalition Agreement in Cases of Controversy

We measure the degree to which parties are committed to the initial deal in the coalition agreement or to flesh out more general intentions on disputed issues by examining manifest inter-party conflicts and the actions and decisions, when taken, during the term in office. Commitment refers to whenever the coalition parties' actions and decisions were faithful to the initial deals and statements in the coalition agreement. Decisions refer to the production of substantive policy output endorsed by the executive and in parliament. This output can be legislation or some other type of policy decision, depending on what was written in the coalition agreement. We want to avoid a static approach to our analysis of commitment. A vague deal followed by renegotiation and a policy decision is also considered a case of commitment as parties elaborate an issue that was placed on the policy agenda. However, a procedural deal that is followed by conflict over what to do or negotiations in these cases lead to renewed stalemate are considered non-commitment to the coalition agreement because they violate the aim of the initial deal, which is primarily about conflict containment and less about policy substance [35]. We distinguish between decisions and non-decisions as two possible results of conflict resolution to compare the outcome of controversies over issues based on the coalition agreement with those that are not [36].

When applying this measurement approach, we acknowledge that the inclusion of a topic in the coalition agreement may not be a necessary condition for a type of conflict resolution and a substantive policy decision to occur. It could be that the policy deal resolving a conflict is simply the common denominator among the coalition parties that they would also have found once the term of the government had begun. In this sense, a certain type of conflict resolution may not depend on the inclusion in the coalition agreement. It may be that similar types of conflict over issues are settled in the same way whether or not this settlement was already delineated in the coalition agreement. In order to address this issue of causal ascription of conflict management to coalition agreements and support our argument that such agreements do have an independent effect, we also present four examples of highly important inter-party conflicts and the role of the coalition agreement in producing an outcome.

3.4. Selection of Case Studies

We analyze eleven governments in four countries: Belgium, Germany, Italy and the Netherlands. These were selected in order to increase the variance and hence check the 'mobility' of our argument. In Belgium and the Netherlands, parties wait for the electoral results before negotiating the government coalition and consequently coalition agreements are made *after* the vote. Almost all executives taking office in both these countries since the 1960s had a coalition agreement; this policy document increased in size, peaking in 1988 in Belgium with over 40,000 words, and in 1998 in the Netherlands with 36,000 words. The length of coalition agreement has decreased in the past decade, but in both countries agreements continued to be key parts of government formation in which party leaders and prospective ministers were involved. Moreover, empirical research suggests that coalition agreements play an important role in these countries [11,37].

In Germany, all coalitions have been based on post-electoral coalition agreements since the early 1980s, so later than in Belgium and the Netherlands. But we also observe that the length of these documents has increased considerably: from 1200 words in 1980 to 65,000 words in 2005. German government coalitions usually consist of one of the two major parties and at least one small party, but so-called Grand Coalitions between the Christian Democrats and the Social Democrats were also formed (in 1966–1969 and in 2005–2009). We include both these types of government. Expectations regarding compliance, however, are ambiguous. On the one hand, decision-making (and thus resolution of deals) is likely to be difficult in Grand Coalitions, because parties must balance stronger ideological differences and are competing more fiercely for votes than a coalition composed of ideologically less diverse parties ([38], p. 41; [39], p. 271; [40], p. 2). On the other hand, in the traditional German coalition type, the major party controls most of the portfolios and thus it might be easier for them to renege on some of their commitments.

Italy seems the least likely case for coalition agreements to have an effect on coalition governance. Italy has a short and recent history of coalition agreements. Although there were many examples of multiparty governments, coalition agreements hardly existed during the First Republic (1947–1992). This changed with the adoption of a new mixed electoral system in 1993, introducing a first-past-the-post system for three quarters of the Senators and Deputies. This induced parties to form a coalition prior to the elections. Since 1996, two coalitions (one center-left, the other center-right) were presented to the voters, including their preferred candidate for the office of prime minister and a common electoral platform which would also serve as the coalition agreement. While these agreements were initially hammered out mostly by political outsiders, party

spokespeople have become more involved in recent years. In addition, Italy lacks institutionalized internal arenas for managing interparty disputes. The lack of these internal mechanisms to enforce deals over conflicts makes it harder to secure commitment as it implies a need to change and invent institutional arrangements for negotiation and conflict resolution. These conditions raise the political transaction costs of policy dispute settlement.

With these properties in mind, we selected three coalition governments in Belgium (Dehaene I 1992–1995, Dehaene II 1995–1999, and Verhofstadt I 1999–2003), three in the Netherlands (Lubbers III 1989–1994, Kok I 1994–1998, and Kok II 1998–2002), two in Germany (Schroder II 2002–2005 and Merkel I 2005–2009) and three in Italy during the Second Republic (Prodi I 1994–1996, Berlusconi II 2001–2006, and Prodi II 2006–2008). Whereas the Italian coalition agreements were drafted before the elections, this always happened after the elections in the other three countries. Moreover, the Schroder II government distinguished itself from its Dutch, Belgian and German counterparts by its composition: a large and a small party that had already shown willingness to coalesce during the election campaign (but did not write a formal coalition agreement at this stage [41]). All these governments except Prodi I [42] started with parliamentary majority support in the Lower House. Finally, with the exception of Berlusconi II in Italy [43], these were successive governments. This means that the cases are not independent of each other: governments may have built on the experiences of their predecessors in managing interparty disputes.

Although the number of case studies is limited, we expect this approach to be replicable for other coalition governments in the four countries and in a broader set of countries with government coalitions—thus allowing more analytical generalization beyond the findings we present in this contribution.

4. Empirical Results: Conflict, Agreement and Coalition Policy

4.1. Contents of Coalition Agreements and Controversial Issues

Table 1 shows the content of coalition agreements of the eleven governments, i.e. their length in words [44] and number of pledges, the number of parties and their general ideological orientation.

In most countries, the length of coalition agreements varies [5] and our cases match this pattern. Although we observe very long coalition agreements with an average of more than 30,000 words, the length of these documents ranges from just from 7,500 to an impressive 92,200 words. As expected, coalition agreements contain a large number of concrete pledges for which implementation can be determined (255 on average). They are not composed of merely vague rhetorical statements

as the 'sceptics' about this mechanism of coalition governance would argue. Moreover, just over one third of these pledges are defined very precisely, containing policy detail.

The number of coalition parties and the ideological profile do not seem to affect the length of coalition agreements or the proportion of testable pledges in any systematic way. However, it should be noted that the two governments prolonging their term in office (Dehaene in Belgium in 1995 and Kok in the Netherlands in 1998) produced longer policy documents than in their first term (this has also been observed for other governments, see [4]). The Prodi II government also seems to testify to this phenomenon of the policy agenda expanding in size and detail as a government takes a second term.

Table 1. Properties of coalition agreements of eleven governments.

Cabinet	Parties (number and ideological orientation)	Size	Nr of pledges	Very Precise (%)
Dehaene I (1992–1995)	PS, PSC, SP, CVP 4, Center-Left	7,500	143	46 (32%)
Dehaene II (1995–1999)	PS, PSC, SP, CVP 4, Center-Left	17,350	175	40 (23%)
Verhofstadt I (1999–2003)	PS, PRL-FDF-MCC, Ecolo, SP, VLD, Agalev 6, Socialists, Liberals and Greens	14,800	198	110 (55%)
Average		13,200	172	65 (38%)
Lubbers III (1989–1994)	CDA, PvdA 2, Center-Left	28,450	157	86 (55%)
Kok I (1994–1998)	PvdA, VVD, D66 3, Left, Conservative and Liberals	16,250	176	76 (43%)
Kok II (1998–2002)	PvdA, VVD, D66 3, Left, Conservative and Liberals	36,000	244	152 (62%)
Average		26,900	192	107 (58%)
Prodi I (1996–1998)	DS, PPI, RI, UD, Verdi 5, Center-Left	41,500	274	46 (17%)
Berlusconi II (2001–2006)	FI, AN, LN, CDU-UDC 4, Center-Right	9,600	312	61 (18%)
Prodi II (2006–2008)	DS, Margherita, Verdi, Italia dei Valori, MRE, Pci, RC, UDEUR, Rosa nel pugno 9, Center-Left	92,200	602	55 (9%)
Average		47,800	396	52 (13%)
Schroder II (2002–2005)	SDP, Greens 2, Social Democrats + Left	27,200	220	80 (36%)
Merkel I (2005–2009)	CDU-CSU, SDP 2, Grand Coalition	52,900	297	150 (51%)
Average		40,050	259	115 (44%)
Average (Total)		31,988	255	85 (38%)

Abbreviations: PS: Parti Socialiste (French Speaking Socialist Party), PSC: Party Social Chrétien (French Speaking Christian Democratic Party), SP: Socialistiche Partij (Flemish Socialist Party), CVP: Christelijke Volkspartij (Flemish Christian Democratic Party), PRL-FDF-MCC: Parti Républicain Libéral–Front Démocratique des Francophones–Mouvement des Citoyens pour le Changement (French Speaking Alliance of Liberal parties), Ecolo (French Speaking Green Party), VLD: Vlaamse Liberalen en Democraten (Flemish Liberal Party), Agalev (Flemish Green Party), PvdA: Partij van de Arbeid (Labor Party), CDA: Christen Democratisch Appel (Christian Democratic Party), VVD: Volkspartij voor Vrijheid en Democratie (Liberal/Conservative Party), D66: Democrats 1966 (Liberal Democrats), DS: Democratici di Sinistra (Italian Leftist Party), PPI: Parti Populare Italiano (Italian Popular Party), RI: Rinnovamento Italiano (Italian Renewal), UD: Unione Democratica (Demoratic Union), FI: Forza Italia, AN: Alleanza Nazionale (National Alliance), LN: Lega Norte (Northern League), CDU-UDC: Cristiani Democratici Uniti—Unione Christiana Democratica (Italian Christian Democrats), Margherita (center-left party), Verdi (Greens), Italia dei valori (Italy of values), MRE: Movimento Repubblicani Europei (European Republicans), PCI: Partito dei Communisti Italiani (Communists), RC: Rifondazione Communista (Communists), UDEUR: Unione Democratici per l'Europa (left Catholic party), Rosa Nel Pugno (Secular party), SDP: Sozialdemokratische Partei Deutschlands (Social Democrats), CDU: Christlich Demokratische Union Deutschlands (Christian Democrats), CSU: Christlich-Soziale Union in Bayern (Christian Social Union in Bavaria).

This contradicts the intuition that parties in such governments are more familiar, display a lower level of mistrust and thus feel less need to stipulate policies in advance. Finally, and perhaps less surprisingly, the Grand Coalition in Germany engaged in placing a larger number of precise deals in the coalition agreement than a traditional coalition of a big and a small party.

Overall, the coalition agreements we analyzed include a large number of specific and precise policies. Italian *pre-electoral* coalition agreements were not shorter or less specific than *post-electoral* agreements. In fact, the opposite seems true; the pre-electoral Prodi II agreement of 2006 stands out for its length: longer than any other agreement in any of the other three countries with a tradition of drafting such agreements. An explanation for this may be that pre-electoral agreements also serve as electoral platforms for presenting a range of policy preferences and intentions to the voters. They are therefore expected to include the preferences of the pre-electoral coalition on each issue of interest to the public. Not all these issues were disputed between the parties, nor were they included in precise pledges.

We also observe a large difference between coalition agreements in Italy and the other countries: an average of around 40 per cent precise pledges or more in Belgium, Germany and the Netherlands compared with just 13 per cent in Italy. Just 9 per cent of the pledges in the long Prodi II agreement were very precise. It may be that uncertainty about electoral results and the risk of displeasing voters discouraged parties and negotiators to go into great detail.

4.2. Early Attention to Controversial Issues in All Countries

As noted, usually only a part of the coalition agreement is devoted to controversial issues. Many statements and policy pledges involve no real controversy between the partners. We collected data on the most controversial policy problems within the eleven governments throughout their life cycles, i.e. from formation to termination and registered and coded a total of 115 major inter-party conflicts. Table 2 shows the number of conflicts in each government and the policy areas in which these conflicts occurred. It shows that, in relative terms, Belgian governments experienced less manifest conflict than the other governments. This may in part be explained by the strong emphasis on collective responsibility and collegial decision-making; ministers are prevented from criticizing decisions once adopted within the Cabinet. Another reason may be that parliament does not really stand as a strong and politically critical institution vis-à-vis the government. Parliamentary party groups rarely initiate conflict and still less when this may evoke coalition tensions. Table 2 also shows that socio-economic and budgetary policy issues have been the most controversial. This stood out most in the Kok I and II co-

alitions which excluded the central Christian Democrats and where a considerable policy distance had to be bridged on these issues. It is visible to a lesser extent in the Verhofstadt I government in Belgium ([45], see [46]). In Italy, the proportion of budgetary and socio-economic conflicts is lower; one reason for this may be coalition composition. Although there are marked differences between the parties of the same coalition, especially in the center-left coalition, this was not the main point of disagreement between them. Institutional change and regulatory issues within the field of justice also gave rise to conflict in all our cases except Prodi I and Schroder II. The severe crisis over the national justice system was a key problem in the 1990s in Belgium; in the Netherlands, the call for democratic reforms by D66, the smallest coalition party in Kok I and II, triggered major conflict in the late 1990s; in Italy the State and Justice reform was a source of disagreement and conflicts on health and pension reform appeared to be pre-eminent in Germany.

Morality issues surfaced in the Kok I government in the Netherlands (rules on divorce), and during Berlusconi (genetic modification) and Prodi (civil unions). Other issues on which the religious-secular divide played a part were related to school policy (Kok I government). Our cases therefore show that policy controversies over religious-secular issues never disappeared from the agenda in coalition politics, though they are not as salient as in earlier times in Belgium and the Netherlands.

We next assess whether the emerging conflicts were already addressed in the coalition agreement. Failure to mention issues may have been deliberate or because they were not anticipated. Table 3 presents the number of conflicts for each of the eleven governments, distinguishing between those already mentioned and those not mentioned in the coalition agreement. We also specify whether the coalition agreement was precise on the controversial issues that were included.

Table 3 shows that 74 per cent of all conflicts was on matters already mentioned in the coalition agreement. Agreements therefore mention deals and stipulate courses of action over disputed issues, as we expected. Coalition agreements in Italy were not found to mention these conflicts significantly less often than in Germany, Belgium and the Netherlands. More than two thirds of the conflicts (22 out of 32 cases, 69 per cent) in the three Italian governments were over an issue mentioned in the coalition agreement. Matters of controversy had been referred to in Dutch and German agreements more often (in 88 and 78 per cent of the cases, respectively), but less so in Belgium (in 56 per cent of the cases). We note however that the government which did not anticipate conflict was the one of Dehaene II (1995–1999). This was in office during a period of extraordinary institutional stress after the police and the judicial system had repeatedly failed to arrest and imprison a murderous paedophile (the Dutroux scandal). Although Christian Democrats and Socialists

were in office together for a second term, the disputes in this government were mostly unforeseen given the unusual circumstances.

With the exception of the Dutch governments, where financial plans are quite specific, a minority of conflicts relate to precise policy deals. It is, however, difficult to determine cause and effect here as precisely defined policy deals might be those that are more consensual; or alternatively consensus might be driven by the ex-ante precise definition of the policy.

4.3. Role of Coalition Agreements in Cases of Controversy

Our first hypothesis on conflicts and agreements in the four countries is that coalition parties are committed to deals on issues included in coalition agreements. Commitment concerns loyalty to policy deals and forms of conflict resolution mentioned in the coalition agreement, and it includes the ability to produce formal policy decisions in line with the agreement. We stress again that our focus is on deals resolving an interparty *conflict* and we do not analyze other issues leading peacefully to decisions that may or not be based on the coalition agreement (see [7,8] for such a broader analysis). In order to see whether this happened, we traced the political follow-up process of these initial deals throughout the term of the government. Table 4 presents our findings on the degree of commitment and the production of policy decisions.

Table 2. Interparty conflicts in policy fields.

	Budget: revenues and spending	Institu-tional	Justice	Health and Pension Reforms	Environ-ment	Foreign Affairs and Defence	Morality	Others	Total
Dehaene I	3	1	-	-	-	1	-	-	5
Dehaene II	3	2	2	-	-	-	-	-	7
Verhofstadt I	2	1	1	-	2	-	-	-	6
Lubbers IIII	3	-	1	1	-	1	-	-	6
Kok I	6	2	-	-	1	-	1	1	11
Kok II	5	2	1	1	-	-	-	-	9
Prodi I	3	1	4	1	-	-	1	1	11
Berlusconi II	3	3	3	1	-	-	1	3	14
Prodi II	2	-	-	1	-	2	1	1	7
Schroder II	2	-	-	13	-	2	-	2	19
Merkel I	2	2	4	5	1	4	-	2	18
Total									**113**

Table 3. Conflicts on issues mentioned and not mentioned in coalition agreement (N = 76).

	Conflicts	Not in coalition agreement	In coalition agreement	Precise in coalition agreement
Dehaene I	5	1	4	1
Dehaene II	7	6	1	0
Verhofstadt I	6	1	5	1
Sub-total	**18**	**8 (44%)**	**10 (56%)**	**2 (11%)**
Lubbers III	6	3	3	2
Kok I	11	0	11	6
Kok II	9	0	9	7
Sub-total	**26**	**3 (12%)**	**23 (88%)**	**15 (58%)**
Prodi I	11	5	6	2
Berlusconi II	14	4	10	4
Prodi II	7	1	6	1
Sub-total	**32**	**10 (31%)**	**22 (69%)**	**7 (22%)**
Schroder II	17	2	15	1
Merkel I	21	7	14	2
Sub-total	**38**	**9 (24%)**	**29 (76%)**	**3 (8%)**
Total	**114 (100%)**	**30 (26%)**	**84 (74%)**	**27 (24%)**

Table 4. Types of result in conflict management (N = 76).

	Conflict over issue included in agreement		Conflict over issue not included in agreement		Total	
	Decision	Non-decision	Decision	Non-decision	Decision	Non-decision
Dehaene I	4	0	1	0	5	0
Dehaene II	1	0	4	2	5	2
Verhofstadt I	5	0	0	1	5	1
Subtotal	10 (100%)	0 (0%)	5 (62%)	3 (38%)	15 (83%)	3 (17%)
Lubbers III	3	0	3	0	6	0
Kok I	10	1	0	0	10	1
Kok II	9	0	0	0	9	0
Subtotal	22 (96%)	1 (4%)	3 (100%)	0 (0%)	25 (96%)	1 (4%)
Prodi I	4	2	3	2	7	4
Berlusconi II	9	1	4	0	13	1
Prodi II	3	3	1	0	4	3
Subtotal	16 (73%)	6 (27%)	8 (80%)	2 (20%)	24 (75%)	8 (25%)
Schroder II	15	0	2	0	17	0
Merkel I	14	0	7	0	21	0
Subtotal	29 (100%)	0 (0%)	9 (100%)	0 (0%)	38 (100%)	0 (0%)
Total	77 (92%)	7 (8%)	25 (83%)	5 (17%)	102 (89%)	12 (11%)

4.4. Commitments Are Weaker for Minority Governments

On average, parties committed to a previous deal in 73 out of the 84 cases (87 per cent) in which we identified final government endorsement and political implementation of a deal mentioned in the coalition agreement. This evidence supports our hypothesis.

Our findings however also reveal differences between the countries: while most of the deals were implemented in all four countries, governments in Italy displayed a lower degree of commitment than those in Germany, Belgium and the Netherlands. More specifically: Belgian and German policymakers stuck to all deals made, those in the Netherlands had been able to make the most precisely defined deals, and also carried them out almost without exception. By contrast, in Italy, the Prodi I and II governments showed commitment to only half the deals made during government formation. The Berlusconi II government outperformed them in this respect and its enforcement score was only slightly below that of governments in Germany, the Netherlands and Belgium. This government also had the highest number of conflicts, so its performance is remarkable.

Thus, although commitments are weaker in Italy than in other countries, the enforcement problem was particularly acute in the two Prodi governments. A closer look at these governments shows that the major cause of non-commitment was the lack of a parliamentary vote on legislation that had already obtained government endorsement. Data on the legislative process in Italy show that parliament passed only half the

bills during the two Prodi governments compared with nearly 90 per cent of the bills during the Berlusconi II government [47-50]. This is explained largely by the minority status of Prodi I and the vulnerable small majority of Prodi II [51]. Another reason for this may be that—contrary to the Netherlands and Germany—MPs in Italy are not involved in drafting the coalition agreement. While this seems less problematic in the case of Belgium, where the Parliament is extremely disciplined, commitments made between parties of the Center-Left Italian coalitions were structurally difficult to enforce. Although we must be cautious in making inferences, it seems that small coalition size was more important as an unfavorable condition for commitment than the pre-electoral status of the coalition agreement. These conditions may be politically connected in these two governments, but our findings on the other Italian government suggest that commitment to a pre-electoral agreement is actually possible.

4.5. Less Frequent Decisions Taken by Italian Center-Left Governments

In our second hypothesis, we expect inter-party conflicts related to a deal in the coalition agreement to be followed by a decision more often. Table 5 shows the type of (non-) decisions following an inter-party conflict. In most instances (89 per cent), decisions followed interparty conflict resolution in the four countries. While major interparty conflicts may have delayed the policy process, the governments in charge of these issues managed to overcome the disputes and took policy decisions in most cases. A second ob-

servation is that decisions were taken predominantly when issues were mentioned in the coalition agreement (92 per cent). When controversy was new and issues were not foreseen, the result of the conflict was a decision in 83 per cent of the cases. Our findings therefore provide some support for our second hypothesis, even though a decision is sought and found in most cases. Though political transaction costs prior to the term of the government thus seem to have paid off, our findings suggest that coalition commitments and mechanisms of conflict resolution extended beyond what was written in the coalition agreement. Our observations suggest that the informal rule of coalition discipline applies more generally, which is in line with recent work on coalition governance ([6], pp. 176–179).

Comparison of the governments in the four countries shows that the political success rate (for adopting a government decision following conflict) was lower in Italy (75 per cent), again mainly in the two Center-Left Prodi governments, than in the Netherlands (96 per cent), Belgium (83 per cent) or Germany (100 per cent). In Belgium, the coalition agreement seems to have made the greatest difference to producing results (100 per cent against 62 per cent), while in Germany none of the conflicts led to decision failure. In the Netherlands, the small difference between matters stipulated in the agreement and those left unmentioned suggests that conflict management mechanisms and coalition discipline are internalized among parties in government; this is also true for issues that were unaddressed or were not anticipated during government formation.

Table 5. Commitment to deals in the coalition agreement (N = 55). This ratio is calculated for cases in which the issue was mentioned in the coalition agreement, for which the N is 55 observations.

	Commitment
Dehaene I	4/4
Dehaene II	1/1
Verhofstadt I	5/5
Subtotal	10/10 (100%)
Lubbers III	3/3
Kok I	10/11
Kok II	7/9
Subtotal	20/23 (87%)
Prodi I	3/6
Berlusconi II	8/10
Prodi II	3/6
Subtotal	14/22 (63%)
Schroder II	15/15
Merkel I	14/14
Sub-total	29/29 (100%)
Total	**73/84 (87%)**

While we must be cautious in making causal inferences about coalition agreements and policy output, our findings indicate that commitment to deals and substantive decisions in situations of major interparty dispute was more problematic in the Italian coalitions, in particular in the two Center-Left governments that lacked stable majority support. The Italian cases thus show that multiparty governments may develop similar mechanisms of coalition governance to those in countries where this is institutionalized (this complements the recent analysis of Zucchini on the role of governments in legislative agenda setting, see [52]). However, the bottom line for making such mechanisms effective is one of the key rules of democratic government: deals on public policy need a parliamentary majority for political endorsement. If such majorities need to be established from one issue to the next during the term in office, even deals made in coalition agreements prior to the elections are just tentative ways of conflict settlement and commitment.

5. Coalition Agreements and Conflict Resolution: Four Examples

In order to examine more closely how correspondence of findings may also point to causality, we present four examples of conflicts within coalitions that are illustrative of the role of the coalition agreement. As stated above, comparing results of conflict for cases included with those not included in a coalition agreement allows us to see how the coalition agreement actually make a difference to streamlining decision making. The examples show that negotiators are loyal to the coalition agreement, even if they have second thoughts or disagree with what is written, and that parties invest in finding a solution if a conflict arises over a policy intention included in the document. If they refrain from such political updating to re-establish consensus, it may lead to the fall of the government.

We first look at the measures taken by the Dehaene I government to reduce the public deficit. This objective was mentioned in the coalition agreement, without a precise definition of how the reduction should take place. In the course of the legislature, poor economic growth made it difficult to meet this objective and the Minister of the Interior, Vande Lanotte (a Flemish speaking Socialist), presented a plan to reduce the deficit in the long term. While the French speaking ministers (Socialists and Christian Democrats) supported the idea, the Flemish Christian Democrat ministers were under pressure from their party organization and fiercely advocated a shorter-term reduction of the deficit. The conflict between the French Speaking Socialists and the Flemish Democrats reached its peak when the former proposed to introduce a crisis tax and the latter the non-indexation of incomes. As no agreement could be reached, Prime Minister Dehaene presented his resignation to the King in March 2003 but it was not accepted. A meet-

ing was then organised between Dehaene and the party leaders and a compromise was found (largely by selling public assets).

Another relevant example can be found during the Kok II government when the coalition agreement contained the intention to complete a Constitutional revision necessary for a corrective referendum. This Constitutional revision passed through the Chamber with the required two thirds majority but it was vetoed in the Senate due to dissent from a prominent MP from the VVD, one of the coalition parties. This led to the resignation firstly of the Liberal Democrat (D66) Minister Els Borst-Eilers, and then of the whole government. D66 Party leader De Graaf then stated that the bill was based on the coalition agreement and therefore had to be considered a 'governmental affair' that needed immediate settlement. A few weeks later, a compromise was found among party leaders and ministers, and the legislative process to introduce a 'temporary' referendum was restarted and completed. The bill on the referendum now contained a sunset clause, but this appeared sufficient for D66 to carry on in the coalition.

The decision taken by the Grand Coalition to increase the normal retirement age from 65 to 67 years was also both important and controversial. The measure was extremely unpopular, had not figured in any of the election manifestos of either of the two parties, and was not an issue in the election campaign [53]. However, the partners agreed on it in the coalition agreement. As a compromise to the SPD, the coalition agreement also stated that at the beginning of the next decade the legislature would reassess whether the increase in the retirement age was still justified, taking into account labor market conditions and the economic and social situation of the elderly. As noted by a former SPD minister, the measure was very controversial within his party: "It was a part of the coalition agreement and both party conventions approved. But in the Social Democrat party a lot of people were thinking 'we will never do that, we negotiated it, signed it, voted for it, but we will never do it'. Mr Munterferring [the Social-Democratic Minister for Labor and Social Affairs and party chairman] said that it was in the coalition agreement, and that we had to approve it. Doing that, he took a lot of heat from the party". As our interviewee notes, Franz Muntefering indeed took this responsibility and presented his plans increase the retirement age in January 2006. Despite facing protests from both trade unions and important party members, the cabinet agreed on a bill that followed the coalition agreement. This bill subsequently was passed in both Chambers.

Finally, we consider the issue of regionalization ('devolution') included in the coalition agreement of the Berlusconi II government. The relevant bill triggered conflict within majority parties inside the government, but particularly in parliament. The deputies of Allianza Nazionale amended essential points of the text, which were included in the coalition manifesto, and the ministers of Lega Nord threatened to resign as a consequence. Berlusconi then declared that 'devolution is in the programme (...). They (i.e. MPs from Allianza Nazionale) have not understood what risks they were facing. These risks are huge'. Finally, party leaders (who were also ministers) met and agreed not to change the substance of the regionalization program. The text was finally passed in both chambers in October 2004.

6. Conclusion

Our empirical findings strongly suggest that coalition agreements are enforceable and commit parties, further discrediting the idea that there agreements are merely *pep talk* that does not really commit parties in office. Coalition agreements in Germany, Belgium, the Netherlands and also in Italy include substantive and concrete policy statements, one third of which appears to be precise. These agreements also include issues that were controversial during government formation or were considered in need of special attention to avoid inter-party dispute at a later date. Three quarters of all major inter-party conflicts occurring during the term in office of coalition governments were on matters already addressed previously in the agreement. In these instances, the initial deals were important as reference points to help contain the conflict, avoid further escalation, and facilitate the endorsement of political decisions. Substantive results were less frequent in situations when interparty policy controversy was over new issues on the agenda and was not addressed during government formation, but the difference was not as large as expected. Also, when policy conflict was not identified and settled beforehand, decisions were produced in the vast majority of cases (83 per cent against 92 per cent when coalition deals existed).

This finding also holds true for Italy as a country where written coalition agreements with substantive content are presented before elections and are a recent phenomenon. Although coalition agreements in Italy are as long as those in the three Northern countries, agreements in the latter countries stipulate policy intentions in greater detail. The inverse relationship between length and precision in Italy—extensive packages containing rather general and sometimes even ambiguous deals—may be linked with the pre-electoral status of the coalition agreement. Parties may have fewer incentives to commence costly political transactions before knowing the election results. Unexpectedly, however, a more complete and precise coalition agreement emerged when a coalition was preparing for a second term (Dehaene I and II, Kok I and II) or after a short intermezzo of a different coalition in office (Prodi II). Newly formed coalitions did not produce longer agreements. Prolonging a term in office or restarting after a short intermezzo is thus

not only a demonstration of mutual trust. Remaining or suspended conflict, unfinished policy trajectories and alleged shortcomings of a previous incomplete coalition agreement are also incentives for parties to negotiate policy before taking office. First empirical work on the attention given to major policy topics in coalition agreements in the Netherlands suggests that prolonging governments considerably changes their focus of attention [19]. Similarly, but perhaps less surprisingly, the Grand Coalition specified a larger number of policy deals that were also more precise than before.

Secondly, our findings provide evidence for the view that when controversy occurs, coalition agreements do commit parties. We found that conflicts were more often settled if there was already a deal in the coalition agreement to refer back to, and in these cases decisions were also mostly in line with what was initially agreed. Additionally, we presented an example for each country that that showed how coalition parties are under the obligation to solve a conflict that arises over an item included in the coalition agreement. Failure to do this may threaten the survival of the government.

However, this evidence is not equally strong for the four countries. The greatest difference in substantive results between issues included and not included in the coalition agreement was found in Belgium. Though unforeseen conflicts ending in stalemate rather than decisions were over matters of exceptional institutional stress in the Dehaene II government, the reference in this country to the agreement as the 'coalition bible' seems well placed [54]. In the Netherlands and Germany, the difference between pre-identified and unforeseen policy conflicts between parties was small or even nonexistent, but we also note that there were few cases of conflict over issues not yet addressed in the coalition agreement. A clearer difference was found between the three governments in Italy. While the Berlusconi II government produced decisions mostly in line with the coalition agreement, the two Center-Left Prodi governments suffered from decision-making inertia. Our case analyses show this was due mostly to the lack of stable support from a parliamentary majority.

These overall results indicate the conditions under which deals in coalition agreements are made and enforced. Contrary to a long held view in coalition research, coalition agreements do contain controversial issues and deals made on them. While these deals do not iron out coalition trouble and in fact often become the subject of further tensions between coalition partners, they do commit them. Opportunistic behavior or claims about 'changing circumstances' appear to be contained in coalition arenas for conflict management, and decisions mostly follow the path initially set in the coalition agreement. Accordingly, coalition agreements not only function as early policy agendas of coalition governments, but also indicate a course of action in political decision making.

This contribution gives some preliminary answers and points the way for further empirical analysis of conflict management and agenda setting in coalition governments with agreements. These agreements may be made before or after parliamentary elections, and they may be exposed to conditions of majority or minority support in parliament. When this research is extended to more cases, with variation in independent variables, it may further enhance our understanding of the way in which coalition governance is organized and what are its results from initial agenda setting during coalition formation and throughout the lifetime of governments. As in the Italian cases, parties forming pre-electoral coalitions may avoid detailed predefinition of policies given the uncertainty about electoral results and the risk of displeasing voters with compromises made between parties with different identities. But on the other hand, such pre-electoral agreements involve a more direct mandate than post-electoral agreements, and for this reason they may imply a stronger sense of commitment. Further analysis should then also give more extensive consideration to the effects of varying sizes of parliamentary support, from supermajorities to minority governments. A more specific focus on this would include the analysis of support agreements between coalition parties and opposition parties on single issues or packages of issues. Although it is more than 25 years since Strøm [55] argued that opposition parties can be well placed to influence policy, systematic empirical results to test this proposition are only beginning to appear [56]. The possibilities for further study may be based on the same idea that inspired our present contribution, namely that analysts should address issues *throughout* the coalition lifecycle in order to understand what coalition governments do. The still growing frequency of coalition governments in Europe provides a wealth of empirical data for such work.

References and Notes

1. Luebbert G. Comparative Democracy. Policymaking and Government Coalitions in Europe and Israel. New York, NY, USA: Columbia University Press; 1986.

2. Klingemann H-D, Hofferbert RI, Budge I. Parties, Policies and Democracy. Westview, USA: Westview Press; 1994.

3. Laver MJ, Budge I, editors. Party Policy and Government Coalitions. New York, USA: St. Martins Press; 1992.

4. Moury C. Les ensembles flous pour y voir plus clair: Décoder les caractéristiques des accords de coalition en Europe Occidentale. Revue Internationale de Politique Comparée. 2004;11:10–22.

5. Müller WC, Strøm K, editors. Coalition Govern-

ments in Western Europe. New York, NY, USA: Oxford University Press; 2000.

6. Müller WC, Strøm K. Coalition Agreements and Cabinet Governance. In: Strøm K, Müller WC, Bergman T, editors. Cabinets and Coalition Bargaining: The Democratic Life Cycle in Western Europe. Oxford, USA: Oxford University Press; 2008. pp. 159–200.

7. Moury C. Coalition government and party mandate. How coalition agreements constrain the ministers. Party Politics. 2011;17(3):385–404.

8. Moury C. Coalition government and Party Mandate: How coalition agreements constrain the ministers. London, UK and New York, USA: Routledge; 2013.

9. Walgrave S, Varone F, Dumont P. Policy with or without parties? A comparative analysis of policy priorities and policy changes in Belgium, 1991 to 2000. Journal of European Public Policy. 2006;13(7):1021–1038.

10. Timmermans A. Policy Conflicts, Agreements, and Coalition Governance. Acta Politica. 1998;33:409–432.

11. Timmermans A. High Politics in the Low Countries. An Empirical Study of Coalition Agreements in Belgium and the Netherlands. Aldershot, UK: Ashgate; 2003.

12. Timmermans A. Standing Apart and Sitting Together. Enforcing Coalition Agreements in Multiparty Systems. European Journal of Political Research. 2006;45(2):263–283.

13. Interview with a former Minister from Luxembourg. 14 June 2006.

14. Peterson RL, De Ridder M, Hobbs JD, McClellan EF. Government formation and policy formulation. Patterns in Belgium and the Netherlands. Res Publica. 1983;25:49–82.

15. Moury C. Common manifestoes and coalition governance: How Italian political leaders missed the window of opportunity. In: Mammone A, Veltri GA, editors. Italy Today: The Sick Man of Europe. London, UK and New York, USA: Routledge; 2010. pp. 34–49.

16. Thies MF. Keeping Tabs on Partners: The Logic of Delegation in Coalition Governments. American Journal of Political Science. 2001;45(3):580–598.

17. Laver M, Shepsle KA. Making and Breaking Governments: Cabinets and Legislatures in Parliamentary Democracies. New York, USA: Cambridge University Press; 1996.

18. Martin LW, Vanberg G. Parliaments and Coalitions. The Role of Legislative Institutions in Multiparty Governance. New York, NY, USA: Oxford University Press; 2011.

19. Timmermans A, Breeman G. The Policy Agenda in Multiparty Government. Coalition Agreements and Legislative Activity in the Netherlands. In: Walgrave S, Green-Pedersen C, editors. From Policy Theory to a Theory of Politics. Chicago, USA: University of Chicago Press; forthcoming.

20. Saalfeld T. Intra-Party Conflict and Cabinet Survival in 17 West European Democracies, 1945–1999. In: Benoit K, Giannetti D, editors. Intra-party Politics and Coalition Governments in Parliamentary Democracies. London, UK: Routledge; 2008. pp. 169–186.

21. Müller WC. Political Parties in Parliamentary Democracies. Making Delegation and Accountability Work. European Journal of Political Research. 2000;37(3):309–333.

22. Huber JD, Martinez-Gallardo C. Replacing Cabinet Ministers: Patterns of Ministerial Stability in Parliamentary Democracies. American Political Science Review. 2008;102(2):169–180.

23. Strøm K, Müller WC, Smith DM. Parliamentary Control of Coalition Governments. Annual Review of Political Science. 2010;13:517–535.

24. Strøm K, Müller WC, Bergman T, editors. Cabinets and Coalition Bargaining: The Democratic Life Cycle in Western Europe. New York, NY, USA: Oxford University Press; 2008. pp. 269–301.

25. Verzichelli L. Italy: The difficult road towards a more effective process of ministerial selection. In: Dowding K, Dumont P, editors. The Selection of Ministers in Europe: Hiring and Firing. London, UK: Routledge; 2008. pp. 79–100.

