



The Model of Path-Dependency and The Comparative Analysis of the EU Policy-Process

Maria Cheiladaki-Liarokapi
Sussex European Institute
University of Sussex

This article compares the processes that led to the adoption of the Erasmus Programme and of the European Health Insurance Card (EHIC). It asks whether these 'key' decisions would have emerged if the Commission and the ECJ were absent from the process. The paper argues that the cases of student and patient mobility are good examples for illustrating the authority of the most prominent governments. First, because they excluded from the EEC Treaty the words 'students' and 'patients' and second, because both policy decisions emerged after Commission and ECJ activity. Secondly, the paper argues that the two case studies offer a good opportunity to refine the ambiguities surrounding the concept of path-dependency. This is achieved by clarifying the mechanisms that reinforced the selected paths of 'organised' student mobility and 'emergency' patient mobility, causing the excluded path of spontaneous or free student and patient mobility over time to be completely lost.

Introduction

The adoption of authoritative decisions, or so-called supranational EU policies, has long fascinated EU analysts. Explaining the adoption of such decisions led scholars to study the EU through the lens of policy analysis. The general conclusion that emerges from the policy analysis literature is that governments are unable to control the policy process, forcing them instead to adopt policies because of the presence of the following factors.

In particular, the policy outputs of the EU system are seen as the result of pressures emanating either from the Commission or non-state actors. The latter become increasingly proactive at the supranational level because governments are assumed to remain unresponsive to their demands (Peterson, 1992; Dudley and Richardson, 1999). Supranational policies are also viewed as emanating from pressure from the ECJ, the latter portrayed as ruling in favour of litigants' interests who resort to this venue because of the unresponsiveness of the national governments (Alter and Aitsahalia, 1994; Armstrong, 1995; Mazey, 1998; Dimitrakopoulos, 2001). At other times, scholars see the emergence of supranational policies as the result of Commission entrepreneurship (Corbett, 2005; Kay, 2003; Wendon, 1998). Sandholtz, (1998), O'Reilly and Stone-Sweet, (1998) and Bulmer (1994; 1998) emphasised the important role played by non-state actors, followed by Commission and ECJ entrepreneurship, by focusing on the cases of telecommunication, air transport and merger control respectively.

The above scholars have provided the strongest accounts against the sequential model of liberal intergovernmentalism (LI) which emphasises the interests of the most prominent member states (Moravcsik, 1991). This is because they examine those issues within the EU policy process that governments excluded from the EEC Treaty. It is also because they have attempted to establish a causal link between the rise of transnational society, Commission and ECJ entrepreneurship, and the policy outputs of the EU system. Taking as a base the conceptual pattern that emerges from these studies, the paper uses the methods of 'process tracing' and 'pattern matching' to examine and compare the processes that give birth to EU

policies (cf. Mahoney 2003). It reveals that the employment of the comparative method enables us to illuminate what Moravcsik meant when he argued that the governments of the member states act instrumentally (Moravcsik, 1995: 613).

Moravcsik made the above statement in response to Wincott's powerful critique. Wincott attacked the validity of the LI model concerning those policies that emerged in the absence of a legal base in the original Treaties. Wincott's (1995: 602) critique had argued that 'the empirical focus of LI provides a source of bias' and that 'supranationalism is regarded as a controlled means of implementing intergovernmental bargains'. In response to the critique, Moravcsik could argue that the bargaining stage of LI simply reflects large state interests. As he suggests, 'the bargains initially consisted of bilateral agreements between France and Germany; now they consist of trilateral agreements including Britain' (Moravcsik 1991: 26). Later critiques of LI, such as those made by Stone-Sweet and Sandholtz (1997: 302), argued that according to Moravcsik's LI, 'integration proceeds, but the sequence never varies'.

