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**Extending the Two-Level Metaphor to the  
European Union: The Problem of Conceptualization**

by

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"Truth lies in the Nuances"

Anatole France

It is difficult to describe the complexities of European integration and to point out the forces at play in the integration process. It is even more difficult to formulate theories which can explain and predict developments. The study of European integration has long been a challenge to political theory" (Kelstrup, 1992)

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Extending the Two-Level Metaphor to the European Union: The Problem of Conceptualization

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Synopsis: In this lecture I address a major conceptual problem in integration theory, viz. the lack of a conceptualization of the role of the EU in contemporary research. This is an acute problem as one increasingly employs a 'two-level' metaphor for the states-EU interaction in contemporary studies of the EU. Empirical evidence from recent studies strongly indicates that especially the Commission is an important actor. In part 1 I argue that there are major shortcomings in the current conceptualizations of both the state and the EU, and that these have to be overcome if we are to proceed towards the development of dynamic, explanatory theories of integration. In part 2 I evaluate the conceptual improvements in recent literature in the predominant, intergovernmentalist tradition, arguing that its major shortcoming is the lack of a theory of the role of non-state actors. In Part 3 I suggest how the EU may be conceptualized as a multilateral institution. Finally I show how the first and the second level interrelate.

Distinguished members of the adjudicating committee; ladies and gentlemen!

In this lecture I shall address the question of how useful the so-called two-level metaphor, originating with Putnam (Putnam, 1988), is for studying the states-European Union (EU) relationship.

Currently there is much attention given to the metaphor of the 'two levels' in international relations theory as well as in the study of the EU-states interaction. Sometimes this is talked about as 'two-level games', but the usage is not precise. Putnam's main point is that one should think about the state as being a gate-keeper between the domestic and the international (IR) level, and that this position allows it to take into account consequences at both levels when formulating strategies of political action.

This metaphor conveys that states act at two levels simultaneously - the domestic and the international; and that they need to take into account implications of their strategies at both levels when they formulate them. For example, if a state wants to deregulate its domestic energy sector but faces severe domestic opposition to this, it may be easier to accomplish when it can invoke some international regime rule, e.g. in the EU. Further, if able to, a state may shape the international regime rules itself for then in turn to invoke them, thus by-passing domestic opposition while having formulated optimal rules for itself at the IR level. Also, when acting on the IR level, the state must reckon with the need for domestic ratification of what it agrees to, and thus is constrained by that.

This line of thinking is at present informing much theoretical and empirical work in EU studies. It has now been incorporated into the prevailing intergovernmentalist (IG) theoretical framework in the field of EU research.

However, in doing this only the first level of the 'two levels' is theorized about. Still theories of states-EU interaction lack a conceptualization of the EU, especially with regard to the Commission. The utility of the further application of 'two-level' thinking to this relationship depends on this as well as on an improved conceptualization of the state as it relates to the EU, I will argue. In this lecture I will

suggest how we may go about such conceptualization.

A 'two-level' analytical framework logically implies that both levels are theorized about. On the IG logic, there is no need for a conceptualization of the EU-level because it is not thought to matter independently. However, recent empirical work invalidates this assumption, as I shall show.

While the currently fashionable 'two-level' metaphor adds a dynamic and very powerful tool to the analytical work on the states-EU relationship, considerable work remains to be done before it is useable for empirical research on the states-EU interaction, in my view.

Further work can proceed along two lines: The first is to continue work based on neo-realist, rationalist epistemological assumptions, which also are the assumptions of IG. Here the dynamism of the two-level metaphor lies in the formulation and reformulation of strategies: states take into account the possibilities and constraints inherent in structural variables on both levels when they formulate strategies, and when they in the course of policy-making, reformulate them. The dynamic element here is simply that instead of one level - the state acting towards the EU on some assumed or inductively-arrived at strategy, the state, and by logical implication, EU actors, act on strategies arrived at through an assessment of the consequences of the strategies on both levels. There is thus a question of whether one can really talk about a dynamic element here. On this epistemology, the divide between the two levels is upheld, and the strategies are formulated prior to the policy-making process. Actors are assumed to be clearly separable from each other: the state is distinct from the EU. It has strategies towards the EU.