26. Merhson C. The Costs of Coalition. Stanford, USA: Stanford University Press; 2002.

27. Kim D-H, Loewenberg G. The Role of Parliamentary Committees in Coalition Governments. Keeping Tabs on Coalition Partners in the German Bundestag. Comparative Political Studies. 2005;38(9):1104–1129.

28. Damgaard E. Cabinet Termination. In: Strøm K, Mülle WC, Bergman T, editors. Cabinets and Coalition Bargaining: The Democratic Life Cycle in Western Europe. New York, NY, USA: Oxford University Press; 2008. pp. 301–327.

29. Royed TJ. Testing the mandate model in Britain and the United States: Evidence from Reagan and Thatcher eras. British Journal of Political Science. 1996;26(1):45–80.

30. Huber JD, Shipan C. Deliberate Discretion? The Institutional Foundations of Bureaucratic Autonomy. Cambridge, UK: Cambridge University Press; 2002.

31. Andeweg RB. Centrifugal Forces and Collective Decision-Making: The Case of the Dutch Cabinet. European Journal of Political Research. 1988;16(2):125–151.

32. For Germany, a research assistant was hired to code the Spiegel and the Journal German Politics. In the Netherlands, we used the Jaarboek Documentatiecentrum Politieke Partijen (DNPP Groningen), Vrij Nederland and De Groene Amsterdammer. For Belgium, we used the annual Overzicht van het Belgische politieke gebeuren (Res Publica), De Knack and Le Vif L'Express. For Italy, we used Politica in Italia (Il Mulino), Panorama and Espresso.

33. All conflicts reported in the annual political reports were included in the weekly press. For example, during the Dehaene I government, the issue of redu-

cing the public deficit was very controversial, and mainly opposed Flemish Christian Democrat (CVP) and Walloon Socialists (PS). This conflict was reported in Belgian's annual political journal, and attracted media attention for several months. It was therefore codified as a major interparty conflict. During the same legislature, La Libre Belgique reported that a socialist minister criticized the decision of the CVP minister Leo Delcroix to abolish circumscription. After a few days, the decision was adopted. This was not coded as a major interparty dispute.

34. In the example of the reduction of the public deficit defined above, the conflict was codified as having been mentioned in the coalition agreement, since the Dehaene I coalition agreement refers to the reduction of the public deficit as its primary objective. On the other hand, parliamentarians were divided across party lines for several weeks after the proposal of the Minister Flick (of Prodi I government) to introduce the amnesty of criminals for some offences. No reference could be found to such a proposal in the coalition agreement, and the conflict was codified as not having been previously mentioned in the coalition agreement.

35. For example, the program of the Prodi II coalition (2006–2008) in Italy included the promise to give non-married couples some of the same legal protection and duties that married persons currently enjoy. The issue was very controversial amongst the majority. In February 2007 the government approved a draft law but this was never discussed in Parliament and hence the conflict resolution was codified as not being in line with the coalition agreement.

36. Given our focus on major interparty controversies, government termination is another possible result of attempts to address the issue.

37. Moury C. Italian coalitions and electoral promises: Assessing the democratic performance of the Prodi I and Berlusconi II governments. Modern Italy. 2011;16(1):35–50.

38. Schmitt H, Wüst AM. The extraordinary Bundestag election of 2005: The interplay of long-term trends and short-term factors. German Politics & Society. 2006;24(1):27–46.

39. Dyson K, Saalfeld T. Actors, Structures and Strategies: Policy Continuity and Change under the German Grand Coalition (2005–2009). German Politics 2010;19(3/4):269–282.

40. Clemens C. Lose-Lose Proposition: Policy Change and Party Politics in the Grand Coalition. German Politics & Society. 2010;28(3):1–24.

41. Golder SN. Pre-electoral coalition formation in parliamentary democracies. British Journal of Political Science. 2006;36(2):193–212.

42. Prodi II won the elections by a narrow majority of votes, securing a parliamentary majority in the lower but not the upper house.

43. In the period from which we were able to se-
lect governments, there were no three successive governments with a coalition agreement in Italy.

44. Dutch, French and Italian have the same 'verbosity', i.e. use broadly the same number of words to say the same thing: it takes respectively 1, 1.16, 1.13 and 1.14 pages to say the same thing in English, Dutch, French or Italian.

45. In Belgium, language issues have long been the main 'coalition killer', but this cleavage line has become much less significant in the coalition politics of this country. Thus the recent institutional arrangements of federalization, with their transfer of competences on a number of economic and cultural matters to the regions, seems to pay off in national coalition politics.

46. Deschouwer K. The Decline of Consociationalism and the Reluctant Modernization of Belgian Mass Parties. In: Katz RS, Mair P, editors. How Parties Organize: Change and Adaptation in Party Organizations in Western Democracies. London, UK: Sage; 1994. pp. 80–108.

47. Own calculation from www.senato.it. Obviously, it must be taken into consideration that the two Prodi governments did not last their entire term, and that the executive makes good use of 'Decree laws', 'Delegating laws', and of the vote of confidence.

48. Capano G, Giuliani M. Governing without surviving: An Italian paradox. Journal of Legislative Studies. 2001;7(4):13–36.

49. Vassallo S. Government under Berlusconi: The Functioning of the Core Institutions in Italy. West European Politics. 2007;30(4):692–710.

50. However, it is striking to observe that the proportion of governmental bills passed by the Center-Left government is much lower than for the government of Berlusconi II.

51. In the Upper Chamber, through which every bill must pass.

52. Zucchini F. Italy: Government Alternation and Legislative Agenda Setting. In: Rasch BE, Tsebelis G, editors. The Role of Governments in Legislative Agenda Setting. London, UK: Routledge; 2011.

53. Haverland M, Stiller S. The Grand Coalition and Pension and Health Care Reform. German Politics. 2010;19(3/4):429–445.

54. De Winter L, Dumont P, Timmermans A. Coalition formation and governance in Belgium: Of government gospels, evangelist, followers and traitors. In: Strøm K, Müller W, editors. Coalition Government in Western Europe. New York, NY, USA: Oxford University Press; 2000.

55. Strøm K. Minority Government in Parliamentary Democracies. The Rationality of Nonwinning Cabinet Solutions. Comparative Political Studies. 1984;17(2):199–227.

56. Artés J, Bustos A. Electoral Promises and Minority Governments: An Empirical Study. European Journal of Political Research. 2008;47(3):307–333.

Politics and Governance

Gender, Race, Age and Voting: A Research Note

Stephen Ansolabehere[1] and Eitan Hersh[2,*]

[1] Department of Government, Harvard University, 1737 Cambridge St., Cambridge, MA 02138, USA;
E-Mail: sda@gov.harvard.edu
[2] Department of Political Science, Yale University, 77 Prospect St., New Haven, CT 06520, USA;
E-Mail: eitan.hersh@yale.edu; Tel.: +1 2034369061

* Corresponding author

Abstract: In this brief analysis, we use a new dataset of two million voter registration records to demonstrate that gender, race, and age do not correlate with political participation in the ways that previous research has shown. Among Blacks and Latinos, women participate at vastly higher rates than men; many Blacks participate at higher rates than Whites; and the relationship between age and participation is both not linear and varies by race and gender. Survey research is unable to capture the true relationship between demographics and participation on account of survey bias and, more importantly, the non-linearity of effects. As a result, theories of participation, like the dominant resources-based models, have been built on faulty premises and tested with inadequate data. Our evidence calls for a renewed effort to understand election participation by utilizing large datasets, by being attentive to linearity assumptions, and by returning to theory.

Keywords: big data; gender; race; SES; U.S. elections; voter registration; voting

1. Introduction

Using a sample of two million registration records, we demonstrate that the ways that race, gender, and age correlate with political participation in the United States are misunderstood. Political scientists have long used survey samples of 1,000 to 15,000 respondents to study political participation. Because of the predictors of self-reported behavior that routinely arise in such surveys, scholars have inferred that a certain set of social and political processes must drive participation. Specifically, arguments that people's "resources" drive participation dominate the field. These arguments predict that people who are disadvantaged or discriminated against in society are less likely to get involved (e.g [1,2]). Most notably, African Americans, as a group, Hispanics, as a group, and women, as a group, are claimed to have lower participation rates. Such inferences are usually drawn from surveys in which there are only a few hundred racial minorities, and the numbers of minorities within specific subgroups (such as low education) is extremely small.

We show that some of the most basic facts that led scholars to formulate the resource theories are wrong. Survey research finds that Whites participate in politics more than Blacks and men participate in elections

librello

at similar or, even higher, rates than women. According to Verba, Burns, and Schlozman, there is a "well known equivalence between men and women in electoral turnout" [3]. Participation is also thought to increase linearly or quadratically with age within each social group. Each of these findings and assumptions will be shown to be incorrect in ways that may call for a rethinking of the resource-based theories themselves. The actual voting behaviors of subgroups deviates from the received wisdom in ways that contradict the simple predictions of "resource models". Three striking facts stand out. First, there is no appreciable effect of age on registration for people older than 30 (see [4]). Second, women registered and voted in 2008 at higher rates than men, and for racial minorities the differences are substantial. Third, African American women registered at rates exceeding those for white men within nearly every age category, even after controlling for demographic factors. Such patterns are wholly surprising from a resource model perspective.

The results here suggest that inferences based on reported registration and turnout from relatively small sample surveys will typically fail to find statistically significant results even for the very substantial interaction effects between race and gender. In order to determine whether there are large differences between men and women within racial groups requires very large samples, and without large samples researchers may be prone to committing an inferential error akin to Simpson's Paradox.

2. Data

In 2010, we partnered with Catalist, a data vendor to Democratic politicians and liberal interest groups that collects voter registration records, cleans and updates them, and provides a database of all registered voters in the U.S. to its political clients (see [5] for details on the compilation of these data). For the present study, we use Catalist's national sample of 1% of all active registration records. This yields a sample of roughly 1.9 million registrants.

In most jurisdictions, age and gender are available on the voter file. When gender is unavailable, it can be predicted by registrants' first names. Voters in eight Southern states report their race in the public record. For voters in other states, Catalist makes a prediction of race based on voters' names and Census block contextual data. Catalist's precise method for predicting race is proprietary, but in a study in which we tested the accuracy of Catalist's racial predictions, we found that 91% of the time Catalist's prediction of race matches a voter's self-reported race. In this analysis, we use Catalist's racial predictions for the entire sample; however, if we were to restrict the sample to voters who report their race on the voter file, or to voters whose races are predicted with the highest degree of confidence, the results do not meaningfully change.

Catalist's records provide estimates of registrants and voters. For this study, we focus on turnout in the 2008 general election as recorded on voter files by election officials [6]. However, the effects identified are not particular to 2008. We also utilize citizen population estimates as a baseline for participation. To create such estimates, we start with the Census Bureau's full population estimates by gender, race, and single year of age for 2009 [7]. We then use the American Community Survey (ACS) to generate the percentage of each age-gender-race cohort that are citizens, and we weight the population statistics accordingly [8]. The ACS has a sample size of three million residents, and is sufficiently large to provide accurate citizen estimates for all age-race-gender cohorts.

We analyze the registration and voting rates of each gender-racial group (e.g., white males or Hispanic females) within each age cohort. One reason for doing so is that minorities are younger, and younger people register and vote at lower rates. Hence, we control for age in the analysis in order to guard against finding a spurious difference that, in fact, reflects differences in ages. Another reason for presenting the data for each age cohort graphically is that Ansolabehere, Hersh, and Shepsle derive an alternative specification for the correlation between age and registration [4]. This specification is not linear or quadratic but logarithmic, and is driven entirely by residential mobility (not a causal connection between aging and registering). The analysis here is consistent with that model.

The Catalist data provide a distinctive advantage in the study of voting and registration. Other research projects have examined the relationship between gender, race, and participation using data from the Voting and Registration Supplement of the Current Population Survey. The CPS relies on reported registration and turnout and there are well-known biases with such data [9-11]. And, even with a sample of approximately 75,000 persons, the power of the CPS is limited by the sample sizes of the smallest groups in which comparisons are made, such as black men ages 18–24. The CPS only has the power to detect differences across race and gender within fairly coarse age groups.

One important caveat concerning the present study is in order. The 2008 election is distinctive in many ways. This was the first election in which one of the major parties nominated an African American for President, and Barack Obama won the election in no small part because of the sizable minority vote that year [12]. Turnout increased from 54% of the Voting Age Population in 2004 to 59% in 2008, and minorities and younger voters exhibited especially large increases in turnout, though all racial groups increased their participation rates according to national Exit Polls [13]. At the time of this writing (July 2013) the 2012 vote history data are not yet fully recorded in the Catalist system. Preliminary analysis of Catalist data for 2012 show patterns similar to those discussed here, albeit at a somewhat lower rate of participation across all groups. For example, in the state of Florida, black

women voted at the highest rate of any race-gender cohort, with 72% of registered individuals voting in 2012. In comparison, only 67% of registered white men participated in the 2012 election, according to records from Catalist.

3. Results and Discussion

Table 1 shows the rate of registration among citizens, the rate of voting among registrants, and the rate of voting among citizens, by gender and race. In all racial groups, women are registered to vote at higher rates than men. The gap differs by race: it is 2–3 points for Whites and Asians, but 14–16 percentage points for Hispanics and Blacks. Given that a person is registered, there is a separate effect of gender on voting, with women in all racial groups voting at higher rates. Again, these differences are small for Whites and Asians and large for Blacks and Hispanics. The two gender effects together (the effect on registration and the effect on turnout) contribute to the overall participation gap, as witnessed in the third section of the table. The largest gender gap is among Blacks: black women are 17 percentage points more likely to vote than black men. Apart from identifying substantially larger gender effects than previously found, the evidence in Table 1 also challenges the assumption that Whites participate more than Blacks. In fact, black women register at a higher rate than any other group, and overall black women vote at a higher rate than white men.

Figure 1 adds age into the analysis. For each race-gender cohort, the rate of registration among citizens (column 1), the rate of voting among registrants (column 2), and the rate of voting among citizens (column 3) are shown. The figures estimate voters in 3-year age cohorts, beginning with 18–21 year olds. The gender gap is somewhat higher among young people, especially for Blacks, but it is persistent across most age groups.

The relationship between age and participation is very non-linear, and it varies substantially by racial group. The evidence presented holds important methodological and substantive lessons. Methodologically, most social science surveys lack the statistical power to measure the non-linear relationships detected here. This paper estimates participation rates for twenty-one age cohorts, four racial groups, and two genders, or 168 cells. The results reveal a strong three-variable interaction. The 2008 National Election Study, which contained an over-sample of black respondents, included only 238 black men. Before even considering issues of vote misreporting and sample selection, the NES would not have the power to detect even sizeable interactions of race and gender. Similarly, Burns, Schlozman, and Verba report regression coefficients that in fact show a large interaction between race and gender, but they discount the results because of the standard error [14]. Larger samples like the Current Population Survey (CPS) can be more helpful, though these surveys still face the problems of misreporting and sample selection [9], and even the CPS cannot measure with much accuracy the behavior of relatively small groups, such as Asians.

Without the standard modeling assumption that demographics like age, race, and gender affect election participation identically across groups, and having enough data to examine sub-groups, we need not turn to regression in this analysis. Even if our analysis observed just five age cohorts rather than twenty-one, a regression table interacting race, gender, and age would necessitate 40 coefficient estimates, and that would be before incorporating any other control variables that one might consider important.

Table 1. Mean voting and registration rates by race and gender.

Registration among Citizens		
	Male	Female
White	86.2	89.1
Black	75.1	90.9
Hispanic	67.4	81.4
Asian	50.7	52.6
Voting Among Registrants		
	Male	Female
White	70.9	72.7
Black	61.0	69.0
Hispanic	59.1	64.3
Asian	61.0	64.1
Voting Among Citizens		
	Male	Female
White	61.1	64.7
Black	45.9	62.7
Hispanic	39.8	52.3
Asian	30.9	33.8
Obs. (Registrants in Sample)		
	Male	Female
White	614,771	681,196
Black	87,409	123,441
Hispanic	65,493	81,370
Asian	16,843	19,151

Note: Voting, registration, race and gender statistics are from a 1% sample of active voter registration records, drawn in 2010 from Catalist. Racial identification is predicted from a voter's first and last names and Census block group characteristics when not available on the public registration file. 'Voting Among Registrants' statistics are estimated entirely from Catalist's data. For citizen estimates, we start with the Census full population estimates by race, gender, and age. For each race-gender-age combination, we use the American Community Survey to estimate the number of individuals who are citizens. By taking each comparable race-gender-age group in the Catalist 1% sample of registration records, multiplying by 100 and dividing by the Census counts, we arrive at estimates of citizen registration rates and citizen vote rates.
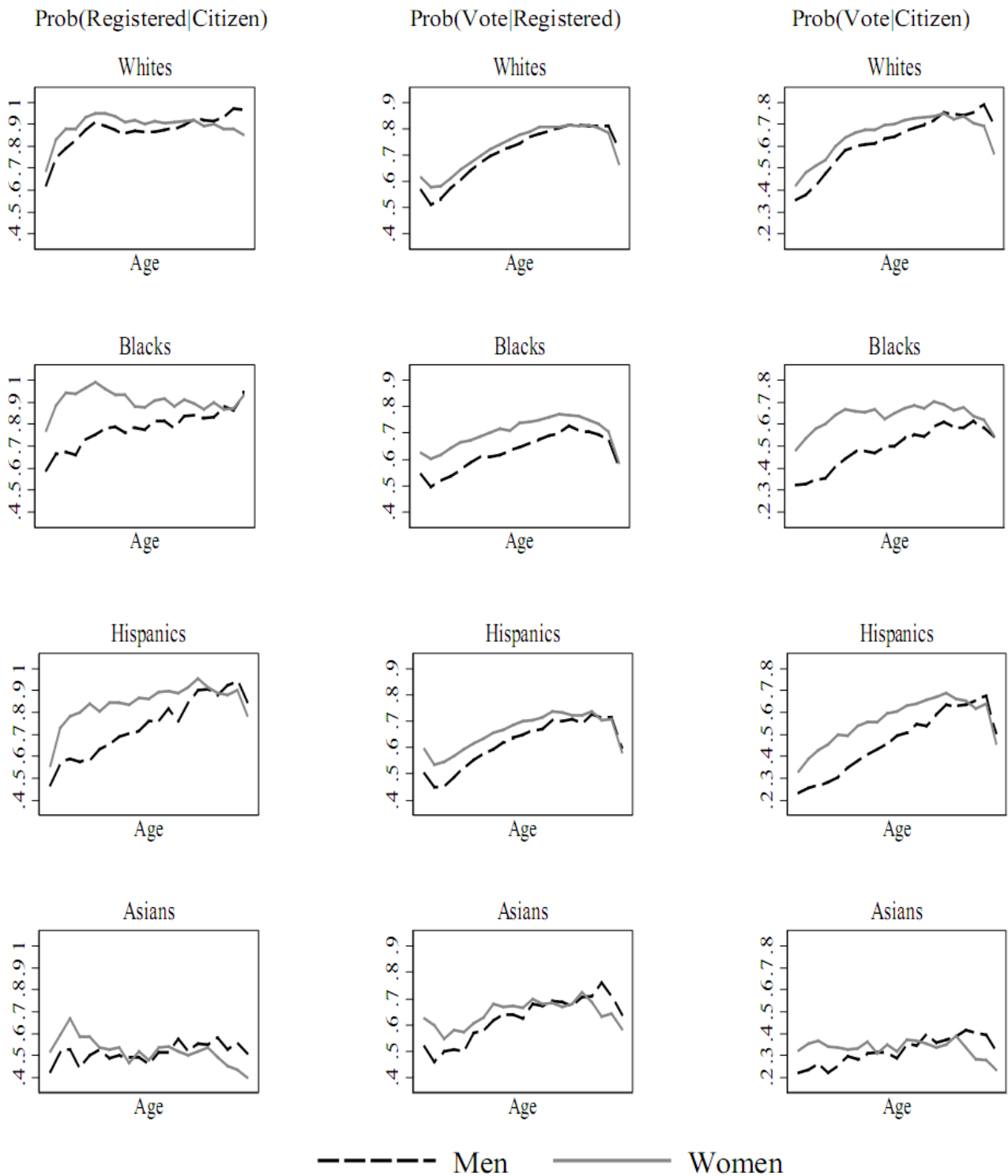
Figure 1. Voting and registration by race, gender, and age.

The methodological take-away is not that scholars must estimate fully-interacted models or else their results are unreliable and, since most studies do not use data sources with two million observations, all hope is lost. Rather, the methodological lesson is that theory must guide the modeling process. When empirical tests of theoretical models are susceptible to non-linearities and group-size confounders, as they are in regard to the resources model of participation, then models should be estimated to capture the nuances of the relationship.

In substantive terms, the data show a surprising interaction between gender and race that runs contrary to most work on this subject. Most studies of gender and participation offer theories of why men participate in politics more than women, not the other way around.

Some writers suggest that men have a greater taste for politics than women (e.g. [3,14]). This blanket argument cannot explain why black and Hispanic women participate in elections at vastly higher rates than men. There is also some debate over the basic facts. Some scholars claim that women participate less, or that the participation rates by gender are equivalent; other scholars have found evidence in surveys that women participate slightly more than men (e.g. [15,16]), and a few scholars have noticed that black women report higher turnout than black men (e.g. [15-17]). Among Latinos, the previous evidence has been mixed about differential participation in voting between men and women (see [18,19]). Looking at a national sample of voting data, we see that black and Hispanic women vote a much higher rates than black and Hispanic men, and the difference is much greater than for Whites. Moreover, young black women participate at even higher rates than young white women. It is difficult to square these patterns with resource-based theories, and even more difficult to reconcile them with arguments that men are more attracted to politics than women.

There are several obvious potential explanations for the large gaps in participation between minority women and men. One suggestion is felony disenfranchisement laws, which disproportionately affect minority men. While these laws deserve further attention, a state- by-state analysis of the Catalist data reveals that in states with the most liberal felony disenfranchisement laws, the gender gap is even greater than in states with harsher laws [20,21]. Moreover, note that there is a gender gap among minorities even when the analysis is conditional on currently registered voters. Presumably, disenfranchised current and former felons are typically removed from registration rolls.

Socio-economic status and marriage rates hint at other hypotheses. Black and Hispanic men are less likely to be well-educated, wealthy, and married, and this in turn may lead to lower participation rates. Our own preliminary analyses discredit this view, as we find that at all socio-economic levels there is a substantial gender participation gap among minorities, at all socio-economic levels there is only a modest gender gap among Whites, and the gap exists among married as well as unmarried minorities [22]. A third potential explanation is the religious and community involvement of minority women. Since the late 1800s, black churches have been mostly female [23-25]. While church attendance and community participation may lead to political participation, such an explanation is complicated by endogeniety. We do not know whether community participation causes political participation or whether some other factor affects both, and we suspect the latter (see [26]).

Whatever the explanation, the results here point to a systematic problem in research on race, gender, and voting. The true relationship between race and gender and registration and voting as discovered in the Catalist database has strongly interactive effects. These interactions are sufficiently large that if they are not properly modeled, researchers are likely to make incorrect predictions and draw incorrect inferences (and not just about these variables but about other variables in a multivariate analysis). Most empirical researchers, however, ignore these interactions entirely and estimate linearly separable effects of race and of gender. This is not an intentional error; it is merely a problem of statistical power. The survey research tools that have been at the fingertips of most Political Science researchers for over half a century lack the power to detect even very large interactive effects between race and gender and across age groups.

We are at an historical moment in political science. We can study political participation not by administering surveys but by observing the full population based on official records and consumer profiles. Upon doing so, the patterns of participation complicate the conclusions drawn from surveys in ways that challenge long-standing arguments as to why some groups vote more than others. African-American women in their 30s are not the demographic group thought to be at the apex of politically-relevant resources, as defined in seminal works of participation. But, they are registered at higher rates than any other demographic, vote at rates nearly 25 percentage points higher than black men, and vote more than white men of similar age. The patterns here are just an initial step in a broader research agenda to rethink the nature of political participation based not on what people say they do but on what they actually do.

References and Notes

1. Rosenstone SJ, Hansen JM. Mobilization, Participation, and Democracy in America. New York, NY, USA: Macmillan; 1993.

2. Sidney V, Schlozman KL, Brady HE. Voice and Equality: Civic Voluntarism in American Politics. Cambridge, MA, USA: Harvard University Press; 1995.

3. Sidney V, Burns N, Schlozman KL. Knowing and Caring About Politics: Gender and Political Engagement. Journal of Politics. 1997;59(4):1051–1072.

4. Ansolabehere S, Hersh E, Shepsle K. Movers, Stayers, and Registration: Why Age is correlated with Registration in the U.S. Quarterly Journal of Political Science. 2012;7(4):333–363.

5. Ansolabehere S, Hersh E. The Quality of Voter Registration Records: A State-by-State Analysis. Caltech/MIT Voting Technology Project Report. Cambridge, MA, USA: Caltech/MIT; 14 July 2010.

6. In a study of election administration quality, Ansolabehere and Hersh [10] find turnout statistics on voter files to be highly accurate.

7. United States Census Bureau. NC-EST2008-alldata: Monthly Population Estimates by Age, Sex, Race

and Hispanic Origin for the United States. Suitland, MD, USA: United States Census Bureau; November 2009.

8. American Community Survey. 2008 1-year PUMS File. Suitland, MD, USA: United States Census Bureau; 2008.

9. Silver BD, Anderson BA, Abramson PR. Who overreports Voting? American Political Science Review. 1986;80(2):613–624.

10. Ansolabehere S, Hersh E. Validation: What Big Data Reveal about Survey Misreporting and the Real Electorate. Political Analysis. 2012;20(4):437–459.

11. Comparing actual vote data with CPS data in states in which race is recorded on the registration rolls reveals that the CPS exaggerates the voting rates of Blacks slightly and of Hispanics substantially in these states. This analysis was performed by the authors for 2012.

12. Ansolabehere S, Persily N, Stewart III CH. Race, Religion, and Vote Choice in the 2008 Election: Implications for the Future of the Voting Rights Act. Harvard Law Review. 2009;123(6):1385–1436.

13. See, for example, the analysis offered in [12].

14. Burns N, Schlozman KH, Verba S. The Private Roots of Public Action. Cambridge, MA, USA: Harvard University Press; 2001.

15. Lien P-T. Does the Gender Gap in Political Attitudes and Behaviors Vary Across Racial Groups? Political Research Quarterly. 1998;51(4):869–894.

16. Seltzer RA, Newman J, Leighton M. Sex as a Political Variable: Women as Candidates and Voters in U.S. Elections. Boulder, CO, USA: Lynne Rienner Publishers; 1997.

17. Hornor LL. Black Americans: A Statistical Sourcebook. Palo Alto, CA, USA: Information Publications; 1999.

18. Montoya LJ, Hardy-Fanta C, Garcia S. Latina Politics: Gender, Participation, and Leadership. PS: Political Science and Politics. 2000;33(3):555–561.

19. Jones-Correa M. Different Paths: Gender, Immigration, and Political Participation. International Migration Review. 1998;32(2):326–349.

20. Miles, TJ. Felon Disenfranchisement and Voter Turnout. Journal of Legal Studies. 2004;33(1):85–129.

21. Miles [20] has currently the most sophisticated analysis of the effect of these laws on turnout, and he finds no effect.

22. Because the data come from public records, we measure socio-economic status with block-group level Census statistics and marriage based on household information in the voter file (e.g. many married voters can be identified by age, gender, and last name of individuals in the household). We generated a block group SES scale using factor analysis that incorporates measures of block group income, college education, single parent rates, public assistance rates, and percent living in poverty rates. These variables all scale onto a single factor. As block group SES increases, the gender gap for Blacks and Hispanics decreases, but it does not disappear or even approach levels as for Whites. For example, among Blacks and Hispanics in the highest SES block groups, the gender participation gap is four percentage points. At the lowest SES level, the gap was seven points for Hispanics and ten points for Blacks. For Whites at all levels of SES, the gender gap is approximately two points. A similar pattern exists in the difference between married and single people across races. Married Blacks have a smaller gender gap than unmarried Blacks, but there is still a substantially larger gender gap for married Blacks (and even high-SES married Blacks) than for comparable Whites.

23. Wiggens DC. Righteous Content. New York, NY, USA: New York University Press; 2005.

24. Lincoln CE, Mamiya L. The black Church in the African American Experience. Durham, NC, USA: Duke University Press; 1990.

25. Greenberg A. Race, Religiosity, and the Women's Vote. Feminist Studies. 2001;22(3):59–82.

26. Atkinson MD, Fowler A. Social Capital and Voter Turnout: Evidence from Saint's Day Fiestas in Mexico. British Journal of Political Science. Forthcoming.

Politics and Governance

Research Article

Can Climate Change Negotiations Succeed?

Jon Hovi[1,2,]*, Tora Skodvin[1] and Stine Aakre[2]

[1] Department of Political Science, University of Oslo, P.O. Box 1097 Blindern, 0317 Oslo, Norway;
E-Mails: jon.hovi@stv.uio.no (J.H.), tora.skodvin@stv.uio.no (T.S.); Tel.: +47 22855192 (J.H.);
Fax: +47 22854411 (J.H.)
[2] Center for International Climate and Environmental Research—Oslo (CICERO), P.O. Box 1129 Blindern,
0318 Oslo, Norway; E-Mail: stine.aakre@cicero.uio.no (S.A.)

* Corresponding author

Abstract: More than two decades of climate change negotiations have produced a series of global climate agreements, such as the Kyoto Protocol and the Copenhagen Accords, but have nevertheless made very limited progress in curbing global emissions of greenhouse gases. This paper considers whether negotiations *can* succeed in reaching an agreement that effectively addresses the climate change problem. To be effective, a climate agreement must cause substantial emissions reductions either directly (in the agreement's own lifetime) or indirectly (by paving the way for a future agreement that causes substantial emissions reductions directly). To reduce global emissions substantially, an agreement must satisfy three conditions. Firstly, participation must be both comprehensive and stable. Secondly, participating countries must accept deep commitments. Finally, the agreement must obtain high compliance rates. We argue that three types of enforcement will be crucial to fulfilling these three conditions: (1) incentives for countries to ratify with deep commitments, (2) incentives for countries that have ratified with deep commitments to abstain from withdrawal, and (3) incentives for countries having ratified with deep commitments to comply with them. Based on assessing the constraints that characterize the climate change negotiations, we contend that adopting such three-fold potent enforcement will likely be politically infeasible, not only within the United Nations Framework Convention on Climate Change, but also in the framework of a more gradual approach. Therefore, one should not expect climate change negotiations to succeed in producing an effective *future* agreement—either directly or indirectly.

Keywords: climate change negotiations; compliance; cooperation; enforcement; participation; political feasibility

librello

1. Introduction

More than 20 years of climate negotiations have produced a series of global climate agreements. Examples include the United Nations Framework Convention on Climate Change (UNFCCC, 1992), the Kyoto Protocol (Kyoto 1, 1997), the Marrakesh Accords (2001), the Bali Road Map (2007), the Copenhagen Accord (2009), and the Durban Platform (2012), to mention only the most important ones.

Of course, these agreements differ significantly. Only the Kyoto Protocol and the Copenhagen Accord are associated with specific commitments concerning emissions reductions or limitations. Whereas Kyoto includes jointly determined and legally binding targets for such reductions or limitations, the Copenhagen Accord entails only unilaterally determined and non-binding targets that are not even part of the text. The Marrakesh Accords are largely a companion agreement to Kyoto, with specifications concerning the compliance system and the flexibility mechanisms (emissions trading, joint implementation, and the green development mechanism). Finally, the Bali Road Map and the Durban Platform essentially provide aims and guidance for further negotiations.

The many agreements over more than two decades notwithstanding, the climate negotiations have made very little progress in terms of curbing global emissions of greenhouse gases (GHGs). According to the Netherlands Environmental Assessment Agency, global CO_2 emissions in 2010 exceeded the 2000 level by 33% and the 1990 level by 45% [1]. Hence, if anything, the growth in global emissions is *accelerating*.

What explains this striking lack of progress in the climate negotiations? Considering that the delegations to the UNFCCC Conferences of the Parties consist of highly skilled experts and diplomats, it is unlikely that insufficient knowledge of the problem at hand or lack of innovative proposals for an effective design of the international climate regime explains the lack of progress. It seems far more promising to seek the explanation at the structural level, as this paper does. In particular, we consider whether the constraints faced by the negotiators are so severe that it is unrealistic to expect that they can be overcome. In other words, we consider whether the global climate change negotiations *can* succeed [2].

Providing a meaningful answer to this research question presupposes a clear definition of what success means. It is far from obvious what such a definition should look like; indeed, several conceivable success criteria exist.

A first possible criterion is simply to require that the negotiators reach an agreement (regardless of its contents). Any one of the aforementioned agreements (as well as any other conceivable agreement) would obviously count as a success based on this first criterion. Hence, this criterion is too weak to be interesting.

A second possible criterion is that to count as a success, the agreement negotiators reach must include commitments for emissions reductions or limitations by at least *some* member countries. In terms of this second criterion, the Kyoto Protocol would count as a success, because it required 36 countries to reduce their annual emissions in the period 2008−2012 by 5.2% on average, compared to 1990 levels.

A third possible criterion is that the agreement's design must make ratification politically feasible in all major countries. According to this criterion, Kyoto cannot be counted as a success, because it was not ratified by the United States, the world's largest emitter of GHGs at the time of the Kyoto meeting. Indeed, President Clinton did not even submit the treaty to the Senate, presumably because it had no chance of obtaining the Senate's consent [3].

Finally, a fourth possible success criterion is that the agreement must be *effective*. An agreement is here deemed effective if it causes substantial emissions reductions either directly (in the agreement's own lifetime) or indirectly (by paving the way for a *future* agreement that causes substantial emissions reductions directly) [4]. In this article, we use this fourth success criterion. We realize that the criterion is not particularly precise; however, for our purposes it is not of great importance whether reducing emissions "substantially" means meeting the 2°C target (see the next section), meeting a 3°C target, or meeting some other precise target. The point is that, according to this criterion, a successful agreement must be either directly or indirectly effective. Obviously and as already noted, the aforementioned agreements do not even come close to being directly effective—individually or collectively. Moreover, they do not include institutional arrangements that make them indirectly effective either. If anything, current UNFCCC rules *hinder* rather than spur substantial global emissions reductions. For example, the 1995 Berlin Mandate introduced the principle that UNFCCC parties should "protect the climate system in accordance with their common but differentiated responsibilities and respective capabilities" [5]. This principle places the responsibility for undertaking emissions reductions squarely on the Annex I countries, which are currently responsible for only about 40% of global emissions.

We proceed as follows: in Section 2 we point out some reasons why the climate change problem is so difficult to solve. In Section 3 we consider the prospects for a directly effective climate agreement. In particular, we maintain that the key to a directly effective climate agreement is potent enforcement, and contend that potent enforcement is politically infeasible in the global UNFCCC framework. In Section 4 we address the prospects for an indirectly effective agreement, arguing that obtaining substantial global emissions reductions through a more gradual (or club-like) approach is also politically infeasible. Finally, in Section 5 we conclude.

2. Why Is the Climate Change Problem so Difficult to Solve?

The climate change problem is complex in both scientific and political terms. Over the last two and a half decades, much energy has been invested in assessing its scientific aspects. The Intergovernmental Panel on Climate Change (IPCC) was established in 1988, and has since published regular assessments of state-of-the-art knowledge on the climate system's physical aspects, assessments of countries' socio-economic vulnerability to climate change, and assessments of adaptation and mitigation options. While this process has met criticism (e.g., [6]), policymakers seem largely to have accepted the IPCC's conclusion that anthropogenic emissions of GHGs are associated with a risk of human-induced climate change. In 2009, for instance, climate negotiators at the Copenhagen meeting (the 15th Conference of the Parties to the Climate Convention, COP-15) recognized "the scientific view that the increase in global temperature should be below 2 degrees Celsius" (Copenhagen Accord, paragraph 1). Policymakers further agreed that "deep cuts in global emissions are required according to science" and that they would "take action to meet this objective [the 2°C target, authors]" (Copenhagen Accord, paragraph 2) [7]. So far, however, policymakers have been unable to agree on how to achieve the necessary emissions reductions to meet this target.

Several factors contribute to making the climate change problem difficult to solve. Firstly, climate mitigation resembles a global public good. Thus, no country can be excluded from enjoying the benefits of climate mitigation, even if it fails to contribute to such mitigation. This aspect of global public goods means that most of the benefits from a country's own mitigation efforts go to others. Indeed, a major motivation for a country to participate in climate cooperation is to ensure that the net costs of its own mitigation efforts are outweighed by the benefits it derives from mitigation efforts in other countries. Moreover, the contributions of most individual countries to climate mitigation, especially those of small countries, matter little for the global climate. For example, even if Norway were to eliminate *all* of its emissions of GHGs, global emissions would become only about 0.15% smaller than if Norway were to continue business as usual. The effect on global warming would thus hardly be noticeable.