Moravcsik responded to Wincott's critique by arguing that to link the adoption of authoritative decisions to supranational activity does not constitute evidence that the same policies would not have emerged if the Commission and the ECJ were absent. As Moravcsik (1995: 616) suggests, 'it is insufficient to observe that a supranational entrepreneur - I shall continue to use the Commission as an example - has made a proposal and that something akin to it was eventually accepted'. Moravcsik, apart from introducing the notion of path dependency to the EU policy process, also supported the use of the comparative method in the EU policy process. Following the comparative politics debate initiated by Hix (1994), Caporaso *et al* exchanged ideas on the N=1 problem in a special article published by the *ECSA Review*. In it Moravcsik (1997: 4) suggested that in order to generalise about EU dynamics, we should not treat the EU as a unique case. He further recommended the application of 'within case' analysis to the EU by focusing on a disaggregated level of analysis to identify comparable elements.

The debate on the plausibility of LI has shaped the choice of case study in this article - to investigate the adoption of the Erasmus Programme and of the European Health Insurance Card (EHIC). Firstly, both policy decisions emerged in the absence of a legal base in the EEC Treaty. We would therefore expect these policy decisions to reflect the interests of non-state actors rather than the interests of the most prominent member states. Secondly, the sequence of events that culminated in each policy decision varies considerably from the first decision that emerged in 1987, and the second in 2004. Third, both policy decisions emerged only after observed Commission and ECJ activity. Consequently what the cases of student and patient mobility have in common with the cases of telecommunications, air transport and merger control are the intervening variables, the mechanisms, and the dependent variable - the policy output.

It is significant to clarify how the methodology pursued in this paper differs from Pollack's more recent attempt to 'settle' the debate between supranationalism and intergovernmentalism. In applying principal-agent analysis to the EU, Pollack (2003: 6) argues that the influence of supranational institutions is predictable. He nonetheless begins his analysis from the delegation stage, bypassing completely the bargaining stage of LI. Pollack argues instead that governments, broadly defined, come first to restrict the future influence of those institutions. A second divergence from Pollack is that, in his theory, the influence of supranational institutions is not completely rejected. The Commission's contribution to the policy process is seen neither as 'late', 'futile' 'redundant' or 'counterproductive', to use Moravcsik's (1999: 270) terminology, and as a result it is not possible to sustain the view that the same policy output would have occurred even in the absence of supranational intervention. Instead, Pollack proposes that only in very specific circumstances the supranational institutions are able to exert influence vis-à-vis the member states (Pollack, 2003: 11). To sum up, Pollack has provided us with a theory of when the supranational institutions can be seen to exert influence on the member states. On the other hand, Pollack's theory is unable to explain whether what appears to be supranational

autonomy is actually the exercise of political authority from the most prominent member states¹.

Having clarified the competing explanations of the policy process, and how Pollack has attempted to reconcile the two positions, the first section of this paper discusses the theoretical framework that informs the comparative analysis of the two case studies. It discusses recent criticisms of the path dependency approach and attempts to clarify the ambiguities surrounding the concept. As we will see, what is missing from the scholarly debate is a model that illuminates the limitations of familiar policy process theory. The purpose here is to use their insights to construct a path dependency model of the process that these theories attempt to conceptualise. Such a task presupposes that we view the EU as a political system concerned with the authoritative allocation of values rather than as a unique system of governance, which amongst others, introduces unfamiliar vocabulary to the study of the EU (Hix, 1998: 44).

The second section applies the path dependency model to the processes that led to the adoption of the two policy decisions. It looks first at the activities that took place at the initial critical juncture stage, which occurred immediately after the signing of the EEC Treaty. Of the six governments that supported the path of organised student mobility from an early stage, two member states would be adversely affected had the alternative path of free student mobility been chosen. These member states were France and Germany, supported by the UK before the Commission submitted its first communication to the Council in 1974 (Gordon and Jallade, 1996: 136). For patients, the alternative path of free patient mobility would be detrimental for France as this member state receives the majority of claims for hospital treatment abroad (AIM, 1991: 142). The analysis then focuses on the period of path reproduction, looking at how the paths of organised student mobility and emergency patient mobility were reproduced. In particular, we will consider how the Commission succeeded in suppressing the idea of free student and patient mobility by the

¹For a clear understanding on the different meanings between the concepts of authority, power, influence and force, the reader is encouraged to consult Bachrach and Baratz (1970).

time the ECJ intervened in the process. The concluding section provides a brief discussion on the concept of Europeanisation with the purpose of illuminating some of the conceptual problems that emerge when we attempt to explain the process that produces binding authoritative decisions.