On a different epistemological assumption - for want of better term 'hermeneutic' - the actors - states and the EU would be less sharply distinguished as they would both be conceptualized as largely intersubjective institutions: how states interpret the EU and vice versa is the key to the two-level relationship, which is dynamic in a dialectical fashion: in the longer term, the states change their identities in the interaction with the EU, and this in turn changes the structure of the latter. Strategies are not endogenous to the policy-making process; rather, and they are intimately connected with the interpretation on the part of the actors of the context of the latter.

The ontological implication of this epistemology is that structures and agents interact dynamically - agents are slowly changing structures, and structures influence actors. A conceptualization of the actors on this epistemology is therefore essentially different from the neo-realist/rationalist one, which can be charged - and is being charged - with being static in its conceptualization of both actors and interests, or here, strategies.

These two epistemological starting-points demand different research programs, and since the neo-realist/rational epistemology so far has been the preferred one for theorizing and applying the two-level approach to the EU, I will concentrate mainly on this point of departure. However, I will in the course of this lecture indicate what some of the problems with this approach is.

The work order here is first, a discussion of the current tools in the integration theory 'tool-box'; second, a presentation and evaluation of the current work going on regarding the use of the 'two-level metaphor' to the states-EU interaction; and third, a suggestion of how to conceptualize the states and the EU in their interrelationship.

### **Part 1. The 'Tools in the Tool-Box': Why they are Inadequate**

In political science in the 60s and 70s a major 'school' in IR theory was constituted by 'regional integration theory'. Rather abruptly however, this body of theory disappeared from IR. Its main proponent, Ernst Haas, wrote its obituary; concluding that one, empirical developments, especially in Europe, had shown it to be essentially wrong, and two, its theoretical concepts were biased in favour of integration. He singled out three major problems with neo-functionalism (NF), the main 'school': that a definable institutional pattern must mark the outcome of integration, that integration will move in one direction, and that incrementalism is the major form of decision-making. More promising areas of theoretical pursuit were centered in the then emerging literature on interdependence, he found (Haas, 1976).

For studies of the EC in the 70s a variant of neo-realism was mostly employed, implicitly or explicitly. The prevalent view was that little of empirical substance happened in terms of integration in this period; thus, a neo-realist theoretical

perspective with the state as the pivotal actor was appropriate. This was often called intergovernmentalism (IG), a term coined in British political usage (Hoffmann, 1966, 1983; Taylor, 1982, 1983). There was, as far as I can tell, never an attempt to define precisely what IG meant - it was a reaction to the pretensions of 'grand' NF theory, and amounted to a strong plea for the role of the state in determining the course of EU developments.

In accounts of this period of EU development, the predominance of this approach was often pointed to as an alternative theory to that of regional integration theory. This made matters worse, from a theoretical point of view: not only was IG crudely defined if defined at all, it also was cast in oppositional terms to that of the NF, which precluded a potentially fruitful discussion of how to integrate elements from the two traditions.

However, IG is not as much a theoretical approach to integration as a set of assumptions about the role of the state in multilateral cooperation in general. It 'corrects' NF by arguing that there is no integration taking place - the actors remain the same after policy-making at the EU-level - the states are not changed in the process of integration, they remain in control and 'allow' the EU to perform certain tasks that are useful to the states themselves. By logically excluding the possibility that the EU is an independent actor at the outset, the IG theorists avoid dealing with the concept and the complexity of integration itself.

In the large literature on EU integration that has developed since the late 70s and in the 80s there is little that is theoretically sophisticated. A somewhat bewildering eclecticism typifies many of the case studies, while the studies of 'the major bargains' - the treaty agreements and revisions - rely on versions of IG. In addition, many studies are descriptive only.

In sum, the theories employ different concepts and are hardly comparable. There is no one integration theory today. IG never was a theory of integration, and NF was premised on the possibility of arriving at 'grand', predictive theory of systems transformations. Before we can turn to the development of theory for explaining integration or at least theorize the states-EU interaction, we need to reconceptualize both the state and the EU. There is little to aid us in the inherited tool-box.