Secondly, a significant time lag exists between the costs of implementing GHG emissions reductions and the benefits of climate mitigation effects. While costs are incurred immediately, it may take decades until a measure's benefits take effect [8]. In contrast, policymakers typically have a much shorter time perspective and tend to favor measures associated with immediate benefits and delayed costs. Policymakers will always have good reasons for delaying action on long-term problems; in particular, they will often want to prioritize more immediate societal challenges (e.g., the financial crisis, the debt crisis, health care, seniors' welfare, etc.). Furthermore, depending on how long climate benefits take to materialize, not all the people carrying the costs will enjoy the benefits. This disparity might cause policymakers to delay action.

These two factors imply that the climate change problem involves a free-rider problem. Actors have strong incentives to enjoy the benefits of other actors' mitigation efforts while not contributing to mitigation themselves. Climate mitigation will thus likely be provided only in suboptimal quantities.

Thirdly, GHG emissions reductions on the scale necessary to solve the climate change problem are very costly because almost all economic activities are associated with GHG emissions. Of course, *some* climate measures may be economically beneficial in their own right. For instance, investments in renewable energy and energy efficiency may create new jobs, reduce energy costs, and increase energy security. Therefore, many countries have adopted climate measures even in the absence of an international agreement. These types of measures, however, are insufficient to generate the scope of emissions reductions required for effective climate mitigation. Moreover, which climate measures are economically beneficial is strongly linked to country-specific economic conditions. Thus, an effective international agreement must require countries to implement emissions reductions *beyond* the scope of measures that are beneficial in their own right within the framework of each country's economy. It must also include costly reduction measures even for the most carbon-intensive sectors. At that point, conflicts over burden sharing set in and incentives to free ride take effect. Climate measures that are beneficial in their own right, therefore, do little to help overcome the barriers to global collective action. On the contrary, they may arguably contribute to legitimize free riding.

The current energy and climate policy debate in the EU illustrates the continuing significance of emissions reduction costs. The EU has pursued ambitious climate policies for more than a decade and has had an operative Emissions Trading Scheme (ETS) since 2005. Nevertheless, the costs associated with ambitious climate policies are still a key concern in the climate and energy policy debate. In May 2013, the EU heads of state declared that "EU policy must ensure 'competitive' energy prices" and recognized a need to diversify the EU's "indigenous energy resources" to include not only renewable energies but also coal, nuclear power, and shale gas. German member of the European Parliament, Holger Krahmer responded, "for the first time, rising energy costs and the declining competitiveness of the European economy will be rated higher than obviously unenforceable global climate change ambitions" [9]. Moreover, the director of BUSINESSEUROPE blamed "the cost of climate policies—such as the ETS, renewable energy support schemes, and the structure of electricity markets—for the bloc's flagging economy" [9].

The costs associated with GHG emissions reductions imply that the free-rider problem is even more severe for the climate problem than for other environmental problems. The point is well illustrated by Canada's Environment Minister, Peter Kent, who justified Canada's withdrawal from the Kyoto Protocol in the following way: "the transfer of $14 billion from Canadian taxpayers to other countries—the equivalent of $1,600 from every Canadian family—with no impact on emissions or the environment. That's the Kyoto cost to Canadians" [10]. Given that actors will likely implement the least costly measures first, moreover, the cost of new measures will tend to increase, which reinforces incentives to free ride.

Fourth, domestic politics tend to give the upper hand to opponents of implementing climate mitigation measures. Whatever few benefits such measures provide to domestic constituents are long-term, vague, and highly dispersed. They thus give little incentive for political action. In contrast, costs are often near-term, salient, and highly concentrated. They are thus more likely to result in efforts to influence policy-makers (e.g., [11]).

Finally, a number of strong asymmetries further aggravate the climate change problem. Countries vary greatly concerning their historical responsibility for causing the problem, concerning their sensitivity to climate change, and concerning their capacities for mitigation and adaptation. These asymmetries partly explain why debates about justice or equity tend to be contaminated by "self-serving bias", that is, countries tend to invoke distributional principles that favor themselves. These asymmetries make difficult a consensus on what a just climate agreement would look like, and make justifying free-riding behavior easy.

Given all these factors, the Kyoto Protocol (Kyoto 1) was unsurprisingly associated with several types of free riding [12]: firstly, the United States did not ratify. Secondly, Canada ratified but subsequently withdrew from the agreement. Thirdly, "hot air" countries such as Belarus, Russia, and Ukraine participated with rather lenient emissions control commitments. Fourthly, developing countries (including countries such as China and India) participated without emissions control commitments. Finally, some countries may have participated without complying (fully) with their commitments. Whether some did (and if so, which ones) is not known at the time of writing. Kyoto 1, moreover, imposed relatively small emission cuts on Annex I countries [13] (and none at all on other member countries). A future agreement with a higher ambition level would give actors even stronger incentives to free ride.

3. The Feasibility of a Directly Effective Climate Agreement

To be effective (in the sense outlined in Section 1), a new climate agreement must cause substantial global emissions reductions either directly or indirectly. Here we focus on the prospects for a directly effective agreement, while we consider the prospects for an indirectly effective agreement in Section 5.

3.1. Conditions for a Directly Effective Climate Agreement

To cause substantial global emissions reductions directly, an agreement must satisfy three main criteria. Firstly, participation must be *both comprehensive and stable*. While it may be difficult to specify exactly what counts as comprehensive, the number of participating countries is clearly less important than the participating countries' share of global GHG emissions. Whereas emissions in tiny countries such as Lichtenstein, San Marino, and Andorra are largely inconsequential for global warming, the G20 countries are responsible for approximately 80% of global emissions [14]. Thus, a new climate agreement ratified by all G20 countries would go far towards satisfying the comprehensiveness condition. However, even an agreement with comprehensive membership may not be very helpful unless the membership is also stable: the ratifiers must remain members throughout the agreement's lifetime. For example, the Kyoto Protocol was unstable in the sense that Canada withdrew in December 2011. Moreover, other countries participating in Kyoto 1 have followed Canada's example by making clear they will not participate in Kyoto 2.

Secondly, participating countries must accept *deep commitments*, that is, they must promise substantial emissions reductions. It is well known that some international environmental agreements (IEAs) are shallow, in that participants promise little more than business as usual [15,16]. In contrast, to be effective, a climate agreement must require participants to deviate extensively from business-as-usual emissions trajectories. Because almost all economic activity entails GHG emissions, such deviations will likely be very costly (e.g., [17]).

Finally, the agreement must display *high compliance rates*, that is, participating countries must actually implement their deep commitments. The more costly such implementation, the less likely that high compliance rates will emerge (other things being equal).

Given the strong incentives for free riding (see Section 2), it is unlikely that all of these three conditions can be fulfilled in a new climate agreement unless that agreement includes potent enforcement measures.

3.2. The Key to an Effective Agreement: Potent Enforcement

While "enforcement" is often defined in terms of negative incentives ("sticks"), we here follow Breitmeier et al. [18], who broaden the enforcement concept to include positive incentives ("carrots") as well. We thus

define "enforcement" as the promise, threat, or actual use of positive or negative incentives to induce countries to behave (or abstain from behaving) in a certain way [19].

An effective climate agreement will require three types of enforcement: (1) incentives for countries to ratify with deep commitments, (2) incentives for ratifiers with deep commitments to abstain from withdrawal, and (3) incentives for ratifiers with deep commitments to comply with them.

Including measures for these three types of enforcement is not enough, however. The enforcement measures must also be potent, that is, they must be able to actually modify the behavior of would-be free riders. Such ability requires that enforcement measures be both credible and sufficiently big. Sticks are sufficiently big if would-be free riders would rather refrain from free riding and go unpunished than free ride and suffer punishment. Carrots are sufficiently big if would-be free riders would rather refrain from free riding and receive the promised reward than free ride and not receive it.

Stick measures are credible if other participants (or an enforcement institution erected and empowered by participants) can be expected to actually use them against free-riding countries. Similarly, carrot measures are credible if other participants (or an enforcement institution) can be expected to actually provide them to countries that do not free ride.

We emphasize that including one or two types of enforcement, but not the third, will likely be of limited help. For example, an agreement that includes potent type 2 and type 3 incentives, but not potent type 1 incentives, would likely face great difficulties in persuading all major countries to ratify (or at least to ratify with deep commitments). Similarly, an agreement that includes potent type 1 and type 3 incentives, but not potent type 2 incentives, would likely experience considerable withdrawals. Finally, an agreement that provides potent type 1 and type 2 incentives, but not potent type 3 incentives, would likely witness widespread noncompliance.

In short, were an ambitious climate agreement to include only one or two types of potent incentives, enforcement would largely shift free-riding behavior from categories for which the agreement includes potent enforcement (say, noncompliance and withdrawal) to categories for which the agreement provides no enforcement (say, nonratification or ratification with a shallow commitment). Enforcement would then add little to the agreement's effectiveness (e.g., [20]). An effective climate agreement must therefore block all escape options for would-be free riders by providing potent enforcement of all three types.

While potent enforcement is essential for an effective climate agreement, it is not equally important for making other IEAs effective. Although only relatively few IEAs include potent enforcement measures, it is well known (e.g., see [21]) that many IEAs experience high compliance rates (however, it is also true that some IEAs have witnessed considerable noncompliance —the Gothenburg Protocol under the Convention on Long-range Transboundary Air Pollution provides an example). At least four factors may explain high compliance rates in IEAs without potent enforcement (e.g., see [22]). Firstly, IEAs aiming to solve a co-ordination game rather than a social dilemma game provide no incentives for noncompliance. Secondly, we should also expect high compliance rates for shallow dilemma-game IEAs, where member countries are committed to little more than business as usual. Thirdly, even deep dilemma-game IEAs may obtain high compliance (and participation) rates if the problem size is moderate, so that compliance costs are also moderate. In such cases, the legal principle of *pacta sunt servanda* and other cooperation norms may well overcome the incentive to free ride. Finally, in dilemma-game IEAs without potent incentives to ratify, would-be free riders will likely opt out of the agreement, meaning that only countries able and willing to fulfill their commitments will participate. Importantly, climate change constitutes a large and extremely malign social dilemma that involves very high costs because virtually all economic activities entail GHG emissions (see Section 2). The need for potent enforcement will therefore likely be considerably larger for an (ambitious) climate agreement than for almost any other IEA.

3.3. Kyoto: A Climate Agreement without Potent Enforcement

The requirement that enforcement must be potent might seem self-evident; however, Kyoto's enforcement system illustrates that enforcement institutions might fall significantly short of meeting the requirement that an effective agreement must include potent incentives of all three types.

Firstly, while Kyoto (or rather, its companion agreement, the Marrakesh Accords from 2001) included incentives for compliance enforcement (type 3 incentives), it did not include incentives for countries to abstain from withdrawal (type 2 incentives). Hence, Canada could essentially withdraw from Kyoto at little or no cost.

Secondly, neither the Kyoto Protocol nor the Marrakesh Accords includes any incentives for inducing countries to ratify Kyoto. Such incentives were nevertheless used informally by some Kyoto members vis-à-vis some other Annex I countries. In particular, while initially hesitant, Russia eventually ratified Kyoto in return for the EU's dropping its objections against Russia's joining the World Trade Organization [23]. After the United States' repudiation, Kyoto could not have entered into force without Russian ratification, because entry into force required ratification by at least 55 countries responsible, in total, for at least 55% of the 1990 emissions in Annex I countries. After

the U.S. repudiation of Kyoto, the latter requirement could not be met without Russian ratification.

Finally, the compliance incentives included in the Marrakesh Accords suffer from severe problems. The Accords specify that countries failing to submit sufficient permits to cover their emissions in the first commitment period (2008–2012) face two main consequences:

1. They must compensate for their excess emissions in the second commitment period (which has now been set to 2013–2020). Moreover, in the second commitment period, noncompliant countries must reduce their emissions by an additional 30% of their surplus in the first commitment period. These emissions reductions come on top of whatever noncompliant countries' emissions reductions commitments might be for the second commitment period;
2. They will have their eligibility to participate in emissions trading suspended until this eligibility is reinstated by the Enforcement Branch of the Compliance Committee. In practice, suspension means that they will be unable to sell (but can buy) emission permits.

A main problem with the first consequence is that it essentially requires noncompliant countries to punish themselves [17]. Furthermore, this self-punishment requirement is voluntary in a three-fold sense. Firstly, the obligation to undertake additional emissions reductions is not legally binding. Secondly, no second-order punishment exists for failure to implement the punishment. In other words, noncompliant countries risk nothing for failing to punish themselves. Thirdly, the consequence presupposes that noncompliant countries will voluntarily continue as members in the second commitment period. Noncompliant countries can thus escape punishment by simply withdrawing from the treaty. As already mentioned, Canada withdrew from Kyoto before the first commitment period ended, whereas several other countries (Belarus, Japan, New Zealand, Russia, and Ukraine) have declined to participate in Kyoto 2.

The second consequence does not rely on self-punishment, because the climate regime controls who can and who cannot legitimately participate in emissions trading. Indeed, emissions trading makes little sense unless approved by the climate regime. Nevertheless, even this consequence lacks "bite": to sell emissions permits, a country must have a surplus of permits. In contrast, a noncompliant country will have a deficit of permits and will thus have no permits to sell. At best, therefore, the second consequence contributes to preventing noncompliant countries from illegally selling permits they do not have.

Because Kyoto's enforcement system is so lacking in potency, it is practically useless as a deterrent of excess emissions and will unlikely have much influence on member countries' compliance. However, in the case of Kyoto, the absence of potent enforcement may not have made much of a difference. Firstly, Kyoto aimed only at moderate emissions reductions (on average about 5.2% reduction in Annex I countries, compared to 1990 levels); thus, incentives for noncompliance were correspondingly moderate.

Secondly, the economic downturn following the financial crisis contributed significantly to limiting emissions in the 2008–2012 period, thereby reducing the cost of compliance in Kyoto's first commitment period even further.

Thirdly, for many or even most of the 36 countries with a legally binding emissions reduction or limitation commitment we should expect high compliance rates for reasons that have nothing to do with Kyoto's enforcement system. Twenty-seven of these 36 countries are EU members and 3 additional countries are members of the European Economic Area (EEA). The EU has strong ambitions to act as an international leader on climate change mitigation, and can rely on far more potent means of enforcement than Kyoto can. Examples include the European Court of Justice and the very potent enforcement measures included in the EU ETS (e.g., see [24]). Moreover, of the remaining six Kyoto countries with a binding emissions reduction or limitation commitment, three (Belarus, Russia, and Ukraine) received a large surplus of permits ("hot air") because of their transition to a market economy following the fall of the communist regimes around 1990 (the same is true for the eight former communist countries that are now EU members). Thus, these countries did not have to actively limit their emissions to reach compliance. Also, Japan was probably exceptionally motivated to comply because of the name and origin of the Kyoto Protocol.

Finally, participation in Kyoto was completely voluntary in that no incentives were included for ratification or against withdrawal. Countries that participate voluntarily in an IEA will likely display a reasonably high motivation for compliance [25].

All these factors suggest that Kyoto enjoyed quite favorable conditions concerning compliance rates. Nevertheless, based on emissions data excluding land use, land use changes, and forestry (LULUCF) for the 2008–2010 period, Haita found that no less than 15 member countries had on average exceeded their yearly national quota ([26], p. 2). Seemingly, for at least some of them, only creative accounting or massive acquisition of credits through emissions trading, joint implementation, and the clean development mechanism in the commitment period's final two years would make compliance possible [27].

That Kyoto struggled to achieve high compliance rates despite the many favorable conditions underlines the importance of potent enforcement. To ensure comprehensive and stable participation in a more effective future climate agreement, incentives for ratification with deep commitments and incentives against withdrawal may be necessary. Countries induced to

participate through such incentives may well drag their feet concerning compliance unless the agreement also includes potent compliance enforcement. Hence, including incentives for ratification and against withdrawal will likely enhance the need for compliance enforcement [24,28]. This hypothesis is consistent with our earlier claim that including only one or two forms of enforcement—but not all three—will unlikely add much to an agreement's effectiveness.

3.4. Potent Enforcement: An Example

If Kyoto's enforcement system is impotent, what might a potent enforcement system look like? Proposed alternatives include enforcement via GHG abatement reductions, trade restrictions, or by restricting access to R&D cooperation. However, such systems often fail to meet the conditions for a potent enforcement system discussed in Section 3.2, and would therefore be incapable of deterring free riding [29]. This section considers an example of a simple yet potent enforcement system that could *in principle* be incorporated into a new climate agreement. Based on deposits, this system would provide big and credible incentives for compliance and could easily be adapted to provide equally big and credible incentives against withdrawal. However, although in theory the system could also be designed to provide big incentives for ratification with deep commitments, these incentives would unlikely be credible in practice. The system would therefore require that other measures (e.g., some kind of trade restrictions) be added to provide potent incentives for ratification with deep commitments.

Several scholars (e.g., [29-35]) have considered possibly enforcing a new climate agreement through a deposit-refund system. The design of such a system must take into account the type of climate agreement concerned; here we consider a design for a cap-and-trade agreement (e.g., [29,36]). Essentially, each member country must (1) deposit a significant sum of hard currency at ratification and (2) make additional periodic deposits until the commitment period begins. When it ends, a country that makes all required deposits and meets its emissions limitation target will receive a full refund. In contrast, a country that fails to make further required deposits or fails to reach its target will lose all or part of its existing deposits, depending on the degree of its noncompliance. Provided that for each country the total deposits exceed the cost of reaching the target, this deposit-refund system will effectively deter excess emissions.

As an instrument for compliance enforcement, a deposit-refund system has several advantages [29]. Firstly, it is simple. Whereas Kyoto's compliance enforcement system is fairly complex, almost anyone can understand a system whereby excess emissions will entail loss of deposits. Secondly, unlike Kyoto's reliance on self-punishment, confiscation of deposits does not require self-damaging cooperation by the country concerned, because the climate regime will control deposits. Thirdly, provided that each country's total deposits exceed its costs of reaching its target, the punishment for noncompliance will be sufficiently big: fulfilling commitments and receiving a full refund will be better than being noncompliant and forfeiting (part of) deposits. Finally, the threatened punishment will also be credible: punishing a noncompliant party will benefit other parties individually as well as collectively.

Under Kyoto, a noncompliant country could escape punishment simply by withdrawing (as Canada did). In contrast, a deposit-refund system could easily be designed to make such escape unprofitable. For example, the agreement could specify that upon withdrawing, a member country forfeits some (or even all) of its deposits.

What about incentives for ratification? In theory, a deposit-refund system may also be designed to induce countries to ratify. In particular, in a symmetric setting (i.e., all countries are identical), a clause could specify that the treaty will not enter into force until all countries have ratified with deep commitments and made the required deposits [29]. Such a clause would effectively make free riding by not ratifying (or by ratifying without a deep commitment) infeasible.

In practice, however, a deposit-refund system is implausible as an instrument for inducing ratification. Firstly, the climate change problem is entangled in many and serious asymmetries (e.g., [37]), which makes requiring all countries to participate extremely impractical. Secondly, the multiple asymmetries make unlikely a consensus on relaxing the universal participation requirement: permitting some (major) countries to free ride would unlikely obtain unanimous consent. Thirdly, relaxing the unanimous ratification requirement could undermine the incentive to join; indeed, if an agreement requires only partial participation and does not provide other incentives for participation, a deposit-refund system could even undermine cooperation [34,35]. Fourthly, it may not be credible that if one country declines to make the deposit required upon ratification, other countries will abstain from cooperating among themselves. Yet, in a deposit-refund system, the incentive to ratify and make deposits critically hinges on such credibility. Finally, countries facing serious liquidity problems (e.g., several southern European countries) may be particularly reluctant to participate in a climate treaty based on a deposit-refund system.

In conclusion, a deposit-refund system could provide sufficiently big and credible incentives for compliance and against withdrawal. It could also solve many problems associated with Kyoto's enforcement system. However, a deposit-refund system provides less powerful incentives for ratification with deep commitments. It must therefore be combined with other measures, such as a set of (carefully selected) trade restrictions, to induce comprehensive participation [38].

An agreement with a deposit-refund system would also have to overcome other challenges. Member countries would face uncertainty concerning the size of the required deposits. They must ensure that the risk of deposits being lost be no bigger than the corresponding risk for alternative investments. Some countries (such as Norway) may be able to pay the deposits; countries with severe liquidity problems may not be able to pay them, at least not until the financial crisis ends.

These and other practical challenges may or may not have practical solutions; however, for the sake of argument, let us assume that they are solvable or that someone conceives of potent enforcement that entails no unsolvable practical challenges. The question would still remain: is potent enforcement politically feasible?

3.5. Is Potent Enforcement Politically Feasible within the UNFCCC?

Decision rules, that is, the level of support required for collective decisions, are a key determinant of political feasibility [39]. Climate negotiations take place within the UNFCCC, which operates under consensus rules. These decision rules give veto power to the most reluctant countries. The consensus requirement is not always taken literally. At the 18th Conference of the Parties (COP-18) in Doha in 2012, for instance, protests from Russia, Ukraine, Belarus, and Kazakhstan were ignored when the Doha decisions were adopted (see, e.g., [40]). However, such occasional "liberal" implementation of the consensus principle does not solve the problem of giving veto power to the most reluctant countries; at best, such implementation might postpone it.

Countries that are generally negative towards a deep agreement will likely oppose potent incentives for ratification and potent incentives against withdrawal. Countries *uncertain* about their own willingness or ability to implement their commitments will likely oppose potent enforcement of compliance. Furthermore, the deeper the commitments, the larger the need for potent enforcement and the more likely that some countries will oppose such enforcement [11]. As long as some of the UNFCCC's 195 parties are unprepared to consent to deep commitments and/or potent enforcement, a climate agreement which includes all three types of enforcement required for an agreement to be effective is politically infeasible. For example, India is currently unprepared to consent to an agreement with deep commitments and potent enforcement, as illustrated by the following statement: "developing countries need not have a compliance regime even though the new treaty or Arrangement could apply to all Parties. This is because the targets of developing countries will need to continue to be voluntary" [41]. A climate agreement with deep commitments and potent enforcement mechanisms will therefore be politically infeasible if negotiated within the UNFCCC framework (or, for that matter, within any other global forum based on unanimity).

4. The Feasibility of an Indirectly Effective Climate Agreement

We now turn to the prospects for an indirectly effective climate agreement. As noted above, CO_2 emissions are unevenly distributed among UNFCCC parties: fewer than 20 countries are responsible for more than 80% of global emissions [42]. Also, there is a principal difference between the three enforcement types. Clearly, all three will likely require unanimity among the negotiating parties. However, whereas incorporating incentives for compliance and against withdrawal will also require unanimity amongst the affected countries, incentives for ratification with deep commitments can be incorporated *without* requiring unanimity amongst affected countries ([43], p. 4). Thus, even if an effective all-party climate agreement with potent enforcement mechanisms is politically infeasible in the UNFCCC context, a gradual approach to establishing an effective all-party agreement might nevertheless be feasible.

A possible way to proceed could be as follows: first negotiate a deep agreement with incentives for compliance and against withdrawal amongst an initial coalition of willing key actors, and then elicit the participation of reluctant countries (i.e., countries that would not have consented to the agreement, had they participated in negotiating it) by incorporating incentives to ratify with deep commitments ([43], p. 4). Whether a country may be considered "key" in this context depends on two factors: the first is its share of global emissions, which reflects its significance in mitigating climate change. The second is its economic power, which reflects its capacity to implement measures that can effectively induce reluctant parties to participate. In climate negotiations, however, these features overlap in that the largest emitters also generally have very large economies.

In 2008, seven actors were responsible for 73% of global CO_2 emissions: China (23%), the United States (19%), the EU (13%), India (6%), Russia (6%), Japan (4%), and Canada (2%) [44]. Thus, a climate agreement that includes these seven would control a very large share of global emissions and have tremendous economic leverage. However, the number of key actors could be even further restricted to include only China and the United States. Between them, they account for 42% of global CO_2 emissions [43] and more than 30% of world GDP [45]. If they were to agree on deep commitments to reduce GHG emissions and on potent mechanisms to enforce compliance, they would likely have the economic strength to induce reluctant countries to join, for instance by implementing trade restrictions against nonparticipants. The question is: can they reach such an agreement?

Since 2005−2006, we have seen a development in China towards more ambitious domestic climate policies,

including significant investments in renewable energy sources (solar, wind power, and hydroelectric power) and energy efficiency. China has also introduced a national resources tax that includes fossil energy resources [46]. Prior to the COP-15 in Copenhagen, China announced an unconditional national carbon intensity reduction target of 40–45% from its 2005 level by 2020 [47]. So far, however, these domestic developments have not translated into a more ambitious Chinese approach at the international level. Since the climate issue surfaced on the international agenda in the late 1980s, China has consistently argued that it will not commit to international GHG reduction targets *until* developed countries (notably the United States) demonstrate willingness and ability to reduce their GHG emissions. Whether domestic developments may evoke changes in China's future international position is difficult to assess. On the one hand, China increasingly recognizes its vulnerability to climate change, which implies a stronger interest in a potent international agreement to mitigate climate change. On the other hand, however, China's domestic climate measures also seem motivated by the government's effort to restructure China's economic model and may be beneficial in their own right [47]. Conrad thus suggests that for China, "strapping itself into the confines of an international climate framework including binding emission reductions…comes with great political risk" [47]. In the Copenhagen negotiations, China adopted its traditional position that the main responsibility for abating the climate problem lies with developed countries. This position was reiterated later. In a February 2012 joint statement, the BASIC group, which is the main coalition of large developing countries or "emerging economies" [48], stated: "developed countries must rise up to their historical responsibilities and take the lead in the fight against climate change…in accordance with the principles of equity and common but differentiated responsibilities and respective capabilities under the Convention" [49]. Equally important in this context is that China is opposed to any climate agreement negotiated outside the UNFCCC framework. In a position paper prior to COP-15 in Copenhagen in 2009, China stated, "the UNFCCC and its Kyoto Protocol constitute the basic framework and legal basis for international cooperation to address climate change" [50].

Even if China should be prepared to undertake substantial GHG emissions mitigation, however, it is unlikely that China would also be prepared to accept potent enforcement mechanisms. China's position is that developing countries (including China) should not be required to take on quantified emissions reduction commitments, but may voluntarily agree to "Nationally Appropriate Mitigation Actions" initiated by themselves, enabled through technological and financial transfers by developed countries, and exempt from any form of enforcement measures [51-53]. China's resistance to potent enforcement can in part be traced to concerns with preserving national sovereignty, and in part with

a general reluctance to incorporating potent enforcement unless prospects for compliance are certain [51]. Regarding enforcement of ratification, the BASIC countries, including China, "are concerned that unilateral trade restrictions (i.e., any type of trade restriction not agreed on unanimously by all UNFCCC parties) will distort international trade, thereby undermining economic development in developing countries" ([43], p. 15).

The United States, on the other hand, is reluctant to join an international climate agreement that does not include GHG emissions control targets for large developing countries (notably China). The United States accepted the principle of "common but differentiated responsibilities" adopted in the UNFCCC (Article 4.1), but it opposes a continued practice whereby countries (such as China) are exempted from GHG control measures, as the Senate's 1997 Byrd-Hagel Resolution made clear. It declares:

"the United States should not be a signatory to any protocol…which would…mandate new commitments to limit or reduce greenhouse gas emissions for the Annex I Parties [i.e., Developed Country Parties], unless the protocol…also mandates new specific scheduled commitments…for Developing Country Parties within the same compliance period…" [54].

China and India are currently responsible for almost 30% of global GHG emissions, and their emissions are increasing at a faster rate than those of any other country (see, e.g., [55]).

Furthermore, China is a main competitor to the United States in the global market, and there is widespread concern among U.S. decision-makers that U.S. GHG emissions reduction measures that are not reciprocated, particularly by China, will put U.S. industries at a competitive disadvantage [56,57]. GHG emissions regulations encounter strong domestic opposition in the United States. The U.S. Senate has rejected legislative proposals for domestic GHG control measures three times (2003, 2005, and 2008). In 2009, federal climate legislation was adopted by the U.S. House of Representatives, but the legislation was never put to a floor vote in the Senate and was thus never enacted as U.S. law.

This lack of federal climate legislation does not mean that there are no actions in the United States to reduce GHG emissions. For instance, following a 2007 Supreme Court decision permitting CO_2 regulations under the Clean Air Act, the Obama Administration instructed the U.S. Environmental Protection Agency (EPA) to develop and enforce CO_2 emissions regulations on both mobile (e.g., transportation) and permanent sources (e.g., coal-fired power plants). In addition, there are several climate initiatives taking place at state level. The most important is the Regional Greenhouse Gas Initiative (RGGI), an emissions trading system that includes a number of states in the northeastern region of the country [57,58]). Finally, since ca. 2006 we have seen a significant decline in U.S. energy-

related CO_2 emissions, a decline due to the shift from coal to gas following from the tremendous increase of shale gas in the U.S. energy mix for electricity production (e.g., see [59]). The national and sub-national initiatives, however, will unlikely generate the required scope of emissions reductions. Moreover, there is currently limited political support for policy measures to ensure a permanent transition from coal to gas in U.S. electricity generation, such as a carbon tax or a similar policy measure [60]. The long-term effect of the U.S. "shale gas revolution" is thus uncertain. None of these initiatives and developments, therefore, ensures the legislative foundation required for U.S. ratification of a new climate agreement.

Were the United States to sign and ratify an agreement to reduce GHG emissions, however, U.S. commitments incorporated in the agreement would become part of "the supreme law of the land" and would thus be subject to the same strict compliance regime that governs all federal U.S. legislation (e.g., see [61,62]). In the United States, therefore, compliance is already enforced in the federal judicial system. The United States thus often supports strong international mechanisms to enforce compliance and to make sure its international counterparts face similar provisions. For instance, in the negotiations over Kyoto's compliance system, the United States consistently supported strong enforcement ([63], pp. 24–26).

The United States also supports enforcement of ratification. In the domestic debate on GHG control measures, legislative proposals have invariably included measures that could be used to sanction nonparticipation, usually in the form of some kind of border tax. In the United States, therefore, it is not enforcement mechanisms that generate opposition, but rather GHG control measures.

Given the major positions China and the United States occupy in the world economy, a climate agreement in which neither or just one of these key actors participates with deep commitments would not satisfy our requirements of an effective agreement. The United States and China, however, have been locked in a relationship of mutually incompatible positions at least since the late 1990s. China is not prepared to accept deep international GHG commitments until developed countries, particularly the United States, take on such commitments. The United States, on the other hand, is not prepared to take on international GHG reduction commitments unless major developing countries, such as China, do so. Given these key actors' dominant economies and their political positions on the climate problem, even an indirect (gradual) approach to establishing an international climate agreement with deep commitments and potent enforcement would likely be politically infeasible.

5. Conclusions

More than two decades of climate change negotiations have produced a series of climate agreements. Nevertheless, the negotiations have been largely unsuccessful, because none of these agreements has contributed much to solving the climate change problem. We argue that one should not expect *future* climate change negotiations to directly or indirectly produce an effective agreement either. An argument consisting of four main elements supports this conclusion.

Firstly, an ambitious agreement will likely entail very strong incentives for free riding. In particular, these incentives will be much stronger for an ambitious future climate agreement than the corresponding incentives for free riding in past, less ambitious climate agreements (Kyoto). They will also be much stronger than the incentives for free riding in ambitious IEAs in other issue areas (e.g., Montreal).

Secondly, curbing these strong incentives for free riding will require three types of potent enforcement: incentives to ensure that all major countries ratify with deep commitments, incentives to ensure that ratifiers with deep commitments do not withdraw, and incentives to ensure that ratifiers with deep commitments comply with them.

Thirdly, adoption of such three-fold potent enforcement will almost certainly be politically infeasible within the UNFCCC, which operates under consensus rules that grant veto power to the most reluctant countries. Countries that are generally negative to an agreement will likely oppose potent incentives for ratification with deep commitments as well as potent incentives against withdrawal. Moreover, countries willing to participate with deep commitments but uncertain about their own willingness or ability to implement these commitments will likely oppose potent enforcement of compliance. The larger the incentives for free riding (the deeper the commitments), the larger the need for potent enforcement and the more likely that some countries will oppose such enforcement. Thus, while we agree with Barrett [17,20] that potent enforcement is essential for an effective climate agreement, we are perhaps even less optimistic than he is concerning the likelihood that it will be feasible to incorporate potent enforcement measures in a future climate agreement.

Finally, a gradual approach that aims to reach an effective agreement indirectly and that is based on a more limited set of negotiating parties *outside* the UNFCCC, will be unlikely to succeed either. While such a process may have some advantages in principle, a successful outcome requires participation by both China and the United States. Unless they can somehow join forces, negotiations will be no more likely to succeed outside the UNFCCC than inside it.

The conclusion that global negotiations are likely to fail is not new. Scholars and environmentalists alike regard global negotiations as likely to fail. For example, David Victor argues that climate diplomacy has yielded "the illusion of action but not much impact on the underlying problem" [37] and David Roberts argues

that "the notion that smaller groups than the UNFCCC are needed for serious climate negotiations is now practically conventional wisdom in developed countries" [64]. However, our analysis differs from theirs in at least two respects. Firstly, unlike Victor and Roberts, we argue that a more gradual approach is also likely to fail. Secondly, unlike them, we emphasize that potent enforcement is not only required to make a climate agreement effective, but also highly unlikely to be politically feasible.

Readers will likely consider our conclusions as depressing news. However, in our view it is better to adjust the expectations of (and perhaps even the goal of) the climate change negotiations than to continue upholding an illusion that ambitious goals will be achieved eventually, when such goals are in fact politically infeasible. Only by developing a realistic view of the process and its prospects can we hope to get the best out of it.

Acknowledgments

References and Notes

1. PBL Netherlands Environment Assessment Agency. Long-term trend in global CO2 emissions; 2011 report. Available from: http://www.pbl.nl/en/publications/2011/long-term-trend-in-global-co2-emissions-2011-report (accessed on 7 May 2013).

2. Bäckstrand studies a similar question (using a very different approach). See: Bäckstrand K. Kan klimathotet avvärjas genom internationella förhandlingar? In: Bennich-Björkman L, editor. Statsvetenskapens frågor. Stockholm, Sweden: Studentliteratur; 2013. pp. 243–253.

3. Hovi J, Sprinz DF, Bang G. Why the United States did not become a party to the Kyoto Protocol: German, Norwegian and US perspectives. European Journal of European Relations. 2012;18(1):129–150.

4. We ignore the possibility of a long series of agreements, each of which reduces global emissions only slightly. This possibility would likely work too slowly to have any chance of avoiding dangerous climate change.

5. United Nations Framework Convention on Climate Change. Available from:http://unfccc.int/resource/docs/cop1/07a01.pdf (accessed on 5 August 2013).

6. Edwards PN, Schneider SH. Self-governance and peer review in science-for-policy: The case of the IPCC Second Assessment Report. In: Miller CA, Edwards PN, editors. Changing the Atmosphere: Expert Knowledge and Environmental Governance. Cambridge, MA, USA: MIT Press; 2001. pp. 219–246.

7. For excellent accounts of the expectations to, and the outcome of, the 2009 Copenhagen meeting, see: Kulovesi K, Gutiérrez M. Climate change negotiations update: Process and prospects for a Copenhagen agreed outcome. Review of European Community and International Environmental Law. 2009;18(3):229–243 and Dimitrov RS. Inside UN climate change negotiations. Review of Policy Research. 2010;27(6):795–821.

8. How long it takes before climate mitigation takes effect depends in part on the composition of gases that are reduced. Whereas some GHGs have atmospheric lifetimes of several hundred years (and thus will continue to affect the global climate several hundred years after their emission), other GHGs have shorter atmospheric lifetimes. But a time lag of at least several decades between costs and effects of GHG emissions reductions is likely (e.g., see [65]).

9. EurActiv. EU summit set to turn climate agenda upside down; 22 May 2013. Available from: http://www.euractiv.com/energy/energy-council-set-turn-eu-clima-news-519883?utm_source=EurActiv%20Newsletter&utm_campaign=ec7702722f-newsletter_energy&utm_medium=email&utm_term=0_bab5f0ea4e-ec7702722f-245302445 (accessed on 29 July 2013).

10. Statement by Minister Kent, issued by Environment Canada; 12 December 2011. Available from: http://www.ec.gc.ca/default.asp?lang=En&n=FFE36B6D-1&news=6B04014B-54FC-4739-B22C-F9CD9A840800 (accessed on 13 February 2013).

11. Hovi J, Sprinz DF, Underdal A. Implementing long-term climate policy: Time inconsistency, domestic politics, international anarchy. Global Environmental Politics. 2009;9(3):20–39.

12. We do not imply that the different types of free riding listed here are equivalent from a moral viewpoint. Rather, we use "free rider" as a technical term that covers any country benefiting from, but not contributing to, the effort to reduce global GHG emissions.

13. In the UNFCCC, the parties that have taken on the commitments defined in Article 4.2 are listed in Annex I of the Convention and are thus often referred to as Annex I countries.

14. UNEP. Global green new deal. United Nations Environment Program; 2009. Available from: http://www.unep.org/pdf/G20_policy_brief_Final.pdf (accessed on 31 May 2013).

15. Downs GW, Rocke DM, Barsoom PN. Is the good news about compliance good news about cooperation? International Organization. 1996;50(3):379–406.

16. Examples of IEAs in which participants have committed to little more than business as usual include the Basel Convention (e.g., see [66]), the Helsinki Protocol (e.g., see [67]), the Kyoto Protocol (e.g., see [68]) and the Oslo Protocol (e.g., see [69]).

