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# In the Shadow of the Vote? Decision Making in the European Community

Jonathan Golub

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In many fields of political science, including American politics, comparative politics, public policy, and international relations, a fundamental analytical premise is that the formal possibility of calling a majority vote on a matter, rather than recourse to the actual vote itself, determines strategic actor behavior and decision-making outcomes.<sup>1</sup> Presumptions about this threat, which I refer to as “the shadow of the vote,” also provide the very foundations for scholarship on the European Community (EC). The usual view of EC history holds that the shadow of the vote legally fell on numerous legislative proposals prior to 1987 but was rendered ineffective because of informal voting norms in the Council of Ministers. Institutional reforms in 1987 and 1992 expanded the scope for majority voting, supposedly restored adherence to formal voting rules, and are generally regarded as landmarks that unblocked and expedited EC legislative efforts.

In this study I challenge the legitimacy of these widespread beliefs. Using comprehensive data from the period 1974–95 I show that in the 1970s decision making was anything but paralyzed, that the impact of the Luxembourg Compromise has been greatly overstated, that institutional reforms actually encumbered rather than eased the EC legislative process, and I demonstrate several ways in which institutional determinants of EC decision making are mediated by the underlying distribution of member state preferences. The findings have important implications for our under-

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1. See Riker 1962; Shepsle 1979; Shepsle and Weingast 1987; McCubbins 1985; Shapley and Shubik 1954; Brams 1990; and Scharpf 1997.

standing of the history and future trajectory of European integration, and they highlight the applicability of standard political science theories and methods to the study of the EC.

The analysis proceeds as follows. In the next two sections I describe the mechanics of EC decision making, briefly review the conventional wisdom regarding the importance of voting rules and institutional reform, and locate this study in relation to previous treatments of EC decision making. I then test the conventional wisdom against the empirical evidence. After graphical presentation and discussion of the data, I develop hypotheses about the determinants of decision-making speed, identify relevant control variables, and test my model using event history analysis. Before concluding, I assess alternative explanations for my findings.

### **Institutional Rules and EC Decision Making**

The EC legislative process involves three main institutions—the Commission, the Council, and the European Parliament. The Commission enjoys almost exclusive power to propose legislation, on which the Council then deliberates. Each proposal is subject to one of two different decision rules in the Council—unanimity or qualified majority voting (QMV).<sup>2</sup> The treaty provision (or provisions) each proposal is based on is originally a matter for the Commission to decide, and this choice determines the applicable decision rule in the Council. Depending on the treaty basis, any given proposal is subject to one of three types of review by the European Parliament. Prior to 1987, under the consultation procedure, the Parliament was entitled merely to give its nonbinding opinion on certain Commission proposals. The Single European Act (SEA) introduced an additional procedure, known as cooperation, under which the Parliament could offer amendments and where it enjoyed a “second reading” of many proposals.<sup>3</sup> These amendments are examined by the Commission, can be incorporated into a revised proposal, and are difficult for the Council to overturn.<sup>4</sup> A third procedure, codecision, was introduced by the 1992 Maastricht Treaty reforms and further augmented the Parliament’s role. It requires the Council and Parliament to work out their differences in a special conciliation committee and gives the Parliament the possibility of a third reading at the very end of the decision-making process, at which point it can reject a proposal regardless of Council support.

Students of European integration share several deeply ingrained beliefs about how and when institutional rules have affected the history of policymaking in the EC. Almost universally accepted among political scientists, lawyers, historians, and EC

2. In a limited number of cases proposals are subject to a simple majority vote in Council, but for the purposes of the present analysis these are classified together with QMV.

3. Following the SEA, proposals could also be subject to an “assent” procedure, which does not allow the Parliament to make amendments to a proposal but does require parliamentary approval of Council decisions. The procedure is rare, and was not applicable to any of the directives analyzed in this article.

4. A growing literature explores the implications of the European Parliament’s powers under the cooperation and codecision procedures. See Tsebelis 1994; Moser 1996; Pollack 1997; Judge, Earnshaw, and Ngaire 1994; Earnshaw and Judge 1995; Garrett and Tsebelis 1996; and Tsebelis and Garrett 1997.

officials is that although the EC's original treaty formally provided for widespread QMV by 1969,<sup>5</sup> Charles de Gaulle insisted on protecting French "vital interests" from being undermined by majority vote, and from 1966 onward effective unanimity and the constant threat of the national veto became the norm in the Council of Ministers under the terms of the so-called Luxembourg Compromise.<sup>6</sup> The consensus is that failure to apply the formal voting procedures stipulated by the treaty produced serious inefficiency, evident in patchy, slow decision making. Thus the entire period preceding the institutional reforms contained in the 1987 SEA is commonly characterized as the "dark ages" of the EC or the era of "Eurosclerosis"—a time of meager legislative output marked by a "painful slowness of decisions" because, instead of playing by the formal treaty rules, "the need for unanimity on all decisions taken by the Council of Ministers had led to political paralysis in the Council."<sup>7</sup>

A few scholars dissent from this predominant view, but only in a fairly minor way, by suggesting that majority voting reappeared a few years prior to 1987 as Council voting behavior anticipated formal treaty reform.<sup>8</sup> Directly challenging the interpretation of specific empirical examples underpinning this minority view, other scholars have argued that only in 1987 did Council voting make a "radical departure from previous practice," and that "majority voting was not actually implemented in the Council until the implementation of the SEA."<sup>9</sup>

Whereas purported disregard for formal voting rules supposedly paralyzed EC decision making ever since 1966, students of European integration are equally convinced that formal rules have fundamentally shaped, even determined EC development following the SEA.<sup>10</sup> After 1987, the standard argument runs, playing by the formal rules meant repudiating the Luxembourg Compromise and actually using majority voting where it had originally been provided for, as well as applying it in several areas previously governed by unanimity. According to all conventional wisdom, the SEA was a deliberate institutional reform that successfully "relaunched" the EC. It allegedly delivered dramatically more efficient decision making and un-

5. Under the qualified majority rule, which is a weighted voting system based crudely on country size, the original member states had the following number of votes: Germany, France, Italy (10); Belgium and the Netherlands (5); and Luxembourg (2). These original weights did not change as the EC enlarged to include: the UK (10), Denmark (3), and Ireland (3); Greece (5); Spain (8) and Portugal (5); and Finland (3), Austria (4), and Sweden (4). In the original EC as well as after each successive enlargement, a winning coalition has always required approximately five-sevenths of the total weighted votes.

6. See Sasse et al. 1977, 88; Taylor 1983, 20; Webb 1983, 23; Dinan 1994, 55–59, 251; Van den Bos 1994, 23; Peters 1992, 84; Tsebelis and Kreppel 1998, 59–63; and Moravcsik 1998, 236, 315.

7. See Keohane and Hoffmann 1991, 8; Pinder 1986; Middlemas 1995; Dehousse 1988, 316; and Sbragia 1993, 94. Similar assessments are offered by Milward et al. 1993, 24; Kirchner 1992, 43; Pelkmans 1988, 316; Cockfield 1990; Duchêne 1994, 332; Dinan 1994, 69, 93–94, 251; W. Wallace 1983, 378; Slater 1982, 86; Garrett and Tsebelis 1996; Teasdale 1993; EC 1976, 1979, 7–8, 11, 40, and 1981; and Nugent 1991, 144–45.

8. See Hurwitz 1987, 71; Hayes-Renshaw and Wallace 1997, 48–49; de Bassompierre 1988, 28; Ludlow 1991, 114; Ehlermann 1990, 1104; and Teasdale 1993.

9. See Dehousse 1989, 117; and Tsebelis and Kreppel 1998, 59–60.

10. Analyses of agenda setting by the Commission and European Parliament place particularly heavy emphasis on the formal majority voting procedures stipulated in the treaty. See Garrett 1995; Tsebelis 1994; and Pollack 1997.

blocked a wide range of proposals that had languished for years in the Council.<sup>11</sup> Commission reports and scholarly accounts imputed any remaining inefficiencies and blockages to the unanimity requirements still formally required in certain areas by the treaty.<sup>12</sup>

Institutional reforms in 1987 and 1992 are also widely viewed as successful feats of constitutional engineering that allowed the EC to reduce its traditional “democratic deficit” by enhancing the role of the European Parliament while avoiding the frequently encountered trade-off between democratic legitimacy and decision-making efficiency. Nearly all proposals subject to the new parliamentary procedures of cooperation and codecision are also legally subject to QMV. In light of this fact, many observers have claimed that the cooperation procedure was expressly created to increase the efficiency and speed of EC decision making and that it has done so remarkably because the beneficial effects of QMV more than compensate for the lengthening of the legislative process entailed by a second reading.<sup>13</sup> In more guarded terms, and with the same overcompensation mechanism in mind, several reports have suggested that the codecision procedure did not hinder EC decision making, stating simply that it “has worked well” and that “expected delays in the processing of legislation did not materialise.”<sup>14</sup>

#### *Previous Treatments of EC Decision Making*

Despite the ubiquity of traditional perceptions about formal rules, the Luxembourg Compromise, and the benefits of institutional reform, remarkably little is known about the quantitative aspects of EC decision making, and nothing at all is known about the actual effects of the 1987 SEA or the 1992 Maastricht Treaty. In fact, not a single quantitative study exists to support the conventional wisdom, and the only two previous quantitative analyses of the pre-SEA period—seminal works by Samuel Krislov, Claus-Dieter Ehlermann, and Joseph Weiler and by Thomas Sloot and Piet Verschuren—strongly criticized some of the central aspects of the dominant belief in Eurosclerosis.<sup>15</sup>

However, despite their sustained attempts to debunk deeply held stereotypes about the EC, neither of these studies managed to dislodge conventional wisdom, in part because they each contain a number of important methodological and analytical limitations.<sup>16</sup> The Krislov, Ehlermann, and Weiler study, for example, did not compile reliable estimates of the volume or speed of EC legislation, nor did it attempt to

11. See Wessels 1991; Ehlermann 1990; Majone 1993; Nugent 1991; Dehousse 1989, 117; Sbragia 1993, 101; Dinan 1994, 251; EC 1990b, 2; and Dehousse and Majone 1994, 101.