## **2. The Improved Tools I: The First Level of the the Two-Level Metaphor**

I will in this section assess some recent improvements in dealing with the state as actor towards the EU in the IG tradition. The IG theorists in the 70s did not develop their theory much, they were simply not interested in conceptual problems, but in empirical ones. Implicitly they relied on realist or neo-realist assumptions. However, there has been one recent attempt to develop IG theory which is very sophisticated, that of A. Moravcsik (1993). I will therefore concentrate on his propositions.

In recent IG approaches, where Moravcsik's is the most comprehensive, there is a major interest in including domestic politics in the theorizing about the state's strategies towards the EC. Bulmer has developed such an approach from about 1983 onwards and applied it in empirical studies (Bulmer, 1983). Further, not only in EU studies, but in general work on international cooperation, there is currently an emphasis on rectifying the neglect of this factor. In earlier IG there was, as argued, little attention paid to the 'black box' of the state.

Both Moravcsik and I argue that one of the weak points of the IG approach is that the state is undertheorized. A 'national' interest was most often assumed, and little work had been done on the key issues of state autonomy in issue areas and the generation of state interests. The need for developing this 'first' level is evident when we employ a 'two-level' metaphor, where the main analytical point is that strategy-making at the domestic level is influenced by one, the sector groups and opposition at home, and two, by the constraints and possibilities at the international level. While Moravcsik and I differ in our views on how the state at home and its role can best be studied - he insists on a pluralistic interest-group based approach while I prefer a concentration on state institutions, this is not of importance here. The point is that the utility of the 'two-level' metaphor depends on a conceptualization of both its levels. So far the domestic level of state strategy-formation has been theorized, although in different ways. The old problem of both neo-realism and rationalism with regard to the generation of state interests or strategies is thus dealt with in this literature in its most recent developments. Thus, if IG as an approach is to be employed, it needs to include the ability to determine both state capacity ('weak/strong') and the generation of state interests.

Granted this 'extension' of IG to a consideration of domestic politics, how useful is

the application of IG in its 'two-level' variant to the study of the EU?

In my own work, I found that this was a useful tool for analysing some cases of states-EU interaction in energy policy, viz. those where one could detect prior domestic preferences. These were the cases related to deregulatory measures in the energy market, the so-called 'internal energy market' (Matlary, 1993).

However, the problem occurs when one claims that it suffices to theorize the state only, in terms of its actor capability and strategies, for the application of the 'two-level' framework, as e.g. Moravcsik argues. This in fact results in a conceptualization of the 'two-level' in terms of only one level, viz. the state in its domestic setting. Moravcsik does not allot any independent power to EU institutions, in fact, "the unique institutional structure of the EU is acceptable to national governments only insofar as it strengthens, rather than weakens, their control over domestic affairs, permitting them to attain goals otherwise unachievable" (Ibid.,507). The EU thus increases state power in two ways, by making interstate bargaining more efficient (common rules, ECJ overseer, penalty for non-implementation, etc.): the EU is essentially a regime that reduces transaction costs. Second, the EU strengthens the role of the state versus societal groups.

I would object that it may so strengthen the state; this depends on the distribution of power between the state and societal groups. Moravcsik sees the EU as an arena that unilaterally strengthens state power; it "enhances the autonomy and initiative of national political leaders" (Ibid.,507). But this can be the other way too; the EU (if it is accepted that it is an independent actor, which IG does not) can impose rules on a recalcitrant government in support of societal groups who invoke it. This I found to be the case when the Commission imposed its view on coal subsidy on the German government and when it likewise took the French government to task over the monopoly status of its energy companies (Matlary, 1993).

However, if it remains a sound insight that integration may benefit the state, and therefore logical that the state accepts it, this is far from agreeing to the conclusion that Moravcsik draws in saying that "EU institutions appear to be explicable as the result of conscious calculations by member states to strike a balance between greater efficiency and domestic influence" (Moravcsik, 1993:507). He thus views EU institutions as basically passive (Ibid., 508). Moravcsik regards both the Commission



as well as the Court as 'neutral' agents. They provide decision-making systems as well as an agenda that is technical (!). The Commission is regarded as a facilitator and source of 'neutral' proposals: "As a reliable source of independent proposals, the Commission ensures that technical information necessary for decision is available (Ibid.,511). He however admits that "the ability to select among viable proposals grants the Commission considerable formal agenda-setting power, at least in theory" (Ibid.,512).