17. Barrett S. Environment and Statecraft: The Strategy of Environmental Treaty-Making. Oxford, UK: Oxford University Press; 2003.

18. Breitmeier H, Young OR, Zürn M. Analyzing International Environmental Regimes. From Case Study to Database. Cambridge, MA, USA: MIT Press; 2006.

19. A focus on benefits as well as costs seems to reflect the reality of climate change negotiations. See Dimitrov R. The politics of persuasion: U.N. climate change negotiations. In: Dauvergne P, editor. Handbook of Global Environmental Politics. Cheltenham, UK: Edward Elgar; 2012. pp. 72–86.

20. Barrett S. Climate treaties and the imperative of enforcement. Oxford Review of Economic Policy. 2008; 24(2):239–258.

21. Bodansky D. The Art and Craft of International Environmental Law. Cambridge, MA, USA: Harvard University Press; 2009.

22. Grundig F, Hovi J, Underdal A, Aakre S. Self-enforcing peace and environmental agreements. International Studies Review. 2012;14(4):522–540.

23. Walsh NP. Russian vote saves Kyoto protocol. The Guardian; 2004. Available from: http://www.guardian.co.uk/world/2004/oct/23/society.russia (accessed on 31 May 2013).

24. Aakre S, Hovi J. Emission trading: Participation enforcement determines the need for compliance enforcement. European Union Politics. 2010;11(3):427–445.

25. Because IEAs with voluntary participation are likely to display high compliance levels, a constructivist theorist might argue that one should look for sources of potential voluntary cooperation on climate change mitigation, based on principles rather than interests. While we agree that principles may also be important in motivating countries' behavior, it seems plausible to assume that their motivating force would likely be stronger, the lower the costs of compliance. In issue areas such as climate change, participating in and complying with an IEA might entail substantial adverse economic effects and only limited positive environmental effects. Self-interest might therefore strongly tempt countries to free ride one way or the other. Potent enforcement will be required to restructure such free-rider incentives.

26. Haita C. The state of compliance in the Kyoto Protocol. ICCG Reflection No. 12/2012. Available from: http://www.iccgov.org/FilePagineStatiche/Files/Publications/Reflections/12_Reflection_December_2012.pdf (accessed on 28 May 2013). These countries were, in decreasing order of excess emissions, Luxembourg, Austria, Iceland, New Zealand, Australia, Liechtenstein, Spain, Denmark, Switzerland, Slovenia, Norway, Italy, Japan, Netherlands, and Ireland.

27. Unfortunately, although the first commitment period ended on 31 December 2012, and the additional grace period of 100 days available for credit acquisition ended in April 2013, the final data on compliance are not yet available at the time of writing.

28. Aakre S, Helland L, Hovi J. What types of enforcement matter? An experimental study. Unpublished working paper; 2013.

29. Hovi J, Greaker M, Hagem C, Holtsmark B. A credible compliance enforcement system for the climate regime. Climate Policy. 2012;12(6):741–754.

30. Gersbach H. A new way to address climate change: A global refunding system. The Economist's Voice. 2008;5(4):1–4.

31. Finus M. The enforcement mechanisms of the Kyoto Protocol: Flawed or promising concepts? Letters in Spatial and Resource Sciences. 2008;1(1):13–25.

32. Gerber A, Wichardt PC. Providing public goods in the absence of strong institutions. Journal of Public Economics. 2009;93(3–4):429–439.

33. Gersbach H, Winkler R. Global refunding and climate change. Journal of Economic Dynamics and Control. 2012;36(11):1775–1795.

34. McEvoy DM. Enforcing Compliance with international environmental agreements using a deposit-refund system. International Environmental Agreements; Forthcoming.

35. Cherry TL, McEvoy DM. Enforcing compliance with environmental agreements in the absence of strong institutions: An experimental analysis. Environmental and Resource Economics. 2013;54(1):63–77.

36. A design for an agreement based on carbon emission taxes is analyzed by Gersbach and Winkler [33].

37. Victor DG. Global Warming Gridlock. Cambridge, MA, USA: Cambridge University Press; 2011.

38. Many scholars have warned that using trade restrictions to induce participation (or compliance) in a future climate treaty could damage the international trade system. This issue is too big to be considered here.

39. Skodvin T, Gullberg AT, Aakre S. Target-group influence and political feasibility: The case of climate policy design in Europe. Journal of European Public Policy. 2010;17(6):854–873.

40. Korppo A. The Doha dead end? Transition economies and the new Kyoto Rules. FNI Climate Policy Perspectives 9. Oslo, Norway: The Fridtjof Nansen Institute; 2013.

41. Indian Ministry of Environment and Forests. Frequently asked questions on India and the Durban Platform. Available from: http://moef.nic.in/modules/others/?f=durban-faqs (accessed on 28 May 2013).

42. United Nations Statistics Division. Millennium development goals indicators: Carbon dioxide emissions 1990–2009. Available from: http://mdgs.un.org/unsd/mdg/SeriesDetail.aspx?srid=749 (accessed on 29 April 2013).

43. Aakre S. The political feasibility of potent enforcement in a post-2012 climate agreement. Unpublished working paper; 2013.

44. U.S. Environmental Protection Agency. Global Greenhouse Gas Emissions Data. Available from: http://www.epa.gov/climatechange/ghgemissions/global.html (accessed on 29 April 2013).

45. The GDP estimate is based on 2011 data from the United Nations Statistics Division. Available from: http://en.wikipedia.org/wiki/List_of_countries_by_GDP_(nominal) (accessed on 29 April 2013).

46. McKenna M. China not waiting for U.S. to lead on climate. The Diplomat; 29 July 2013. Available from: http://thediplomat.com/china-power/china-not-waiting-for-the-us-to-lead-on-climate/ (accessed on 29 July 2013).

47. Conrad B. China in Copenhagen: Reconciling the 'Beijing climate revolution' and the 'Copenhagen climate obstinacy'. The China Quarterly. 2012;210(June): 435−455.

48. The BASIC group includes China, India, Brazil, and South Africa.

49. Statement at the 10th BASIC ministerial meeting on climate change in New Delhi, February 2013. Available from: http://www.trademarksa.org/news/basic-ministerial-meeting-climate-change-communique-0 (accessed on 29 April 2013).

50. Implementation of the Bali Roadmap: China's Position on the Copenhagen Climate Conference. Issued by National Development and Reform Commission (NDRC), People's Republic of China; 20 May 2009. Available from: http://en.ndrc.gov.cn/newsrelea se/t20090521_280382.htm (accessed on 29 April 2013).

51. Held D, Nag E-M, Roger C. The governance of climate change in developing countries. A report on international and domestic climate change politics in China, Brazil, Ethiopia and Tuvalu. London, UK, and Paris, France: LSE Global Governance; 2012

52. Teehanke MAJ, Jegou I, Rodrigues RJ. Multilateral negotiations at the intersection of trade and climate change: An overview of developing countries' priorities in the UNCSD, UNFCCC and WTO processes. Climate Change Architecture Series. Geneva, Switzerland: ICTSD Program on Global Economic Policy and Institutions; 2012.

53. Fang S-h. Governing carbon: China in Global Climate Politics. PhD Thesis, University of Sussex; 2012.

54. Senate Resolution 98. Congressional record, Report No. 105-5412, 25 July 1997.

55. Raupach MR, Marland G, Ciais P, Le Quéré C, Canadell JG, Klepper G, Field CB. Global and regional drivers of accelerating CO2 emissions. Proceedings of the National Academy of Sciences (PNAS). 2007;104 (24):10288–10293.

56. Asselt HV, Brewer HAT, Mehling M. Addressing leakage and competitiveness in U.S. climate policy: Issues concerning border adjustments. Working Paper. Cambridge, UK: Climate Strategies; March 2009.

57. Rabe BG. Statehouse and Greenhouse: The Emerging Politics of American Climate Change Policy. Washington, DC, USA: The Brookings Institution; 2004.

58. Depledge J. Against the grain: The United States and the global climate regime. Global Change, Peace & Security. 2005;17(1):11−27.

59. EIA (Energy Information Administration). Annual Energy Outlook 2013: Early release overview. Available from: http://www.eia.gov/forecasts/aeo/er/pdf/0 383er(2013).pdf (accessed on 24 February 2013).

60. Bang G, Skodvin T. U.S. climate policy and the shale gas revolution. In: Cherry T, Hovi J, McEvoy D, editors. Toward a New Climate Agreement: Conflict, Resolution and Governance. London, UK: Routledge; forthcoming 2014.

61. Skodvin T, Andresen S. An agenda for change in U.S. climate policies? Presidential ambitions and congressional powers. International Environmental Agreements. 2009;9(3):263–280.

62. Fisher DR. National Governance and the Global Climate Change Regime. Lanham, MD, USA: Rowman & Littlefield Publishers; 2004.

63. Werksman J. The negotiation of a Kyoto compliance system. In: Stokke OS, Hovi J, Ulfstein G, editors. Implementing the Climate Regime: International Compliance. London, UK: Earthscan Press; 2005. pp. 17–37.

64. Roberts D. A way to win the climate fight? The American Prospect. Available from: http://prospect.org/ article/way-win-climate-fight (accessed on 21 July 2013).

65. Fuglestvedt JS, Berntsen T, Godal O, Sausen R, Shine KP, Skodvin T. Metrics of climate change: Assessing radiative forcing and emission indices. Climatic Change. 2003;58(3):267–331.

66. Kellenberg D, Levinson A. Waste of effort? International environmental agreements. Paper presented at the Stanford Institute for Theoretical Economics Summer 2013 Workshop, Stanford, CA, USA, 12 August 2013.

67. Ringquist EJ, Kostadinova T. Assessing the effectiveness of international environmental agreements: The case of the 1985 Helsinki Protocol. American Journal of Political Science. 2005;49(1):86–102.

68. von Stein J. The international law and politics of climate change. Ratification of the United Nations Framework Convention and the Kyoto Protocol. Journal of Conflict Resolution. 2008;52(2):243–268.

69. Finus M, Tjøtta S. The Oslo Protocol on sulfur reduction: The great leap forward? Journal of Public Economics. 2003;87(9−10):2031–2048.

Politics and Governance

The Quality of Deliberation in Two Committees of the European Parliament: The Neglected Influence of the Situational Context and the Policymaking Stage

Léa Roger* and Gary S. Schaal

Department of Political Sciences, Helmut Schmidt University/University of the Federal Armed Forces Hamburg, Holstenhofweg 85, 22043 Hamburg, Germany; E-Mails: lea.roger@hsu-hh.de (L.R.); gschaal@hsu-hh.de (G.S.S.); Tel.: +49 4065412785 (L.R.); Fax: +49 4065413370 (L.R.)

* Corresponding author

Abstract: In our paper we try to answer two empirical research questions. First, we assess the deliberative quality of discussions in two committees of the EU Parliament. In order to do so, we use a slightly revised version of the DQI. Second, we identify and empirically measure those variables that systematically influence the quality of deliberation in interviews with debate actors. We argue that the quality of deliberation in EU committees is influenced by two normative values: deliberation (common good orientation) and responsiveness (particular interest orientation), with the guiding value determined by the particular situation. Using a multidimensional concept of deliberation, we empirically test the impact of situational variables on specific aspects of deliberative quality. In addition, we take into account the temporal dimension of deliberation.

Keywords: committees; deliberation; European Parliament; responsiveness

1. Introduction

The theory of deliberative democracy is the most important strand of democratic thought today [1]. Its promise of greater legitimacy and better deliberative decision-making has achieved much attention in political practice. Empirical deliberation research aims at measuring the deliberative quality of communication. Since it is nearly impossible to measure deliberation in non-institutionalized, real-world situations [2], almost all studies analyze deliberation in institutionalized contexts. The most relevant institutionalized communication context in politics is parliament. Regarding parliament as the normative locus of deliberation has a long

history in political theory and the history of ideas [3], which is why most studies address the variables that influence the quality of deliberation in parliamentary debates.

In this paper, we empirically analyze the deliberative quality of debates in two committees of the EU Parliament. We chose to analyze debates in the committees of the EU Parliament because committees are the main locus of deliberation (if deliberation takes place at all). We chose the EU Parliament because, unlike the case in national parliaments, members must cooperate as they search for a common policy beyond. Deliberation in EU committees can therefore be expected to be higher than in national parliamentary

librello

committees. Using the DQI [4] we analyze the debate in the Monetary and Economic Affairs Committee (ECON) on the "two-pack" legislative proposals for European economic governance. We further analyze a joint debate in the Committee on Civil Liberties, Justice and Home Affairs (LIBE) and the Committee on Women's Right and Gender Equality (FEMM) on a directive regarding the rights, support and protection of victims of crime.

We argue that two sets of variables—situational variables and temporal variables—systematically influence the quality of deliberation in committee debates in the EU Parliament. Situational variables describe the social aspects of a political decision; temporal variables describe the particular stage of the policymaking process. The importance of these variables has been widely neglected in recent research [5].

To develop our argument, we first lay down the theoretical background and the methods used in our analysis (2). Qualitative interviews were held with members of the EU Parliament regarding the importance of the situational variables in the "two-pack" and the "directive on minimum standards on the rights, support and protection of victims of crime" [6,7]. The key findings of these interviews are presented in part (3). The quality of deliberation in the two committees has been analyzed using a slightly modified version of the DQI. The findings are discussed in section (4). The final section sums up the key findings of the empirical study (5).

2. Discussion of Concepts

2.1. Deficits of Current Debates on Parliamentary Deliberation

It is common to think of parliamentary deliberation normatively: the best mode of communication in a parliament. But there is no overarching basic principle (idée directice) normatively guiding the work and the corresponding mode of communication of a representative. Rather, communication in parliament has two underlying normative ideals: search for the common good and responsive representation. Both basic ideas are normatively compelling and belong to two different strands of political thought. Both serve as implicit or explicit normative guidelines for the communicative behavior of a representative. Hence, the analysis of the parliamentary debates has to take into account which basic principle actually guides a representative. A comprehensive evaluation of deliberative quality has to utilize two different benchmarks: a theoretical one grounded in the theory of deliberation and communicative action, and an empirical one, grounded in the subjective understanding of the representatives' work. Deliberation is more likely in committee than in plenary debates, so the former should be the focus of analysis ([8], see [9-11]).

The European theory of deliberation, especially the

works of Jürgen Habermas, has paid little attention to the one who is speaking and the problem to be solved. Gutman and Thompson [12] were the first to analyze the problem-solving capacity of deliberation with regard to different kinds of political problems. Drawing on these insights, this paper argues that political problems can systematically hinder or promote deliberation, depending on the specific aspects they present.

The work of Steiner et al. [13] has analyzed the impact of institutional macrostructures on deliberative quality in parliament. What has been neglected so far in empirical deliberation research is the influence of the procedural microstructure of policymaking. We argue that the situation and the particular stage of policymaking in the EU Parliament shape the deliberative quality of the debates.

2.2. Deliberation

Within a mere 10 years since prominent thinkers such as Jürgen Habermas [14], Bernand Manin [15], Cass Sunstein [16], Amy Gutmann and Dennis Thompson [12], James Bohman [17], and John Dryzek [18] began to advocate deliberative democracy, the normative political theory gained stunning momentum. Bohman wrote of the "coming of age of deliberative democracy" in 1998 [19] and Simone Chambers judged that this strand of theory entered the stage of a "working theory" in 2004 [20]. Beginning with the turn of the century, deliberative democracy became an empirical theory in at least two ways: first, deliberative modes of decision-making became an increasingly large part of political practice, first in the USA, and then all around the world; second, the empirical analysis of the deliberative quality of communication (empirical deliberation research) gained popularity, even though some authors still cast doubt on the idea that a normative concept can be empirically measured [21,22].

Simply put, normative deliberation occurs when there is a give and take of arguments between persons who consider each other as free and equal and treat each other respectfully. They try to convince others rationally by giving reasons for their arguments and take the arguments of others into account. Deliberative processes are free from any constraints. According to Habermas, the only constraint admitted in a deliberation is the "forceless force of plausible reasons" [14]. Ultimately the mode of communication in a deliberative process is arguing, not bargaining. The normative goal of deliberation is consensus. Taken together, these features of a communication situation constitute an ideal speech situation (see [14]).

Deliberation aims at the common good. After the linguistic turn in political philosophy, the common good is no longer defined in a substantial manner, but merely procedural. Meeting the criteria of an ideal speech situation implies at the same time an orientation towards the common good. Neither a philosopher nor a person participating in a deliberation knows what the

common good is (in a particular political question) before a deliberation about this concrete political question has taken place.

This normative definition of deliberation has been subject to numerous criticisms (e.g. Sanders [23]). Especially authors from the Anglo-American hemisphere have emphasized that the normative concept of deliberation is so demanding that it cannot even function as a regulatory ideal, since all real-world deliberation falls short of accomplishing the high normative standards put forward by Habermas [14]. Iris Marion Young [24] has argued that rational deliberation is not a neutral form of communication, as rational deliberation is a technique of communication that favors white, middle-class, and educated male speakers. Other modes of communication such as storytelling or greeting are not normatively valued, which discounts their speakers and leads to systematic distortions within rational deliberations.

For the longest time, the differentia specifica of deliberation has been the use of arguments. It was clear that if bargaining occurred or self-interests played a major role during communication, there was no deliberation. But this line has blurred, at least since the now famous article by Mansbridge et al. [25]. The team of authors introduced self-interests as a legitimate part of deliberation, and even though this suggestion has been criticized for stretching the concept of deliberation too far, it was widely received. Taking into account the arguments advanced, Bächtiger et al. [26] propose to differentiate two types of deliberation: Type I deliberation, characterized by the Habermasian logic of communicative action aimed to reach a consensus in rational discourse via the "unforced force of the better argument"; and Type II deliberation that includes other forms of communication, such as storytelling, rhetoric, or even bargaining (Bächtiger et al. [26]). This runs the risk of making deliberation a catch-all concept, with the "concept stretching" (see [27]) creating conceptual blurriness. If even bargaining and self-interest are included, how shall we distinguish discourse from other forms of communication? As Bächtiger et al. ([26], p. 48) write: "almost all communicative act may qualify as 'deliberative'" (see also [28]).

2.3. Representation

There are two normative ideals of representation, a deliberative and a liberal one. Both are compelling and none is ethically superior. Historically, both idées directrices have influenced the work and self-understanding of parliamentary representatives, and continue to do so today. Hence, an empirical analysis of the deliberative quality of parliamentary debate must refrain from narrowing the normative scope to just one idée directrice but should embrace the normative pluralism found across parliaments.

From a deliberative perspective, the durational ex-change of arguments makes up the normative heart of parliamentary decision-making [14]. Through the give and take of rational arguments, deliberation is expected to produce more consensual, epistemologically improved outcomes. For Habermas, deliberation sets the sovereignty of the people "communicatively aflow" ([14], p. 486). Older studies see deliberation as the benchmark for ideal parliamentary communication (see [13,14]). But recent works have positioned deliberation as one of many forms of parliamentary communication ranging from bargaining (even with threats and promises) to high-level deliberative debate (see [25,26]).

From a liberal point of view, the normative idea of representative democracy is responsiveness ([29,30]). This rests on the premises that every person is the best judge of his or her own interests; departing from the expressed preferences of citizens would deprive them of their autonomy and could lead to morally inferior forms of paternalistic government. In spite of this, most strands of liberal theory value a free mandate ([31]; summarized in [32]). Accordingly, the normative ideals of representation in parliament oscillate between mere representations of citizen preferences and free deliberation in search for the common good. Deliberative quality in parliament depends not only on institutional variables but also on the two basic principles of representation (deliberation and responsiveness) and their interaction with the self-understanding of representatives.

2.4. Conceptual Framework

Drawing on the basic ideas of Gutman and Thompson [12] we are convinced that specific aspects of a political problem can influence the communicative behavior of representatives systematically and hence impact on deliberative quality. We argue that these aspects are not of substantial or essential nature; rather, they are socially and communicatively constructed [33].

To explain the communicative behavior of representatives, it is necessary to specify the basic assumptions of the underlying theory of action. We make two modest basic assumptions that avoid the excessive demands of normativity. First, the prime concern of a representative is reelection. Reelection depends on the electorate's vote, and responsiveness to electorate preferences is the key for reelection. Following research on the principal-agent problem, we regard the responsiveness of a representative as a question of power, monitoring and transparency (see [34-36]). The more power a principal has, the better the ability to monitor the agent's actions; and the greater the transparency of political interaction, the more responsive the representative will be (see [37]). The second assumption is that representatives are not rational actors in a Downsian sense (see [38]). They are believed to be responsive to the electorate's preferences, but they retain their own political preferences and goals.

Building on these insights, we argue that socially constructed aspects of a political decision systematically influence the representative's ability to deliberate in a committee debate. Three elements are of major importance: the perceived salience of the topic; the perceived publicity of the topic; the perceived strength of particular interests involved. We call these variables situational variables. They are directly linked to power, monitoring, and transparency, the preconditions for responsiveness or deliberativeness from a principal-agent point of view.

The salience of the topic denotes its importance for the electorate or the political party, as perceived by the representative. Salience strengthens the representative's responsiveness; actors exercise more pressure (power) on their representatives and expect them to follow their preferences; and voters and parties monitor the representative more closely (transparency). This reduces the representative's ability to deliberate, as he or she must fear sanctions (e.g. non-reelection) in case of deviant political (communicative) behavior (see [13,39]).

In mainstream deliberative theory, publicity is a key feature of deliberation (see [15,40]). As private interests cannot be defended in front of a public, publicity fosters high quality deliberation. Representatives face particular audiences, however. In the face of reelection, the more representatives feel observed (transparency), the more likely they are to focus on the interests of their principals (power), resorting to populist arguments in the public sphere at the expense of reasoning. European elections are generally described as "second order elections". On certain topics, however, the public attention increases (e.g. in the Economic crisis). More generally, representatives react to the "perceived publicity", which increases on topics of broad public interest. Once again, the relevant situational variable is the perceived level of publicity (transparency).

Ideally, deliberation strives for the common good: a political solution that is good "for all". But representatives are elected on national lists and accountable only to their voters. When particular interests (regional interests, national interests, party interests) are at stake, deliberation is less likely, as representatives focus on these interests (power, monitoring).

We also take into account the anticipated veto power (veto variable) of the Council on each issue. Researchers have argued that the presence of veto-players strengthens pressure to reach agreement. Bächtiger/Hangartner [41] consider veto power as an "enabling constraint" favoring serious argument. Similarly, in their study on deliberation in EP plenary debates, Lord/Tamvaki [42] assume that the presence of the Council will positively influence deliberation in the EP, but the empirical results were ambiguous. The authors found that veto power increases the common-good orientation of MEPs, but found no effect on respect levels and the rationality of argumentation [42]. This paper analyzes the exercise of de facto veto-

power. As Fearon [43] shows, states value costs against expected benefits: when benefits are high, they are more likely to hold out until an agreement is found that serves their interests. In this sense, the veto-risk differs from legislative file to legislative file, which is why we assess the variable separately for each case studied.

Drawing on insights by Robert Goodin (see [44]), we argue that in order to analyze the complexity of the deliberative processes, one has to "sequentialize deliberative moments". Deliberative quality changes over the course of a communication. Yet "no political philosopher would expect that communicative rationality is present throughout the entire communication process" ([44], p. 3). A solution to this problem is the sequentialization of communication processes. The idea is that different modes of communication occur in different sequences of a communication process. As Bächtiger et al. point out, the dimensions of communication can be subjected to individual assessment: "a sequential perspective of communication processes not only unravels its dynamic nature, it can also be ideally linked to a conception of discourse types" ([45], pp. 3–4).

In this paper, we consider deliberation to be multi-dimensional, and examine each aspect of deliberation separately. We take multi-dimensionality into account in the analysis of committee debates, arguing that the situational and temporal variables impact differently on each dimension of deliberation. The situational variables are expected to influence the common-good orientation, respect levels, and the willingness to reach agreement. On issues salient to voters, representatives are more likely to focus on particular interests and are more reluctant to compromise.

With regard to the temporal variable, we assume that different deliberative virtues are displayed at different stages of decision-making. Starting with a common assumption in deliberation theory, we argue that deliberative processes in decision-making pass through three stages in the ideal case ([46], see [47-49]). The first stage is mutual understanding. Here people tell each other what their preferences are on a given subject. During this stage of communication, reasons are not necessary, as individual preferences have yet to be challenged. The second stage is justification. Here preferences are challenged, requiring people to give reasons justifying their positions. The final stage is decision-making. In this stage, people must consider the arguments of others to find a compromise. As we will show, these three stages have analogous correlates for decision-making in EU committees. Accordingly, the study also accounts for the temporal dimension of deliberation.

2.5. Measuring Deliberation

For our study we analyze two legislative decision-making procedures of the European Parliament. These legislative procedures are similar with respect to the institutional setting but vary with regard to their situation-

154

al variables. As we noted already, these variables impact on representatives' communicative behavior as they react to the situation of decision-making and adapt their behavior accordingly. We first analyze qualitative interviews held with members and officials of the European Parliament involved in the decision-making process. Second, we compare the quality of deliberation in selected committee debates.

The committee debates are analyzed using the Discourse Quality Index [4], a well-known and uncontested instrument for assessing deliberative quality. The instrument was originally developed and applied to committee debates in three parliaments by Steiner et al. [13], and has since then be applied to various parliamentary and nonparliamentary debates (see [42,45,50,51]). This paper uses an extended Discourse Quality Index [52], adapted to parliamentary debates at the European level (see [53,54]).

The DQI measures the quality of deliberation on the basis of speech acts (see Appendix 2 for the Discourse Quality Index). Drawing on Habermas' concept of deliberation, the index is composed of several indicators aimed at assessing the distinctive dimensions of deliberation separately. Since an important element of deliberation is free and equal participation, the indicator participation assesses the speaker's ability to take part in the debate without being interrupted. Deliberation also requires the rational exchange of arguments. Speakers are asked to justify their arguments in light of the "common good". The DQI captures both the quality (level of justification) and the content (common-good orientation) of the arguments made. It assesses how well an argument is justified and if the justification accounts for the best interest of all people concerned. For the purpose of this article, the "common good" is defined as the common interest of all European citizens. A "solidarity" indicator measures whether participants consider the consequences their position has for other people. As Landwehr [55] points out, actors may have particular, non-transferable interests that are not necessarily common to all European citizens. Nevertheless, they may be legitimately articulated in parliamentary debates [25]—as long as they do not hamper the interests of other citizens.

Another central dimension of deliberation is respect. Respect encompasses three dimensions: respect towards other participants during the debate; respect towards demands expressed; and respect towards groups concerned by the policies debated. In the debate, participants are required to listen and reply to each other (interactivity). Since "ideal deliberation aims to arrive at a rationally motivated consensus" ([40], p. 23), participants should be open-minded and consider the merits of each argument. If consensus is not possible, participants should be the willing to reach a compromise (constructive politics). It is important that participants be sincere (veracity). But since the sincerity of a speech cannot be assessed, the indicator is not included in the DQI. The DQI assesses the quality of deliberation that ranges from no deliberation (if the indicators are not fulfilled) to the ideal form of discourse. The individual dimensions are coded separately. Deliberation is considered a multi-dimensional concept. For example, participants can justify their arguments but refer to particular interests, and vice versa. The higher the code assigned to the speech act for each dimension, the better the quality of deliberation is.

Our study measures the impact of two different sets of variables on the quality of deliberation in EU parliaments committees: situational variables and temporal variables (Figure 1) [56].
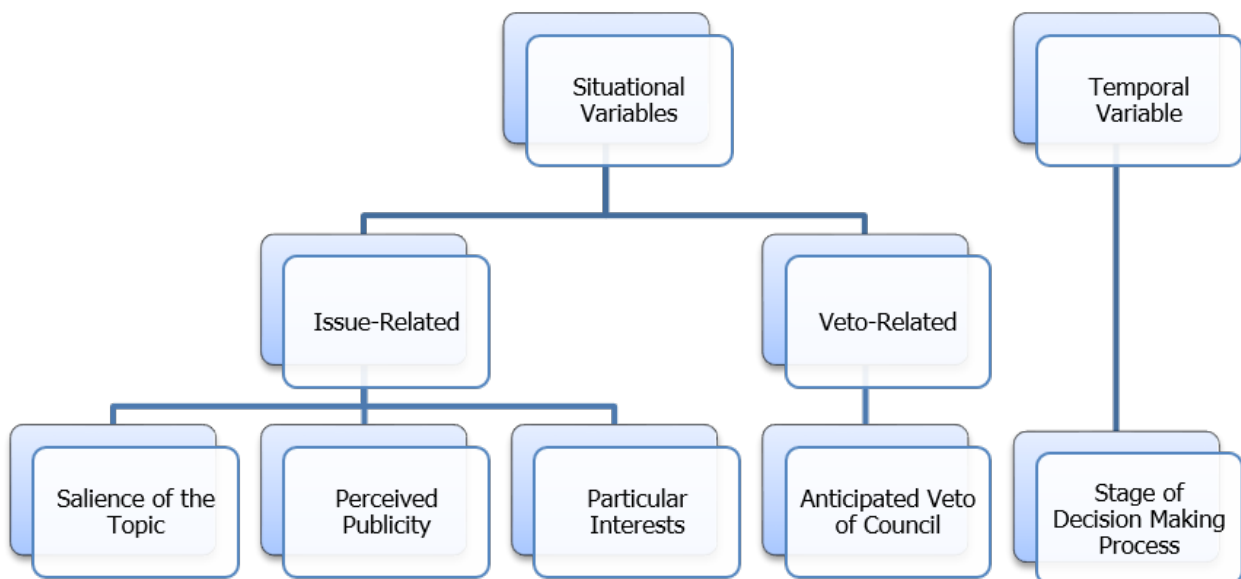

Figure 1. Variables. Source: own illustration.

The three issue-related situational variables—topic salience, publicity, and interests—can be expected to foster the responsiveness of a representative towards his voters, and thus to negatively impact on his ability to deliberate. Responsive representatives are assumed to be oriented toward particular interests, to be less respectful with regard to the interests of other groups and to be less willing to compromise. The more salient a topic, the higher the perceived publicity, and the more interests at stake, the less likely we are to find common-good orientation, compromise, and respect within a debate.

Deliberative quality is also mediated by the perceived need of unanimity within a political decision (see [41,55]). Unanimity increases the political relevance of a decision and the chances of enforcing a political decision vis-à-vis other political actors or institutions. The Council of the European Union may function as a (pseudo) veto player against the European Parliament. In case of conflict, the quality of deliberation in parliament will increase due to the need to agree on a strong common position. Accordingly, the willingness to compromise is expected to increase in case of conflict with the Council.

With regard to the temporal variable, we draw on Goodin's [44] argument that deliberative quality changes over time ("sequentialization"). Deliberative quality can therefore be expected to vary systematically over the course of the ideal decision-making stages. In European Parliament committees, legislative proposals are debated in three stages: exchanges of views, draft reports, and consideration of amendments. The three stages can be seen as analogous to the three stages of deliberation we presented above. Accordingly, the level of interactivity, willingness to compromise and the level of justification increase with every stage.

The first stage aims at exchanging information. Representatives make an initial statement on the legislative proposal without justifying it. In the second stage, the draft reports are presented and discussed, increasing the level of deliberation. The rapporteurs justify their proposals and representatives supply comments and reach provisional compromises. The debate is more interactive, and representatives reply to the rapporteur. At the final stage, amendments are presented and considered at a high level of deliberation. Because this is the last opportunity for representatives to defend their position, compromise becomes central, as this may be the only way to get amendments adopted. The level of interactivity is expected to be high and involve much discussion of proposed amendments [57].

3. Empirical Part: Analyzing the Situation and the Quality of Deliberation

The study analyzes the committee debates on two legislative files. Both debates take place in comparable institutional settings—the first reading in parliamentary committees—but differ with regard to the situational variables. The debates take place in three stages, each analyzed separately: the exchange of views, the presentation of draft reports, the consideration of amendments. We demonstrate that the quality of deliberation differs in both debates, and at each stage of procedure. We then argue that situational and temporal variables mostly account for these differences.

3.1. Assessing the Impact of Situational and Temporal Variables

The analysis focuses on two legislative proposals: a package of two regulations on European economic governance and a directive on victim's rights. The two-pack is made up of two legislative regulations: a proposal on an enhanced economic surveillance of Member States in risky situations and a proposal on a better oversight of economic and budgetary policy. Both proposals were debated together in the Committee on Economic and Monetary Affairs (ECON). The two-pack deals with questions that are at the heart of the debate on economic governance at the European level but that also have important consequences for national budgetary sovereignty. These issues are similar to those regulated by the fiscal compact, adopted by the Member States in March 2012. The two-pack can be considered a highly salient issue in the light of the financial crisis, while the question of European governance has been much debated in the broader public. The legislation is also important for the Council, whose veto-power is expected to be strong.

The directive on victim's rights strengthens the rights of victims in the European Union. The proposal was jointly debated by the Committee on Civil Liberties, Justice and Home Affairs (LIBE), and the Committee on Women's Rights and Gender Equality (FEMM). Unlike the two-pack, the topic is neither salient nor debated in the broader public. The directive also differs from the two-pack regarding the demands and interests at stake. Every European citizen is concerned as a possible future victim, and there are no national or other particular interests involved. Hence, the victims directive is a nonsalient, noncontroversial issue touching common, European interests, in which the veto-power of the Council can be expected to be weak.

Situational variables affect deliberative quality depending on how they are perceived by the participants of deliberation. The representatives are expected to react to the situational variables and to adapt their communicative behavior accordingly. In the next section, we turn to qualitative interviews, and analyze the situational variables as perceived by the participants of debate.

3.1.1. Situational Variables

To identify the relevance of situational variables, we conducted qualitative interviews with the main actors of debate [58] (see Appendix 1 for the questionnaire

and Appendix 3 for the list of interviews). In the European Parliament parliamentary committees are the central loci of decision-making ([59,60]). Due to increasing workload, the decision-making process has been rationalized and the working load divided among the members ([61]). Within the committee, few rapporteur(s) and shadow rapporteurs are assigned to handle the legislative proposal. The rapporteur is in charge of drafting the report, while the shadow rapporteurs comment on it for their political group. In the debates, speaking time is equally distributed amongst (shadow) rapporteurs, and other members intervene only if there is time left for debate. In our study, qualitative interviews were made with nearly all rapporteurs both on the two-pack and the victims directive. In addition, interviews were made with members of the secretariat, political advisors, and assistants of MEPs working on the legislative proposal [62]. The interviewees were asked to describe the process of decision-making, and to evaluate the salience and publicity of the topic and the role of the Council [63]. The interviews were face-to-face, held in English, French, or German (some of the quotes below are translated), lasted between ten minutes and one hour, and were transcribed and coded in MaxQDA. The results are presented in the following section.

As expected, representatives perceived the two-pack as a very salient issue. In the interviews, the two-pack was qualified as one of the most important pieces of legislation the parliament dealt with at the time of the interviews [64]. The topic raised the attention of non-committee members as well, and was commonly considered a "hot topic, a politically important topic" [65] both for the political groups and for Member States. Tellingly, the EP leadership paid close attention to the decision-making process and the proposals were discussed at the highest level of hierarchy [66].

Since the beginning of the financial crisis, issues of European governance have dominated public debate. The interviewees agreed that economic questions were at the "spotlight" [67] and often referenced the national public debates on European governance. The committee debate on the two-pack took place during the French election campaign; several interviewees indicated that the campaign was also important for decision-making in the European Parliament [68]:

"There is this campaign Berlin-Paris, so I hope the vote on the two-pack will take place much later. Otherwise, I am afraid it will be very difficult—perhaps regardless of the content of the package in the end—for the [party] in this parliament to vote for it, for purely symbolic reasons" [69].

"[The political groups have to] take into account national elections obviously […] how the national debate is at the moment" [67].

There were strong particular and national demands at stake, as citizens have been directly touched by the crisis. This made it very difficult for representatives—especially for those coming from countries with serious economic problems—to neglect the demands expressed by their voters. As the following statement of an MEP shows, the economic situation of their own Member State was determinant for the political opinion of the representatives:

"I am [Member State] […] from the point of view of someone who is Greek or Portuguese or Irish and who is perfectly aware about the probability of attaining the objectives of the Troika—it is nearly impossible, even if one wants to attain it, it is impossible—so I have to be against any automatic sanctions […] In theory, I do prefer economic coordination at the EU level and I am clearly against intergovernmentalism, but from a practical point of view, in a situation of bad economic coordination and where divergences between countries play a role, if I want to be with the weakest, I have to oppose the mechanism of automatic sanctions by the Commission" [70].

In the context of the crisis, national considerations were of major importance to the MEPs and nearly all interviewees mentioned them.

Under these circumstances, representatives are unlikely to deliberate: they are asked to focus on particular interests, and to defend them in the decision-making process. Their voters and principals watched them, restraining their action scope in the debate. Against this background, the important risk of being vetoed by the Council is the only situational variable expected to play in favor of deliberation. The Council was concerned that the two-pack may hamper the validity of the treaty and was hence reluctant to include the treaty provisions in the two-pack (as proposed by the rapporteurs):

"[The Member States] fear that the two-pack becomes a reality, it is a regulation, before the intergovernmental treaty would be ratified. […] When would that be? I don't know. […] And the Member States are attached to the treaty […] so it is not in their interest to be flexible in the negotiations if there is something they don't like. They will be able to say, see, one cannot get an agreement with this lousy parliament. So the communitarian method, which obliges us to pass by the parliament, in co-decision, delays, is inefficient, so it is better to go with the intergovernmental method" [66].