12. See Ehlermann 1990, 1107; and EC 1990a, 30.

13. See Ehlermann 1990, 1107–08; EC 1988, 9 and 1991, 360; Kirchner 1992, 63; Nugent 1991, 312; Wessels 1991, 142; and Dinan 1994, 276.

14. See EC 1995, 29; and Earnshaw and Judge 1995, 646.

15. See Krislov, Ehlermann, and Weiler 1986; and Sloot and Verschuren 1990.

16. Some of the comments offered here about previous studies have also been made by König and Schulz 1996.

identify the decisive factors that governed decision-making efficiency.<sup>17</sup> Most importantly, the study did not test the central question pertaining to the Luxembourg Compromise—whether or not QMV mattered before 1987—so that the authors have no way to substantiate their claim that the shadow of the vote had a significant effect.<sup>18</sup>

The study by Sloot and Verschuren only covers proposals that were adopted by October 1988, and thus does not illuminate the effects of enhanced QMV or the expanded role of the European Parliament and does not control for factors such as EC enlargement. By not disaggregating directives from regulations, the study also tends to conflate the most important areas of legislative decision making with administrative and routinized activity. And the use of standard linear regression techniques seriously undermines confidence in the statistical findings, a matter discussed in more detail later. In short, studies of the pre-SEA period raise intriguing questions but provide unreliable findings. More recent claims that the SEA led to substantial improvements in decision-making efficiency often rely exclusively on these two earlier studies<sup>19</sup> or reach conclusions based on personal impressions of EC decision-making dynamics rather than systematic empirical data.<sup>20</sup>

The most sophisticated analysis to date of EC decision making comes from unpublished work by Thomas König and Heiner Schulz.<sup>21</sup> Employing event history analysis to proposals made after 1984, they suggest that majority voting quickens decision-making speed and that the European Parliament retards it. Although the study significantly advances our understanding of EC policymaking, it also contains several important weaknesses. Because the authors do not examine decision making prior to 1984, they are in no position to draw the types of comparative conclusions necessary to assess the impact of institutional reform. König and Schulz also lump together decisions, regulations, and directives at various points in their analysis; and they do not control for or in any way address central issues, such as legislative backlog and volume, EC enlargement, agenda expansion, or the “unblocking” of pre-SEA proposals, all of which bear directly on the issues of decision-making efficiency and institutional reform.

On a more technical note, although the use of event history analysis is a marked improvement over earlier studies, and is one of the approaches I adopt here, König and Schulz fail to control for the presence of time-dependent covariates, a methodological oversight that seriously undermines the strength of their conclusions. The reason why time-dependent covariates are an essential ingredient when applying

17. The study used only 107 proposals during the period 1974–80, including directives, regulations, and decisions. Moreover, 37 percent of the cases examined were rendered useless for measuring decision-making speed because they lacked proposal dates. And as the authors note, the sample was “certainly not representative in the statistical sense of the word,” in part because only seven of the twenty-three Directorates General in the Commission provided data on proposals within their respective policy domains, thereby biasing the analysis. Krislov, Ehlermann, and Weiler 1986, 109.

18. Krislov, Ehlermann, and Weiler 1986, 31.

19. See Wessels 1991; Wallace 1991; Wallace and Wallace 1996; and Hayes-Renshaw and Wallace 1997.

20. See EC 1990b; Ehlermann 1990; and Dehousse 1989.

21. König and Schulz 1996.

event history analysis to EC decision making is that in many cases the coding assigned to proposals made prior to 1987 no longer applies after the SEA, just as the coding for proposals made during the period 1987–92 no longer applies if these proposals survive beyond the 1992 treaty reform (more on this later).

Thus, after forty-two years of European integration, we know remarkably little about the relationships among Council voting rules, institutional reform, and decision making. In an effort to help remedy this surprising situation, in the remainder of this article I build on the groundbreaking hypotheses and insights offered by earlier studies. Using comprehensive data and appropriate quantitative methods my analysis confirms some of the earlier findings, seriously challenges others, and lays the foundation for a rigorous and wide-ranging reassessment of what we thought we knew about European integration.

### **Testing the Conventional Wisdom**

The legislation issued by the Commission and Council can take five forms: regulations, directives, decisions, recommendations, and opinions. I concentrate in this study exclusively on directives, a conscious selection made for several reasons. Since recommendations and opinions do not have binding force, and decisions are, in effect, administrative rather than legislative acts, including any of these instrument types would obscure rather than illuminate analysis of the most relevant and contentious domain of EC decision making. Regulations often deal with less sensitive subject matter and are frequently adopted in bulk packages each year, for example, when updating agricultural prices, common customs duties, and quotas. Although important issues are sometimes dealt with through regulations, separating these cases from the more numerous trivial and often routinized bundles of proposals presents an intractable methodological problem. By contrast, with directives the frequency of routinized legislation is quite low. A good indication of their relative importance is that nearly all of the proposals contained in the landmark 1985 Commission White Paper were directives, as were all of the proposals associated with the important 1989 charter on EC social policy.<sup>22</sup>

The data set compiled for this study includes all Commission basic proposals for directives for which data are available: 1,262 Commission proposals made during the period 1974–95, as well as 56 proposals made in previous years that were adopted during this period.<sup>23</sup> As of 31 December 1996, 1,006 of these 1,262 proposals had been adopted, 135 were still pending, and 121 had been withdrawn. Proposals that were later withdrawn were not assigned an adoption date, and proposals still under consideration were classified as pending. Where a proposal was subject to multiple legal bases, its voting rule was coded only by the most restrictive treaty provision (in

22. For details of the White Paper and the “1992 Project,” see EC 1985a; and Ehlermann 1990.

23. Basic proposals exclude amended, revised, and completed proposals. All of the proposals were made pursuant to the EC Treaty, which after 1993 became the first pillar of the Maastricht Treaty.

such cases the Council does not have the right to choose between unanimity and QMV but is constrained by the more restrictive of the various legal bases). In addition to calculating the number of directives proposed (input) and adopted (output) each year, and thus the legislative backlog, two types of speed were measured: forward lag time, defined as the number of days from the date of proposal until the date of adoption, and backward lag time, the number of days elapsed, at the time of adoption, since a piece of legislation was proposed. For any individual proposal, of course, forward and backward lag time are by definition identical, but when tracking groups of proposals the analytical distinction between the two measures takes on enormous significance. For example, if we want to know the fate of the forty-seven Commission proposals made in 1975, we need to measure forward lag time—how long it took the Council to dispose of this group of proposals. But if we want to know whether the Council suddenly managed in 1986 to dispose of a host of proposals that the Commission had made throughout the 1970s and that had been pending ever since, we need to measure backward lag time for the sixty-seven proposals adopted in 1986—the time each has been under discussion and the likelihood that this group of sixty-seven included a sudden preponderance of very old proposals. Throughout this article, all references to lag time and decision-making speed denote forward lag time unless otherwise specified.