Clarifying the Meaning of Path Dependency

The usefulness of path dependency for studying the policy process has received considerable criticism. The ambiguities concerning its usefulness seem to be the result of an earlier claim made by Pierson. In an effort to clarify the meaning of the concept, referring in particular to the field of comparative politics, Pierson (2000: 78) emphasises the prevalence rather than the infrequency of path dependency in political processes. He uses the terms 'bounded change' to elucidate that path dependency is not about freezing and stability (Pierson, 2000: 76). He also emphasises the challenge that a path dependency approach poses for more commonly held theories, as well as methods of political research (Ibid: 78).

In contrast, critiques of path dependency have suggested that the concept is not only unable to explain policy change, by downplaying the role of agency, but also that its normative aspects remain unclear. Peters *et al*, (2005: 1276) argue that the path dependency approach models the policy process as 'a discrete process characterised by extended time periods of considerable stability – referred to as path dependency – interrupted by turbulent formative moments'. Path dependency is portrayed as inferior to the more common theories of the policy process: such as Kingdon's (1995) theory of multiple streams, Sabatier's (1999) advocacy coalition framework, Baumgartner and Jones' (1991) punctuated equilibrium, and Hogwood and Guy's (1983) model of policy succession. Kay (2005) paid particular attention to the normative aspect of the concept with respect to the extent to which path dependency implies the existence of inefficient policies. Kay concludes that 'it is difficult to say that there exists another path that could have been arrived at which is more efficient and without such a relevant counterfactual it is difficult to accept the imputation of inefficiency' (Kay, 2005: 568). Finally, Baumgartner *et al* argue that 'in the end, however, we cannot find a satisfactory mechanism in

path dependency to account for the dynamic changes we observe in European polities as well as in the United States; policies do not remain forever on a given path' (Baumgartner *et al*, 2006: 972).

Critiques of path dependency have associated the concept with the sociological strand of historical institutionalism (HI). According to Hall and Taylor (1996), this strand 'tends to see individuals as satisficers, rather than utility maximizers, and to emphasize the degree to which the choice of a course of action depends on the interpretation of a situation, rather than on purely instrumental calculation'. Dominant theories of the policy process also rest on a view of individual action based on norms, roles and traditions (Schlager, 1999: 241). In this sense, critiques of path dependency are correct in questioning the distinctiveness of the approach. As Hall and Taylor (1996: 938) have argued, those who position themselves with the sociological strand of HI 'tend to have a view of institutional development that emphasizes path dependence and unintended consequences' and '...they are especially concerned to integrate institutional analysis with the contribution that other kinds of factors, such as ideas, can make to political outcomes'.

Hay and Wincott (1999) have nonetheless criticised the integration of rational choice and sociological approaches within HI. They argued that by incorporating two incompatible social ontologies, 'Hall and Taylor do a considerable disservice to this distinctive approach' (Hay and Wincott, 1999: 951). Hay and Wincott proposed that to become distinctive, 'historical institutionalism must then give due attention to the role of ideas in shaping institutional trajectories' (Hay and Wincott, 1999: 957). Hence, while Hay and Wincott criticise Hall and Taylor for associating HI with rational choice, they also place path dependency within the sociological strand.

In this paper, the assertion that path dependency is compatible with the ideational approach is rejected because the distinctiveness of the path dependency approach is undermined unless we combine it with the opposing social ontology, which forms the basis of those theories. A first effort in this direction was made by March and Olsen (1984: 738) when they argued that

'the bureaucratic agency, the legislative committee, and the appellate court are arenas for contending social forces, but they are also collections of standard operating procedures and structures that define and defend interests'. In giving political institutions a contributory role in the generation of policy outputs, March and Olsen associate the study of political institutions with intentional models of explanation. The only problem they foresaw was 'whether we wish to picture the state (or some other political institution) as making choice on the basis of some collective interest or intention (e.g., preferences, goals, purposes), alternatives, and expectations' (March and Olsen, 1984: 739). March and Olsen's critique of functional models of explanation supports further the proposition that path dependency constitutes an intentional model of explanation. According to March and Olsen (1984: 737), a functional explanation assumes an efficient historical process, 'one that moves rapidly to a unique solution, conditional on current environmental conditions, thus independent of the historical path'.