The European Parliament disagreed with the Council on several points of the proposal, and the MEPs expected severe conflicts in the course of the negotiation process. In such a contentious context, a united EP position was considered to be crucial for strengthening Parliament's position in the negotiation process with the Council:

"If one wants to win, one needs a large majority of the Parliament, so the rapporteur that negotiates

on behalf of the parliament can rely on the majority. If he is not told that, finally, you represent 30 votes more than the one that acts against you" [66].

From this perspective, compromising became essential for the European Parliament to avoid being overruled by the Council. But the content of the legislative act was highly controversial, and the potential for compromise limited. MEPs admitted the need for a broad agreement, but stressed that they were not willing to compromise at any price [71]. As one official stated:

"When something is so political and ideological as the two-pack, like in the six-pack, if you have to vote against it, you vote against it. You cannot always compromise. Because there is a right-wing majority in the Council and there is a right-wing majority in the Parliament, obviously they are going to get some kind of agreement that fits them. So in that kind of scenario we vote against it" [71].

In sum, the issue of economic governance was controversially discussed both at the national and at the European level. MEPs were confronted with different particular demands from their political groups, their Member States, and their voters. In this context, the parliamentary debate took place under situational constraints. MEPs were aware of the salience and publicity of the issue, and accordingly paid high attention to the interest of their voters and their party/ political group. Consequently, they cannot be expected to focus on a common European interest in the debate or to show explicit respect for the demands and interests of other groups. Nevertheless, due to the conflicts with the Council, the veto-risk was important and the debate took place under pressure to reach a common position. The veto-risk strengthened the willingness to compromise, even though an agreement was difficult to reach.

The victims' directive differed from the two-pack regarding the situational variables. First of all, while personally salient to them, the interviewees admitted that the general attention paid to the topic was fairly low. The (shadow) rapporteurs were charged by their groups with handling the legislative proposal, but the groups did not closely follow the decision-making process in the committee [72]. Rather, the political groups were informed by their shadows on the agreement reached in the committee once the compromises between the shadow rapporteurs have been made [73]. The interviewees did not expect much controversy within their groups but expected their groups to follow their voting recommendations and thus were independent of external constraints in the committee debate.

The public attention paid to the topic was also low. The issue was rarely mentioned in the media, and MEPs did not expect the citizens to be aware of the legislative proposal. MEPs did not feel observed by their voters and their principals; rather, they were afraid that the proposal might receive too little attention.

"Groups of opinion and the NGOs will be happy with [the directive] but the particular citizens don't even know what we are working on. [...] If we are talking about a directive, they don't even know what a directive is, what a regulation is, what the Council, the Commission, committees are" [74].

"A majority decided to rush [...] and they are kind of stressed because if you take your time now then nobody is going to be interested in it and then it's going to be stopped" [75].

Unlike the debate on the two-pack, which had particular demands and interests at stake, MEPs were free from external pressures when dealing with the directive. The political groups all agreed on the need to strengthen the rights of victims. As several persons indicated in the interviews, there was a broad consensus on the main points of the directive within the parliament, across all political groups [76].

"In general, there is a total agreement. Of course, there are minor issues where there can be problems [...]. But the most important lines are ok. Great support for victims all around Europe" [77].

"I mean maybe some think that is true that when we are talking about victims it is very difficult that there is not a consensus. Why? Because who is the one who dares to say something against victims?" [74].

With regard to interinstitutional negotiations, the interviewees expected a conflict with the Council on the costs of the directive [78]. In the context of the crisis, Member States aimed at reducing public expenditures. In this perspective, MEPs outlined the need to agree on a common position with a broad majority to strengthen parliaments bargaining power in the negotiation process with the Council [79].

"For instance, the Commission now proposes an individual assessment for victims that I think is very good, which is crucial and I am pretty sure the Council will say that's very costly and who is going to pay for that?" [74].

In sum, the situation of decision-making for the victims directive favored deliberation: the topic was not considered as salient, the public attention paid to it was low, and there were no major national or particular interests at stake. Under these circumstances, MEPs are free to deliberate and may follow their own judgment and focus on a common European interest. They are expected to show respect for each other's interests and the interests of the groups concerned by the policy. In addition, the conflict with the Council is likely to favor MEPs willingness to compromise.

The situational variables are expected to impact on specific dimensions of deliberation, namely the European focus (common good and solidarity), the level of respect, and the willingness to compromise. The two-pack was salient, publicly debated, and involved particular

interests. By contrast, the victims directive raised no attention in the Parliament, was not debated by the broader public, and aimed at strengthening the rights of victims in Europe. The quality of deliberation on the above-named dimensions can be expected to be higher in the victims directive debate than on the two-pack debate.

3.1.2. Temporal Variables

As we noted, our study adopts a sequential approach and distinguishes between different stages of decision-making. In the European Parliament a legislative proposal is debated in three stages before the vote in the committee. The temporal variable is expected to impact on three dimensions of deliberation: interactivity, justification, and the willingness to compromise. With regard to these indicators, the overall level of deliberation is expected to increase during the process.

The following section demonstrates that the three stages of decision-making fulfill different functions in the parliamentary decision-making process. Based on the interviews and on statements MEPs made in the committee meetings, this section analyzes the temporal aspect of parliamentary deliberation as perceived by the actors of debate. The next section turns to discourse analysis, in which each stage of debate is separately analyzed.

The main purpose of the exchange of views is to share information. Conversation is aimed at informing the committee members on the legislative proposal and the rapporteur(s) take(s) on the different views the shadow rapporteurs have on the proposal [80]. Though the decision-making has just started and political groups have not necessarily agreed on a strong position [81], the exchange of views allows a first impression of the proposal and the different positions in the parliament.

MEPs are relatively open to discuss the proposal, as they usually have yet to develop a strong opinion on it. MEPs make initial statements on the commission proposal, stating their support or refusal and outlining possible conflicting points:

> "I would start by thinking that we need those regulations. […] There is no question that these can be useful instruments. That said, I will make two comments on [the regulation]" [82].

Given the fact that MEPs tend to make general statements, we expect the level of justification to be lower in the exchange of views than in the following debates. Participants do not necessarily have to justify their position, especially because they have not necessarily developed their own position. Also, the debates are not expected to be very interactive. It is difficult for MEPs to comment on the positions of their colleagues, as they are not always aware of them. Consider this statement: "I would also prefer to wait for the amendments tabled by colleagues to see what we can do with this proposal" [83]. In a similar vein, the orientation towards compromising is expected to be relatively low, as there is simply no need to compromise at this stage of the process.

In the second stage, the rapporteurs present their report (e.g. submit their main propositions to their colleagues) and justify their proposals. The (shadow) rapporteurs are asked to reply to the presentation. The debate is aimed at discussing the legislative proposal in more detail and at exchanging ideas presented by the rapporteurs in their report. As a (shadow) rapporteur outlined in the interview:

> "I was starting with the idea that [the topic] needed to be largely debated in the parliament […] but [the MEPs] should not be constrained by a personal position that they would have taken at the beginning. If you want to open a debate, you have to limit yourself to the presentation of the ideas, but say that you will try to find the best conditions together" [66].

In general, the level of justification is expected to be higher than in the first debate. Rapporteurs need to thoroughly justify their proposals to get support for their reports, and shadow rapporteurs in their committee statements express support for the report, or outline disagreements:

> "Then there are some issues that I think need to be very thoroughly analyzed […]. That is my firm belief. There are some changes made by the rapporteur that I am not sure I can sign off on at this point in time. We need to discuss this and I am sure that will cause a lot of debate further on considering the atmosphere in the Council" [84].

Shadow rapporteurs also use the opportunity to prepare their amendments and focus on the issues that are of main importance to them and their political groups. Since representatives are asked to comment on the earlier proposals by the rapporteur, the level of interactivity is expected to be higher than in the first debate. In addition, representatives explore possible compromises and make initial mediating proposals on the report presented by the rapporteur.

In the last session, the amendments made by shadow rapporteurs are presented and considered. The session on the amendments is commonly considered the most important one:

> "I think that the real debate will be on the amendments and the compromise amendments. This will be the real debate" [85].

Indeed, the last debate is of major importance for two reasons. First, the positions of each participant—and, via the shadow rapporteurs, of each political group—are publicly presented and openly debated. Second, the debate is the last opportunity for participants to justify their position and to persuade their colleagues and their voters. Accordingly, we assume

justification to be highest at the last stage of decision-making. Compromises are likely to occur as well. In the European Parliament compromise is vital for representatives to get their position included in the final legislative act when there is no clear-cut majority. Shadow rapporteurs outline the points important to them while signaling their support for and/or their disagreement with the report. The purpose is to achieve a compromise in which their interests are included:

> "…and I can whole heartily endorse these forty compromise amendments except from two […]. So compromises two and three are rather unfortunate. I would have preferred them to be worded in a different way, but as I said, apart from that, I am whole heartily behind the rapporteurs' proposals" [86].

Regarding the impact of the temporal variable, we expect the level of deliberation to increase on the levels of justification, interactivity, and willingness to compromise.

In the first part of the paper, we analyzed the situational variables as perceived by the representatives. Based on the results of our analysis, we formulated theoretical expectations on their communicative behavior. We adopted a sequential approach and discussed the impact of the temporal variable on the quality of deliberation. The second part of the paper now turns to the speech acts of representatives. The analysis will permit us to verify the assumption that the situation and stage of decision-making matter for deliberative quality.

3.2. Discourse Analysis

In our study we focused on the two-pack debates in the ECON committee and the victims directive debates in joint sessions of the FEMM/LIBE committees. Both proposals were debated in three stages: exchange of views, presentation of the draft report, and consideration of amendments. In the following section, we assess the deliberative quality of the committee debates and discuss the impact of situational and temporal variables.

Our analysis takes into account the multidimensionality of deliberation. We did not expect the variables to equally influence all aspects of deliberation. The following section briefly summarizes the assumptions about the impact of these variables on deliberation.

We expected situational variables to matter for justification, respect, and willingness to compromise. We expected the overall level of deliberation to be higher in the victims directive debate than in the two-pack debate. Generally, the victims directive was perceived as a noncontroversial and less salient issue. The attention the broader public and the media pay to the topic was low, if not nonexistent. Representatives were expected to be free from external constraints

and to be open for other arguments (respect). Because they did not have to account for particular interests, we assumed that they would emphasize general European interests (content of justification). In addition, there was an important risk of the Council's vetoing the issue of costs, which would strengthen representatives' willingness to seek compromise (constructive politics). In sum, we expected both topic-related variables and the veto variable to increase the level of deliberation with regard to respect, common-good orientation, and willingness to compromise.

By contrast, there were strong particular and national interests at stake with the two-pack. The topic is commonly perceived as very salient and MEPs were closely monitored by their national party, their government, and their European political group. In the debate on the two-pack, the overall quality of deliberation was expected to be relatively low. Representatives felt more constrained in the debate; it was difficult for them to neglect the demands of their voters and their principals. Accordingly, they were expected to focus on particular interests and to score low on the common-good indicator. In addition, they were probably less open when it came to the interests of other groups. Nevertheless, as with the victims directive, the Council's vetoing posed a major risk. We expected MEPs to aim at an agreement and compromise, even if the process was difficult, in order to strengthen Parliament's position in the bargaining process with the Council.

The temporal variable was expected to matter with regard to interactivity, justification, and willingness to compromise. For these three dimensions, deliberative quality was expected to improve over the three stages of debate. In this study, we made no distinction between the victims directive and the two-pack. As we argued, the situational and temporal variables affect different dimensions of deliberation. Hence, the scores for justification, respect, and compromising were expected to differ between the two debates, but the level of interactivity, justification, and compromising was expected to evolve in similar fashion. Both debates were expected to improve from the first to the third debate with regard to these three dimensions.

The first debate aimed at exchanging information, and displayed a fairly low level of deliberation. In the second debate—the presentation and discussion of the draft report—the level of deliberation was expected to increase, with the rapporteurs justifying their proposals and representatives supplying commentary. At the final stage, we expected deliberation to be at the highest level. The debate was the last opportunity for the representatives to defend their position, which is why we expected the level of justification to be high. At this stage compromise also became central. To get their amendments adopted, representatives had to reach agreement with others, creating a high level of interactivity.

The next section turns to discourse analysis. The first part examines the situational dimension of

deliberation and compares the overall level of deliberation between the two-pack and the victims directive debate. The section then turns to the decision-making process and examines the level of deliberation at each stage of debate.

4. Empirical Findings

The DQI was applied to the committee debates in the first reading on the two-pack and the victims directive. The committee debates are available for streaming and downloading on the website of the European Parliament [87]. Based on the video records, the debates were transcribed. Speeches in English, French and German were coded in the original language. For all other speeches, it was referred to the German translation. The results are reported in Table 1 [88].

The results indicate that the situation of decision-making influences the parliamentary debates and impacts on deliberative quality. As expected, the level of deliberation differed between the two debates with regard to justification and respect. Concerning the content of justification, the overall level of common good-orientation was higher in the victims directive debate (1.8 points) than in the two-pack debate (1.4 points). The difference holds in all three stages of decision-making, but the gap is most significant in the last debate. There, the level of common good-orientation is about 1.2 points in the two-pack debate, while the victims directive debate scores the highest possible value (2 points). Nevertheless, the results for the solidarity indicator attenuate the differences somewhat. In their speeches representatives in the Economic and Monetary Affairs Committee implicitly considered the consequences their demands have for the people concerned.

The two debates also differed on the level of respect. As expected, the overall level of respect was higher in the victims directive debate than in the two-pack debate with regard to the three dimensions of respect. The differences are especially significant with respect towards other groups. In the victims directive debate, the mean score range is about 1.6 points versus a score about 1.07 points in the two-pack debate. The gap continues with the other two dimensions of respect: respect towards other participants, and respect towards the demands expressed by other participants. In general, speeches in the two-pack debate were neutral but not expressly respectful. By contrast, the overall level of respect was high in the victims directive debate.

In sum, the deliberative qualities of the debates differ from each other as expected. Surprisingly, however, there were more attempts to compromise in the two-pack debate, with a mean score of about 1.23 points for the two-pack debate versus 1.03 points for the victims directive debate. As we argued, the veto-power of the Council created pressure on participants to compromise in the two-pack debate and in the victims directive debate. But the de facto veto risk was more significant in the two-pack debate because it touched strong national interests. Moreover, the two-pack debate was more controversial than the victims directive debate. Hence, the necessity to compromise was higher in the two-pack debate than in the victims directive debate (where there was general agreement from the beginning of the legislative process).

Concerning the situational variables, our basic assumptions were confirmed. Particular interests played a major role in the debate on European governance, and the level of common good and respect were lower in the committee debate. By contrast, victims' rights were perceived as uncontroversial, universal rights. As expected, representatives justified their arguments by reference to the common-good and displayed mutual respect. The veto-power of the Council strengthened the compromise-orientation in both debates, especially the one on the two-pack, where the veto risk was more important.

We expected the quality of deliberation to improve in the decision-making process, regardless of the situation. The temporal variable was assumed to influence the dimensions of interactivity, justification and—as the veto variable—the willingness to compromise. This study focuses on the average score of deliberation, taking both debates together. Table 2 presents the average values for the deliberative quality of both debates.

These findings support the main assumption according to which the quality of deliberation improves during the decision-making process. As expected, the overall level of deliberation is lower in the first debate and increases in the following debates.

With regard to the differences between the exchange of views and the following two debates, the results indicate that the exchange of view is aimed at exchanging information and making preliminary statements. Accordingly, the general quality of deliberation is relatively low in the first debate. The result was found with each of the three dimensions: the debates were not interactive, the level of justification was low, and there were no attempts to compromise. In the following debate, when the report was presented, participants started to exchange arguments, justify their points of view, and make initial compromises. The level of justification increased from a relatively low mean score of about 1.39 points at the beginning to a value of 2 points in the second debate and 2.19 points in the last debate. The mean score of the "constructive politics" indicator improved by 0.8 points from the first debate (0.57 points) to the second and third debate (1.38 points).

Table 1. Deliberative quality.

	N	Participation* Interruption	Level of justification Level	Content of justification		Respect			Interactivity		Constructive politics
				Common good	Solidarity	Participants	Other groups	Demands	Part.	Arg.	
		0–1	0–4	0–2	0–3	0–2	0–2	0–2	0–1	0–2	0–4
ECON											
Exchange of views	8	1	1.88	1.5	1.75	1.25	1	1.13	0.63	0.38	0.5
Presentation of draft report	17	1	2.47	1.53	1.88	1.35	1	1.18	0.94	1.47	1.29
Consideration of amendments	18	1	2.25	1.22	1.89	1.44	1.17	1.17	1	1.28	1.5
Overall quality**	43	1	2.26	1.40	1.86	1.37	1.07	1.16	0.91	1.19	1.23
FEMM/LIBE											
Exchange of views	15	0.94	1.14	1.67	1.87	1.07	1.47	1	0.33	0.27	0.6
Consideration of draft report	12	1	1.33	1.83	1.83	1.67	1.75	1.42	0.92	1.08	1.5
Consideration of amendments	8	1	2.25	2	1.75	1.88	1.63	1.25	1	1.63	1.13
Overall quality**	35	0.97	1.43	1.80	1.83	1.46	1.60	1.2	0.69	0.89	1.03

Notes: *All numbers are mean values. The higher the code assigned to the speech acts for each dimension, the better the deliberative quality. **The overall quality is calculated based on the speech acts of all three debates taken together. Source: own calculation.

Table 2. Stages of deliberation.

	Exchange of views*	Presentation of draft report	Consideration of amendments
Participation	0.96	1	1
Level of justification	1.39	2	2.19
Content of justification			
Common good	1.61	1.66	1.46
Solidarity	1.83	1.86	1.85
Respect			
Participants	1.13	1.48	1.58
Other groups	1.30	1.31	1.31
Demands	1.04	1.28	1.19
Interactivity			
Towards participants	0.43	0.93	1
Towards arguments	0.30	1.31	1.38
Constructive politics	0.57	1.38	1.38
Overall quality of deliberation**	1.06	1.46	1.43

Notes: *All numbers are mean values, calculated on the bases of the individual speech acts.
**Mean value of all the mean scores of all dimensions of deliberation. Source: own calculation.

The interactivity also increased during the three debates with regard to both participants and arguments. The results indicate that the two stages of debate clearly fulfilled different functions, confirming the theoretical considerations discussed above. In the first debate participants informed each other of the proposals and their points of view; in the second debate participants sought to exchange arguments with the aim of convincing other participants.

The evolution was particularly important at the beginning of deliberation but diminished in the later two debates. While the level of justification and interactivity increased by about 0.7 points, the willingness to compromise stagnated at 1.38 points. This indicates that compromise was just as important in the second debate (the presentation of the draft report) as in the final debate (when amendments were considered).

The compromise may also have taken place outside official committee debates, in informal negotiations between the shadow rapporteurs. In this case, the compromises would already have been considered before the presentation of the amendments in the committee meetings. During the presentation of amendments the shadows would then insist on their positions and justify them carefully to show voters that they had acted in their interests, especially if their amendments had not been taken into account in the compromises. As an official stated in the interviews, the submission of amendments opens the floor for bargaining processes: "on Monday, the amendments will be submitted. Then we will try to enter into negotiations, of course" [89].

In this view, deliberation takes place in the second meeting; the third session opens negotiations between entrenched positions. To make a definitive conclusion, further research is needed.

5. Conclusion

In this paper we analyzed the quality of deliberation in European Parliament committees. We argued that communication in committees is normatively framed by two antagonistic ideals, deliberation (common good orientation) and responsiveness (particular interest orientation). These ideals influence the communicative behavior of representatives and hence impact on the quality of deliberation. The first part of the paper discussed the impact of the situational variables on the quality of deliberation. Next we identified three stages of communication in the deliberative process with distinctive profiles of deliberative quality. As we argued, these stages can be likened to the three stages of the decision-making process in European parliament committees.

Based on a speech act analysis, we examined the committee debates of two distinctive decision-making processes. In both cases, we looked at the complete committee debates, from the exchange of views to the consideration of amendments. The empirical data support the assumptions regarding the impact of situational and temporal variables. As we expected, at all three stages the level of deliberation differed in both cases, especially on the content of justification and the level of respect. Our findings indicate that the

situation of decision-making matters for the debate: the higher the perceived salience and publicity of a topic and the more particular the demands, the lower the quality of deliberation for these dimensions. In addition, a second general variable was introduced: the veto variable. We assumed that the threat of a Council veto would improve the deliberative quality of the debates in the committees, and favor the willingness to compromise of the participants. As our analysis shows, there were more de facto attempts to compromise in the debate on the two-pack, where the risk of a Council veto was higher than in the case of the victims directive. Our interviews also confirm the importance of an external threat for the quality of deliberation in committee debates.

In addition, our findings show that deliberative quality varied across the duration of debate. In both committee debates, the quality of deliberation increased during the three stages of decision-making process, even though the scores differed on the two debates,

with the situation of decision-making influencing the quality of deliberation. Further large-scaled studies are needed to confirm our findings. Our study demonstrates the importance of going beyond the comparative analysis of institutional variables by focusing on situational and temporal variables.

References and Notes

1. Léa Roger writes her dissertation on "How to agree: Deliberation and negotiation in EP committees". The data in this paper has been collected and examined as part of her dissertation.

2. Mutz DC. Is Deliberative Democracy a Falsifiable Theory? Annual Review of Political Science. 2008;11: 521–538.

3. Mill JS. Representative Government. North Terrace, Australia: University of Adelaide Library; 2012. Available from: http://ebooks.adelaide.edu.au/m/mill/john_stuart/m645r/complete.html#chapter5 (accessed on 25 July 2013).

4. Steenbergen MR, Bächtiger A, Spörndli M, Steiner J. Measuring Political Deliberation: A Discourse Quality Index. Comparative European Politics. 2003;1(1):21–48.

5. Empirical studies on deliberation have mainly focused on institutional and sociopsychological variables (see for example [13,16]).

6. Proposal for a regulation of the European Parliament and of the Council on common provisions for monitoring and assessing draft budgetary plans and ensuring the correction of excessive deficit of the Member States in the euro area COM (2011) 821 final, Brussels, 23.11.2011; Proposal for a regulation of the European Parliament and of the Council on the strengthening of economic and budgetary surveillance of Member States experiencing or threatened with serious difficulties with respect to their financial stability in the euro area COM (2011) 819 final, Brussels, 23.11.2011.

7. Proposal for a directive of the European Parliament and the Council establishing minimum standards on the rights, support and protection of victims of crime. COM (2011) 275 final, Brussels, 18.05.2011.

8. Plenary debates in the European Parliament are highly formal. The real debates take place in committees.

9. Costa O. Le Parlement européen, assemblée délibérante. Brussels, Belgium: Editions de l'Université de Bruxelles; 2001.

10. Corbett R, Jacobs F, Shackleton M. The European Parliament. 8th ed. London, UK: John Harper Publishing; 2011.

11. Judge D, Earnshaw D. The European Parliament. 2nd ed. Basingstoke, UK: Palgrave Macmillan; 2008.

12. Gutmann A, Thompson DF. Democracy and Disagreement. Cambridge, MA, USA: The Belknap Press; 1996.

13. Steiner J, Bächtiger A, Spörndli M, Steenbergen MR. Deliberative Politics in Action. Analyzing Parliamentary Discourse. Cambridge, MA, USA: Cambridge University Press; 2004.

14. Habermas J. Between Facts and Norms. Contributions to a Discourse Theory of Law and Democracy. Cambridge, MA, USA: Polity Press; 1996.

15. Manin B. On Legitimacy and Political Deliberation. Political Theory. 1987;15(3):338–368.

16. Sunstein CR. The Law of Group Polarization. In: Fishkin J, Laslett P, editors. Debating Deliberative Democray. Oxford, UK: Blackwell Publishing; 2003. pp. 80–101.

17. Bohman J. Public Deliberation: Pluralism, Complexity and Democracy. Cambridge, MA, USA: MIT Press; 1996.

18. Dryzek JS. Deliberative Democracy and Beyond: Liberals, Critics, Contestations. Oxford, UK: Oxford University Press; 2000.

19. Bohman J. Survey Article: The Coming of Age of Deliberative Democracy. Journal of Political Philosophy. 1998;6(4):400–425.

20. Chambers S. Behind closed Doors: Publicity, Secrecy, and the Quality of Deliberation. Journal of Political Philosophy. 2004;12(4):389–410.

21. Thompson DF. Deliberative Democratic Theory and Empirical Political Science. Annual Review of Political Sciences. 2008;11:497–520.

22. Schaal GS, Ritzi C. Empirische Deliberations forschung. MPIfG Working Paper 9/09. Cologne, Germany: Max Planck Institute for the Study of Societies; 2009.

23. Sanders LM. Against Deliberation. Political Theory. 1997;25(3):347–376.

24. Young IM. Activist Challenges to Deliberative Democracy. Political Theory. 2001;29(5):670–690.

25. Mansbridge JJ, Bohman J, Chambers S, Estlund D, Føllesdal A, Fung A, Lafont C, Manin B, Martí JL. The Place of Self-Interest and the Role of Power in Deliberative Democracy. Journal of Political Philosophy. 2010;18(1):64–100.

26. Bächtiger A, Niemeyer S, Neblo M, Steenbergen MR, Steiner J. Symposium: Toward More Realistic Models of Deliberative Democracy. Disentangling Diversity in Deliberative Democracy: Competing Theories, Their Blind Spots and Complementarities. The Journal of Political Philosophy. 2010;18(1):32–63.

27. Sartori G. Concept Misformation in Comparative Politics. The American Political Science Review. 1970;64(4):1033–1053.

28. Steiner J. Concept stretching: The case of deliberation. European Political Science. 2008;7(2):186–90.

29. Dahl RA. Democracy and Its Critics. New Haven, CT, USA: Yale University Press; 1989.

30. Przeworski A, Stokes SC, Manin B, editors. Democracy, Accountability and Representation. Cambridge, UK: Cambridge University Press; 1999.

31. "How can a representative assembly work for good if its members can be bought, or if their excitability of temperament, uncorrected by public discipline or private self-control, makes them incapable of calm deliberation, and they resort to manual violence on the floor of the House, or shoot at one another with rifles?" (see [3]).

32. Manin B. The Principles of Representative Government. Cambridge, UK: Cambridge University Press; 1997.

33. Berger P, Luckmann T. Die gesellschaftliche Konstruktion der Wirklichkeit: Eine Theorie der Wissenssoziologie. Frankfurt a.M., Germany: Fischer Verlag; 1969.

34. Hix S. Parliamentary Behavior with Two Principals. Preferences, Parties, and Voting in the European Parliament. American Journal of Political Science. 2002; 46(3):688–698.

35. Müller WC. Political parties in parliamentary democracies. Making delegation and accountability work. European Journal of Political Research. 2000;37 (3):309–333.

36. Strøm K. Delegation and Accountability in Parliamentary Democracies. European Journal of Political Research. 2000;37(3):261–289.

37. Shapiro I. Enough of Deliberation. Politics Is about Interests and Power. In: Macedo S, editor. Delib-erative Politics: Essays on Democracy and Disagreement. Oxford, UK: Oxford University Press; 1999. pp. 28–38.

38. Downs A. An Economic Theory of Democracy. Stanford, CA, USA: Harper; 1957.

39. For a more detailed discussion of the situational variables and for first empirical analysis on their impact on the quality of deliberation, see also [53].

40. Cohen J. Deliberation and Democratic Legitimacy. In: Hamlin A, Pettit P, editors. The Good Polity. Normative Analysis of the State. Oxford, UK: Blackwell; 1989. pp. 17–34.

41. Bächtiger A, Hangartner D. When Deliberative Theory Meets Empirical Political Science, Theoretical and Methodological Challenges in Political Deliberation. Political Studies. 2010;58(4):609–629.

42. Lord C, Tamvaki D. The Politics of Justification? Applying the 'Discourse Quality Index' to the Study of the European Parliament. RECON Online Working Paper 2011/3. Oslo, Norway: ARENA—Centre for European Studies; 2011.

43. Fearon JD. Deliberation as Discussion. In: Elster J, editor. Deliberative Democracy. Cambridge, UK: Cambridge University Press; 1998. pp. 44–68.

44. Goodin RE. Sequencing Deliberative Moments. Acta Politica. 2005;40(2):182–196.

45. Bächtiger A, Pedrini S, Ryser M. Analyzing Political Process: Deliberative Standards, Discourse Types and Sequenzialization. Paper presented at the Conference "Democracy as Idea and Practice", Oslo, Norway, 14–15 January 2010.

46. National Coalition for Dialogue & Deliberation. Resource Guide on Public Engagement. Boiling Springs, PA, USA: National Coalition for Dialogue & Deliberation; 2010. Available from: http://www.ncdd.org/files/NCDD 2010_Resource_Guide.pdf (accessed on 25 July 2013).

47. Heierbacher S. Dialog and Deliberation. In: Holman P, Devane T, Cady S, editors. The Change Handbook. San Francisco, CA, USA: Berrett-Koehler Publishers; 2007. pp. 102–117.

48. Heierbacher ([47], p. 8) differentiates between "exploration", "conflict transformation", and "decision-making" with corresponding modes of communication and communicative actions. Arguing from an ideal type perspective, these are different and distinct stages that vary over time. In reality "mutual understanding" and "justification" may happen at the same time, but to varying degrees. Empirically, we argue that each stage is dominated by one mode of communication.

49. Curato N. A sequential analysis of democratic deliberation. Acta politica. 2012;47(4):423–442. Nicole Curato distinguishes between "confrontation stage", "opening stage", "argumentation stage", and "concluding stage".

50. Bächtiger A, Shikano S, Pedrini S, Ryser M. Measuring Deliberation 2.0: Standards, Discourse Types, and Sequentialization, 2010. Available from: http://ash.harv ard.edu/extension/ash/docs/baechtiger.pdf (accessed on 14 June 2012).

51. Steiner J. The Foundations of Deliberative Democracy. Empirical Research and Normative Implications. Cambridge, MA, USA: Cambridge University Press; 2012.

52. Bächtiger A, Pedrini S, Ryser M. Prozessanalyse politischer Entscheidungen: Deliberative Standards, Diskurstypen und Sequenzialisierung. In: Behnke J, Bräuninger T, Shikano S, editors. Jahrbuch für Handlungs- und Entscheidungstheorie. Band 6. Schwerpunkt Neuere Entwicklungen des Konzepts der Rationalität und ihre Anwendungen. Wiesbaden, Germany: VS Verlag für Sozialwissenschaften; 2010. pp. 193–226.

53. Roger L. Analyzing Parliamentary Communication. The Impact of Role Orientations on MEPs Discoursive Behavior in Committee Debates. Paper presented at the Inaugural General Conference of the ECPR Standing Group on Parliaments, Dublin, Ireland, 24–27 June 2012.

54. Roger L. Deliberation im Europäischen Parlament: Der Einfluss von Rollenorientierungen auf das Kommunikationsverhalten von Abgeordneten. In: Bächtiger A, Linhart Eric, Shikano S, editors. Jahrbuch für Handlungs- und Entscheidungstheorie. Bd. 9: Räumliche Modelle der Politik. Wiesbaden, Germany: VS Verlag für Sozialwissenschaften; Forthcoming.

55. Landwehr C. Discourse and Coordination. Modes of Interaction and their Roles in Political Decision-Making. The Journal of Political Philosophy. 2010;18(1): 101–122.

56. It is reasonable to expect interactions between situational and temporal variables. But since this interaction cannot be measured, this paper focuses on the independent influence of situational and temporal variables on the particular dimensions of deliberation.

57. The whole process is accompanied by informal meetings between the rapporteur(s) and shadow rapporteurs. These meetings are of key importance, as they permit open discussions and private discussions behind closed doors. Unfortunately, because meetings are informal and protocols do not exist, we do not include them in our analysis.

58. On the two-pack, we conducted ten interviews with MEPs and ten European Parliament officials (political group advisors, MEP assistants, Members of the Secretariat). On the victims directive, interviews with nine MEPs and eleven EP officials were conducted. The interviews took place in the European Parliament in Brussels and Strasbourg from January to April 2012 and lasted between 20 minutes and one hour.

59. McElroy G. Committee Representation in the European Parliament. European Union Politics. 2006;7 (1):5–29.

60. Neuhold C. The "Legislative Backbone" keeping the Institution upright? The Role of European Parliament Committees in the EU Policy-Making Process. European Integration online Papers. 2001;5(10). Available from: http://eiop.or.at/eiop/texte/2001-010a.htm (accessed from 25 July 2013).

61. Brack N, Costa O, Dri C. Structural and Political Consequences of Procedural Changes in the European Parliament. Paper presented at the Ninth Workshop of Parliamentary Scholars and Parliamentarians, Wroxton College, UK, 24–25 June 2010.

62. The interviews with the EP officials permitted to complement the data; officials—especially group advisors and members of the secretariat—have a broad overview on the decision-making process. On sensitive variables (pressures exercised by the parties, say), officials can be expected to answer honestly.

63. See the appendix for the questions relating to the situational variables.

64. Interview n° 52, MEP.

65. Interview n° 38, official.

66. Interview n° 50, MEP.

67. Interview n° 67, official.

68. Interview n° 39, official.

69. Interview n° 28, MEP.

70. Interview n° 25, MEP.

71. Interview n° 61, MEP, n°28, MEP.

72. Interview n° 40, official; Interview n° 75, official.

73. Interview n° 54, MEP; Interview n° 31, official.

74. Interview n° 27, MEP.

75. Interview n° 66, official.

76. Interview n° 54, MEP; Interview n° 40, official; Interview n° 21, official.

77. Interview n° 35, assistant of the interviewed MEP.

78. Interview n° 19, official; Interview n° 34, official; Interview n° 57, official.

79. Interview n° 73, MEP.

80. Interview n° 34, official.

81. Interview n°21, official.

82. Statement by Philippe Lamberts (Greens/EFA), Exchange of views on the two-pack, ECON committee, original speech; 9 January 2012.

83. Statement by Marianne Thyssen (EPP), Exchange of views on the two-pack, ECON committee, English interpretation; 9 January 2012.

84. Statement by Carl Halgund (ALDE), Presentation of the draft reports on the two-pack, ECON committee, original speech; 28 February 2012.

85. Interview n°31, official.

86. Statement by Mikael Gustafsson, Consideration of amendments on the victims directive, LIBE/FEMM committee, English translation; 21 March 2012.

87. Website of the European Parliament. Available from: http://www.europarl.europa.eu/ep-live/en/committees/search (accessed on 13 July 2012).

88. The speeches were partly double coded: in ECON, 33% of the speeches were double coded with a total rate of coder agreement of 95% of the indicators. In FEMM/LIBE, 62% of the speeches were double coded with a rate of coder agreement of 98,7% of the indicators.

89. Interview n° 39, official.

Topic of debate

First of all, I would like to ask you to give me some more information on (the topic)…

1. Could you please identify the main positions on the topic?

2. What are the main interests at stake?
    Follow up: What are the main conflicting points?…And the main cleavages?

Role of the political party/political group

I would now like to turn to the role of your political party and your European political group…

3. Usually, political groups aim at agreeing on a common position. Could you please describe the opinion-building process in your own political group?

4. And what about the position of your national party?

5. Could you please describe the role of your political group in the decision-making process?
    Follow up: What about the role of your national party?

6. Members of the same political groups may disagree with each other on certain topics. Generally speaking, how do political groups deal with eventual disagreements?

7. And in (member state), with the national party? Do people sometimes get recommendations/instructions from their party on what position to defend?

8. And on (the topic). Do members of your group agree with each other? What about within your party?

9. What role do lobbyists and interest groups play in the decision-making process?
    Follow up: In general, how influential are they?

Publicity

10. How is the (topic) perceived in the European public opinion?
    Follow up:…and in your Member State?

Appendix 2: Discourse Quality Index

<u>Participation</u>
1a—Participation (constraints)
(0) The speaker indicates that he or she is constrained.
(1) The speaker does not indicate that he or she is constrained by the behavior of other participants.

<u>Level of justification</u>
(0) X should be done but no reason is given
(1) reason Y is given why X should or should not be done but no linkage is made
(2) linkage is made why one should expect that X contributes to or detracts from Y
(3) two complete justifications are given (either for the same demand or for two different demands)
(4) a sophisticated justification is given

<u>Content of Justification</u>
3a—Common good
(0) The speaker refers to the interests of their constituents/their country or to sectoral interests.
(1) The speaker does not refer to any interests.
(2) The speaker refers to European or universal interests.

3b—Solidarity
(0) The speaker opposes a proposition important to some people without considering negative consequences his position may have for these people.
(1) The speaker defends a certain position without considering negative consequences his position may have for other people.
(2) The speaker implicitly considers the interests of all people concerned.
(3) The speaker explicitly considers the interests of different people concerned.