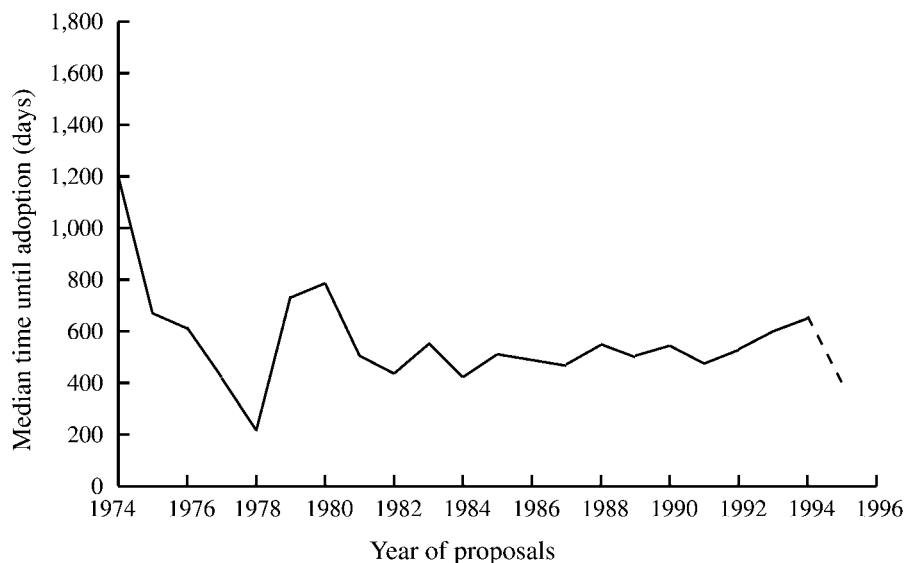
It is important to note at the outset that my coding does not distinguish the relative political salience or substantive “importance” of each individual proposal. Later I discuss in detail the inherently subjective and potentially misleading nature of any such undertaking when addressing alternative hypotheses to my model.

#### *Trends in EC Decision Making, 1974–95*

The empirical evidence presented in Figures 1–4 runs counter to many of the things we thought we knew about EC decision making.

Whereas conventional wisdom holds that the 1970s were the “dark ages” for the EC, in fact, of the entire twenty-two-year span under consideration, the years 1974–78 witnessed the most dramatic and persistent improvement in decision-making speed, as the median forward lag time fell from 1,177 days to 236 days (Figure 1). Moreover, the Council maintained a healthy output of about forty adoptions each year, and the legislative backlog remained stable (Figure 2). Eurosclerosis only made its appearance in 1979, with a decline in Council output and upward surges in both lag times and legislative backlog (Figure 3). It appears that the period 1979–83 was the real dark ages for the EC, whereas the mid- and late 1970s were highly efficient.

The graphical data also allow us to reject the anticipation thesis, the claim that majority voting was absent for decades before suddenly taking hold in the years leading up to the SEA as member states altered their behavior in anticipation of impending formal legal changes. Note that backward lag times, the best indicator of sudden changes in Council voting patterns, rose dramatically in 1982, before the SEA was even under discussion (Figure 4). Why does a sharp rise in backward lag times signify evidence of increased use of majority voting? Recall that backward lag



*Note:* Lag times after 1987, particularly for 1991–95, are significantly underestimated because of proposals still pending.

**FIGURE 1.** *Median forward lag times for directives proposed, 1974–95*

times refer to the length of time the Council has spent deliberating proposals that it adopts in any given year. For any individual proposal, forward and backward lag time measures the same thing; but when asking how specific EC institutions handle groups of proposals, the analytical distinction becomes crucial. For example, to track the progress of proposals made by the Commission in 1982 it only makes sense to speak of forward lag time—the median forward lag time for all 1982 proposals—because these proposals were then adopted in various subsequent years. By contrast, when analyzing Council behavior in 1982, the only meaningful measure is backward lag times—the median backward lag time for all 1982 adoptions—because these directives were proposed in various previous years. Obviously these two measures will be very different (as shown clearly by Figures 1 and 4) and capture different aspects of EC decision making. A sudden upward spike in forward lag times is consistent with less majority voting in the Council, whereas an upward spike in backward lag times is consistent with greater use of majority voting in the Council to resolve longstanding legislative disagreements.

The relative inefficiency of EC decision making after 1987 is just as surprising as the trends evident since 1974. Although the proportion of legislative initiatives subject to QMV soared after the SEA, so that by 1988 over 80 percent of all new proposed directives fell within the shadow of majority voting, decision making did not show the marked improvement widely alleged by EC scholars. Decision-making speed did not improve “dramatically,” nor did the Council make decisions “four



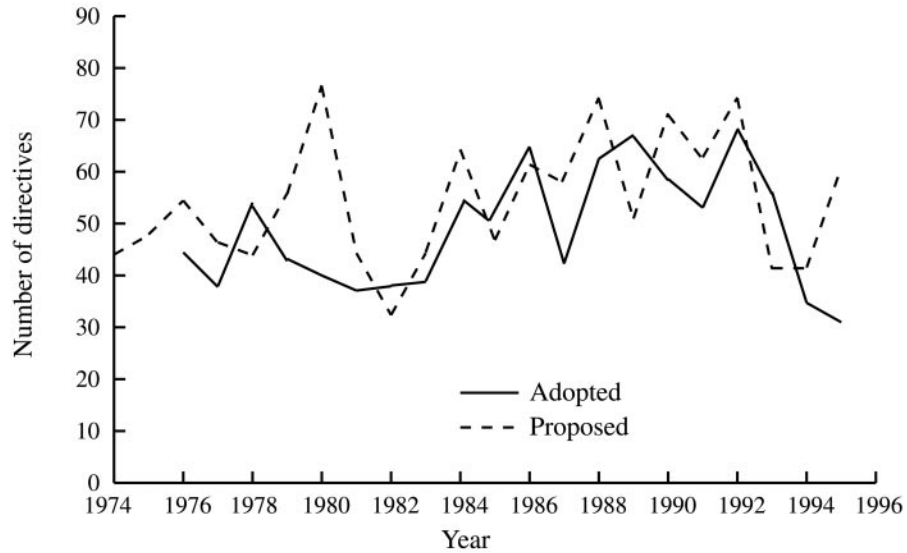


FIGURE 2. EC legislative volume for directives, 1974-95

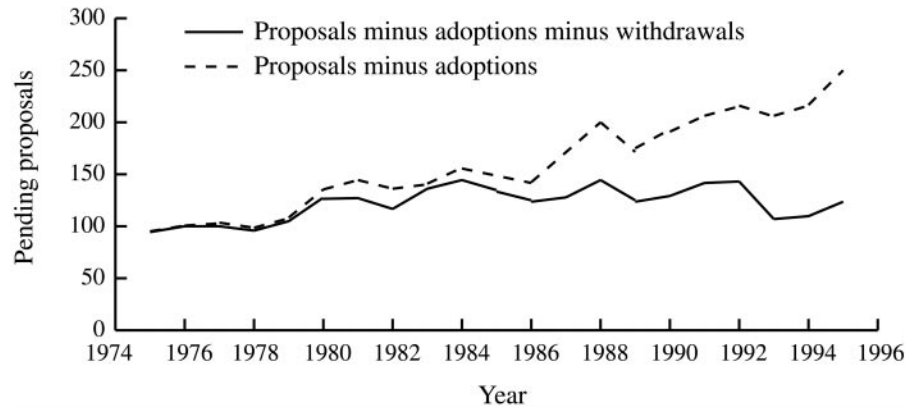


FIGURE 3. Cumulative legislative backlog of directives

times as fast as before.”<sup>24</sup> Rather, forward median lag time in the Council rose somewhat during 1987-91 and climbed sharply thereafter. By 1994, the pace of Council decision making was almost as slow as it had ever been before. And these figures seriously underestimate the erosion of decision-making speed after 1987. As the 135 currently pending proposals are adopted, the upward slope of the line in Figure 1 will become much more pronounced. The event history analysis in the next section, explicitly designed to handle pending proposals, confirms this point.

24. See Wessels 1991, 142; and Ehlermann 1990, 1104.

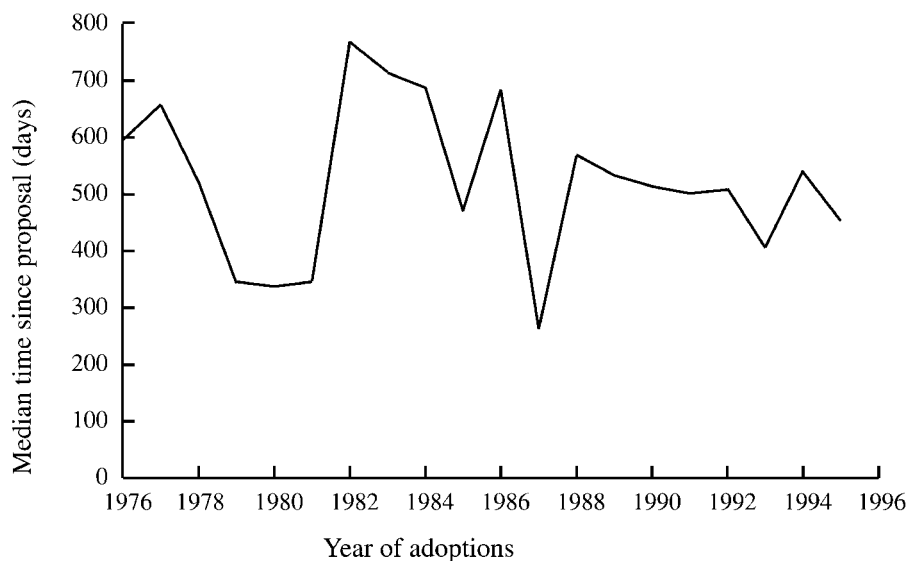


FIGURE 4. Median backward lag times for directives adopted, 1974–95

The wide shadow of QMV also failed to eliminate the legislative backlog, which actually grew by one-seventh during the period 1986–92 (Figure 3). If it were not for the Commission withdrawing large numbers of proposals and drastically curtailing production of new proposals as Jacques Santer adhered to the subsidiarity principle,<sup>25</sup> the 1986 backlog would have grown by 40 percent by 1992, and almost 60 percent by 1995.