However, several recent empirical studies single out the Commission as a pivotal actor in various issue areas (Marks, 1991, Sandholz, 1992, Matlary, 1993). Also Cameron in his detailed study of 1992 concludes that both states and EU institutions explain Single European Act (SEA) in a very complex picture (Cameron, 1992). Concludes Marks: "..there are several policy sectors, including the internal market, the environment, the legal system, and structural policy, in which EC institutions are autonomous and powerful" (Marks, 1992:193)

The theoretical need to take account of the role of EU actors is further underscored by recent empirical findings about the role that the European Court of Justice plays (henceforth ECJ). Both Rasmussen (Rasmussen, 1986), Joergesl (Joergesl, 1992) and Burley and Mattli (Burley and Mattli, 1993) find that the ECJ has increased its institutional powers systematically over a number of years.

There is therefore not only a clear theoretical, but also a clear empirical need to take into account not only the role of the EU, but also that of non-state actors, who may use the EU as a bargaining card against the state at home. Marks has found that this kind of strategy is employed both by the Commission and by non-state actors (Marks, 1993). Peters perhaps sums up the current state of the empirical claims best when he says that "institutions do matter.. but institutions do not matter too much" (Peters, 1992:121).

Summing up, there is variation in the importance of EU institutions across issue areas while sub-national actors as well as EU institutions matter: "Some very basic, and perhaps surprising, features of the emerging political landscape are visible now...instead of a neat, two-sided process involving member states and Community institutions, one finds a complex, multilayered decision-making process stretching beneath the state as well as above it, instead of a consistent pattern of policy-making

across issue areas, one finds extremely wide and persistent variations" (Marks, 1992: 221).

When there are multiple actors in the 'two-level' game, the 'games played' become more complex. The complexity of the 'two-level' metaphor is precisely what commended it - it promised to take a fuller account of the genesis and outcomes of strategies and negotiations than did a simple 'one-level' game. But how complex can such a 'game' be before the assumption of rationality must be abandoned? If the 'two-level' metaphor is to be applied to the EU, it is necessary to specify what kinds of 'games' take place internationally, in this case in the EU. Cameron rightly remarks that the interaction state-EU is much more complex than a two-level game (Cameron, 1992) and Peters argues that there are at least three games played at any time: one between the states and the EU; one between the EU institutions in their internal power struggle, and one between the DGs themselves (Peters:1992:107). A fourth, I would add, is the emergence of a game between the various DGs and interest groups, both sub-national and pan-European.

It seems increasingly unlikely that the state should be able to utilize its gate-keeping function in a calculated manner, which here means that it should be able to take into account the interplay between itself and a host of other actors at several levels simultaneously. The complexity of the 'two-level' metaphor, which was argued to be its advantage, may thus, when applied to the EU case, be its bane. This is probable if what we aim at is one, general theory of integration. However, if what we aim at is less, viz. partial theories of integration, we may use this complex scheme as a model for studying issue-specific integration, the major bargains, the role of the ECJ, etc., without having to deal with how the whole relates to the parts at all times.

Although the 'improved' IG has developed a differentiated conceptualization of the state at the 'first' level, the domestic one; it has not gone beyond this. It still relies on a neo-realist assumptions. I will now attempt to differentiate this conceptualization of the state:

The meta-theoretical criticism of neo-realism is by now well-known: neorealism offers a state-centric world view; one must assume that the state is capable of having

an interest and a strategy; the state is treated as an unproblematic assumption and thus may easily be reified, etc. (see especially Ashley, 1984; Wendt, 1992; Kratochwil, 1993). In the words of Ashley, "the state as actor assumption is a metaphysical commitment prior to science and exempted from scientific criticism" (op.cit.,239). One thus has to be able to interpret all actors through the prism of the state. This in turn imposes a certain view of the EU, as more or less 'state-like'. The state is ontologically prior to the international system in neo-realism and in IG. We are so used to thinking in terms of the state in modern political theory that we lack the language for other types of political ordering, as Schmitter notes (Schmitter, 1992).