Elster (1985), who saw intentional explanation as a sub-type of rational choice theory, has subsequently clarified what the precise nature of an intentional explanation should be. Elster (1985: 8) argued that an intentional explanation must specify 'the future state of affairs for the sake of which the action is undertaken. The action may then be explained by the intended consequence, that is the realization of that state'. Therefore an intentional model of explanation identifies two stages and their interconnection: the first stage clarifies the intention, that is what actors do not want to see happening in the future; the second stage demonstrates how the intention is eventually realised by the agents.

The proposition that path dependency be used as a model to analyse the process of policy development is mentioned only as a footnote by Pierson (2000: footnote 50). Four years later, he suggests that there is a qualitative difference between conceptualising the policy process as a process of policy development and as a process of policy change (2004: 134-7). This is because the former approach encourages us to pay attention to the role of

institutional entrepreneurs and marginal actors while we investigate the unfolding of the process.

While political scientists have in the past invoked the term policy development (cf. Heidenheimer, 1973), it has only been Jones (1984: 77), a proponent of the stages model, who defined policy development as beginning with the stage of policy formulation and ending with the adoption of the authoritative decision. It is only through this usage of the term that our understanding of it as a process with a clear beginning and end derives. Similarly, path dependency views the process of policy development as beginning at the stage of the critical juncture and ending with the adoption of the authoritative decision. The strength of path dependency vis-à-vis the stages model is that the latter approach gives no attention to the agents that drive policy from the stage of policy formulation to the stage of policy adoption. Another important limitation of the stages model is its inability to connect the implementation stage of the policy process back to the agenda setting stage. For these reasons the advocates of the advocacy coalition framework called for better theories of the policy process (Sabatier and Jenkins-Smith, 1993: 1-4).

The model of path dependency enables us to freeze and analyse the activities that take place prior to the adoption of an authoritative decision by focusing on two stages: the initial critical juncture and the period of path reproduction. Recent literature suggests that the concept of the critical juncture refers to brief and small events that occur at the very beginning of the temporal process under examination. Critical junctures culminate in outcomes that set the future development of the policy onto distinct paths or trajectories. Pierson (2004: 135, 2000: 75) has repeatedly stated that it is mistaken to confuse the meaning of the critical juncture with big and dramatic events. If junctures are 'critical', it is because actors set the policy onto future paths. Junctures are also critical because they signify a point of choice from two alternative paths, any one of which actors could have selected. Thus the stage of the critical juncture is of immense importance because it is characterised by the selection and exclusion of alternative paths from the menu of future political options (Pierson, 2004: 13). As Pierson (2004: 51) observed, the most defining

characteristic of critical junctures is their 'openness' and 'permissiveness', compared to the 'closed' and 'coercive' nature of the later stages.

The previous discussion serves as an illustration of the fact that path dependency does not dissuade us from paying attention to agency as critiques suggest. Actors select one path with the purpose of excluding another. Pierson (2004: 43) correctly points out that the concern of the actors at the initial critical juncture is to remove one path and to design policies to connect with their successors. In a more recent effort to improve the meaning of critical junctures, Capoccia and Kelemen (2005: 21) observe that a juncture does not cease to be critical if the actors come very close to adopting the proposal. What matters is that a path is selected and another equally feasible path is excluded. Taken as a whole, critical junctures are the moments that end problem definition (Cobb and Elder, 1983; Schattschneider, 1960). Agenda setting (the bringing of the problem to the political agenda) along with policy formulation (the specification of the alternative) occur at this early stage.