The SEA also failed to deliver in another important sense. Extension of QMV in 1987 was designed specifically to unblock the mass of proposals that was supposedly being held hostage by the pervasive veto threat in the Council. Inspection of backward lag times, however, demonstrates that this purported unblocking effect did not occur. Graphically, in 1987 there should be a sharp upward spike in backward lag times because of the sudden passage of many old proposals, followed by a precipitous drop once the Council disposes of the difficult cases left over from the 1970s. However, as mentioned earlier, Figure 4 provides no indication that the SEA constituted a historical turning point at which formal QMV provisions facilitated adoption of numerous old proposals. Rather, backward lag times actually fell to an all-time low at the point of formal institutional reform.

In sum, decision making in the 1970s was highly efficient rather than paralyzed; there is no indication that the Luxembourg Compromise had significant lasting effects or prevented majority voting from actually being used; and decision making did not accelerate, backlog did not decline, and old proposals were not suddenly unblocked as a result of the 1987 (or 1992) institutional reforms. Furthermore, there are

25. See EC 1995; and Golub 1996a, 699–700.

strong indications that speed has deteriorated since the passage of the SEA, even more so after the Maastricht Treaty, and that a large, stubborn legislative backlog remains.

### **Modeling EC Decision Making**

As noted earlier, mine is not the first attempt to debunk the conventional wisdom and expose the need to rethink some of our most basic presumptions about the history and process of European integration. However, previous studies did not have a greater impact in part because their findings depended on unreliable data and methods. In this section I develop and test a more reliable model of EC decision making. Building on earlier works, I propose six hypotheses that focus on two primary issues: explaining sharp changes in decision making during periods of institutional stability and assessing the effects of punctuated institutional reform.

#### *Hypotheses*

An obvious starting point is to follow the lessons from other areas of political science and see how much we can explain by taking formal voting rules and the shadow of the vote seriously. The original EC treaty provided for QMV across a wide range of issues, and no study has ever demonstrated that there is any factual basis to the dominant belief that these rules were systematically bypassed. That the lasting effects of the Luxembourg Compromise might be merely an exaggerated myth would account for the efficiency of the 1970s and would also explain the absence of efficiency gains following 1987. If there were really no significant compromise to abrogate, and majority voting was already being used widely, then proposals in areas already subject to QMV would not be suddenly unblocked nor would new proposals in these fields proceed more rapidly than in previous years. This line of analysis leads to the following hypothesis:

Hypothesis 1: Formal rules stipulating majority voting consistently yield faster decision making than rules requiring unanimity.

We must also attend to institutional reforms that alter formal decision-making procedures. Many scholars have analyzed how the SEA and Maastricht Treaty affected agenda setting and the institutional balance of power in the EC by enhancing the role of the European Parliament. These changes should also register a predictable impact on decision-making speed. The cooperation procedure introduced a substantial structural delay in the form of a Council common position and a parliamentary second reading, and one would expect that it also prolonged strategic bargaining among the many actors involved in EC decision making. The codecision procedure added by the Maastricht Treaty brought the possibility of even more procedural and strategic delays through a parliamentary third reading and the final stage conciliation committee composed of representatives from the Council and the Parliament. These

new procedures, committees, and bargaining opportunities suggest the following hypothesis:

Hypothesis 2: Expanding the formal role of the European Parliament from consultation to cooperation to codecision progressively slows decision making.

As mentioned earlier, the periodic enlargement of the EC represents an important control variable neglected in previous studies. But enlargement is also a potential determinant of EC decision-making patterns between episodes of punctuated institutional change. Theoretically, enlargement should prolong Council decision making by increasing the number of potential veto players, by raising transaction costs associated with a more complex bargaining process, and by automatically increasing the scope for preference heterogeneity on any decision.<sup>26</sup> For proposals subject to unanimous voting, agreement should become more difficult, deliberations more protracted, as the number of states whose consent is essential for a decision increases. Many EC observers claim that enlargements in 1973, 1981, and 1986 had just such effects.<sup>27</sup> According to power index theories, enlargement should also make reaching a qualified majority more difficult, not only for the reasons just mentioned but also by decreasing the proportion of potential winning coalitions.<sup>28</sup> The proportion of potential winning coalitions in the Council fell from nearly 22 percent before 1973 to under 10 percent after the accession of Portugal and Spain in 1986. Thus we have the following hypothesis:

Hypothesis 3: EC enlargement slows both majority and unanimous decision making.

Legislative backlog and the expanding jurisdiction of the EC represent two additional factors that might help explain the empirical findings. At the very least they constitute important control variables, but I suggest that they also merit study in their own right. In their 1990 study Sloot and Verschuren argued that mounting “policy pressure,” defined as the number of proposals waiting for adoption at the moment a particular new proposal is launched by the Commission, induced the Council to proceed more quickly with new proposals. Alternatively, one might conjecture that the passage of new proposals would take much longer when the Council is already devoting its time to a mountain of pending legislation. The direction of the effect is uncertain, but its potential importance leads to the following “waiting room” hypothesis:

Hypothesis 4: Mounting policy pressure significantly affects EC decision-making speed.

Besides altering EC decision-making procedures, the passage of the SEA and the Maastricht Treaty expanded the jurisdiction of the EC into new policy domains. To

26. See Buchanan and Tullock 1962; Downs, Rocke, and Barsoom 1998, 404–405; and Kahler 1992.

27. See Dinan 1994, 251; Dehousse and Majone 1994, 94; Majone 1993, 2; Hayes-Renshaw and Wallace 1997, 49–50; and Kirchner 1992, 43.

28. Hosli 1993 and 1998.

test the other hypotheses we must control for this expansion. Moreover, one might reasonably postulate a direct connection between the scope of the EC agenda and the absence of improved decision-making efficiency during 1987–95 if political conflicts became more intense and delays were inevitable as the EC took action in previously uncharted policy terrain.

To assess this possibility accurately we must first be careful to identify the actual extent of jurisdictional expansion. For example, EC legislation to complete the common market and directives dealing with environmental policy are sometimes mistakenly attributed to jurisdictional changes introduced by the SEA and the Maastricht Treaty. In fact, EC action in both fields was possible under the original treaty and was exercised extensively long before the SEA. The 1957 Treaty of Rome listed the free movement of goods, people, services, and capital, the elimination of trade barriers, and the establishment of a functioning common market as explicit EC objectives. Several hundred common market directives had been adopted long before the SEA, and nearly all of the common market legislation referred to in the famous 1985 White Paper was proposed before the SEA, much of it in the 1970s. The SEA and Maastricht Treaty changed the decision-making procedures related to the common market but did not create or expand EC jurisdiction in this area. EC environmental policy also developed long before the SEA, starting with the first EC Environmental Action Program in 1973. Hundreds of proposals in this field were made and adopted during 1973–87.<sup>29</sup> The SEA codified previous practices, and the Maastricht Treaty changed the procedures applicable to environmental policy, but neither actually expanded the EC agenda.

There are also some areas of jurisdictional expansion that are not relevant to the present analysis of EC decision making. The second and third pillars of the Maastricht Treaty contained provisions for a common foreign and security policy and for action in the fields of justice and home affairs, but these were strictly intergovernmental arrangements outside the bounds of normal EC decision-making procedures and generated none of the directives in the data set.

Treaty amendments did, however, expand EC jurisdiction and normal decision making in many other fields. The SEA provided for EC activity in five new domains: cooperation in economic and monetary policy, economic and social development, research and technological development, balanced progress within the internal market, and workers' health and safety. The Maastricht Treaty added another ten: European citizenship, visas, education, culture, public health, consumer protection, trans-European networks, industrial competitiveness, development cooperation, and the social protocol. Although most of the jurisdictional additions proved to be symbolic (in these fifteen domains a total of thirty directives were proposed during 1987–95, twenty-six of which are in workers' health and safety), the following hypothesis merits attention:<sup>30</sup>

29. Reh binder and Stewart 1985.

30. Additional directives have been proposed or adopted in these fields since 1996, but these are not relevant to the data set and findings of this article.

Hypothesis 5: Expansion of the EC agenda slows decision making.

Finally, to explain patterns of EC decision making we must also take seriously the distribution of member state preferences.<sup>31</sup> Even if formal rules and institutional reform matter, we would expect the size of their effect to be conditioned by the relative harmony or discord in the Council. For example, it might be the case that majority voting is consistently faster than unanimity, that cooperation and codecision by the European Parliament is consistently slower than simple consultation, and that the addition of member states consistently slows the process, but the size of these differentials can rise or fall sharply between instances of institutional change.