The state is however only one type of political ordering in Europe. Mayer, Rittberger, and Zurn take up the older neo-corporatist literature from the 70s and early 80s which sought to classify types of political ordering in Europe and argue that one should ask which types of political ordering exist in Europe today. The state represents a hierarchical ordering of territorially defined politics, and the EU is in some instances a hierarchical supra-national ordering in some policy areas whereas there are many instances of vertically ordered regimes in the EU. We can conceptualize the contemporary order as a situation where there perhaps is no clear predominance of any political ordering principle or at least such a situation is beginning to emerge.

The EU is a mixed polity type, but so are states. If we for a moment recall the work on neo-corporatism, the argument was that there are various types of political ordering within the state as well as outside of it. The state is not necessarily at the summit of all political ordering. The point here is that only some types of politics are ordered in parliamentary systems - within such systems there are other political ordering principles, sometimes called neo-corporatist. The state exhibits several political ordering principles although it only legitimates the plebisitarian channel. On the IR level, there are vertically organized regimes in specific issue areas, and some of these are 'nested' in the EU. The EU may be conceived of as a regime-making system. Here both instrumentally conceived interests and communitas - norms and values - are relevant. The state is not the only rule and norm maker.

Thus, different ordering principles or 'polity' types are observable in today's

Europe: A monolithic concept of the state is not warranted. This is however a description only - a first classification.

Turning to the specific states - EU relation, Schmitter has attempted to classify the current European ordering according to actors and functions like this (Schmitter, 1992), and Wessels has developed elements of what he calls a "Fusionthese" which is characterized by "Erosion durch Entstaatlichung" where "der Bürger sieht nicht mehr seinen Staat gegenüber, sondern, von der kommunalen bis zur internationalen Ebene mehrere Schichten funktional ausgerichteter Verwaltungseinheiten gegenüber". The emerging structures are "nicht-hierarchische, netzwerkartige Strukturen" (Wessels, 1992:41). Finally, Kelstrup has called for a conceptualization of the state that allows for degrees of integration with the EU: members are obviously different from non-members, but among members there are those that are in the 'core'.

In conclusion, the domestic-international divide, which is an implicit assumption in traditional IG theory and also upheld in the application of the 'two-level' thinking, precludes any conceptualization of actors as being part-national, part-EU, as one could put it somewhat awkwardly. The 'improved' IG theory resulting from the inclusion of the role of domestic politics - the 'first level' - differentiates the state concept vis-a-vis domestic actors and sectors. However, it still operates with a monolithic concept of the state on the EU level. One could perhaps say that the limitations inherent in viewing the state as actor in IR in general are well-known and increasingly accepted, but that these criticisms are even more important in the case of the EU because here we are faced with two sets of actors, the member states and the EU, which are already functionally integrated in several areas. Integration has already happened in these areas, and this must be recognized at the outset, in the specification of the actor structure and interests.

The 'improved' intergovernmentalist tool has taken care of the domestic politics side by 'decomposing' the state. But it has not developed theory about the second level: there is neither a conceptualization of the state on this level nor is there any conceptualization of EU.

### 3. The Improved tools II: The Second Level of the Two-Level Metaphor

In this part I will propose a conceptualization of the EU that goes beyond its formal, organizational features. The first part of this exercise is to conceptualize the EU as an institution, incorporating both formal-legal and informal powers. A mere concentration on the organization of the EU fails to include the important informal institutional aspects of it - its many networks, sub-institutions like the Schengen, etc.

However, when we know something about formal and informal roles of the EU, this says nothing about the conditions under which these are important. It is beyond the scope of this lecture to develop theories of state-EU interaction, but I will nonetheless point out that regime theory offers a way of doing this. The merit of regime theory is one, that we now know that the relative roles of the states and the EU vary very much across policy areas; and we therefore need a differentiated conceptualization of the EU; two, it allows for an 'agnostic' view of the role of the actors by focussing on the various actors that form a regime in an open-ended way; and three, it does not demand a uniform conceptualization of the EU, but allows for a focus on the sub-set of relevant actors of the EU, e.g. a given DG, its network of interest groups, etc.