<u>Respect</u>
4a—Respect toward other participants
(0) The speaker personally attacks other participants.
(1) The speaker does not refer or refers in a neutral way to other participants.
(2) The speaker positively refers to other participants.

4b—Respect toward groups that are to be helped through policies
(0) The speaker makes negative statements about the groups.
(1) The speaker makes no explicitly negative statements; nor does the speaker make explicit positive statements about the groups.
(2) The speaker makes at least one explicitly positive statement about the groups.

<u>Interactivity</u>
5a—Reference to other participants
(0) Participants do not refer to other participants.
(1) Participants refer to other participants.

5b—Reference to other participants
(0) Participants do not refer to other participants' arguments.
(1) Participants refer to other participants' arguments but do not discuss them.
(2) Participants refer to other participants' arguments and discuss them.

<u>Constructive politics</u>
(0) The speaker sits on his/her positions. There is no attempt at compromise, reconciliation, or consensus building.
(1) The speaker signals willingness to compromise.
(2) The speaker makes a mediating proposal that does not fit the current agenda but belongs to another agenda.
(3) The speaker makes an appeal for consensus or compromise.
(4) The speaker makes a mediating proposal that fits the current agenda.

Appendix 3: List of Qualitative Interviews

1. Two-Pack
Members* of the ECON committee:
1. Interview n°17, 14.02.2012, EP Strasbourg.
2. Interview n°25, 16.02.2012, EP Brussels.
3. Interview n°28, 20.02.2012, EP Brussels.
4. Interview n°36, 06.03.2012, EP Brussels.
5. Interview n°50, 13.03.2012, EP Strasbourg.
6. Interview n°51, 14.03.2012, EP Brussels.
7. Interview n°53, 14.03.2012, EP Strasbourg.
8. Interview n°52, 14.03.2012, EP Strasbourg.
9. Interview n°61, 21.03.2012, EP Strasbourg.
10. Interview n°70, 27.03.2012, EP Brussels.

EP officials ECON committee:
1. Interview n°20, 15.02.2012, EP Strasbourg.
2. Interview n°32, 02.03.2012, EP Brussels.
3. Interview n°30, 02.03.2012, EP Brussels.
4. Interview n°38, 06.03.2012, EP Brussels.
5. Interview n°39, 07.03.2012, EP Brussels.
6. Interview n°12, 13.03.2012, EP Strasbourg.
7. Interview n°67, 22.03.2012, EP Brussels.
8. Interview n°64, 22.03.2012, EP Brussels.
9. Interview n°65, 22.03.2012, EP Brussels.
10. Interview n°76, 30.03.2012, EP Brussels.

2. Victims directive
Members of the LIBE committee:
1. Interview n°23, 26.02.2012, EP Strasbourg.
2. Interview n°27, 28.02.2012, EP Brussels.
3. Interview n°43, 08.03.2012, EP Brussels.
4. Interview n°54, 14.03.2012, EP Strasbourg.
5. Interview n°71, 27.03.2012, EP Brussels.

Members of the FEMM committee:
1. Interview n°22, 16.02.2012, EP Strasbourg.
2. Interview n°35, 06.03.2012, EP Brussels.
3. Interview n°33, 06.03.2012, EP Brussels.
4. Interview n°73, 28.03.2012, EP Brussels.

EP officials LIBE committee:
1. Interview n°29, 10.03.2012, EP Brussels.
2. Interview n°57, 15.03.2012, EP Strasbourg.
3. Interview n°66, 22.03.2012, EP Brussels.
4. Interview n°40, 22.03.2012, EP Brussels.
5. Interview n°75, 29.03.2012, EP Brussels.
6. Interview n°21, 15.02. 2012, EP Strasbourg.

EP officials FEMM committee:
1. Interview n°19, 15.02.2012, EP Brussels.
2. Interview n°31, 02.03.2012, EP Brussels.
3. Interview n°34, 06.03.2012, EP Brussels.
4. Interview n°62, 22.03.2012, EP Brussels.
5. Interview n°77, 30.03.2012, EP Brussels.

Note: *Interviews were held with rapporteurs, shadow rapporteurs, coordinators, and committee members (MEPs), as well as with Members of the Secretariat, group advisors, and MEP assistants (EP officials). The article indicates whether the information stems from an MEP or an official, but withholds further information to guarantee the anonymity of the interviewees.

Politics and Governance

Patching vs Packaging in Policy Formulation: Assessing Policy Portfolio Design

Michael Howlett[1,2,]* and Jeremy Rayner[3]

[1] Department of Political Science, Simon Fraser University, Burnaby, BC V5A 1S6, Canada;
E-Mail: howlett@sfu.ca
[2] Lee Kuan Yew School of Public Policy, National University of Singapore, Singapore 259772, Singapore
[3] Johnson-Shoyama Graduate School of Public Policy, University of Saskatchewan, Saskatoon, SK S7N 5B8, Canada; E-Mail: jeremy.rayner@usask.ca

* Corresponding author

Abstract: Thinking about policy mixes is at the forefront of current research work in the policy sciences and raises many significant questions with respect to policy tools and instruments, processes of policy formulation, and the evolution of tool choices over time. Not least among these is how to assess the potential for multiple policy tools to achieve policy goals in an efficient and effective way. Previous conceptual work on policy mixes has highlighted evaluative criteria such as "consistency" (the ability of multiple policy tools to reinforce rather than undermine each other in the pursuit of individual policy goals), "coherence" (or the ability of multiple policy goals to co-exist with each other in a logical fashion), and "congruence" (or the ability of multiple goals and instruments to work together in a uni-directional or mutually supportive fashion) as important design principles and measures of optimality in policy mixes. And previous empirical work on the evolution of existing policy mixes has highlighted how these three criteria are often lacking in mixes which have evolved over time as well as those which have otherwise been consciously designed. This article revisits this early design work in order to more clearly assess the reasons why many existing policy mixes are sub-optimal and the consequences this has for thinking about policy formulation processes and the practices of policy design.

Keywords: planning; policy design; policy instruments; policy layering; policy mixes; policy portfolios

1. Introduction: Policy Portfolios and Policy Design

Policy design is an activity which unfolds in the policy process as policy actors deliberate and interact over the construction of both the means or mechanisms through which policy goals are given effect and the goals of policy themselves. It is "the effort to more or less

librello

systematically develop efficient and effective policies through the application of knowledge about policy means gained from experience, and reason, to the development and adoption of courses of action that are likely to succeed in attaining their desired goals or aims" [1-3]. But public policies are comprised of complex arrangements of policy goals and policy means which can be packaged in a more, or a less, systematic fashion. Why this is the case and how thinking about policy design can be advanced and made more systematic is the subject of this article.

Like 'planning', policy design theory has its roots in the 'rational' tradition of policy studies, one aimed at improving policy outcomes through the application of policy-relevant knowledge to the crafting of alternative possible courses of action intended to address specific policy problems [4-12]. But it extends beyond this to the consideration of the practices, frames of understanding, and lesson-drawing abilities of policy formulators or "designers" in adapting design principles to the particular contexts that call for policy responses [2,13].

Assessing policy designs and the extent to which policy-making can be considered to embody an intentional design logic begins with the recognition that in many circumstances, policy decisions will be more highly contingent and 'irrational' than in others [14]. That is, there is no doubt that in many cases policy-making is driven by situational logics and opportunism rather than careful deliberation and assessment [15-19].

This high level of contingency has led some critics and observers to suggest that policies cannot be 'designed' at all, at least in the sense that a house or a piece of furniture can be the product of conscious and systematic design fashioned and put into place by one or more 'designers'. But those who have written about policy design disagree with this assessment. Recognizing the dialectic existing between principle and context they distinguish the formulation process from the actual design of a policy itself [20]. In much the same way as the development of an architectural plan can be distinguished from its engineering or construction manifestations, optimal policy designs in this sense can be thought of in a 'meta' or abstract sense as 'ideal types', that is, as configurations of elements which can reasonably be expected, if adopted with due attention given to specific contextual settings and needs, to have a higher probability of delivering a specific outcome than some other configuration. Whether or not this potential is actually realized in practice is another matter and the subject of separate, although clearly related, investigation and inquiry.

This article explores this meta-orientation to the study of policy designs. Bracketing the actual process of policy formulation which may or may not provide auspicious conditions for a 'design orientation', it first revisits several 'first principles' for policy portfolio design found in the policy design literature and addresses the nature of the evaluative criteria used to distinguish 'good' from 'poor' design. Returning to the ground of actual policy-making, it then moves on to consider issues such as the 'degrees of freedom' or room to manoeuvre which designers have in developing and implementing their designs and the ideas of 'maximizing complementarity' and 'goodness of fit' with existing governance arrangements with which contemporary design theory is grappling. Finally it develops the notion that two distinct and very different types of design processes have been incorrectly juxtaposed in the literature—"policy patching" and "policy packaging." It suggests the former is more likely to be found in practice than the latter and should be the subject of further research in this area of policy and design studies. The article shows how the early design literature has been refined to incorporate some of the shortcomings identified by subsequent empirical research, and now approaches formulation and design issues fully taking into account restrictions on the abilities of designers to accomplish their designs in practice while offering realistic guidance on how these may be overcome.

2. Policy Design, Policy Portfolios and *Ex-Ante* Assessment

Policy makers typically consider several policy alternatives, some of which, or parts of which, may ultimately be implemented in the attempt to achieve desired outcomes. These are alternative options for how government action can be brought to bear to resolve some identified problem or attain some goal and their articulation and consideration forms the basis of processes of policy formulation.

It is important to note that in this conception policy design is thus both a 'verb'—in the sense of characterizing one manner in which a policy formulation process can unfold in creating a policy configuration sensitive to the constraints of time and place—and also a 'noun'—in the sense of being an actual product or artifact that can be compared to others [21].

Policy design as a verb involves some process of coordinating disparate actors working in a given spatio-temporal context towards agreement on the content of designs-as-noun. These processes of policy design or formulation are interesting and complex and subjects of inquiry in their own right but, as noted above, can be separated, at least in the abstract, from the 'design-as-noun' itself. Again, to use an architectural metaphor, this is true in much the same way as craftsmanship and skill in construction are significant factors involved in realizing a building vision but can be considered separately from the vision itself; which can be assessed not only against its concrete realization but also against aesthetic and other criteria for assessing 'good' from 'poor' designs [21-24].

But what is it that is 'designed' in policy design? In all but the very simplest contexts, policy alternatives are options for government action comprised of different sets of policy means—that is policy tools and their

calibrations—bundled together into packages of measures which are expected by their designers to be capable of attaining specific kinds of policy outcomes [25-28]. "Policy designs" in this sense refer to how specific types of policy tools or instruments are bundled or combined in a principled manner into policy 'portfolios' or 'mixes' in an effort to attain policy goals.

Analyzing policy design in the context of such policy portfolios raises a series of questions about how exactly the superiority of the design of one mix over another can be assessed *ex-ante*. A design perspective in general assumes that not all designs are equal nor is one design just as good as any other, and a subject of much interest to students of policy designs, therefore, is the nature of the evaluative criteria which can be used to identify "better" or more 'intelligent' designs and distinguish them from 'poor' designs, and from 'non-designs'.

Various design principles have been articulated at various points in the history of studies of policy formulation and policy tool choice with this end in mind. And the merits and demerits of some of these efforts are set out below. As shall be discussed, rules or maxims have been proposed both about how many tools and goals there should be in a bundle and about how tools should be combined in order to stand the best chance of attaining these goals [29]. The former is a subject which received some attention as early as the 1950s and resulted in the development of several principles of policy design which emphasized aesthetics of simplicity and elegance. The latter issue received some attention in the 1970s and 1980s as scholars emphasized a need to avoid unreflexive preferences for the use of highly coercive tools on the part of governments and instead urged sequenced designs which began slowly with the use of the least 'interventionist' tools possible before 'moving up' to the use of more coercive designs only if and so far as less coercive ones proved unable to accomplish stated goals.

While these areas were the subjects of most early thinking about policy mixes, more recent design thinking has begun to address a second series of questions related to the larger issues of how and to what extent tools must not only be related logically or evidentially to each other but must also must match their policy environments in order to be both practically feasible as well as theoretically elegant. That is, designs have come to be seen as involving the need to go beyond just a logical or theoretical match of policy elements to goals but also must involve a match between the social construction and ecological adaptation of policy [30], or between 'principle' and 'context' [31]. This is in much the same way as architectural designs can either ignore or reflect and incorporate their geo-physical settings with most designers advocating the latter course as generating more pleasing and effective results.

This more recent thinking about the nature of policy mixes and their design has raised several new issues for policy design thinking which add an additional layer of complexity to earlier analyses and principles. Older concepts such as consistency', 'coherence', and 'congruence' which set out the goals towards which complex designs should aspire have now been joined by other considerations such as those concerning what level or 'degrees of freedom' designers have in moving towards new designs or building on old ones. Such considerations often promote 'policy experiments' or trial runs and pilot projects which may or may not be scaled up into full-blown programmes depending on their outcomes as a means to determine policy fit to practice [32,33] and have led to suggestions for more resilient or adaptable designs which retain adequate 'flexibility' or adaptive elements to allow them to be adjusted to changing circumstances once in place [33,34].

These studies take very seriously the need to 'match' design to both spatial and temporal contexts that were lacking in earlier studies. To this end they have developed a new set of maxims to replace those earlier ones often found faulty or limited when applied to policy-making practice. These include injunctions such as those urging flexibility cited above as well as those urging policy formulators to "maximize complementary effects" in their choice of tools and goals. They also include precepts related to the need to better match policy designs and policy designing or formulation activities, such as considerations of how to assess the goodness of fit between policy elements and their environments in the effort to match policy designs with governance contexts. These existing and new design principles and maxims are discussed in more detail below.

3. Older Design Maxims and Their Problems

Contemporary thinking about policy formulation and policy designing is firmly rooted in an older literature on policy design which over the course of the 1950s to 1990s developed several maxims or heuristics expected to be used to head off common errors or sources of failure in policy-making. These included the promotion of parsimonious tool use in policy mixes, the injunction to begin with less coercive tools and only move towards increased coercion of policy targets as necessary, and the adoption of the above-mentioned notions of coherence, consistency and congruence as criteria for assessing the level of optimality of the arrangement of elements in a policy mix. Although a good start, as noted below only limited empirical evidence supported the accuracy and utility of these principles, which tended to underestimate the difficulties involved in formulating and implementing complex policy mixes. As these faults were recognized, new efforts to think about more complex policy designs have led to a new generation of design thinking in this area and the articulation of a new set of principles and practices expected to result in superior designs; that is, ones more likely to reach their targets and achieve their goals [35-38].

3.1. Parsimonious Tool Use

The first and oldest maxim in the policy design literature is the injunction to observe parsimony in tool selection. An oft-cited rule in this area, for example, was first put forward by Jan Tinbergen in 1952 [29], to the effect that the "optimal ratio of the number of tools to targets" in a policy should be 1:1 [39]. That is, that the number of policy tools in any mix should roughly match the number of goals or objectives set for a policy.

This may appear to be a reasonable rule-of-thumb, for which Tinbergen provided some logical justification in his discussion of the information and administrative costs associated with the employment of redundant tools in the area of economic policy-making. In his work, for example, Tinbergen analyzed what he termed the 'normal' case in which one goal was matched with one target in a simple situation in which one instrument could fully address its task and accomplish the goal set out for it. Most observers, however, including Tinbergen, were well aware that in practice combinations of tools are typically used to address single and especially multiple policy goals, not a single instrument addressing a single goal. In such circumstances, as Tinbergen [29] noted "it goes without saying that complicated systems of economic policy (for example) will almost invariably be a mixture of instruments" (p. 71). As a result he himself argued "a priori there is no guarantee that the number of targets (goals) always equals the number of instruments" (p. 37).

Such admonitions and caveats about design complexity, unfortunately, were usually neglected in studies ostensibly based on Tinbergen's work, with many erstwhile designers attempting to force complex situations into the more simple mould required for Tinbergen's rule to apply [39]. More contemporary thinking about policy design, however, begins not with single instrument choices at specific moments in time *de novo*, but rather with considerations of designing mixes of tools which specifically take into account the spatio-temporal complexities missing in earlier design studies [25,26]. Thus they move well 'beyond the Tinbergen Rule' in the effort to inform modern design contexts and practice in a meaningful way.

3.2. Moving Up the Scale of Coercion in Sequential Instrument Choices

A second principle of policy design found in the older literature on the subject was not only the injunction to be parsimonious in the number of instruments chosen at a specific point in time in order to attain a goal, but also to be sparing in their use dynamically or sequentially over time. In the mid-1970s and early 1980s, for example, Bruce Doern, Richard Phidd, Seymour Wilson and others published a series of articles and monographs that placed policy instruments on a single continuum based on the 'degree of government coercion'

each instrument choice entailed [30-44]. They argued that choices of tools, or policy designs, should only 'move up the spectrum' of coercion as needed so that the 'proper' sequencing of tool types in a policy mix would be from minimum levels of coercion towards maximum ones [45]. Assuming that all instruments were more or less technically "substitutable" or could perform any task—although not necessarily as easily or at the same cost—it was argued that in a liberal democratic society, governments, often for both ideological and pragmatic reasons, would prefer to, and should, use the least coercive instruments available and would only employ more coercive ones as far as was necessary in order to overcome societal resistance to attaining their goals. As Doern and Wilson ([45], p. 339) put it:

"(...) politicians have a strong tendency to respond to policy issues, (any issue) by moving successively from the least coercive governing instrument to the most coercive. Thus they tend to respond first in the least coercive fashion by creating a study, or by creating a new or re-organized unit of government, or merely by uttering a broad statement of intent. The next least coercive governing instrument would be to use a distributive spending approach in which the resources could be handed out to constituencies in such a way that the least attention is given as to which taxpayers' pockets the resources are being drawn from. At the more coercive end of the continuum of governing instruments would be a larger redistributive programme, in which resources would be more visibly extracted from the more advantaged classes and redistributed to the less advantaged classes. Also at the more coercive end of the governing continuum would be direct regulation in which the sanctions or threat of sanctions would have to be directly applied."

This rationale for instrument choice clearly took policy context into account in making design decisions and moved design discussions such as Tinbergen's forward in that respect. That is, Doern and his colleagues work was based on an appreciation of the ideological preferences of liberal-democratic societies for limited state activity and on the difficulties this posed for governments in the exercise of their preferences due to the relative "strength" or ability of societal actors to resist government efforts to shape their behaviour.

This formulation has many advantages as a design principle. It is not uni-dimensional, although it might appear so on first reading, because it does take into account several political and contextual variables and assumes instrument choices are multi-level, with finer calibrations of instruments emerging after initial broad selections of tools have been made [46]. Preferring "self-regulation", for example, governments might first attempt to influence overall target group performance

through exhortation and education efforts and then add instruments to this mix only as required in order to compel recalcitrant societal actors to abide by their wishes, eventually culminating, if necessary, in regulation or the public provision of goods and services.

This maxim was based on both observations of the actual design practices followed by many governments which were used to develop and inform a set of principles informing 'proper' or appropriate overall tool preferences. However, as Woodside [47] argued, it was lacking in several ways. As he put it:

"Experience suggest that governments do not always seek to avoid coercive solutions, but indeed, may at times seem to revel in taking a hard line from the start. While there are undoubtedly many reasons for these heavy handed responses, surely some of the most important ones include the constituency or group at which the policy is aimed, the circumstances in which the problem has appeared, and the nature of the problem involved" ([47], p. 786).

Hence although suggestive, this second design principle also needed nuance and revision. These and other similar concerns led to further efforts in the 1990s to deal with the complexities of policy design, especially in the context of mixes or bundles of tools.

3.3. Coherence, Consistency and Congruence as Measures of Design Integration and Criteria of Superior Design

These early efforts from the 1970s and 1980s to articulate fundamental policy design principles were overtaken in the 1990s by work which focused on the need to articulate a set of general principles which would more clearly inform the selection of the various parts of a mix or portfolio, bracketing for a moment the issue of formulation processes and policy outcomes. Here it was noted that policies are composed of several elements: distinguishing between abstract or theoretical/conceptual goals, specific programme content or objectives, and operational settings or calibrations [48-50]—for example, as set out in Table 1. The central criteria which the design literature developed for dealing with how these multiple parts of a policy *should* be related was the notion of '*integration*' or the idea that goals and means within mixes should not work at cross-purposes but mutually reinforce each other [51-53].

That is, moving beyond Tinbergen's rule, it was argued that some correspondence across elements was required if policy goals were to be successfully matched with policy means [49,51]. And it was argued that a relatively small number of criteria could be identified to help assess the extent to which existing or future mix elements were integrated [54].

Previous work on policy design had identified one such evaluative criteria in the notion of "*consistency*" or the ability of multiple policy tools to reinforce rather than undermine each other in the pursuit of policy goals. A second such criteria related to goals rather than means. Here the idea of "*coherence*" or the ability of multiple policy goals to co-exist with each other and with instrument norms in a logical fashion was developed. Finally the idea of "*congruence*" or the ability of goals and instruments to work together in a uni-directional or mutually supportive fashion rounded out these three integrative dimensions proposed for a superior policy design [55].

Table 1. Components of a policy mix.

		Policy Content		
		High Level Abstraction	Programme Level Operationalization	Specific On-the-Ground Measures
Policy Focus	Policy Ends or Aims	**Goals** What General Types of Ideas Govern Policy Development? (e.g. environmental protection, economic development)	**Objectives** What Does Policy Formally Aim to Address? (e.g. saving wilderness or species habitat, increasing harvesting levels to create processing jobs)	**Settings** What are the Specific On-the-ground Requirements of Policy (e.g. considerations about the optimal size of designated stream-bed riparian zones, or sustainable levels of harvesting)
	Policy Means or Tools	**Instrument Logic** What General Norms Guide Implementation Preferences? (e.g. preferences for the use of coercive instruments, or moral suasion)	**Mechanisms** What Specific Types of Instruments are Utilized? (e.g. the use of different tools such as tax incentives, or public enterprises)	**Calibrations** What are the Specific Ways in Which the Instrument is used? (e.g. designations of higher levels of subsidies, the use of mandatory vs. voluntary regulatory guidelines or standards)

Source: modified from [50].

The development of such criteria was a significant advance over the earlier works mentioned above and moved policy design thinking well beyond other frameworks developed around the same time which purported only to develop a series of 'hints' for policy-makers to follow in promoting better designs [56,57].

However, while clear enough in theory, these works raised to the forefront the need to, like Doern and his colleagues had done, re-integrate thinking about policy 'design-as-noun' with 'design-as-verb' or policy formulation [58,59]. This was because empirical work on the evolution of long-term policies or 'institutions' highlighted how these three criteria were often only weakly represented in existing mixes, especially those which have evolved over a long period of time [60,61]. That is, empirical research into policy designs in practice revealed considerable gaps between the coherency, consistency and congruence of actual policy mixes compared to their theoretical specification and highlighted the need to consider the *temporal* evolution of tool portfolios, much as Doern and his colleagues had done several decades earlier [62].

4. Modern Principles of Policy Design: Complementary Effects, Goodness of Fit and Degrees of Freedom

Recent design thinking has built on this basis in earlier studies and has underlined the importance of considering both the full range of policy instruments when designing a mix—rather than assuming that a choice must be made between only a few alternatives such as regulation versus market tools [63]—as well as ensuring that a proposed mix is compatible with existing governance arrangements [64]. Towards this end, several new principles have emerged in the current design literature. These include "maximizing complementary effects" and "goodness of it", or attempting to ensure a good fit between policies elements and between those elements and their governance context.

4.1. Maximizing Complementary Effects

A major issue and insight driving contemporary design studies concerns the fact that not all of the tools potentially involved and invoked in a policy mix are inherently complementary [65-67] in the sense that they may evoke contradictory responses from policy targets [68-73] and thus fail to achieve their goals. At the same time, of course, some combinations may also be more virtuous in the sense of providing a mutually reinforcing or supplementing arrangement [74]. Similarly, some other arrangements may be unnecessarily duplicative while in others some level of redundancy may be advantageous in ensuring that a stated goal will be achieved [75,76].

Grabosky [66] and others worked on these issues throughout the mid-to-late 1990s, noting that some tools necessarily counteract each other—for example,

using command and control regulation while also attempting voluntary compliance—and thus those combinations should be avoided in 'smart' policy designs. Hou and Brewer [74] similarly worked on the other side of this design coin, noting that other tools complemented or supplemented each other—for example, using command and control regulation to prevent certain behaviour deemed undesirable and financial incentives to promote more desired activities at the same time—and thus those combinations should be encouraged.

A key principle of current policy design thinking, therefore, is to try to maximize supplementary effects while minimizing counterproductive ones. "Smarter" designs are thus said to involve the conscious creation of policy packages which take these precepts into account in their formulation or packaging [64,65,77,78].

4.2. Goodness of Fit: The Need for Designs to Match Governance Mode and Policy

Contemporary design thinking also highlights the need for designs to respond not only to such general theoretical design principles but also to the particular, context-dependent features of the policy sector involved [26]. In this sense, "goodness of fit" between the policy mix and its governance context is a concern and can be seen to occur at several different levels.

That is, at one level design choices emerge from and must generally be congruent with the governance modes or styles practiced in particular jurisdictions and sectors. This is because different orientations towards state activity involved in policy mixes require specific capabilities on the part of state and societal actors which may only be forthcoming if the mix matches the governance context. Policy designs, it is argued, thus must take into account the actual resources available to a governmental or non-governmental actor in carrying out their appointed roles in policy implementation [79]. Thus, for example, planning and 'steering' involve direct co-ordination of key actors by governments, requiring a high level of government policy capacity to identify and utilize specific policy tools capable of successful moving policy targets in a required direction [80,81].

Work on 'policy styles' [82-84] in the 1980s and 1990s identified a number of common patterns and motifs in governance arrangements in specific sectors and jurisdictions which contemporary design theory argues designs in different jurisdictions should reflect [26,79,85]. While many permutations and combinations of possible governance arrangements exist, recent policy and administrative studies have focused on four basic or 'ideal' types found in many jurisdictions and sectors in liberal democratic states. These are the legal, corporate, market and network governance forms (see Table 2). Government actions through legal and network governance, for example, can change many aspects of policy behaviour but do so indirectly through

the alteration of the relationships existing between different kinds of social actors [86,87]. This is unlike corporate and market governance which involves more overt state direction. Each mode has a different focus, form of control, aim and preferred service delivery mechanism and procedural policy orientation which policy designs should incorporate and approximate if they are to be feasible.

This relationship between governance style or context and the policy instruments and goals contained in a policy mix is a significant one for studies of policy design. Since the exact processes by which policy decisions are taken vary greatly by jurisdiction and sector and reflect differences between and within different forms of government—from military regimes to liberal democracies—as well as the particular configuration of issues, actors and problems found in particular areas or sectors of activity—such as health, education, energy and transportation, social policy and many others [88,89]—the existence of a relatively small number of overarching governance modes allows for the matching of design and context in an easily understandable and applicable fashion.

Table 2. Modes of governance.

Mode of Governance	Central Focus of Governance Activity	Form of State Control of Governance Relationships	Overall Governance Aim	Prime Service Delivery Mechanism	Key Procedural Tool for Policy Implementation
Legal Governance	Legality—Promotion of law and order in social relationships	Legislation, Law and Rules	Legitimacy—Voluntary Compliance	Rights—Property, Civil, Human	Courts and Litigation
Corporate Governance	Management—of Major Organized Social Actors	Plans	Controlled and Balanced Rates of Socio-economic Development	Targets—Operational Objectives	Specialized and Privileged Advisory Committees
Market Governance	Competition—Promotion of Small and Medium sized Enterprises	Contracts and Regulations	Resource/Cost Efficiency and Control	Prices—Controlling for Externalities, Supply and Demand	Regulatory Boards, Tribunals and Commissions
Network Governance	Relationships—Promotion of Inter-actor organizational Activity	Collaboration	Co-Optation of Dissent and Self-Organization of Social Actors	Networks of Governmental, and Non-Governmental Organizations	Subsides and Expenditures on Network Brokerage Activities

Source: modified from [90,91].

4.3. Degrees of Freedom

A third key concept which has emerged in contemporary design thinking around this same issue is that of 'degrees of freedom' or the consideration of the relative ease or difficulty with which policy-makers can alter the status quo. That is, if *any* combination of tools was possible in any circumstance then decision-makers could be thought of as having unlimited 'degrees of freedom' in their design choices. Empirical studies of large scale institutional changes, however, have noted this kind of freedom in combining design elements is quite rare. For example, this can occur in situations of what Thelen [92] terms 'replacement' or 'exhaustion' when older tool elements have been swept aside or abandoned and a new mix is designed or adopted *de novo*. As Thelen noted, however, most existing mixes or portfolios have rather emerged from a gradual historical process in which a policy mix has slowly built up over time through processes of incremental change or successive reformulation. As Christensen et al. [93] have argued, a key design issue is thus the leeway policy designers have in developing new designs given the pre-existence of historical arrangements of policy elements. This has added a siginificant temporal dimension to policy design studies which early generations of thinking either ignored or downplayed.

That is, in addition to the requirements of "goodness of fit" with prevailing governance modes there are also constraints imposed by existing trajectories of policy development. As Christensen et al. [93] note, "these factors place constraints on and create opportunities for purposeful choice, deliberate instrumental actions and intentional efforts taken by political and administrative leaders to launch administrative reforms through administrative design" (p. 158).

How much room for manouevre designers have to be creative [94] or, to put it another way, to what degree they are 'context bound' in thus time and space [26] is a subject of much current interest in contemporary

design studies. From the historical neo-institutionalist literature cited above it is well understood that complex policy mixes, like institutions, can emerge through several distinct processes or historical trajectories [92, 95-97]. These trajectories—'layering', 'drift', and 'conversion'—differ from 'replacement' and 'exhaustion' in terms of the challenges that they raise for each generation of designers attempting to integrate policy elements in effective, complementary, or 'smart' mixes with coherent goals, consistent means, and congruency of goals and instruments. *Layering* is a process whereby new elements are simply added to an existing regime without abandoning previous ones, typically leading to both incoherence amongst the goals and inconsistency with respect to the instruments and settings used. *Drift* occurs when the elements of a policy mix are deliberately maintained while the policy environment changes. The impact of the policy mix is thus likely to change and this is the result that the designer wants to achieve [98]. *Conversion* involves holding most of the elements of the policy mix constant while redeploying the mix to serve new goals [99]. While consistency may remain largely intact, conversion poses significant risks of incongruence between the old instrument elements and the new goals that have been introduced.

Replacement is thus not the only, or even necessarily the only desirable, historical context for policy design; it simply imposes the smallest number of constraints on successful design. Except in the case of completely new policy areas or old ones facing the kind of total overhaul envisaged in periods of policy punctuations, however, policy designers, are typically faced with a situation in which an already existing policy mix is already in place and cannot be easily discarded [100,101].

These existing arrangements have commonly emerged or evolved over relatively long periods of time through rounds of previous decisions, and even if they had a clear logic and plan at the outset they may no longer do so [102]. Designers' freedom is thus hemmed in on two sides. First, existing mixes often have accumulated varying degrees of political support from those who benefit from them, ruling out complete replacement [103-105]. In such cases where key instruments in the mix are defended by powerful "instrument constituencies", layering can be an appropriate response since these interests may have no objection to the addition of new instruments provided only that "their" instrument is not touched. Conversion, on the other hand, may be indicated where these instrument constituencies can be persuaded that their favoured instruments may actually be strengthened by the addition of new goals that bring in new political support for the existing mix. Drift can also be the favourite strategy of political interests who are not strong enough to destroy a policy mix whose goals they dislike but, by blocking necessary change, may succeed in reducing or even transforming its impact to something more palatable to them [106].

5. Policy Packaging and Policy Patching as Design Methods

This last point raises another area of interest in current design studies, that of the basic mode or style of policy-making best suited to realizing policy designs. An important insight in this regard is that designers can recognize and manipulate the relationships involved in processes such as layering, drift and conversion, just as they can those related to replacement and exhaustion [107].

Hacker, for example, has argued that layering, in many ways the simplest way of changing a policy mix, is a process that can ultimately induce conversion. This is because, as new instruments and goals are added into the mix without abandoning the previous ones, new possibilities for relating goals to instruments open up [108]. Drift, on the other hand, may be deliberately used to engineer a crisis in which replacement becomes a real possibility as the impact of a policy mix diverges ever more obviously from that intended by its original designers, shedding political support along the way. Layering may have a similar outcome while employing the opposite political mechanism when a new instrument, originally a minor part of the policy mix, gradually assumes prominence, perhaps as the result of setting or calibration changes, and attracts defectors from other instrument constituencies [109]. In such situations designers can attempt to *patch* or restructure existing policy elements rather than propose alternatives *de novo* in a new *package* of measures [59,110].

Although there is a strong tradition in the design literature to restrict discussions of design to situations characterized by processes of replacement and exhaustion there is ample existing evidence showing that many existing policy regimes or mixes have instead developed through processes of policy layering, or repeated bouts of policy conversion or policy drift, in which new tools and objectives have often been piled on top of older ones, creating a palimpsest-like mixture of inconsistent and incoherent policy elements [111]. And sweeping it all away and starting again with custom made policy designs capable of meeting contemporary policy challenges may seem to be the obvious solution. Policy *packaging* of this kind, which deliberately seeks to exploit synergistic relationships between multiple policy instruments, was definitely the explicit or implied preference in most earlier efforts to promote enhanced policy integration and coherence in designs across different policy domains [51-53].

However, recognizing that layering, conversion and drift can also be 'intentionally' designed—much in the same way as software designers issue 'patches' for their operating systems and programmes in order to correct flaws or allow them to adapt to changing circumstances—is a critical insight into design processes with which contemporary design studies is beginning to grapple. Distinguishing between policy packaging and

policy patching as two methods of attaining the same goal—the heightened coherence, consistency and congruence of complementary policy elements coupled with a better fit between tools and their context—is a needed step towards moving beyond older principles of parsimony and the inexorable use of less coercive tools towards enhancing the ability of policy formulators to deal with policy problems which demand complex governmental responses [112].

6. Conclusion: Policy Design and the Feasibility of Policy Alternatives

The purpose and expectations of policy design efforts have always been clear [113,114]. Design is an activity conducted by a number of policy actors in the hope of improving policy-making and policy outcomes through the accurate anticipation of the consequences of government actions and the articulation of specific courses of action to be followed. This is to be accomplished by improving assessments of both the theoretical effectiveness as well as the feasibility of policy alternatives [115-118].

Each "policy" however is a complex 'regime' or arrangement of ends and means-related goals, objectives, instruments and calibrations which exist in a specific governance setting and which change over time. Central concerns in the design of policies are thus related to answering questions about how these mixes are constructed, which methods yield superior results and what is the likely result of their (re)design. Understanding these aspects of policy formulation and design and synthesizing knowledge about them into a small number of precepts which policy formulators can follow in their work has always been at the forefront of policy design work.

However these considerations must take into account the fact that 'policies' are typically 'bundles' or 'portfolios' of policy tools arranged in policy mixes and that such bundles are typically the outcome of distinctive processes of policy change, in which elements are added and subtracted from the mix over time. Early work on policy design did not always take this to heart and clarifying the principles enunciated and articulated by early policy design proponents and applying them to policy mixes, and distinguishing between intentional and unintentional process of policy change in the development of such bundles has been a central feature of contemporary policy design study and efforts to move policy design processes and understanding forward.

While policy designs can and should be considered in the abstract, understanding how policy change processes create and modify mixes is critical to evaluating the chance of success for any particular policy mix to attain its goals once put into practice. Adding the notion of policy 'patching' to considerations of intelligent design, for example, better connects design considerations to practice than do many earlier discussion firmly centered in the 'planning' orientation. These often rely upon ideas about the ease or need for wholesale policy replacement which do not exist in practice.

Contemporary design discussions centered on the articulation of design principles such as "goodness of fit" in policy formulation, governance and steering, and the 'degrees of freedom' which formulators or designers have in carrying out their work both over space and over time help to complement and advance earlier notions such as parsimony and the gradual ratcheting of coercion, and the need for coherence, consistency and congruence in designs which were a major feature of earlier eras of thinking about design issues.

References and Notes

1. Bobrow D, Dryzek JS. Policy Analysis by Design. Pittsburgh, PA, USA: University of Pittsburgh Press; 1987.

2. Bobrow D. Policy Design: Ubiquitous, Necessary and Difficult. In: Peter BG, Pierre J, editors. Handbook of Public Policy. London, UK: Sage; 2006. pp. 75–96.

3. Dorst K. The Core of 'Design Thinking' and Its Application. Design Studies. 2011;32(6):521–532.

4. Policy design as a verb shares a large number of features in common with 'planning' but without the strategic or directive nature often associated with the latter. Policy design is much less technocratic in nature than these other efforts at 'scientific' government and administration. However, it too is oriented towards avoiding many of the inefficiencies and inadequacies apparent in other, less knowledge-informed ways of formulating policy, such as pure political bargaining, ad hocism, or trial-and-error. In general, though, it is more flexible than planning in developing general sets of alternatives rather than detailed directive 'plans'.