The interaction between institutional rules and member state preferences would support what I call the “Thatcher effect.” Although Britain’s awkwardness with the EC originated as far back as Harold Wilson,<sup>32</sup> this political friction apparently did not affect the EC’s overall decision-making efficiency, at least not enough to dent the substantial yearly improvements prior to 1979. The downturn in efficiency discussed earlier only began with Margaret Thatcher’s arrival and could reflect her general disposition as well as her handling of the central political issue at the time, how to structure EC finances. Her uniquely aggressive political style contributed little to collective policymaking in the Council, and after 1979 Thatcher became the primary antagonist in a series of ongoing EC budget crises during which she threatened to obstruct EC decision making until she got her “own money back.”<sup>33</sup>

Besides the Thatcher effect, there are other instances where shifts in the distribution of member state preferences might have played a crucial role. The persistence of a huge legislative backlog, as well as the precipitous fall in Council output and the rise in lag times following 1992, might be partly attributable to the institutional reforms discussed earlier but could also be the result of growing discord in the Council and the emergence of what I would term a veto culture. Institutional reform of the treaty’s legal architecture substantially broadened the formal shadow of the vote, but in reality consensual norms—a modern-day Luxembourg Compromise—could effectively require unanimity across most EC decisions. Although several observers explicitly reject this possibility, some anecdotal reports, along with case studies of electricity privatization and EC trade relations, confirm the emergence of a veto culture.<sup>34</sup> Alternatively, convergence of member state preferences could produce unexpectedly rapid decision making regardless of treaty rules, so that areas governed by unanimity might even proceed more quickly than those subject to majority voting. A widespread consensus by member states not to deploy their veto would be reflected by improved decision-making speed in areas that remained subject to unanimous voting. Thus we have the following hypothesis:

Hypothesis 6: The underlying distribution of member state preferences mediates, and potentially negates, the institutional determinants of EC decision making.

31. See Moravcsik 1991, 1993, 1997, and 1998; and Garrett and Tsebelis 1996.

32. Dinan 1994, 87–91.

33. See H. Wallace 1983, 100–105; and George 1990, chap. 5.

34. Compare Wessels 1991, 142, and 1992, 27; Ehlermann 1990, 1106; and Dehousse 1989, 121; with Sbragia 1993, 102; Taylor 1991, 117; Schmidt 1997; and Wallace 1991, 26.

*Event History Analysis*

Event history analysis is a method perfectly designed to test these six hypotheses. It has traditionally figured prominently in sociology, medical science, and engineering and has recently made inroads into comparative politics and international relations.<sup>35</sup> One of the great advantages of event history over standard ordinary least-squares (OLS) regression is its ability to handle what is referred to as censoring. With OLS, cases that are still in progress (for example, leaders still in power, wars still being fought, employees yet to change jobs) are either excluded from the sample or assigned a duration value that necessarily underestimates their likely staying power. Event history analysis, by contrast, uses all of the available information about each case and treats differently those events that have occurred and those that are still in progress (censored) at the time the study concludes. The method is often used with a dichotomous dependent variable in order to study why an event did or did not occur and has been applied across a wide range of issues, including the onset of wars, employment mobility, termination of coalition governments, or the removal of political leaders.<sup>36</sup>

The present analysis focuses not on the factors governing adoption versus nonadoption of legislation, but on the determinants of lag time, which might be thought of as how long proposals “survive” until they are adopted.<sup>37</sup> This approach has been used to study the length of military interventions and the survival of political cabinets.<sup>38</sup> The first step in any analysis is to specify the baseline hazard rate, which involves speculation about the effect of the passage of time on the probability that an event will occur, regardless of any independent variables such as voting rules or parliamentary involvement. In many engineering and medical studies the baseline hazard is assumed to be constant over time, whereas in political leadership studies the hazard of losing power might rise over time much like the effect of rust on a car’s performance because “the longer you serve, the more people you offend,” or it might decrease as leaders acquire strategic expertise.<sup>39</sup> A log-logistic model is appropriate for the present study because we would assume the adoption rate would be roughly bell-shaped: the chances of a proposal being adopted would increase for a period of time, peak, and then decline as it succumbed to permanent political deadlock in the Council.<sup>40</sup> This is similar to the effect of time on employment promotion, with workers experiencing more frequent promotion in early periods and then growing comfortable and more reluctant to move.<sup>41</sup>

35. For detailed explications of event history analysis methodology, see Allison 1984; and Box-Steffensmeier and Jones 1997.

36. See Mayer and Tuma 1990; Bueno de Mesquita and Siverson 1995; and Cioffi-Revilla and Lai 1995.

37. In another paper currently in progress I explore which types of proposals faced a greater chance of withdrawal by the Commission.

38. See Box-Steffensmeier and Jones 1997; and Alt and King 1994.

39. Alt and King 1994, 194–95.

40. This presumption is also made by König and Schulz 1996.

41. Petersen and Spilerman 1990.

However, unlike medical science or even some aspects of sociology, there is currently no strong theory on the underlying hazard rate for legislative decision making, and visual inspection of hazard rate plots is a notoriously uncertain method of model selection. To allow maximum flexibility I therefore fit three accelerated failure models to the data, allowing for a wide range of nonmonotonic, U-shaped and bell-shaped hazard rates. Discriminating between the relative fit of alternative models is not straightforward, but comparing log-likelihood values, likelihood ratios, and pseudo- $R^2$  values is a typical strategy. Larger positive values for log likelihood signal better fit. In addition, graphical diagnostics are helpful in adjudicating among competing models.<sup>42</sup> The models presented here were all acceptable and nearly indistinguishable, but the log-logistic model was marginally superior to the other two based on a chi-square likelihood ratio test ( $p = .001$ ). Accordingly, the log-logistic model estimates are used when discussing the regression results. In addition, as shown later, the parameter estimates are extremely robust across the three different specifications, which inspires considerable confidence in the findings.

The data are divided into three periods: proposals made prior to the SEA, those made after the SEA but before the Maastricht Treaty, and those made after the Maastricht Treaty. This trichotomization allows confident assessment of the relevance of each independent variable because it avoids the problem of time-dependent covariates, situations where treaty reform rendered inappropriate the original coding assigned to individual proposals. For example, as a result of the SEA and the Maastricht Treaty many proposals passed from unanimous to majority voting, and from consultation to cooperation, or from cooperation to codecision. Unless Commission proposals that were under discussion before each treaty reform are treated separately from those that originated afterwards, the regression coefficients for majority voting and parliamentary involvement are unreliable. To avoid this problem, proposals made in the first period were treated as right-censored on 15 June 1987, those in the second period were right-censored on 1 November 1993, and those in the third period were right-censored on 1 January 1997, the day I stopped tracking legislation.

To test my six hypotheses, I include fifteen independent and control variables in the event history analysis.

**Voting rules.** The dummy variable QMV was coded 1 for all proposals subject to majority voting. The interactive term QMV•POSTSEA reflects the speed of proposals made after 1987 under majority voting with consultation, thereby providing a direct comparison with majority voting in earlier years.

**European Parliament.** The dummy variable COOPERATION was coded 1 for all proposals subject to the cooperation procedure by the European Parliament. The dummy variable CODECISION captures the effects of the Parliament's codecision procedure.

42. Two types of model, the Weibull and the exponential, were tested and rejected because graphs of their log-survivor functions deviated substantially from linearity. A proportional hazards model was also rejected based on the outcome of several diagnostic tests.



**Enlargement.** The dummy variable GREECE was coded 1 for all proposals made after Greek accession on 1 January 1981, and the dummy variable EC12 was coded 1 for all proposals made on or after 1 January 1986, the date of Spanish and Portuguese entry. Two interactive terms GREECE•QMV and EC12•QMV distinguish the effect of each enlargement on majority voting speed from the effect on proposals subject to unanimous voting.

**Policy pressure.** The continuous variable PRESSURE assigns to each case the number of new proposals made in the same year plus the cumulative backlog from the previous year (taking into account the number of proposals withdrawn by the Commission).

**Agenda expansion.** The dummy variable AGENDA was coded 1 for the thirty proposals in policy fields where the EC could not take action until the SEA or the Maastricht Treaty.

**Member state preferences.** The dummy variables THATCHER and THATCHER•QMV were included in order to test the effect that Margaret Thatcher had on EC decision-making speed under each type of voting rule when she became Prime Minister. The first of these dummies was coded 1 for proposals made in 1979 or later, the second for proposals that were also subject to majority voting. To test for the emergence of a veto culture the interactive term QMV•POSTTEU was coded 1 for all proposals made under majority voting after the Maastricht Treaty. The dummy variables POSTSEA and POSTTEU pick up any improvements to unanimous voting speed that might have occurred as a result of member state preference convergence after 1987 and 1993.