The latter is especially important since the phenomenon called engrenage is typical of the EU-states relationship in issue-specific policy networks. This means that a large part of the national bureaucracy sits in permanent working groups, advisory groups, other groups under COREPER (Comite des representants permanents) with EU officials. These people interact in policy formulation in professional, technical, non-political terms. One must at least ask whether it makes sense to uphold the distinction between the states and the EU given this, at least as far as an assumption of opposing interests on the part of the two actors is concerned.

This analysis does as stated not intend to generate hypotheses about relative state and EU impact in the various issue areas - this is the logical next step - but is solely concerned with conceptualization of the constituent parts of the 'two-level' metaphor, on the logic that if we are to apply a 'two-level' model of interaction, we must at least be clear about its constituent parts. As stated, the IG approach leaves out the 'second' level on the assumption that it cannot matter.

Conceptually, EU regimes inhabit the space between hierarchical ordering along

territorial lines (the states) and hierachical ordering along functional lines in the EU (ex. competition policy, agricultural policy). The regime concept is intended to capture how 'goverance without government' comes about: "regime theory should explain the possibility, conditions, and consequences of international governance beyond anarchy and short of supranational government in a given issue area" (Mayer, Rittberger, Zurn, 1993: 393). They can be based on an actor conceptualization like what I have advocated here, on the assumption that territoriality and hierarchy do not exhaust current political ordering principles in Europe.

What is the multilateral institution of the EU? In IR theories that derive their premises from variants of realism, IOs (international organizations) are not actors in their own right. This view is commonsensical: states are the territorial units and the monopolizers of power in the modern world, conveniently dated from the treaty of Westphalia. Even when we speak of the most supra-national institution in existence, the EU, the burden of proof rests on the those who postulate that IOs matter.

However, it is an assumption only that states actually act because they are the formal-legal actors in the international system: since they have the attributes of a formal actor, they are also assumed to act. If we apply the same logic to the EU, the Court and the Commission exercise formal powers of action. However, we do not immediately assume that they also act in the sense of having an independent impact on outcomes. That requires proof. Suffice it for now to point to the fact that if we employ a formal actor definition for the state - as neo-realism and IG do - on this same logic the EU is also an independent actor: it has a mandate to carry out a common agricultural policy, to mention but one area, and legal powers to do so. But IG fails to recognize this logical inconsistency when it does not recognize the formal actor status of the EU.

Thus, even if states are the major formal actors in the post-Westphalian organization of society, it does not follow that they are the de facto most important ones or that they are the only such formal actors: the political importance of formal-legal powers is a always an empirical question.

To focus on institution instead of organization is to move beyond the formal-legal

realm. The current focus on international institutions in the IR literature is related to the older tradition of English and continental international relations where the primary assumption was not anarchial, but cooperative. The formal-legal powers of the EU are well-known, and so are its organizational features. But little systematic attention has been paid to the institutional features of the EU. Young points out that there is a great problem inherent in confusing the concepts of institution and organization: "social institutions are identifiable practises consisting of recognized roles linked by clusters of rules or conventions governing relations among the occupants of these roles" (my emphasis)(Young, 1989:5).

On this view, the central concept is not the organization of the EU, but the institution of the EU. An international institution may constrain (and also enable) states' behaviour, and these constraints may be both formal, in the form of legal convention, or informal. Applied to the EU this concept allows us to move beyond the static description of the formal organization to a richer conceptualization of the EU as 'practise embedded in law'. The law - here the acquis - may reinforce informal practises, and thus the role that the EU plays under given conditions. Such a conceptualization of the EU therefore paves the way for the formulation of dynamic theories of state-EU interaction in specific issue areas.