5. Tinbergen J. The Design of Development. Baltimore, MD, USA: The Johns Hopkins University Press; 1958.

6. Tinbergen J. Economic Policy: Principles and Design. Chicago, IL, USA: Rand McNally; 1967.

7. Forester J. Planning in the Face of Power. Berkeley, CA, USA: University of California Press; 1989.

8. Schön DA. Designing: Rules, Types and Words. Design Studies. 1988;9(3):181–190.

9. Schön DA. Designing as Reflective Conversation with the Materials of a Design Situation. Knowledge-Based Systems. 1992;5(1):3–14.

10. May PJ. Reconsidering Policy Design: Policies and Publics. Journal of Public Policy. 1991;11(2):187–206.

11. Voß J-P, Smith A, Grin J. Designing Long-term Policy: Rethinking Transition Management. Policy Sciences. 2009;42(4):275–302.

12. Fischer F, Forester J. Confronting Values in Policy Analysis: The Politics of Criteria. Beverly Hills, CA, USA: Sage; 1987.

13. Schneider A, Ingram H. Systematically Pinching Ideas: A Comparative Approach to Policy Design. Journal of Public Policy. 1988;8(1):61–80.

14. Cahill AG, Overman ES. The Evolution of Rationality in Policy Analysis. In: Nagel SS, editor. Policy Theory and Policy Evaluation: Concepts, Knowledge, Causes, and Norms. New York, NY, USA: Greenwood Press; 1990. pp. 11–27.

15. Kingdon JW. Agendas, Alternatives, and Public Policies. Boston, MA; USA: Little Brown and Company; 1984.

16. Cohen MD, March JG, and Olsen JP. A Garbage Can Model of Organizational Choice. Administrative Science Quarterly. 1972;17(1):1–25.

17. Dryzek J. Don't Toss Coins in Garbage Cans: A Prologue to Policy Design. Journal of Public Policy. 1983; 3(4):345–367.

18. Eijlander P. Possibilities and Constraints in the Use of Self-regulation and Co-Regulation in Legislative Policy: Experiences in the Netherlands—Lessons to Be Learned for the EU. Electronic Journal of Comparative Law. 2005;9(1):1–8.

19. Franchino F, Hoyland B. Legislative Involvement in Parliamentary Systems: Opportunities, Conflict and Institutional Constraints. American Political Science Review. 2009;103(4):607–621.

20. Linder SH, Peters BG. The Analysis of Design or the Design of Analysis? Policy Studies Review. 1988; 7(4):738–750.

21. May PJ. Policy Design and Implementation. In: Guy PB, Pierre J, editors. Handbook of Public Administration. Beverly Hills, CA, USA: Sage; 2003. pp. 223–233.

22. Gero JS, Smith GJ. Context, Situations, and Design Agents. Knowledge-Based Systems. 2009;22 (8):600–609.

23. McLaughlin S, Gero JS. Requirements of a Reasoning System That Supports Creative and Innovative Design Activity. Knowledge-Based Systems. 1989; 2(1):62–71.

24. Doremus H. A Policy Portfolio Approach to Biodiversity Protection on Private Lands. Environmental Science & Policy. 2003;6(3):217–232.

25. Howlett M. What Is a Policy Instrument? Policy Tools, Policy Mixes and Policy Implementation Styles. In: Eliadis P, Hill MM, Howlett M, editors. Designing Government: From Instruments to Governance. Montreal, Canada: McGill-Queen's University Press; 2005. pp. 31–50.

26. Howlett M. Designing Public Policies: Principles and Instruments. New York, NY, USA: Routledge; 2011.

27. The need to bundle or mix policy tools together in complex arrangements raises many significant questions for policy design, especially with respect to the nature of decisions about the choice of policy tools and instruments, the nature of the processes of policy formulation, and the manner in which tool choices evolve over time.

28. Hongtao Y, Feiock RC. Policy Tool Interactions and the Adoption of State Renewable Portfolio Standards. Review of Policy Research. 2012;29(2):193–206.

29. Tinbergen J. On the Theory of Economic Policy. Amsterdam, The Netherlands: North-Holland Pub. Co.; 1952.

30. Lejano RP. Frameworks for Policy Analysis: Merging Text and Context. London, UK: Routledge; 2006.

31. Lejano RP, Shankar S. The Contextualist Turn and Schematics of Institutional Fit: Theory and a Case Study from Southern India. Policy Sciences. 2013;46 (1):83–102.

32. Hoffmann MJ. Climate Governance at the Crossroads: Experimenting with a Global Response after Kyoto. Oxford, UK: Oxford University Press; 2011.

33. Vreugdenhil H, Taljaard S, Slinger JH. Pilot Projects and Their Diffusion: A Case Study of Integrated Coastal Management in South Africa. International Journal of Sustainable Development. 2012;15(1–2):148–172.

34. Walker WE, Marchau VAWJ, Swanson D. Addressing Deep Uncertainty Using Adaptive Policies: Introduction to Section 2. Technological Forecasting and Social Change. 2010;77(6):917–923.

35. Swanson D, Barg S, Tyler S, Venema H, Tomar S, Bhadwal S, Nair S, Roy D, Drexhage J. Seven Tools for Creating Adaptive Policies. Technological Forecasting and Social Change. 2010;77(6):924–939.

36. McConnell A. Understanding Policy Success: Rethinking Public Policy. Basingstoke, UK: Palgrave Macmillan; 2010.

37. McConnell A. Policy Success, Policy Failure and Grey Areas In-Between. Journal of Public Policy. 2010: 30(3):345–362.

38. Howlett M, Lejano RP. Tales from the Crypt: The Rise and Fall (and Re-Birth?) of Policy Design Studies. Administration & Society. 2013;45(3):356–380.

39. Knudson WA. The Environment, Energy, and the Tinbergen Rule. Bulletin of Science, Technology & Society. 2009;29(4):308–312.

40. Doern GB. The Nature of Scientific and Technological Controversy in Federal Policy Formation. Ottawa, Canada: Science Council of Canada; 1981.

41. Doern GB, Phidd RW. Canadian Public Policy: Ideas, Structure, Process. Toronto, Canada: Methuen; 1983.

42. Doern GB. The Nature of Scientific and Technological Controversy in Federal Policy Formation. Ottawa, Canada: Science Council of Canada; 1981.

43. Tupper A, Doern GB. Public Corporations and Public Policy in Canada. In: Tupper A, Doern GB, editors. Public Corporations and Public Policy in Canada. Montreal, Canada: Institute for Research on Public Policy; 1981. pp. 1–50.

44. They first placed only self-regulation, exhortation, subsidies, and regulation on this scale but later added in categories for "taxation" and public enterprise and finally, an entire series of finer "gradiations" within each general category.

45. Doern GB, Wilson VS. Conclusions and Observations. In: Doern GB, Wilson VS, editors. Issues in Canadian Public Policy. Toronto, Canada: Macmillan;

1974. pp. 337–345.

46. Howlett M. Policy Instruments, Policy Styles, and Policy Implementation: National Approaches to Theories of Instrument Choice. Policy Studies Journal. 1991;19(2):1–21.

47. Woodside K. Policy Instruments and the Study of Public Policy. Canadian Journal of Political Science. 1986;19(4):775–793.

48. Hall PA. Policy Paradigms, Social Learning and the State: The Case of Economic Policy Making in Britain. Comparative Politics. 1993;25(3):275–296.

49. Cashore B, Howlett M. Punctuating Which Equilibrium? Understanding Thermostatic Policy Dynamics in Pacific Northwest Forestry. American Journal of Political Science. 2007;51(3):532–551.

50. Howlett M, Cashore B. The Dependent Variable Problem in the Study of Policy Change: Understanding Policy Change as a Methodological Problem. Journal of Comparative Policy Analysis: Research and Practice. 2009;11(1):33–46.

51. Meijers E, Stead S. Policy Integration: What Does It Mean and How Can It Be Achieved? A Multi-Disciplinary Review. Presented at the Berlin Conference on the Human Dimensions of Global Environmental Change: Greening of Policies—Interlinkages and Policy Integration, Berlin, Germany, 3–4 December 2004.

52. Briassoulis H. Analysis of Policy Integration: Conceptual and Methodological Considerations. In: Briassoulis H, editor. Policy Integration for Complex Environmental Problems: The Example of Mediterranean Desertification. Aldershot, UK: Ashgate; 2005.

53. Meijers E. Policy Integration: A Literature Review. In: Meijers E, Stead D, Geerlings H, editors. Policy Integration in Practice: The Integration of Land Use Planning, Transport and Environmental Policy-Making in Denmark, England and Germany. Delft, The Netherlands: Delft University Press; 2004. pp. 9–24.

54. Howlett M, Rayner J. Design Principles for Policy Mixes: Cohesion and Coherence in 'New Governance Arrangements'. Policy and Society. 2007;26(4):1–18.

55. Kern F, Howlett M. Implementing Transition Management as Policy Reforms: A Case Study of the Dutch Energy Sector. Policy Sciences. 2009;42(4):391–408.

56. Guy K, Boekholt P, Cunningham P, Hofer R, Nauwelaers C, Rammer C. Designing Policy Mixes: Enhancing Innovation System Performance and R&D Investment Levels. Final Report. Brussels, Belgium: European Commission; 2008.

57. Keast R, Brown K, Mandell M. Getting the Right Mix: Unpacking Integration Meanings and Strategies. International Public Management Journal. 2007;10(1):9–33.

58. Howlett M. Policy Design: What, Who, How and Why? In: Halpern C, Lascoumes P, Le Galès P, editors. L'Instrumentation et ses Effets. Paris, France: Presses de Sciences Po; Forthcoming.

59. Howlett M, Muhkerjee I, Wu JJ. The New Policy Design Orientation: From Tools to Toolkits in Policy Instrument Studies. Policy & Politics; Forthcoming.

60. Howlett M, Rayner J. Convergence and Divergence in 'New Governance' Arrangements: Evidence from European Integrated Natural Resource Strategies. Journal of Public Policy. 2006;26(2):167–189.

61. Rayner J, Howlett M. Conclusion: Governance Arrangements and Policy Capacity for Policy Integration. Policy and Society. 2009;28(2):165–172.

62. Kaufmann D, Gore O. Biotechnology as a Low-level-of-coherence Policy Priority: Effectual-targeting and the Need for Learning and Experimentation Capabilities. Technology Analysis & Strategic Management. 2013;25(7):773–784.

63. Gunningham N, Grabosky P, Sinclair D. Smart Regulation: Designing Environmental Policy. Oxford, UK: Clarendon Press; 1998.

64. Ben-Zadok E. Policy Change Through Policy Design: Florida Concurrency, 1985–2010. Planning Practice and Research. 2013:1–23.

65. Grabosky P. Counterproductive Regulation. International Journal of the Sociology of Law. 1995;23: 347–369.

66. Del Río P, Silvosa AC, Iglesias Gómez G. Policies and Design Elements for the Repowering of Wind Farms: A Qualitative Analysis of Different Options. Energy Policy. 2011;39(4):1897–1908.

67. Boonekamp PGM. Actual Interaction Effects Between Policy Measures for Energy efficiency—A Qualitative Matrix Method and Quantitative Simulation Results for Households. Energy. 2006;31(14):2848–2873.

68. Schneider AL, Ingram H. Behavioural Assumptions of Policy Tools. Journal of Politics. 1990;52(2): 511–529.

69. Schneider A, Ingram H. Policy Design: Elements, Premises and Strategies. In: Nagel SS, editor. Policy Theory and Policy Evaluation: Concepts, Knowledge, Causes and Norms. New York, NY, USA: Greenwood; 1990. pp. 77–102.

70. Schneider A, Ingram H. Social Construction of Target Populations: Implications for Politics and Policy. American Political Science Review. 1993;87(2):334–347.

71. Schneider A, Ingram H. Social Constructions and Policy Design: Implications for Public Administration. In: Perry J, editor. Research in Public Administration. Greenwich, CT, USA: JAI Press; 1994. pp. 137–173.

72. Schneider A, Ingram H. Policy Design for Democracy. Lawrence, KS, USA: University Press of Kansas; 1997.

73. Schneider A, Ingram H. Deserving and Entitled: Social Constructions and Public Policy. SUNY Series in Public Policy. Albany, NY, USA: State University of New York; 2005.

74. Hou Y, Brewer G. Substitution and Supplementation Between Co-Functional Policy Instruments: Evidence from State Budget Stabilization Practices. Public Administration Review. 2010;70(6):914–924.

75. Braathen NA. Environmental Agreements Used

in Combination with Other Policy Instruments. In: Croci E, editor. The Handbook of Environmental Voluntary Agreements. Dodrecht, The Netherlands: Springer; 2005. pp. 335–364.

76. Braathen NA. Instrument Mixes for Environmental Policy: How Many Stones Should Be Used to Kill a Bird? International Review of Environmental and Resource Economics. 2007;1(2):185–235.

77. Gunningham N, Sinclair D. Regulatory Pluralism: Designing Policy Mixes for Environmental Protection. Law and Policy. 1999;21(1):49–76.

78. Eliadis P, Hill MM, Howlett M, editors. Designing Government: From Instruments to Governance. Montreal, Canada: McGill-Queen's University Press; 2005.

79. Howlett M. Governance Modes, Policy Regimes and Operational Plans: A Multi-Level Nested Model of Policy Instrument Choice and Policy Design. Policy Sciences. 2009;42(1):73–89.

80. Arts B, Leroy P, van Tatenhove J. Political Modernisation and Policy Arrangements: A Framework for Understanding Environmental Policy Change. Public Organization Review. 2006;6(2):93–106.

81. Arts B, van Tatenhove J, Goverde H. Environmental Policy Arrangements: A New Concept. In: Goverde H, editor. Global and European Polity? Organizations, Policies, Contexts. Aldershot, UK: Ashgate; 2000. pp. 223–237.

82. Kagan RA. Adversarial Legalism: The American Way of Law. Cambridge, MA, USA: Harvard University Press; 2001.

83. Richardson JJ, Gustafsson G, Jordan G. The Concept of Policy Style. In: Richardson JJ, editor. Policy Styles in Western Europe. London, UK: George Allen and Unwin; 1982. pp. 1–16.

84. Freeman GP. National Styles and Policy Sectors: Explaining Structured Variation. Journal of Public Policy. 1985;5(4):467–496.

85. Kiss B, González Manchón C, Neij L. The Role of Policy Instruments in Supporting the Development of Mineral Wool Insulation in Germany, Sweden and the United Kingdom. Journal of Cleaner Production. 2013;48:187–199.

86. Weaver K. Target Compliance: The Final Frontier of Policy Implementation. Washington, DC, USA: Brookings Institution; 2009. Available from: http://www.brookings.edu/research/papers/2009/09/30-compliance-weaver (accessed on 10 October 2013).

87. Weaver K. If You Build It, Will They Come? Overcoming Unforeseen Obstacles to Program Effectiveness. The Tansley Lecture, Johnson-Shoyama Graduate School of Public Policy, University of Saskatchewan, Saskatoon, Canada; 16 April 2009.

88. Ingraham P. Toward More Systematic Considerations of Policy Design. Policy Studies Journal. 1987; 15(4):611–628.

89. Howlett M, Ramesh M, Perl A. Studying Public Policy: Policy Cycles & Policy Subsystems. Oxford, UK: Oxford University Press; 2009.

90. Considine M. Enterprising States: The Public Management of Welfare-to-Work. Cambridge, MA, USA: Cambridge University Press; 2001.

91. English LM, Skellern M. Public-Private Partnerships and Public Sector Management Reform; A Comparative Analysis. International Journal of Public Policy. 2005;1(1/2):1–21.

92. Thelen K. How Institutions Evolve: Insights from Comparative Historical Analysis. In: Mahoney J, Rueschemeyer D, editors. Comparative Historical Analysis in the Social Sciences. Cambridge, MA, USA: Cambridge University Press; 2003. pp. 208–240.

93. Christensen T, Laegreid P, Wise LR. Transforming Administrative Policy. Public Administration. 2002; 80(1):153–179.

94. Considine M. Thinking Outside the Box? Applying Design Theory to Public Policy. Politics & Policy. 2012;40(4):704–724.

95. Béland D. Ideas and Institutional Change in Social Security: Conversion, Layering and Policy Drift. Social Science Quarterly. 2007;88(1):20–38.

96. Thelen K. How Institutions Evolve: The Political Economy of Skills in Germany, Britain, the United States and Japan. Cambridge, MA, USA: Cambridge University Press; 2004.

97. Hacker JS. Reform Without Change, Change Without Reform: The Politics of US Health Policy Reform in Comparative Perspective. In: Levin MA, Shapiro MM, editors. Transatlantic Policymaking in an Age of Austerity: Diversity and Drift. Washington, DC, USA: Georgetown University Press; 2004. pp. 13–63.

98. Hacker JS. Review Article: Dismantling the Health Care State? Political Institutions, Public Policies and the Comparative Politics of Health Reform. British Journal of Political Science. 2004;34(4):693–724.

99. van der Heijden J. A short history of studying incremental change. Does Explaining Institutional Change provide any new explanations? Regulation and Governance. 2010;4(2):230–243.

100. Many sustainability strategies, for example, have suffered from layering. For example, efforts at the integration of various resource management regimes that have failed when powerful interests are able to keep favourable goals, instruments and settings, such as unsustainable fishing or timber cutting quotas that support an industry, and limit the impact of new policy initiatives. Drift is a common situation in welfare state mixes whereby, for example, goal shifts from family to individual support (and vice versa) have occurred without necessarily altering the instruments in place to implement the earlier policy goal. Conversion has characterized some major health policy reform efforts, for example Lack of a sustained and focused effort on the part of designers, however, can easily lead to changes in only goals or instruments and hence accomplish changes through drift or conversion, resulting in sub-optimal or disappointing results.

101. Falkenmark M. Towards Integrated Catchment Management: Opening the Paradigm Locks Between

Hydrology, Ecology and Policy-Making. Water Resources Development. 2004;20(3):275–282.

102. Bode I. Disorganized Welfare Mixes: Voluntary Agencies and New Governance Regimes in Western Europe. Journal of European Social Policy. 2006;16(4): 346–359.

103. Howlett M, Rayner J. Do Ideas Matter? Policy Network Configurations and Resistance to Policy Change in the Canadian Forest Sector. Canadian Public Administration. 1995;38(3):382–410.

104. Orren K, Skowronek S. Regimes and Regime Building in American Government: A Review of Literature on the 1940s. Political Science Quarterly. 1998; 113(4):689–702.

105. Rayner J, Howlett M, Wilson J, Cashore B, Hoberg G. Privileging the Sub-Sector: Critical Sub-Sectors and Sectoral Relationships in Forest Policy-Making. Forest Policy and Economics. 2001;2(3–4):319–332.

106. Hacker JS. Policy Drift: The Hidden Politics of US Welfare State Retrenchment. In: Streeck W, Thelen K, editors. Beyond Continuity: Institutional Change in Advanced Political Economies. Oxford, UK: Oxford University Press; 2005. pp. 40–82.

107. van der Heijden J. Different but Equally Plausible Narratives of Policy Transformation: A Plea for Theoretical Pluralism. International Political Science Review. 2012;34(1):57–73.

108. Kay A. Tense Layering and Synthetic Policy Paradigms: The Politics of Health Insurance in Australia. Australian Journal of Political Science. 2007;42 (4):579–591.

109. Streeck W, Thelen K. Institutional Changes in Advanced Political Economies. In: Streeck W, Thelen K, editors. Beyond Continuity: Institutional Change in Advanced Political Economies. Oxford, UK: Oxford University Press; 2005.

110. Hickle GT. Moving Beyond the 'Patchwork': A Review of Strategies to Promote Consistency for Extended Producer Responsibility Policy in the US. Journal of Cleaner Production; Forthcoming.

111. Carter P. Policy as Palimpsest. Policy & Politics. 2012;40(3):423–443.

112. deLeon P. The Contextual Burdens of Policy Design. Policy Studies Journal. 1988;17(2):297–309.

113. Dryzek JS, Ripley B. The Ambitions of Policy Design. Policy Studies Review. 1988;7(4):705–719.

114. Linder SH, Peters BG. Policy Formulation and the Challenge of Conscious Design. Evaluation and Program Planning. 1990;13(3):303–311.

115. Majone G. On the Notion of Political Feasibility. European Journal of Political Research. 1975;3(2): 259–274.

116. May PJ. Policy Maps and Political Feasibility. In: Geva-May I, editor. Thinking like a Policy Analyst: Policy Analysis as a Clinical Profession. London, UK: Palgrave Macmillan; 2005. pp. 127–151.

117. Gilabert P, Lawford-Smith H. Political Feasibility: A Conceptual Exploration. Political Studies. 2012;60(4):809–825.

118. Linder S, Peters BG. The Design of Instruments for Public Policy. In: Nagel SS, editor. Policy Theory and Policy Evaluation: Concepts, Knowledge, Causes, and Norms. New York, NY, USA: Greenwood Press; 1990. pp. 103–119.

Politics and Governance

The European Union and State Building in the Western Balkans

Andrew J. Taylor

Department of Politics, University of Sheffield, Elmfield, Northumberland Road, Sheffield S10 2TU, UK;
E-Mail: a.j.taylor@sheffield.ac.uk; Tel.: +44 1142221689; Fax: +44 1142221717

Abstract: This paper examines the feasibility of network governance in the context of the EU's expansion in the Western Balkans. The EU is formally committed to promoting network governance but the realities of enlargement require the creation of effective states, in other words of the primacy of hierarchy over network. Networks are created in enlargement and reflect the complexities of public policy but these networks do not represent, as yet, a significant shift of power away from the state. Despite a normative preference for network governance, the political reality of enlargement is that the EU seeks the creation of effective hierarchy.

Keywords: European Union; governance; state-building; Western Balkans

1. Introduction

Zielonka [1] argues EU governance is flawed because it is dominated by a statist paradigm. The EU's response to complexity and heterogeneity is to become even more state-like [2,3] but the EU's complexity ('a polycentric system of government, multiple overlapping jurisdictions, striking cultural and economic heterogeneity, fuzzy borders, and divided sovereignty' [1], p. vii) makes this unrealisable. Zielonka concludes that the EU should explicitly develop 'neo-medieval governance' which would look something like network governance. So, on the one hand, the EU appears suited to network governance, (to which it is normatively committed), but enlargement pulls in the opposite direction, towards hierarchical governance.

The trend in the study of governance is to declare the victory of networks over hierarchy. This paper does not deny the significance of networks, rather it challenges the propositions that networks are, *first*, a new form of governance; *second*, that networks have supplanted hierarchy; and *third*, networks diffuse power, reducing the centrality of the state. My argument is that networks (multi-level and horizontal) are an inevitable response to complexity, describe political reality, and do not necessarily signal a shift in the distribution of power. Enlargement, I argue, requires high capacity and capability states which points to an even more complex, differentiated (and divided) EU in which hierarchy dominates.

We have a puzzle: enlargement is hierarchical but the EU has an expectation of network governance [4,5]. What does the coexistence of hierarchy and networks mean for the distribution of power in a polity? Enlargement and policy complexity explain why networks form, do they explain their operation? If enlargement is dominated by hierarchy and if, from a path dependency perspective, initial conditions are critical, does

librello

the emphasis on hierarchy undermine the EU's preference for a more diffuse, responsive, and accountable power structure? In enlargement, hierarchy is functionally superior to networks and necessary because of the national government's centrality in satisfying EU conditionality; government therefore mandates actions and defines the nature of network interaction, which takes place 'under the shadow of hierarchical authority' ([6], pp. 40–41).

The first section addresses the governance revolution and the supposed victory of networks and this is explored further in the second section with reference to EU enlargement. It argues that so great is the gap between the Western Balkan states and the EU it can only be bridged by hierarchy. The third section argues that hierarchy is inevitably the primary focus of enlargement, paradoxically creating both networks and concentrating power.

2. The Governance Revolution

The rise of governance was predicated on the assumption that from the 1980s there was decline in governing capacity ([7], p. 2, for example). Governing, or government, refers to purposeful actions to guide, steer, control or manage using hierarchy and the capacity and capability to adopt and enforce decisions ([8], p. 551). Governance is the non-hierarchical coordination of state-society interaction based on the involvement of non-state actors in making and implementing policy in which non-state actors enjoy considerable autonomy. The characteristic institution produced by the (apparent) shift from government to governance is the network, a concomitant of which is the 'rolling-back' of the state [9,10]. 'Network' here refers to a cluster of public and private actors in a policy sector that persists over time and whose members' make and implement policy. The explosion of work on multi-level and horizontal interaction has made 'network' into a common descriptor of the EU and well suited to understanding the EU's consensual-bargaining policy process ([11], pp. 3–13; [12], pp. 27–49; [13], pp. 53–54).

The growth of social complexity facilitated resistance to central guidance, and networks developed to improve policy and limit the potential for resistance ([14], p. 20). Governance (and network) theory holds that 'no single actor, public or private, has all knowledge and information required to solve complex, dynamic and diversified problems' ([7], p. 3). Policy and politics are, however, always driven by public-private interaction (when was a single actor ever totally dominant?) but network theory stresses not interaction but *interdependence* of such a degree that government is reduced to the status of just another actor because of its reliance on non-governmental actors. Governability problems were stimulated by, and their solution required, public and private actor engagement in such complex ways that *interaction* becomes *interdependence*, but the hypothesised shift from interaction to interdependence, assumes societal actors possessed and exploited their resources and strategic location to neutralise government. Therefore 'Reciprocity and bargaining rather than hierarchy describes the way the service delivery system functions' ([15], p. 380).

As a concept governance has several flaws, notably it 'can be observed and experienced, but nobody can in fact *do* it' ([8], p. 550, original emphasis). Confusion is increased by linking 'governance' and 'network' to a degree that they become synonymous and the literature avoids a substantive discussion of power, focussing on power 'to' not power 'over'. Governance embraces a vast field of interaction between non-state actors and government, becoming a near catch-all category. The problem is that 'control deficits' and 'implementation gaps' *always* exist and 'the only leak-proof system…is where the instigator and executor are one person' ([15], p. 362). Control deficits and implementation gaps create and sustain space for hierarchy ([8], p. 551) so 'empirically, only hybrid forms may be found since one mode of governance always entails elements of other modes of governance. Otherwise, effective steering and co-ordination would not be possible' ([16], p. 3).

Hierarchy and network co-exist and the task of government is to facilitate and manage socio-political interaction in different policy sectors (which may require the government's withdrawal from, or intervention in, a policy sector). Governments need knowledge to understand problems, identify solutions, allocate and define responsibilities, organise implementation and apply sanctions. Interaction is inevitable but need not challenge power relations through the production of interdependence. Governance as a concept is vulnerable to 'grandiose semantic overstretch' and can justify both the extension and the substitution of the state ([8], pp. 553, 556).

Networks possess resources that government values but government has resources needed by networks, resources that give governments important advantages. Whether interaction becomes interdependence depends on, first, the nature of resources; and second, the degree to which supply is monopolised. Interaction becomes interdependence when critical resources are controlled by a few actors; interdependence is unlikely when there are many suppliers or if the supply (and quality of the resource) is poor. Hierarchy's key advantages are: authoritative and legitimate decision-making, the coordination of complexity, and the ability to create networks.

Coordination needs networks of separate but interacting organisations to amplify collective capabilities and improve problem-solving. The central issue, therefore, is 'how does the central government coordinate the fragmented system so that its policies are achieved' ([15], p. 364; see also [17], pp. 94–108)? Government cannot rely on self-regulation or self-organisation; neither, as liberal democracies, can they routinely employ coercion, which leaves interaction (especially

in the hyper-compound EU polity) usually in classic Weberian-bureaucratic ways. Thus, 'central governments are, in formal terms, *the principal agents* for major allocations to an operating ideology since, in the last resort, *they can legislate for the necessary change*' ([15], p. 372, emphasis added). The EU combines, as do national governments, 'old' (hierarchy) and 'new' (network) governance but the intergovernmental nature of the EU (and the complexity of national politics) means that the Commission (and national governments) 'steer' change and create, and exploit networks. Enlargement creates policy networks where none hitherto existed, or changes radically existing networks. Societal actors can be viewed as impediments or as assets but the Commission encourages the formation of networks ([18]). Before proceeding we must distinguish this argument from external governance. External governance is distinguished from enlargement by its lack of a membership perspective, which reduces dramatically the incentives for a country to bear the costs of adaptation (for example, [19]). This paper focuses on a particular process: the creation of the *member* state: 'a distinctive kind of state where national power is exercised in concert with others' ([20], p. 4).

How issues are resolved—hierarchy, markets, network—can vary over time and by policy sector but in all cases the centre dominates. The result is that 'government and governance…are actually much more intertwined than is implied by some governance theorists' ([21], p. 484). This means that interaction need not become interdependence. The Commission and enlargement states have a special interest in effectiveness so governments—and therefore hierarchy—define network dynamics. 'Not to put too fine a point on it', Sharpe concluded, 'government is not just another organization' ([15], p. 381).

3. The EU Governance Puzzle and Enlargement

Under the Treaty on the European Union any European (not defined) country may apply for membership if it respects the democratic values of the EU and is committed to promoting them. The 1993 Copenhagen European Council defined the accession criteria (the Copenhagen criteria) thus: countries must have stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; a functioning market economy and the capacity to cope with competition and market forces in the EU; and the ability to take on and implement the obligations of membership, including adherence to the aims of political, economic and monetary union. The Copenhagen Criteria point clearly to a particular state form. Accession is determined by the candidate's adoption, implementation and enforcement of all current EU rules (the *acquis*) which are divided into thirty-five policy chapters, whose content is not negotiable. The Commission monitors, gives advice and guidance, as well as assuring current members that conditionality is being applied. This process is clearly directed at creating a particular state but also ensuring its effectiveness. Effectiveness is essentially a state's ability to formulate and implement policies, in cooperation with society, in pursuit of collective goals. Does the EU engage in state-building?

The EU does not have a single, coherent state-building strategy in the Western Balkans but does have a range of policies and delivery mechanisms implemented across a variety of countries which, when taken in the round, seek the creation of functioning liberal democracies capable of joining the EU and undertaking the obligations of membership. There is now a fairly extensive literature examining the EU's role in the Western Balkans and the impact of conditionality and the nature of state building [22-26]. In their different ways these sources explore the transformative effect of the conditionality inherent in enlargement and a realistic prospect of membership, and their consequences for state-building. However, the reliance on conditionality as a state-building mechanism has been deemed 'largely ineffective' because of 'the lack of commitment of political elites to EU integration and the persistence of status issues on the policy agenda' ([27], p. 1783). This article, in contrast to Bieber's, is concerned not so much with the causes of any ineffectiveness but with the broader issue of the scale of the misfit between EU conceptions of the state and what exists in the WB (Western Balkans). The EU emphasised creating effective hierarchy by exploiting the opportunities offered by conditionality. The EU's problem in the WB is the problem of stateness but state-building is complex for the EU, which raises questions about the effectiveness of conditionality in stimulating change.

Bieber focuses on the *minimalist state* defined as 'state structures which fall short of the set of functions most states are widely expected to carry out [but] might be able to endure' ([27], p. 1784), and focusses on Bosnia and Herzegovina, Kosovo and the Union of Serbia and Montenegro (which no long exists) whilst ignoring the region's non-minimal states. The minimalist state does not capture the variety of state forms or stages of development covered by enlargement in the region, what this paper refers to as the WB7 (Croatia, Montenegro, Macedonia, Serbia, Albania, Kosovo, Bosnia and Herzegovina). All, both minimal and non-minimal states, are deeply engaged with the EU through the enlargement process. EU state building, as defined by Bieber, is security driven and originally concerned with conflict prevention but it merges into institution building, which assumes the existence of a state already capable of delivering minimal functions. Institution building is, therefore, part of state building but not identical with it as the latter concentrates on core institutions and sovereignty and is broader and less tangible than the former. State and institution building, as Bieber ([27], p. 1791) concedes, are located

on a continuum and contained by an overarching process, *member* state building, involving the creation of not just effective states but states able to sustain the obligations of membership. Central to both state and institution building is conditionality but this leaves open specifics and national variation. Statements such as the Copenhagen Criteria do not resolve the problem of effective transposition or preference change, which limits the EU's transformative power, the secondary (or indirect) effects involving accommodating (or creating) institutions to European ways and triggers extensive social learning. Engagement with the EU involves extending the state's scope and increasing institutional capacity but this does not inevitably result in greater decentralization; indeed, as we have seen, the EU's preference is for decentralised governance but this is a normative preference and far more important for enlargement is effectiveness, which means hierarchy. In other words, in enlargement is about creating hierarchy.

The EU's objective is the creation of effective states so how can we measure variation in effectiveness? Variation is estimated using two measures; data drawn the World Bank Governance Indicators and the Freedom House measure of political rights. *Government Effectiveness* (GE), one of the six measures comprising the Governance Indicators, estimates the 'effectiveness gap'. It captures 'perceptions of the quality of public services, the quality of the civil service and the degree of its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to such policies' ([28], p. 4). I identify two main groups: the Enlargement 12 (Cyprus, Estonia, Malta, Slovenia, Czech Republic, Slovak Republic, Latvia, Hungary, Poland, Lithuania, Bulgaria (2007), Romania (2007)) and the seven Western Balkan states and entities seeking membership or, in Croatia's case, achieving it (Table 1 and Table 2). The first WGI (Worldwide Governance Indicators) data is for 1996 and this is the base-line for the (then) EU15 (Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, United Kingdom) and represents the 'target' for enlargement states, ratings for 2011 provide comparison. The measure is expressed in units of a standard normal distribution, with a mean of zero, a standard deviation of one, with a range between –2.5 to 2.5; higher values corresponding to better governance. The EEA (European Economic Area) is omitted as already approximating the EU model, and Turkey, whose Islamic culture poses a set of different issues.

This narrowing effectiveness gap indicates some convergence between the EU15 and the Enlargement 12 but the picture becomes more complicated when the WB7 are included. It is difficult to identify a baseline date for the WB7 (1996 is unrealistic as all were in the throes of Yugoslavia's break-up or transition); the signing of a Stabilisation and Association Agreement (SAA) with the EU marking the start of a formal interaction is a good starting point but these came into operation at different times (2 in 2001, 1 in 2006, 3 in 2008) so 2004 is a convenient mid-point.

This indicates no significant convergence (the WB7/EU15 gap closed because of decline in the latter, not improvement in the former) and considerable variation in effectiveness. The 2011 data for the Enlargement 12 and WB7 suggests two groups: states (*excluding* Bulgaria and Romania but *including* Croatia) with an average GE of 0.66 (Croatia's is 0.60) and those (including Bulgaria and Romania but *excluding* Croatia) with an average GE of 0.51, Bulgaria's and Romania's scores are 0.49 and 0.48 respectively. The GE for the EU15 is 1.46. A further level of complexity is the variation *within* the EU 15: in 2011 Finland scored 2.25, Italy is the lowest at 0.45 (Greece, invariably presented as the EU's basket-case, is 0.48).

The extension of democracy and political rights is, as we have seen, a prerequisite for enlargement, so how do the three groups of compare (Table 3 and Table 4)? Taking the EU 15 as the benchmark, the Enlargement 12 data shows change over time and this group contains variations: Romania (1998, 2004, 2007 and 2011) with an index of 2.0, Slovakia (1998) 2.0, Latvia (2011) 2.0, and Bulgaria (1998, 2011) with 2.0, all are rated 'free'. The WB 7 are different (Table 4).

Croatia shows considerable improvement after 1998 and is on a par with the EU 15 and Serbia is following a similar trajectory but the remainder are defined as 'partly free', which suggests democratisation has some way to go. Enlargement requires the combined development of democracy and hierarchy; variation is inevitable and due to history, the nature of the enlargement process, and the response of national elites to the pressures of adaptation.

Table 1. The effectiveness gap: The EU 15 and the Enlargement 12.

	1996	2004/07	2011
EU15*	1.64	1.69	1.46
Enlargement 12**	0.57	0.64	0.63
Difference	1.07	1.05	0.83

Notes: *EU15 = Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, United Kingdom; **Enlargement 12 = Cyprus, Estonia, Malta, Slovenia, Czech Republic, Slovak Republic, Latvia, Hungary, Poland, Lithuania, Bulgaria (2007), Romania (2007).

Table 2. The effectiveness gap: The EU 15, the Enlargement 12 and the WB7.

	2004	2011
EU15	1.69	1.46
Enlargement 12	0.64	0.63
WB7*	0.52	0.52

Note: *WB7 = Croatia, Montenegro, Macedonia, Serbia, Albania, Kosovo, Bosnia and Herzegovina.

Table 3. The Freedom House Index (Political Rights): EU 15, Enlargement 12 and WB7.

	1996	2004/07	2011	Rating
EU 15	1.0	1.0	1.0	Free
Enlarge-ment 12	1.25	1.08	1.20	Free
WB 7	4.0	2.9	3.0	Partly Free

Table 4. The Freedom House Index (Political Rights): The WB 7.

	1998	2004	2007	2011
Albania	4.0	3.0	3.0	4.0
Bosnia	5.0	4.0	3.0	4.0
Croatia	4.0	2.0	2.0	1.0
Kosovo	--	--	--	5.0
Macedonia	3.0	3.0	3.0	3.0
Montenegro	--	--	3.0	3.0
Serbia	--	--	3.0	2.0

Key: 1.0–2.5 free: broad scope for open political competition, a climate of respect for civil liberties, significant independent civil life, and independent media; 3.0–5.5 partly free: some restrictions on political rights and civil liberties, often in a context of corruption, weak rule of law, ethnic strife, or civil wars; 5.5–7.0 not free: basic political rights are absent and basic civil liberties are widely and systematically denied. From 2003 partly free = 3.0–5.5; not free 5.5–7.0. Source: [29].