Understanding the regression output is not difficult. As with log models in OLS, the coefficients for event history analysis measure relative rather than absolute change in the dependent variable.<sup>43</sup> For a dummy variable with coefficient  $b$ , the percentage change in lag time when the dummy takes on the value 1 is given by  $(e^b - 1) \cdot 100$ . Negative coefficients indicate variables that shorten lag times, thus increasing decision-making speed, whereas positive coefficients signal variables that prolong the decision-making process.

The results confirm hypothesis 1. The QMV variable is large, statistically significant, and illustrates that during 1974–79, supposedly the very depths of Eurosclerosis, proposals officially subject to QMV required on average 74 percent less time in Council before their adoption than did proposals under unanimous voting. At least at the aggregate level, therefore, the widespread supposition that *de jure* majority voting was rendered ineffective by *de facto* unanimous voting is untenable. That the member states announced the so-called Luxembourg Compromise in 1966 is a matter of historical fact. But the results cast considerable doubt on the lasting effects of the Luxembourg Compromise and support my argument that QMV was actually

43. See Allison 1984; and Petersen 1991.

TABLE 1. *Determinants of EC decision-making speed, 1974–95*

Independent Variable	Model		
	1	2	3
Constant	7.25**** (.268)	7.18**** (.282)	7.27**** (.283)
QMV	-1.36**** (.207)	-1.08**** (.213)	-1.04**** (.213)
THATCHER	.319* (.191)	.304 (.193)	.299 (.192)
THATCHER · QMV	1.22**** (.328)	.952*** (.323)	.947*** (.318)
GREECE	.088 (.172)	.031 (.179)	.036 (.176)
GREECE · QMV	-.444 (.296)	-.366 (.289)	-.405 (.285)
EC12	.025 (.243)	.133 (.243)	.127 (.249)
EC12 · QMV	-.099 (.367)	-.223 (.359)	-.213 (.365)
POSTSEA	.212 (.261)	.105 (.258)	.126 (.263)
QMV · POSTSEA	-.270 (.375)	-.152 (.366)	-.178 (.373)
COOPERATION	.903**** (.110)	.890**** (.118)	.854**** (.120)
POSTTEU	-.490 (.328)	-.348 (.357)	-.404 (.356)
QMV · POSTTEU	.647* (.342)	.543 (.373)	.588 (.372)
AGENDA	.112 (.197)	.130 (.230)	.119 (.229)
CODECISION	1.01**** (.232)	1.05**** (.248)	1.03**** (.251)
PRESSURE	-.007*** (.003)	-.006*** (.003)	-.006** (.002)
Scale parameter	.597 (.017)	1.07 (.027)	1.05 (.029)
Shape parameter			.141 (.084)
<i>n</i>	1141	1141	1141
Log likelihood	-1435.4	-1449.6	-1447.8
Pseudo R <sup>2</sup>	.12	.10	.10
Model	Log-logistic	Log-normal	General gamma

Notes: Coefficients are maximum likelihood estimates of accelerated failure models, with standard errors in parentheses. The dependent variable is the forward lag time measured in days. Data include all directives proposed during three periods: 1 January 1974 to 14 June 1987, 15 June 1987 to 31 October 1993, and 1 November 1993 to 31 December 1996. Proposals in the first group are right-censored on 15 June 1987, those in the second on 1 November 1993, and those in the third on 1 January 1997.

\*\*\*\* $p < .001$ .

\*\*\* $p < .01$ .

\*\* $p < .05$ .

\* $p < .1$ .

being used widely throughout the 1970s. These results also provide further evidence against the anticipation thesis, the minority view that QMV remained ineffective for many years and then suddenly took hold in the run-up to the SEA as the Council anticipated formal treaty reform.

Nor was the SEA some sort of turning point. The insignificance of the QMV•POSTSEA variable means that the speed for proposals subject to majority voting and parliamentary consultation after the SEA is statistically indistinguishable from the speed of majority voting before the SEA. There was no improvement over the 1979–83 period of Eurosclerosis and certainly no improvement over the already efficient 1970s.

It is essential to note here that while the Luxembourg Compromise has been greatly overstated, this does not necessarily mean that it had no effect whatsoever on EC policymaking. One might accept my main contention and still argue, for instance, that if it had not been for the Luxembourg Compromise, proposals subject to QMV might have been adopted even faster and that lag times associated with the respective formal voting procedures might have differed, for instance, by 100 percent, not just 74 percent. Others might argue that we should abandon aggregate measurements of speed, volume, and backlog—along with most of the previously cited literature on EC policymaking wherein such measurements are heavily emphasized—and focus exclusively on whether *de facto* unanimity slowed or blocked specific proposals that scholars agree were qualitatively important. These are each potentially valid fallback positions that merit additional research. Questions about legislative quality are particularly intriguing; and although they defy easy answers, I return to them later when assessing alternative explanations for my findings.

The data also strongly support hypothesis 2. The broader inclusiveness of decision making under the cooperation and codecision procedures probably conferred greater democratic legitimacy on EC legislation, but it exacted an enormous price in terms of delays. The large and significant positive coefficients on the COOPERATION and CODECISION variables show that increasing parliamentary involvement exerts precisely the drag one would expect and that is so fervently denied by many observers. Also as predicted, the delays caused by codecision were even larger than for cooperation. Cooperation and codecision reduced decision-making speed by 147 percent and 174 percent, respectively. These findings refute assertions that the cooperation procedure requires less time than consultation, and they challenge claims that the efficiency gains from majority voting overcompensate for delays stemming from the enhanced role of the Parliament. They also indicate that the cooperation procedure rather than the continued application of unanimous voting in some policy areas was the primary institutional cause of decision-making delays after 1987.

Interestingly, the results allow us to reject hypothesis 3. The statistical insignificance of the four dummies corresponding to the two EC enlargements reveals that the accession of Greece, Spain, and Portugal had no effect on decision-making speed. Neither unanimous nor majority voting was slowed down by the entry of these new member states, contrary to expectations and to what many scholars have suggested.

Nevertheless, inclusion of these important control variables bolsters confidence in the other coefficients.

The results confirm hypothesis 4 and resolve the direction of the relationship between speed and backlog. As Sloot and Verschuren suggested, a buildup of legislative backlog expedites decision making for new proposals. The statistical significance and sign of the PRESSURE variable shows that each additional proposal in the backlog decreases the expected lag time for new proposals by 0.7 percent.

The statistical insignificance of the AGENDA coefficient allows us to reject hypothesis 5, but, again, having controlled for this factor strengthens our confidence in the other variables. Later I offer a potential explanation for the curious fact that neither EC enlargement nor EC agenda expansion produced the decision-making delays one might have expected.

For hypothesis 6, there is solid evidence that member state preferences mediate institutional determinants of decision making. One might immediately infer the relevance of a myriad of political factors, including member state preferences, from the large amount of variance left unexplained by the model. More directly, the two variables measuring the Thatcher effect are each large and significant, which supports my argument about the proximate cause of Eurosclerosis and the general point that decision-making patterns can reflect preference divergence in the Council generated by a particularly intransigent or “awkward” government leader. Lag time for proposals subject to unanimous voting (which was already high) increased by 38 percent after 1979, and lag time for those subject to majority voting (which had been extremely low) rose by 362 percent. And the insignificance of the POSTSEA and QMV•POSTSEA variables indicates that the Thatcher effect persisted after 1987.

Clearly, member state preferences interact with institutional factors, but do they entirely negate them? Evidence for the strong formulation of hypothesis 6 is mixed. On one hand, throughout most of the twenty-two-year period under consideration, formal institutional provisions for majority voting consistently expedited decision making as predicted. Even in the presence of the Thatcher effect, QMV reduced lag time by 13 percent. And institutional procedures governing involvement by the European Parliament consistently exerted the expected negative effect. On the other hand, the large and significant coefficient for the QMV•POSTTEU variable indicates that decision making under QMV has slowed by 91 percent in recent years. This is consistent with the emergence of a veto culture powerful enough to erase the efficacious effects of formal majority voting rules.

Interaction between member state preferences and institutional structures might also help explain why EC enlargements and EC jurisdictional expansion did not slow decision making as predicted in hypotheses 3 and 5. Both hypotheses make sense if we conceptualize EC decision making as a game where new players and issues are simply injected as exogenous shocks. However, we know that to some extent these developments should really be treated as endogenous. Any treaty reforms, including agenda expansion, require a large amount of member state preference convergence as a legal precondition. And the additional convergence between member states and new entrants, including the latter’s professed support for and demonstrated ability to

adapt to existing EC legislation, is a precondition for EC enlargement. Modeling such a game should produce different results. I do not pretend to develop this argument here, but my presumption that partial endogeneity ameliorates the deleterious effects of larger numbers and more issues does generate two testable predictions: that neither the accession of Sweden, Austria, and Finland (which pushed the proportion of potential winning coalitions below 8 percent) nor future member state agreement to incorporate the second and third pillars of the Maastricht Treaty under traditional decision-making procedures will delay Council deliberations as much as expected, if at all.