What role do formal-legal powers of the EU play? Depending on assumptions, they play the role that states allow them to play at any one time - the law is obeyed because of the longer term interests of the constituent states: their mutual recognition is based on the legal norm of statehood, the reputation for law-abiding practise is important, etc. To some extent one can agree with this on purely neo-realist assumptions, but as these longer-term interests become more general and diffuse, they cannot easily be identified as any one state's particular interest. It is the state system itself - the multilateral system- that is made up of these legal norms. "Law is... the symbol of the idea of being bound and voluntarily accepting a sense of obligation. It is not based on external sanctions or the threat of them but is based rather on the existence of shared interests, of shared values, and of patterned expectations"(my emphasis)(Hurrell, 1993: 60). Therefore we need to study the history of these shared values and norms in a given multilateral context, here the EU. Clearly some EU members comply with the law much more than others - Northern Europe versus

Greece, Italy, etc. This is a pattern, not a one-by-one occurrence. There are different norms within the EU.

Thus, before we can specify EU regimes, we must know which common norms apply not only in general, but to the issue area in particular. This is why the delineation of the EU's institutional features is important. The EU as a shared understanding is a precondition for analysing specific regimes. Where there is no sense of shared values there can be no cooperation. To the extent that institutions are also intersubjective phenomena, I will argue that we need to study the practise of the actors themselves in applying the law, i.e. how they understand it at any time and within any issue area. This is what international lawyers do in general, however without relating it to the states-EU relationship.

As stated, it is common knowledge that some states in the EU implement legislation as a rule, whereas others do not, at least to a minimal degree. This underscores my point that knowledge of the practise of state-EU interaction is vital for understanding how these actors understand each other and their mutual relationship. This mutual interpretation is important for conceptualizing the EU in relation to the states. The conceptualization is thus not a static, descriptive one, but one that is constituted by the way in which the interacting parts interpret each other's identity. However, I am not arguing that this is an ontologically constitutive practise - the EU and the states are, in my view, observable entities in an objective way. What I am arguing is that this objective reality of the EU is subject to constant interpretation and reinterpretation by the states - and vice versa - and that the result of these interpretations is important for our conceptualization of both actors. Over time reinterpretations of own state role, in the light of objectively integrating events, like the SEA, may contribute to reconceptualizations of the states themselves. In sum, the degree to which states, or other actors, perceive themselves to be integrated with the EU matters for how integrated they objectively - by some operational standard - actually become.

Returning to the 'two-level' metaphor, we have seen that the states and the EU institutions can be variously conceptualized in general as well as in issue-areas. Before we can study how EU actors and state actors are able to influence policy-making, we must know about the general terms of interaction between the two sets



of actors. This requires knowledge both of formal-legal rules as well as of informal 'rules of the game' and the general conditions for the 'activation' of EU policy roles. This in turn forms the basis for the specification of hypotheses about the relative roles of states and EU actors in issue-specific policy regimes.

The essential link to domestic politics has been a recurrent topic in this lecture: We have pointed to the importance of theorizing the role of the state at the the 'first level'. In the terms of the 'two-level' metaphor, knowledge of the first level is important to the evaluation of the importance of the second level. Concretely: how can we know that EU regimes matter unless we know something about domestic possibilities for regime implementation? Perhaps a given state agreed to an international regime without having the domestic capacity to implement it in the first place. The regime may be 'strong', yet not matter in that particular state. Here the regime literature may benefit from the two-level thinking and its stress on domestic factors, and as I have argued, the current literature on the EU applying this 'two-level' model may benefit from conceptualizing the EU actor capacity as being issue-specific rather than general, hence the argument for the utility of regime theory to this end. Regime theory would cover some part of contemporary ordering, and some parts of EU activity.

In sum, I have argued that the 'two-level' metaphor is a potentially very useful tool for capturing the interaction between the states and the EU, and that the 'improved' IG theory provides a differentiated concept of the state as a domestic political actor. However, it fails to conceptualize the state in relation to the EU; in fact, it does not take account of EU actors at all. I have further argued that if the 'two-level' metaphor is going to prove useful for further theorizing about the interaction between the states and the EU, we need to conceptualize the institution of the EU in its formal and informal elements in order to proceed to the formulation of theories of when EU actors are important.

Thank you for your attention.

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