Treib, Bähr and Falkner ([16], pp. 3–4, 5–10, 15) identify three dimensions of governance: *politics* (decision making is divided between government and private actors), *polity* (institutions different from markets and hierarchies), and *policy* (a mode of political steering). Treib et al. then combine *legal instruments* (legally binding statements versus soft law) and *implementation* (rigid versus flexible), which they describe as 'the most critical' features, to develop a four-fold typology of modes of governance. The most relevant mode is *framework regulation* (binding legal instruments combined with flexible implementation) which comes closest to capturing enlargement as a centrally (European) mandated process in which national governments are responsible for implementation. As a mode of governance framework regulation indicates the primacy of hierarchy coupled with networks (see also [30]).

A core EU objective in enlargement is to reduce variation between states by policy transfer and norm diffusion. Enlargement places states under massive downwards pressure to adapt, creating the capacity needed to satisfy the obligations of membership. This is *hierarchy*, but the EU (theoretically) favours *network* governance. Enlargement is driven by inter- and trans-governmental negotiations to ensure compliance; enlargement is dominated by hierarchy to achieve effectiveness. 'Network' permeates the EU's conception of 'good' governance (policy making and implementation to open to publics, non-state organisations and civil society) utilising five principles—openness, participation, accountability, effectiveness and coherence

([31], p. 18). The principles underpinning enlargement are unchanged and constitute the bedrock of enlargement since Europe's post-Cold War 'reunification'. These principles are exactly that: principles. They offer no detailed guidance and therefore, the task of the Commission, other European institutions and, of course, the Member States ([32], pp. 258–259). The devil is in the detail.

Commission officials insist the Western Balkan states have a credible membership perspective (dating from the Zagreb Summit in 2000) but, with the exception of Croatia, accession remains a distant prospect. The accession process became longer, more intensive and intrusive extending into 'post-accession conditionality' ([33]). Enlargement poses complex problems for EU institutions and imposes great domestic strains; the EU, in line with the provisions governing enlargement, employs conditionality, monitoring, and rule transfer to push polities towards 'the European model' of market, liberal-democratic states. The EU and Commission stress this is not a coercive process; states are not obliged to undertake these reforms but if they are not undertaken to the satisfaction of the Commission membership will not be forthcoming. The progressive tightening of the policing of the enlargement process was the result of the Commission's assessment of its experience in Central and Eastern Europe and a changing political and economic environment. The Western Balkan countries pose problems that make the 'big bang' enlargement of 2004 look straightforward. The general attitude of enlargement countries remains, irrespective of specific complaints and grumbling about the length of the process, one of 'better in than out'. Given the broad consensus that the EU is 'the only game in town', one can understand why a high priority is accorded membership. Although the costs of adaptation are high and the process long, and requires surrendering (or pooling) sovereignty, membership is perceived to be in the national interest.

To navigate enlargement, countries must possess sufficient personnel, knowledge, expertise, to implement and coordinate complex tasks in state building and integration. EU preferences and the bulk of governance theory sees the involvement (and neutralisation?) of societal groups as simple prudence as well as improving effectiveness and compliance; improving a state's ability to govern *through* (Mann's [34] infrastructural power) rather than *over* society. This implies an enabling state, a state 'steering not rowing' and interacting extensively with non-state actors to exchange information, accumulate expertise, enhance trust and improve problem-solving ([35], pp. 76–77). However, accession states lack capacities and capabilities that, when combined with conditionality, *increase* state autonomy and shift the emphasis to hierarchy. The default response is to assert hierarchy and centralise power. Networks develop because of policy complexity and downwards pressure from both the EU and national governments; so the presence of networks per se indicates neither network governance nor a diffusion of power. Engagement with the EU empowers state actors; the state is not as hollow as we think.

4. The Inevitability of Hierarchy

The EU seldom refers directly to state building, preferring synonyms (for example, 'a well-functioning and stable public administration', a 'neutral civil service', a 'politically independent judiciary') to describe activities that constitute, in effect, state-building. Basic statements on enlargement, notably the Copenhagen Criteria (CEC 1993 [35]) and subsequent amplifications (for instance CEC 1997 [36] and CEC 1999 [37]) offer mainly principles. Nonetheless, enlargement requires a country 'bring its institutions, management strategy and administrative and judicial systems up to Union standards and with a view to implementing the acquis...' ([38], p. 7). Despite lacking an institutional model the capacity and normative elements inherent in enlargement stimulated the European Administrative System (EAS) that does influence directly the contours of the state ([39], pp. 506–531).

A basic principle is that national administration is the responsibility of national government but the EU 'does influence how Member States govern themselves' ([40], p. 120). The EU shies away from any explicit reference to state-building for four reasons: first, it is dealing with sovereign states; second, it lacks resources and personnel; third, change is best designed and implemented by those with the fullest knowledge and understanding of local conditions; and fourth, local ownership is essential to ensure change is embedded and sustained. Over time, and despite national variation, however, states have converged on what constitutes 'good' governance. This consensus embraced 'the rule of law, principles of reliability, predictability, accountability and transparency, but also technical and managerial competence, organisational capacity and citizens' participation' ([41], p. 5). These constitute a preferred regime—the market, plural liberal democracy—and the extent to which these principles were accepted and embedded by a state seeking membership testified to a determination to create the state capabilities and capacities and quality of democracy that characterise a member state.

Within the overall expectation that inputs and outputs are generated in a particular way ('*obligation de résultat*') states, whether members or aspirant, 'are free to set up their public administration as they please, but it must operate in such a way as to ensure that community tasks are effectively and properly fulfilled to achieve policy outcomes which are set by the Union' ([40], p. 121). The interconnectedness of the effectiveness and democratic criteria 'meant establishing new constitutional provisions transferring power to elected representatives, laws protecting freedom of opinion and expression, the establishment of a multi-party system and the possibility for the electorate to replace those in power' ([40], p. 122). This is state-building and a limited range of variations are acceptable.

To avoid having to engage directly with state-building, which is politically sensitive with imperial overtones, the EU split state-building into two separate processes: democratisation and capacity building, a distinction it strove to maintain in the 2004 and 2007 enlargements and thereafter. Democratisation was a national and popularly driven process supported, but not directed, by the EU ([42], p. 3) but capacity building required a more overt EU role because 'it is necessary to focus as much on the candidates' capacity to implement and enforce the *acquis*...' ([43], p. 5). Combined these produced a particular type of state which transited from central planning and political authoritarianism to markets and pluralism 'while at the same time gearing themselves up to the sophisticated machinery of European integration' ([42], p. 5).

As assessment of PHARE (Poland and Hungary: Assistance for Restructuring their Economies) found there was no evidence that the Commission had used PHARE to push institutional change even though what existed was 'ill-suited to manage the transition to, and needs of democratic market economies, or the accession process'. PHARE was extended to eight of the 10 2004 enlargement states as well as Romania and Bulgaria. It was replaced by ISPA (Instrument for Structural Policies for Pre-Accession) and IPA (Instrument for Pre-Accession Assistance). Institutions proved resilient and resistant to change, they remained highly politicised and often ineffective [44]. CEE states undertook a double-transition, WB states faced a triple transition—marketisation, democratisation and nation-building—a far more significant challenge for them and the EU. Here the relationship between state-building and European integration was far closer than in CEE. 'For the first time', Rupnik writes, 'in its history [the EU was] directly involved in assisting the creation of its future member states', encouraging the creation of 'Brussels-oriented constitutions' ([45], p. 34). In 2005 the Commission lauded the EU's transformative power in CEE but admitted 'the Western Balkans is a particular challenge...Enlargement policy needs to demonstrate its power of transformation in a region where states are weak and societies are divided' ([46], p. 2). Enlargement 'requires the creation of a legally constituted state, acting under the rule of law and with the elimination of arbitrary use of public power. It therefore presupposes a thorough transformation of the system of governance' ([40], p. 122). In the WB 'basic issues of state building, good governance, administrative and judicial reform, rule of law including the fight against corruption and organised crime, reconciliation, socio-economic development, are key reform priorities for the Western Balkans' ([47], p. 22).

This can be illustrated by the resources expended on institution building (Table 5) that buttress democratic transition and marketisation by strengthening democratic institutions, administrative and judicial capacity, and civil society. They show the significance attached to institution building by the EU as well as problems with capacity and capability that indicate serious shortcomings with hierarchy.

Table 5. Instrument for pre-accession: Component I Transition assistance and institution building (percentage of total IPA expenditure by country/year).

	2007	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**	**Average**
Albania	89.0	88.3	87.9	89.4	89.3	90.0	88.7	88.9
Bosnia	93.5	93.3	94.1	95.5	95.5	95.1	95.0	82.3
Croatia	35.1	31.0	30.1	25.6	25.4	25.6	18.6	27.3
Kosovo	100.0	100.0	100.0	98.2	97.3	97.3	95.7	98.3
Macedonia	71.1	58.5	48.1	40.2	30.0	28.2	23.8	42.8
Montenegro	87.2	86.1	84.9	88.9	87.3	46.7	14.4	70.7
Serbia	95.6	93.9	93.6	94.0	94.4	94.3	94.3	94.2
Average	81.6	78.7	76.9	75.9	62.0	68.1	61.5	

Source: derived from data in [48].

Enlargement entails extensive state-building in polities with a history of centralisation and weak civil societies ([49], pp. 116–142), that, together with the Commission's emphasis on creating an effective state, prioritises hierarchy over network. The state is not being by-passed or transcended but *changed* and the change 'increases the intervention capacity of the state by bringing non-state actors into the making and implementation of public policy' ([8], p. 555). However, this interaction need not increase interdependence. Treib, Bähr and Falkner, for example, argue 'there is no mode of governance that includes either only public or only private actors. *It can only be stated that a certain type of actor is predominant*' ([16], p. 9, emphasis added). Combining *structure* (who does what), *process* (how it operates) and *outcomes* (what is produced) networks are an essential and universal component of governance and all governance is obviously and necessarily multilevel and complex and in the EU is dominated by governments. In enlargement the Commission is an authoritative allocator of value. The EU is governed *through* networks but not *by* networks and governments act as gatekeepers and authoritative decision-makers. Hierarchy is dominant in enlargement and reinforced by conditionality. Hierarchy precedes network; the problem is how to demonstrate this.

Engagement with the EU has stimulated extensive rule adoption and institution building ([50]; see also [51]) that can plausibly be described as state-building. The study on which this paper draws explores the development of policy networks as a result of engagement with the EU and the frequency and intensity of interaction in these networks using Social Network Analysis (SNA) employing UCINET/Netdraw (see [52]) to penetrate politics, polity and policy ([53], pp. 26–29). A combination of semi-structured interviews and a structured questionnaire allowed us to explore how policy networks emerged and developed and how their members interacted; the analysis combines 'thick description' and systematic analysis across policies and countries. The study covered Greece (a long-standing EU member), Slovenia (a relatively recent member), Croatia (then on the verge of accession), and Macedonia (still a long way from accession) and examined three policy areas (cohesion, borders and

migration, and environmental policy) utilising data from 120 respondents. This produced twelve SNA maps; this paper omits Greece, leaving 62 interviews and nine SNA maps, far too many to be discussed in depth here. All were recognisably networks, albeit with varying architecture. However, this paper uses insights drawn from the data to comment on the nature of networks and their relationship to hierarchy.

The networks are composed of organisations connected to each other in a relationship intended to deliver policy in a fashion satisfactory to the EU. The paper assumes that the specifics of each policy-based network can be used to identify general patterns of resource exchange and dependence. SNA helps us understand which actors play a critical role in determining how problems are resolved, relationships managed and to what extent (and which) goals are achieved. Network theory is often used descriptively or metaphorically [54,55]); in *The European Union and South East Europe* [53] we were interested not just in the actors but their relationships. The network is influenced by, and influences, actors' behaviour and norms, and whilst SNA takes actors seriously it is primarily concerned with relationships, not actor attributes. Combining SNA and interview data enables power and influence to be explored systematically, locating networks in their environment, an environment structured by the EU and national governments. This produced an interesting result: the EU may not be a highly visible participant in a network although actors perceive it to be an influential, or even determining, influence on a network. SNA identifies networks but what is the role of hierarchy?

First, the EU requires the transposition of the *acquis* and legislation and the creation of appropriate institutions. Both the legislation and the institutions flow directly from EU requirements and were put in place as a result of action by national governments, an unequivocal example of hierarchy. Second, the centrality of hierarchy was reinforced by the dominance in each network of a central ministry in both horizontal and vertical policy relationships. This is reinforced by shortages of capacities and capabilities at different tiers of government but which tend to be concentrated at the centre thereby increasing the

centre's pull. Finally, NGO and citizen participation is normatively good but, lacking resources and expertise, they find their role is often restricted to providing information and legitimacy for central actors and their preferences. The cumulative effect is to reinforce hierarchy, which contrasts with the EU's emphasis on network governance. However, engagement with the EU has created networks and citizen and NGO participation was widely perceived as valuable for good policy and as an end in itself, a response flowing directly from engagement with the EU.

The *acquis* must be transposed, so there is a high-level of downwards adjustment pressure, but many interviewees regarded the inevitable changes in institutions and norms as intrinsically worthwhile as part of a wider modernisation, as well as necessary to obtain membership. Allowing for sectoral and country differences we found three patterns: *first*, a 'core' (or 'strategic') group of actors within the networks, central was the responsible sectoral ministry; *second*, over time network relations became increasingly complex (more members at more levels) and more intense (scale of interaction). This was allied to a belief by actors that 'pluralisation' per se offered the possibility of better policy in terms of content, legitimacy, and implementation. *Third*, there was no direct connection between pluralisation and power diffusion. The centre remained dominant; interaction did not become interdependence. There is, therefore, a potential for a reduction in the centre's dominance over time but a historical institutionalist perspective as well as the need to bridge the capacity gap between the WB states and the wider EU and achieve membership is unlikely to reduce significantly hierarchy's dominance.

A policy network is an arena of extended and intensive interaction and communication, embodying values so an important aspect of networks is norm transference and behavioural change. Time ([56], p. 259) is an important element of the process, creating the opportunity for behavioural and attitude change. This lengthy process is designed to establish an evolutionary trajectory, rather than signalling arrival at a destination. EU governance norms, preferences, and policy, pass through a filter—the national government—which is responsible for transposition and implementation, and the overall effect is to sustain centralised power and hierarchy. We conceptualised this as a 'capacity bargain' whose functional, political and administrative dimensions constitute the cutting-edge of Europeanization. In *The European Union and South East Europe* we employed the capacity bargain to explore the impact and implications of engagement with the EU in policy networks with varying mixes of resources and actors, but structured by the requirements of EU policy and demands of domestic implementation ([53], pp. 17–21). The capacity bargain is not about 'filling' a state with capacity as if it were an empty vessel; rather the *acquis* and the 35 chapters pose specific, sectoral issues of institutional creation

and adaptation. Capacity bargains, being sectoral, are analogous to policy networks but are focussed on enlargement; they promote 'state-effectiveness' because of EU membership of requires the creation of an effective state ([57], pp. 51–70). We found no instances of interviewees rejecting network governance (either on grounds of principle or utility), we did find scepticism about the suitability and feasibility of network governance because of policy complexity, a lack of resources and expertise, competing political loyalties, and the primacy of accession. Early patterns of engagement and resource distribution are difficult to alter; networks are 'hardened' power reflecting a set of relationship and rewards and are resilient, requiring a powerful exogenous shock to stimulate change. Our evidence is that the Commission will trade network for hierarchy thereby reinforcing central power. Engagement with the EU stimulates change in governance (whether this is transformative is a matter of empirical analysis), but towards hierarchy.

The Commission retains maximum flexibility in negotiations although strictly speaking chapter negotiations are not 'negotiations' [58]. The annual Progress Reports' purpose is to stimulate the creation of effective hierarchy and the evolution of capacity and capability. The networks created are new and are a site for socialisation bringing domestic and supranational actors together in repeated dense interactions over time, so opening up the possibility of preference change. EU engagement creates novel domestic policy sectors and institutions influenced by a distinct ethos. Though authoritative the EU does not impose change, it expects domestic actors to interact in new ways reinforced by, for example, Twinning and joint projects. Slowness and vagueness are intrinsic to the learning process that rests on the creation of appropriate hierarchies mobilising and coordinating relevant non-state and societal actors.

Elites (and society) agree their futures lay in the EU; there is a credible membership perspective and adaptive pressures are at work. Compared to CEE, enlargement is now far more individualised and much more closely policed. The power asymmetry inherent in enlargement is de facto coercive (unless an applicant follows EU prescriptions it cannot join) and requires more than strategic adaptation involving the creation and evolution of networks (grounded on the *acquis* chapters) in which EU derived institutions and norms, interact and link actors in new ways for new purposes [59]. Even when laws were passed implementation could be delayed or even postponed because the administrative structures were insufficient or even lacking. Networks can be, therefore, 'hollow'. General progress can co-exist with sectoral variations, with embedded weaknesses in capacities persisting; though eager to develop network governance transposition *via* hierarchy took priority. The focus on effectiveness and hierarchy stimulated multileveled-ness but horizontal networks and partnership working remained underdeveloped. Technical knowledge and working

methods were transferred by EU engagement but short-ages of capability and capacity and the load inherent in enlargement placed a premium on developing hierarchy.

Networks can significantly increase the capacity of state actors without increasing the influence of non-state actors. A huge policy load, high EU expectations and limited capacity dictates societal involvement in policy development and implementation but the state's pivotal role in enlargement limits the influence of non-state actors who, in any case, often lack the resources to play the role allotted by network governance. Cooperation and interaction with non-state actors, whilst inevitable, does not *automatically* reduce state autonomy and, given enlargement's emphasis on effectiveness, the greater the capacity for hierarchical action, the lower the incentive for engagement with resource constrained non-state actors. The point is that turkeys do not vote for Christmas; governments involve non-state actors to the extent that their involvement enables the former to achieve its objectives, notably EU membership. Hierarchy/network is not a binary choice because governments seek to preserve their autonomy and enhance their ability to achieve their policy objectives. Network governance is resource intensive and coordination is complex so why move decisively away from hierarchy? A good case can be made for building up central capacity first. The evidence in *The European Union and South East Europe* [53] showed governments were often suspicious of non-state actors, regarding them as 'watchdogs', as sources of friction, not partners. Similarly, while non-state actors need resources and partners they too value their autonomy and fear capture by the state. Network governance will not, therefore, emerge quickly and certainly not during enlargement.

Though obviously not WB states Bulgaria and Romania shows the limits of the EU's transformative power and offer insights into the EU's likely approach to the Western Balkans. After 2007 Romania and Bulgaria were subject to the Cooperation and Verification Mechanism (CVM) addressing serious shortcomings in justice and home affairs, and corruption. In Bulgaria CVM established six benchmarks (judicial independence, accountability, transparency and efficiency; high-level and public sector corruption; and combating organised crime) on which the Commission was to report regularly [60]. Important legislation was passed but strategic gaps remained and the political will to deliver varied. The Commission identified a lack of direction and uncertain domestic commitment, concluding external pressure remained essential, which raises questions about the irreversibility and sustainability of change. In Romania's case four benchmarks (judicial reform, judicial integrity, high-level, and public sector corruption) were identified [61]. The Commission's quinquennial review was scathing. A lack of progress was combined with events that raised serious concerns about the political elites' commitment to, or even understanding of, the rule of law. Romania, the

Commission argued, was not being asked to achieve standards higher than those in other Member States but to implement what it had already agreed. Implementation problems and the absence of a consistent developmental trajectory raised the possibility of reforms already in place being reversed; hence the need for continued external pressure.

CVM was a response to the shortcomings of the 2004 enlargement. First, there was a perception that the historical significance of 'the return to Europe' could not be permitted to fail, which suggested states had been allowed to join the EU that were not ready and there had been insufficient emphasis on the EU driving domestic change. Second, Bulgaria and Romania testified to the limits of the Commission's transformative power. Third, adaptation was a 'centre-led' process involving passing legislation, drawing up strategy documents, securing funds and spending them, tasks that required the creation and development of central capacity [62]. Change was driven by (and from) the centre and by the need to secure Commission approval to ensure that the polity was set on an evolutionary trajectory ending in membership. So whilst enlargement and the Commission's role are presented as transformative, noteworthy are the limits to this external pressure. Uncertainty over accession, domestic counter-pressures and history reduce the pressure to reform but so would a premature commitment because once a country joins the incentives to reform decline markedly. There is, furthermore, evidence of 'back-sliding' in public sector reform in the 2004 membership states; SIGMA [63] found the process of public administration reform slowed after membership and that in some cases there had been a regression to previous patterns of behaviour.

CVM led the Commission to re-think 'post-accession' conditionality and the dangers of premature accession. CVM is not being applied to Croatia. The Commission prepares six-monthly progress reports covering judiciary, fundamental rights, war crimes, corruption, and shipyard privatisation. The October 2012 report on Croatia identified five areas where increased effort was required together with twelve more specific tasks ([64], p. 17). There was no explicit treaty reference to delaying accession but the European Council is empowered to 'take all appropriate measures' in the event of any adverse report, lifting these measures when its concerns have been addressed satisfactorily. There are three 'safeguard clauses' to deal with any problems encountered with Croatia as an EU member; a general economic safeguard clause (for adjustment difficulties); a specific clause relating to the internal market; and a specific justice and home affairs clause, plus various transitional provisions. The safeguard clauses are precautionary and probationary and allow Member States to impose protective measures or the EU to suspend specific rights up to three years after accession and continue as long as necessary.

Croatia's accession (the most rigorous thus far)

has, as happened after previous enlargements, stimulated a re-think. Candidate states from now on are subject to the 'European Semester-lite', supplemented by specific interventions but 'the crucial point…is the change in our approach to the Chapters 23 and 24 [that are] a fundamental instrument of the transformation…they touch upon the basic principles on which the EU founded' [65]. Chapters 23 and 24 are '*the acquis of the acquis*' and, Füle argued, would permeate negotiations from the start to 'enable us to participate in the full transition to democracy during the whole negotiation process…the goal for the EU is not to tick the box of negotiated chapters…' [65].

The emphasis accorded to justice, organised crime and corruption, security, and fundamental rights shows the change in enlargement's context and the EU's limits. In addition to being fundamental issues these emphasised the centrality of the reform of public administration and the development of an effective, modern, 'European' State. Public administration reform involved institutional reform and transmitting and institutionalising values and norms such as openness, accountability, and transparency. This is apparent in the negotiating framework (June 2012) for Montenegro, which was itself a consequence of the problems of the Bulgaria, Romania, and Croatia accessions and difficulties anticipated with the remaining enlargement states ([66], p. 2).

Acquis implementation could not be achieved without first strengthening capacity and asserting hierarchy. Hence the EU's increasing focus on public administration [67], a synonym for state-building. NGOs often noted a decline in their influence, being actively courted when legislation and strategy were being developed but then being ignored. This was partly a result of a lack of skills but mainly because of the focus on creating an effective state and a feeling that networks could be obstructive ([53], p. 201). Institutions have been created and modified in response to EU requirements; this has stimulated learning and extended involvement in policy-making downwards and outwards and actors believe involvement will influence the evolution of policy networks. This is unlikely to lead to a shift from hierarchy to network, from interaction to interdependence, because the basic pressures are to create hierarchy.

5. Conclusions

In an increasingly complex, differentiated and divided EU how is order to be created and maintained? Offe suggests the governance's literature's focus on networks ignores 'questions of power, distribution, and conflict' ([8], p. 558). Effective policy is more likely when made and implemented via hierarchy; governments remain authoritative, if not unfettered, decision makers. The purported shift from hierarchy to network assumes a marked decline in government effectiveness, which can be compensated for by involving societal actors in partnership with government, but this

increases complexity, reducing government effectiveness further. This network paradox is complicated in enlargement. National governments are critical because only states can join the EU and national administrations are responsible for putting in place, under Commission monitoring and guidance, the capacities and capabilities needed to sustain the duties and obligations of membership. Whether or not these actions satisfy the EU's requirements is decided by the Commission.

Enlargement and integration are state building, a process whose direction is determined and aided by the EU, reinforced by a national commitment to membership. A national government can be simultaneously 'weak' but 'stronger' than both sub-national governments and non-state actors. In enlargement hierarchy is functionally superior because enlargement is primarily about creating an effective state, and networks enhance state effectiveness.

Network characteristics—multiple actors, resource exchange, and negotiation and bargaining and the associated values of openness, accountability, representativeness, participation—are easily identified. Networks *per se* do not represent a significant move away from hierarchy. Any mode of governance will be hybrid ([16], p. 11). When networks are created, if the state is the most significant actor, it is likely to remain so diminishing the prospects for network governance. The state is not being rolled-back or hollowed-out. What we see is the state rolling-forward and filling-in. This is reflected, in part, in the focus on Chapter 23 (judiciary, fundamental rights) and Chapter 24 (justice, freedom and security) and why these chapters have become '*the acquis of the acquis*'. This points to the enhancement of *government* which occurred because, *first*, domestic policy was often underdeveloped and differed markedly from what the EU envisaged; and *second*, change was unavoidable driven as it was by enlargement. States could not hope to approximate the EU's organisational and normative preferences without first creating the appropriate hierarchies.

Hierarchy is prior to network; satisfying the EU and achieving membership requires, first and foremost, an effective state, and an effective state rests on bureaucratic and administrative competence and a secure (and known) legal framework. This means that network governance cannot be realised during enlargement, nor can it substitute for an effective state. To reiterate: enlargement is not concerned with creating network governance but creating effective hierarchies. The situational logic of enlargement dictates the primacy of hierarchy and that networks are a functional response to enlargement and complexity and not a new form of governance.

Acknowledgments

References

1. Zielonka J. Europe as Empire. The Nature of the Enlarged European Union. Oxford, UK: Oxford University Press; 2006.

2. Barroso M. Europe as Solution: Facts and Myths. SPEECH/11/1. 3 January 2013. Brussels, Belgium: European Community; 2013.

3. Rehn O. Reforming Europe, beating the crisis. SPEECH/15/12, 11 January 2013. Brussels, Belgium: European Community; 2013.

4. Hix S. The Study of the European Union II: The 'new governance' agenda and its rivals. Journal of European Public Policy. 1998;5(1):38–65.

5. Wincott D. Looking Forward or Harking Back? The Commission and the Reform of Governance in the European Union. Journal of Common Market Studies. 2001;39(5):897–911.

6. Scharpf FW. Games Real Actors Play: Positive and Negative Coordination in Embedded Negotiations. Journal of Theoretical Politics. 1994;6(1):27–53.

7. Kooiman J. Socio-Political Governance: Introduction. In: Kooiman J, editor. Modern Governance. New Government-Society Interactions. London, UK: Sage Publications; 1993.

8. Offe C. Governance: An "Empty Signifier"? Constellations. 2009;16(4):550-562.

9. Ansell C. Network Institutionalism. In: Rhodes RAW, Binder SA, Rockman BA, editors. The Oxford Handbook of Political Institutions. Oxford, UK: Oxford University Press; 2006. pp. 75–89.

10. Enroth H. Policy Network Theory. In: Bevir M, editor. The Sage Handbook of Governance. London, UK: Sage Publications; 2011. pp. 19–35.

11. Eising R, Kohler-Koch B. Introduction: Network governance in the European Union. In: Kohler-Koch B, Eising R, editors. The Transformation of Governance in the European Union. London, UK: Routledge; 1999. pp. 3–12.

12. Kohler-Koch B, Rittberger B. The "Governance Turn" in EU Studies. Journal of Common Market Studies. 2006;44(1):27–49.

13. Börzel TA. Network: Reified Metaphor or Governance Panacea? Public Administration. 2011;89(1):49–63.

14. Mayntz R. Governing Failures and the Problem of Governability: Some Comments on a Theoretical Paradigm. In: Kooiman J, editor. Modern Governance. New Government-Society Interactions. London, UK: Sage Publications; 1993. pp. 9–20.

15. Sharpe LJ. Central Coordination and the Policy Network. Political Studies. 1985;33(4):361–381

16. Treib O, Bähr H, Falkner G. Modes of governance: Towards a conceptual clarification. Journal of European Public Policy. 2007;14(1):1–20.

17. Dreschler W. The Re-Emergence of "Weberian" Public Administration after the Fall of New Public Management: The Central and Eastern European Perspective. Haldskultur. 2005;6:94–108.

18. Lenschow A. Environmental Policy: Contending Dynamics of Policy Change. In: Wallace H, Pollack M, and Young A, editors. Policy-Making in the European Union. 6th ed. Oxford, UK: Oxford University Press; 2010. pp. 307–330.

19. Lavenex S, Schimmelfennig F. EU rules beyond borders: theorizing external governance in European politics. Journal of European Public Policy. 2006;16(6): 791–812.

20. Bickerton C. European Integration. From Nation-States to Member States. Oxford, UK: Oxford University Press; 2013.

21. Jordan A, Würzel RKW, Zito A. The Rise of "New" Policy Instruments in Comparative Perspective: Has Governance Eclipsed Governance? Political Studies. 2005;53(4):477–496.

22. Cohen JJ, Lampe JR. Embracing Democracy in the Western Balkans. From Post-Conflict Struggles toward European Integration. Baltimore, MD, USA: Johns Hopkins University Press; 2011.

23. Trauner F. The Europeanisation of the Western Balkans: EU justice and home affairs in Croatia and Macedonia. Manchester, UK: Manchester University Press; 2011.

24. Fagan A. Europe's Balkan Dilemma. Path to Civil Society or State-Building? London, UK: I.B. Tauris; 2012.

25. Noutcheva G. European Foreign Policy and the Challenges of Balkan Accession Conditionality, Legitimacy and Compliance. London, UK: UACES/Routledge; 2012.

26. Elbasani A, editor. European Integration and Transformation in the Western Balkans. London, UK: Routledge; 2013.

27. Bieber F. Building Impossible States? State-Building Strategies and EU Membership in the Western Balkans. Europe-Asia Studies. 2011;63(10):1783–1802.

28. Kaufmann D, Kraay A, Mastruzzi M. The Worldwide Governance Indicators. Methodology and Analytical Issues. Policy Research Working Paper 5430. Washington, DC, USA: The World Bank; 2010.

29. Freedom House. The Freedom House Index of Political Rights. Available from: www.freedomhouse.org (accessed on 29 July 2013).

30. Nicolaides P. Microfoundations of Policy Implementation. Towards European Best Practice. London, UK: Routledge; 2012.

31. Commission of the European Communities. European Governance. A White Paper. COM(2001) 428 final, 25 July 2011. Brussels, Belgium: EU Commission; 2011.

32. Avery G. Uses of time in the EU's enlargement process. Journal of European Public Policy. 2007;16(2): 256–269.

33. Gateva E. Post-Accession Conditionality. Support Instrument or Continuous Pressure? Working Paper No. 18. The Transformative Power of Europe. Berlin, Germany: Freie Universität; 2010.

34. Mann M. The Autonomous Power of the State: Its Origins, Mechanisms and Results. Archives Européenes

de Sociologie. 1984;25(2):185–213.

35. Council of the European Union. European Council Conclusions, Copenhagen 21–22 June 1993. Available from: http://www.europarl.europa.eu/enlargement/ec/pdf/cop_en.pdf (accessed on 10 June 2012).

36. Council of the European Union. European Council Conclusions, Luxembourg, 12–13 December 1997. Available from: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/032a0008.htm (accessed on 10 June 2012).

37. Council of the European Union. European Council Conclusions, Helsinki, 10–11 December 1999. Available from: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/ACFA4C.htm (accessed on 15 August 2012).

38. Commission of the European Communities. Guide to the Main Administrative Structures Required for Implementing the Acquis. Informal Working Document for Guidance Only (updated May). Brussels, Belgium: DG Enlargement; 2005.

39. Olsen JP. Towards a European Administrative Space? Journal of European Public Policy. 2003;10(4): 506–531.

40. Fournier J. Governance and European Integration—Reliable Public Administration. SIGMA Paper no. 23. Paris, France: OECD; 1998.

41. OECD. European Principles for Public Administration. SIGMA Paper no. 27. Paris, France: OECD; 1999.

42. Commission of the European Communities. Enlargement Strategy Paper; 2000. Available from: http://ec.europa.eu/enlargement/archives/key_documents/reports_2000_en.htm (accessed on 20 September 2012).

43. Commission of the European Communities. Making a Success of enlargement. Strategy Paper; 2001. Available from: http://ec.europa.eu/enlargement/archives/pdf/key_documents/2001/strategy_en.pdf (accessed on 23 September 2012).

44. OMAS Consortium. Assessment of the EU Phare Programmes. Multi-Country Thematic Report on Public Administration Reform; 2001. Available from: http://ec.europa.eu/enlargement/pdf/financial_assistance/phare/interim_s_zz_pad_01003_fv_en.pdf (accessed on 23 October 2012).

45. Rupnik J. EU Enlargement in the Balkans: A Comparison with Central Europe. In: Accession of the Western Balkans to the EU: Evaluating a Process. Paris, France: Sciences Po; 2010.

46. Commission of the European Communities. Enlargement Strategy Paper COM(2005) 561 final Brussels, 9 November 2005. Brussels, Belgium: EU Commission; 2005.

47. Commission of the European Communities. Western Balkans: Enhancing the European Perspective COM (2008) 127 final, 5 March 2008. Brussels, Belgium: EU Commission; 2008.

48. Commission of the European Union. Enlargement. Instrument for Pre-accession Assistance. Available from: http://ec.europa.eu/enlargement/instruments/overview/index_en.htm (accessed on 2 September 2013).

49. Mazower M. The Balkans. From the End of Byzantium to the Present Day. London, UK: Phoenix Press; 2000.

50. Renner S, Trauner F. Creeping EU-membership in Southeast Europe: The Dynamics of EU Rule Transfer to the Western Balkans. Journal of European Integration. 2009;31(4):449–465.

51. Trauner F. Deconstructing the EU's Routes of Influence in justice and Home Affairs in the Western Balkans. Journal of European Integration. 2009;31(1): 65–82.

52. UCINET Software. Available from: www.analytictech.com/ucinet (accessed on 6 June 2009).

53. Taylor AJ, Geddes A, Lees C. The European Union and South East Europe. The Dynamics and Europeanization and Multilevel Governance. London, UK: UACES/Routledge; 2012.

54. Wellman B. Structural Analysis: From Method to Metaphor to Theory and Substance. In: Wellman B, Berkowitz SD, editors. Social Structures: A Network Approach. Cambridge, UK: Cambridge University Press; 1988. pp. 19–61.

55. Dowding KH. Model or Metaphor? A Critical Review of the Policy Network Approach. Political Studies. 1995;43(3):136–158.

56. Avery G. Uses of time in the EU's enlargement process. Journal of European Public Policy. 2009;16(2): 256–269.

57. Geddes A, Taylor AJ. How Capacity Bargains Strengthen States: Migration and Border Security in South-East Europe. West European Politics. 2013;36(1): 51–70.

58. Confidential Interview. European Commission, 9 April 2009.

59. Taylor AJ. The Europeanization of Environmental Policy: Institutional Creation and Evolution in Croatia and Macedonia. Paper presented at the workshop "Environmental Governance in Southeast Europe and the Western Balkans: Reassessing the Transformative Power of Europe", 8–9 February 2013, Berlin, Germany. Berlin, Germany: Freie Universität; 2013.

60. Commission of the European Communities. On Progress in Bulgaria under the Cooperation and Verification Mechanism. COM(2012) 411 final, 18 July 2012. Brussels, Belgium: EU Commission; 2012.

61. Commission of the European Communities. On Progress in Romania under the Cooperation and Verification Mechanism. COM(2012) 410 final, 18 July 2012. Brussels, Belgium: EU Commission; 2012.

62. Confidential Interview. European Commission, 31 March 2009.

63. Meyer-Sahling J-H. Sustainability of Civil Service Reforms in Central and Eastern Europe Five Years after EU Accession. SIGMA Paper no. 44. Paris, France: OECD; 2009.

64. Commission of the European Communities. Main Findings of the Comprehensive Monitoring Report on Croatia's state of preparedness for EU Membership. COM(2012) 601 final, 10 October 2012. Brussels, Belgi-

um: EU Commission; 2012.

65. Füle S. Enlargement brings 'positive' news in times of crisis'. EurActiv, 13 August 2012; 2012. Available from: www.euractiv.com/enlargement (accessed on 15 October 2012).

66. Commission of the European Communities. Enlargement Strategy and Main Challenges 2012–2013.

COM(2012) 600 final, 10 October 2012. Brussels, Belgium: EU Commission; 2012.

67. Elbasani A. EU Administrative Conditionality and Domestic Downloading. The Limits of Europeanization in Challenging Contexts. The Transformative Power of Europe Working Paper No. 2. Berlin, Germany: Freie Universität; 2009.

Politics and Governance

Politics and Governance is an innovative new offering to the world of online publishing in the Political Sciences. An internationally peer-reviewed open access journal, Politics and Governance publishes significant, cutting-edge and multidisciplinary research drawn from all areas of Political Science.

www.cogitatiopress.com/politicsandgovernance

COGITATIO