Other potential interactions that might modify hypothesis 3 also deserve consideration in future research. For instance, whether increasing membership actually undermines the scope for collective agreements depends not just on the number of players but also on the spatial alignment of voting preferences as well as the extent to which the complexities of each policy proposal render potential winning coalitions connected.<sup>44</sup> Thus even if each EC enlargement increases preference heterogeneity in the Council, it might not encumber decision making, because most issues are decided individually rather than through extensive cross-sectoral package deals, which keeps the number of potential winning coalitions relatively constant. Only extensive case study analysis will reveal whether policy issues are really decided along only a few dimensions and among a small number of potential coalitions.

#### *Summary of Findings*

We can now combine the results of the earlier graphical analysis of EC decision-making trends with those of the event history analysis. Decision making in the 1970s became increasingly efficient, and formal institutional provisions for majority voting greatly expedited the passage of directives. The evidence suggests that the Luxembourg Compromise did not have significant lasting effects, and that majority voting was widely used. The arrival of Margaret Thatcher in 1979 injected enormous discord into the Council and led to a period of Eurosclerosis during 1979–83. This clear divergence in member state preferences mediated but did not negate the predicted effects of formal voting rules. Although the speed differential narrowed substantially between the two voting procedures, it remained significant. Interestingly, deterioration in decision-making speed was not caused by the 1981 accession of Greece, nor by the 1986 entry of Spain and Portugal.

In 1982, without any institutional modifications, member states managed to reach agreement on a host of old proposals, but this preference convergence did not extend far enough to boost yearly Council output or to reduce the overall backlog or to expedite adoption of new proposals. Only in 1984 did adoptions rise and backlog fall, again during a period of institutional stability, but member state agreement over these aspects of decision making appears to have been unrelated to longstanding

44. Garrett and Tsebelis 1996.

Council divisions on old proposals, and it did nothing to improve decision-making speed on new legislation.

Institutional reforms introduced by the SEA broadened the shadow of the vote but encumbered decision making in 1987–92 by linking this reform to additional parliamentary procedures. Beyond institutional factors, efficiency gains also failed to materialize because the Thatcher effect did not evaporate. Majority voting still had a positive effect on speed, but no more so than in the period 1979–83. Council output was high after the SEA, but so were delays and legislative backlog. The Maastricht Treaty of 1992 further encumbered the legislative process with parliamentary codecision. Here again, institutional design has not been the sole cause of growing inefficiency in recent years. There are strong indications that an emerging veto culture in areas untouched by cooperation and codecision has erased the effect of the shadow of the vote normally provided by formal QMV rules.

### **Alternative Interpretations**

In this section I take up potential challenges to my findings. They are posed as two alternative hypotheses because each raises issues that are of valid concern to critics and that are ripe for additional research. Although I argue that there is currently no compelling evidence for either critique, I also endeavor to show how certain interpretations of each hypothesis, even if eventually proven correct, remain largely compatible with my general argument.

#### *Qualitative Aspects of EC Legislation*

As mentioned earlier, some might argue that my findings reflect a mishandling of the quantitative–qualitative issue. This general hypothesis, presented here as hypothesis A1, could take a variety of forms, each of which I consider in turn.

Hypothesis A1: Controlling for qualitative differences in coded legislation would significantly alter the current findings.

First there is a question of omitted variable bias. A concern for legislative quality is already built into my research design by focusing exclusively on directives and excluding more routinized types of EC instruments, but ideally we would want to include the qualitative significance of each proposal as a control variable in the analysis, since it might cast a different light on the institutional as well as noninstitutional determinants of EC decision making. Controlling for qualitative significance might alter the coefficients associated with voting rules, parliamentary involvement, enlargement, and even member state preferences.

This is a matter that warrants more attention in subsequent research. However, such an inherently subjective coding exercise was not attempted here because it presents serious measurement problems. For example, which is more important or complex: adding a new chemical to a previous list of controlled substances, taking

preliminary steps to enhance member state information exchange about life insurance eligibility, establishing common standards for the storage and preparation of food products, coordinating member state agricultural programs, or harmonizing safety standards for toys? Perhaps the significance of any EC proposal is best judged by its position relative to the status quo, and larger potential policy shifts require longer deliberation by the Council and Parliament. Unfortunately, even in the unlikely event that we could devise a standard metric for measuring policy shifts across different issues, this coding method still requires heroic assumptions about how national officials perceived the stakes at the time Council negotiations occurred, on each proposal, over the past twenty-five years. A final reason why attempts to code proposals based on their significance might yield highly misleading results is that the real implications of some directives only emerge years after their adoption and implementation, often in the form of unintended consequences resulting from judicial rulings by national courts or the European Court of Justice.<sup>45</sup> Thus for much of the legislation adopted since the SEA even subjective qualitative evaluations are premature.

Nor can we simply take the length of a directive as a proxy for its significance. For a start, many proposals are not published, and electronic records, while sufficient for the coding undertaken in this article, frequently contain incomplete text and no standardized information about length. And even if such details were readily available, there is no necessary reason to suppose that size matters. Many would argue that short framework directives and concise legislation adopted under the “new approach” are extremely significant, and that when it comes to the length of EC legislation less could actually be more.<sup>46</sup> Especially when taken together, these daunting methodological obstacles bedevil any attempt to test hypothesis A1 rigorously and directly.

But a more radical critic might offer a second interpretation of hypothesis A1: that the nature of QMV-eligible proposals has changed over time, with only trivial matters subject to majority voting before the SEA. Thus the rapid and plentiful adoption of proposals that were in the shadow of the vote during 1974–79 is hardly surprising, and the post-SEA period should be portrayed in a much rosier light. This argument also merits additional research, but critics must recognize that its basic thrust ignores the very reason why there is such an extensive literature decrying the Luxembourg Compromise—that majority voting on serious, complex matters was supposedly neutralized by informal Council practices. The widespread belief is not that the issues under deliberation were trivial in the 1970s but rather that a host of important proposals were deadlocked in Council negotiations. Consider, for instance, the subjective assessments of proposals offered by EC insiders. Qualitative ranking of EC legislation made during 1958–81 by Joseph Weiler and his colleagues in their seminal study did not uncover a preponderance of trivial legislation but identified a sizeable num-

45. See Burley and Mattli 1993; Pierson 1996; and Golub 1996b.

46. I thank one of the anonymous referees for this point. Legislative initiatives following the SEA have been intentionally designed following a “new approach” with less technical complexity and prescriptive detail. See EC 1985b; and Lauwaars 1988.

ber of “very important” and “fundamental” proposals and found “no general decline over time” in the number of fundamental proposals.<sup>47</sup>

Consider also the study conducted by former EC Commissioner Claus-Dieter Ehlermann, who sought to demonstrate the dramatic success of the SEA by contrasting the painfully slow passage under unanimous voting of sixteen pre-SEA directives with the rapid adoption of twelve post-SEA directives under QMV across eight policy categories. Scrutiny of Ehlermann’s evidence does not support hypothesis A1. No reasons are offered as to why any of the policy categories or specific proposals are especially noteworthy, and one might particularly question the relative importance of the ten cases dealing with motorcycles, cosmetics, fertilizers, and lawnmowers. But even if one makes allowances in light of the inherent subjectivity of ranking proposals and accepts the content of these categories as an appropriate indication of significant EC legislation, a strong case can be made against hypothesis A1. Table 2 contrasts eighteen of Ehlermann’s cases with thirty-six cases drawn from my database.

The third column of the table illustrates that many “important” proposals were adopted before the SEA, and adopted quickly. Some were subject to QMV, others to unanimity. For the post-SEA period (the fourth column), I report lag times for fifteen important cases, each of which was subject to QMV. The data indicate that lag times for many policies within these categories rose dramatically—many were adopted only after three or four years, whereas others were still pending after more than six to eight years of Council negotiations. This is entirely consistent with my argument that cooperation, codecision, and an emerging veto culture have encumbered EC decision making ever since the SEA.

What about critics who might concede my main point, that numerous important proposals were subject to QMV and adopted quickly long before the SEA, but still maintain that a few crucial ones were impeded by *de facto* unanimity under the Luxembourg Compromise? The only way to assess the validity of this intriguing interpretation of hypothesis A1 is by devoting more effort to case studies and extensive analytical narratives, because in the current literature one struggles to find concrete examples of the Luxembourg Compromise in action. For instance, even Andrew Moravcsik’s meticulously documented narratives about the development of the EC reveal only a handful of cases in which member states successfully demanded unanimity where QMV was authorized.<sup>48</sup> Although Moravcsik argues convincingly that member state veto threats might also have been deployed successfully in other bargaining contexts prior to the SEA, such as decisions related to the first EC enlargement and to monetary policy, it is important to recognize that these examples of national obstinacy are not relevant to our assessment of the Luxembourg Compromise: according to the treaty, both enlargement and monetary policy legally required unanimous voting, not QMV. Moreover, many decisions in these two areas were actually taken in the intergovernmental European Council and thus not subject to EC decision-making procedures.

47. Krislov, Ehlermann, and Weiler 1986, 48–49.

48. Moravcsik 1998, 215. The cases all relate to the development of the EC common agricultural policy in the late 1960s.



TABLE 2. Forward lag times for selected "important" EC legislation

Policy category	Ehlermann (1990)		Golub	
	Pre-SEA	Post-SEA	Pre-SEA	Post-SEA
Financial services, banks, mutual recognition of diplomas	74–121 months	20–27 months	4–14 months <sup>a</sup>	34–53 months <sup>b</sup>
Standards, technical regulations, vehicles, and electromagnetic compatibility	27–82 months	13–14 months	6–12 months <sup>c</sup>	40–97+ months <sup>d</sup>
Chemicals	48 months	13 months	5 months <sup>e</sup>	41+–75+ months <sup>f</sup>

<sup>a</sup>Directives 76/580, 81/1057, 82/76, 85/345, 86/524, 86/566, 86/137.

<sup>b</sup>Directives 93/6, 93/22, COM (93)37, COM (93)381 (all subject to QMV).

<sup>c</sup>Directives 76/770, 77/538, 77/539, 77/540, 78/420, 79/694, 80/780, 81/853, 82/89, 83/89, 86/529.

<sup>d</sup>COM (88)654, COM (91)239, COM (91)536, COM (93)319, Sec(91)466, Directives 95/16, 95/28 (all subject to QMV).

<sup>e</sup>Directives 86/214, 87/55, 87/153.

<sup>f</sup>COM(90)381, Sec(91)1608, Sec(91)1858, COM (93)351 (all subject to QMV).

Finally, a skeptical reader might offer a fifth interpretation of hypothesis A1 and contend that all of my findings are correct but cast no light on the only real issue: since the SEA, has the EC managed to adopt extremely influential pieces of EC legislation, no matter how few their number or how slow their passage? In other words, are aggregate inefficiencies, evident in the dearth of legislation and its sluggish passage through the Council, actually symptomatic of recent EC success on ambitious proposals related to political and economic union?

I fully acknowledge the importance of pursuing this line of investigation. However, it is not necessarily the case that the low volume and slow passage of recent EC legislation reflects a general shift toward qualitatively more substantial and complex policymaking. In fact, recent proposals have avoided a wide range of controversial subjects reserved for member state control under the terms of the subsidiarity principle.<sup>49</sup> Moreover, the real political action recently has been in the areas of monetary union, immigration (Schengen), potential EC enlargement, and common foreign and security policy, none of which falls within the data set used for this study, either because directives in these fields had not been proposed by the end of 1995 or because they are strictly intergovernmental and not subject to standard EC decision making by the Commission, Council, and Parliament.

Even if subsequent research and detailed case studies eventually prove a shift toward more important legislation after 1987, this would still be compatible with my characterization of the Luxembourg Compromise and the SEA, my arguments about

49. Steiner 1994.

the European Parliament, and my emphasis on the mediating effects of member state preferences. Passage of more important laws, perhaps through the accomplishment with one streamlined directive of what might previously have been separated into several proposals—another instance of doing more with less—could simply be attributable to the “new approach.” This was not a product of institutional reform but rather a strategic collective decision about legislative style taken by the Commission and member states.

#### *Institutional Reform as Damage Limitation*

Those persuaded by my findings of the need to reevaluate conventional wisdom regarding the pre-SEA period and the effects of institutional reform might nevertheless want to suggest that perhaps the SEA and the Maastricht Treaty averted what would otherwise have been a dramatic systemic overload. This critique is captured in the following hypothesis A2:

Hypothesis A2: The overall picture of decision making after 1987 would have been even worse without institutional reform.

Constructing counterfactuals is an inherently perilous business and one fit for additional research. Nonetheless, there are several reasons to question the validity of hypothesis A2. We must distinguish among several different counterfactuals: no institutional reforms at all, enhanced majority voting without the expansion of the European Parliament’s powers, and expanded parliamentary power without additional scope for majority voting. If the EC had progressed along the third of these paths, it seems plausible that the number of adoptions would have been fewer, the backlog higher, and the lag times even longer than those shown above in Figures 1–4. The second path, a shift from unanimous to simple QMV (without a strong parliamentary involvement) would have avoided delays caused by cooperation and codecision, and in all probability would have brought a 13 percent improvement in speed, maximized adoptions, and minimized legislative backlog.

It is much less obvious, however, that the first scenario would have resulted in systemic problems, as shown most clearly by the Council’s ability to pass a raft of old proposals in 1982 without any changes to the formal voting rules (Figure 4). Although this flurry of activity came far too soon to be attributable to the 1987 institutional reform, it is consistent with the behavior of determined member states whose preferences had at least partially converged on market liberalization. If it were not for the institutional drag exerted by the cooperation and codecision procedures—in other words, if there had been no reforms at all—this determination, along with the member state decision to pursue a “new approach,” might have allowed the Council to accommodate legislation (including “important” legislation) as well as, if not more successfully than, it actually did.

## Conclusions

We need to reconsider many of the things we thought we knew about decision making in the EC. In this article I have challenged conventional wisdom regarding the timing and cause of Eurosclerosis, the allegedly paralyzing long-term effects of the Luxembourg Compromise and the purportedly liberating effects of treaty reforms introduced by the SEA and the Maastricht Treaty. My analysis and my proposed model of EC decision making assign importance both to institutions and to preferences, an approach that has been shown by many to provide considerable analytical leverage.<sup>50</sup> The primary findings of this study, already summarized in greater detail earlier, can be stated succinctly. For almost the entire 1970–95 period, formal institutional rules providing for QMV consistently expedited EC decision making, and punctuated institutional reforms in 1987 and 1992 encumbered decision making by increasing the involvement of the European Parliament. Member state preferences interacted with, and occasionally overwhelmed, institutional factors, as shown by the onset of Eurosclerosis in 1979 with the arrival of Margaret Thatcher and by the emergence in recent years of a veto culture in the Council. Before concluding I highlight several ways in which we might build on the revisionist foundation suggested in this article to study other aspects of European integration.

First, a veto culture has implications for the analysis of agenda setting within the EC, since it would partly undermine the power many scholars currently ascribe to the Commission and European Parliament.<sup>51</sup> As shown most clearly by spatial models, the formal agenda-setting power of these two supranational institutions varies directly with the realistic possibility of majority voting in the Council, not merely its legal authorization. Second, the decision-making patterns identified by the event history analysis invite further research into coalition formation under different institutional conditions and distributions of member state preferences. Previous theorizing has identified voting power, issue multidimensionality, the number of players, spatial relationships, and preference intensity as some of the key variables. As mentioned earlier, neither EC enlargement nor the expansion of the EC agenda had the adverse effects on decision making that one might have expected, which suggests that we should also consider the distinction between endogenous and exogenous addition of players and policy issues.

Third, the findings about legislative backlog should provoke further study of the EC using tools from bureaucratic politics. As backlog accumulated one might have expected the Commission to shift its attention to pending proposals and focus on getting the current batch of legislation through Council, rather than “piling on” new proposals. However, it appears that the Commission diverts minimal attention to pending proposals and does not avoid piling on as backlog grows. This tendency

50. See Martin and Simmons 1998; Milner 1998; Garrett and Tsebelis 1996; and Moravcsik 1993, 1997, and 1998.

51. See Tsebelis 1994; Moser 1996; Steunenberg 1994; Garrett 1995; Crombez 1996; Pollack 1997; Tsebelis and Garrett 1997; and Tsebelis and Kreppel 1998.

might reflect the incentive structure of the highly fragmented Commission bureaucracy rather than the coherent strategy of a unified supranational actor. A system in which each individual Directorate General has an interest in generating numerous proposals and maximizing its own influence in ongoing intra-Commission “turf” battles is a familiar one for students of bureaucratic politics.<sup>52</sup> The interest structure of the Council and how it responds to legislative backlog is a related area also ripe for further investigation. Instead of exerting downward pressure on speed, backlog expedited Council decision making on new proposals, indicating that pending proposals might not be receiving much attention and that there may be something of a panic effect taking place in the Council. Aware of this, certain members of the Commission might actually welcome a large backlog as a means to pressure the Council into action.

Finally, future research should consider the need for further EC institutional reform in light of past experience. Contrary to the allegations of many concerned observers, residual application of unanimous voting seems to have been a minor cause of legislative delays encountered since 1987, so one should not overestimate the significance of its continued application in some fields. Instead, several more years of data will probably show that the extension of codecision by the 1997 Amsterdam Treaty purchased more democratic inclusiveness at considerable expense to EC decision-making efficiency. In addition, the fact that earlier enlargements did not retard efficiency suggests that a much larger Council, eventually including Central or Eastern European states, might not face the insurmountable collective action problems that many have predicted, regardless of whether or not majority voting rules are extended to the few remaining areas of treaty competence governed by unanimity.

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52. See Peters 1978 and 1994; Majone 1993; Ross 1995; and Cram 1994.

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