The critical juncture stage is absent from all the dominant policy process theories. In the theory of multiple streams, beginnings, the sequence of events, and timing are not important. Kingdon (1995: 73) invokes the problem of infinite regress to argue that 'the ultimate origin of the idea, concern or proposal cannot be specified. Even if it could be, it would be difficult to determine whether an event at an earlier point in time was more important than an event at a later point'. On the other hand, Pierson (2004: 45) does not see infinite regress as a problem, proposing instead that the present is a good place to 'break through the seamlessness of history'. Hence, according to Kingdon (1995: 19), the pre-decision process begins not from the initial critical juncture stage (understood as signifying the joining of three independent streams), but from the moment the policy entrepreneurs become active in advocating their policy ideas. This helps explain why Weir (1992) and Mucciaroni (1992) characterised Kingdon's theory as ahistorical and non-purposive. A path dependency model of the policy process would define the

moment where entrepreneurial action begins as the beginning of the period of path reproduction rather than as the beginning of the pre-decision process.

Analogous criticisms to those made of Kingdon's theory can be made for the other policy process theories. Similar to Kingdon, the process of policy succession begins from the moment the policy entrepreneur makes the first effort to place the policy problem on the political agenda. The success of the policy entrepreneur precipitates further action culminating in the replacement of the previous policy by a new one (Hogwood and Peters, 1983: 1). With this final success comes the end of the policy succession process. An authoritative decision is adopted which nonetheless aims at solving the same policy problem with the previous policy. The distinctive characteristic of the theories of advocacy coalitions and punctuated equilibrium is that they focus on the strategies of marginal actors. The beginning stage according to those theories is the moment where marginal actors begin approaching different institutional venues with the aim of changing the policy image of the issue (Baumgartner and Jones, 1991). While bureaucracy is portrayed as a defender of the status quo, the Supreme Court - absent from Kingdon's and Hogwood and Peters' theories - is portrayed as a defender of marginal actor's interests and therefore as the catalyst of change. Nonetheless, advocacy coalitions and punctuated equilibrium are not concerned with the timing of court intervention in the process.

To illustrate further why prominent policy processes become relevant only from the moment the period of reproduction begins, it is important to clarify Pierson's predictions as to what happens from the moment the critical juncture period ends. First, and until the beginning of the period of reproduction, Pierson (2004: 68) predicts that there will be a significant interval. Secondly, he suggests that as soon as the period of reproduction begins and with the passage of time 'the road not chosen will become an increasingly distant, increasingly unreachable alternative' (Pierson, 2000: 75). By the end of the policy development process, it will have become completely 'lost' (Pierson, 2004: 16).

From the moment we begin to analyse the period of reproduction, the central focus of analysis becomes how the selected path is reinforced while the excluded path becomes more and more distant (Pierson, 2004: 16). In observing how these overlapping processes take place, our attention turns to agency as we begin to identify the mechanisms that reproduce the selected path and cause the alternative path to become finally lost. As Pierson (2000: 78) further argued, 'identifying these mechanisms is extremely important for clarifying how the amplification of initial effects in these social processes actually happens'. Finally, from the moment we begin to observe how the selected path is reproduced, both sequence and timing become crucial (Pierson, 2004: 54). Sequence and timing are, however, decisive in different ways on the policy output.

In examining the sequences of events, our attention will focus first on the order in which policy ideas are presented to decision makers. Kingdon (1995: 32) is helpful here because he considers career civil servants to be the primary source of policy proposals that decision makers examine. Pierson seems to agree with Kingdon at least on this point, acknowledging in particular the power of the policy entrepreneur. As he argued, 'because the sequence into which alternative proposals are considered determines the eventual outcome, tremendous power rests with those actors who select the sequence' (Pierson, 2004: 60).

The power of the policy entrepreneur, however, is qualitatively different from the power of the actors who select the path at the initial critical juncture stage. The power of the former is causal in nature (Parry and Morris, 1974: 332), which explains why the policy entrepreneur proposes a policy from the excluded path second rather than first. By doing so, the policy entrepreneur succeeds in the adoption of the policy proposal that reinforces the selected path and avoids the sanctions that would be imposed if the entrepreneur had chosen not to comply with the intended policy (Bachrach and Baratz, 1970: 21). The decision to comply with the intended policy ensures that the excluded path will become lost. Hence, by conceptualising three independent streams, Kingdon is unable to support the assertion that entrepreneurial

success depends on the extent to which the policy idea fits with dominant political values (Kingdon, 1995: 88).

Carefully observing entrepreneurial behaviour, through an analysis of the order in which policy ideas are presented to the decision makers, offers the opportunity to incorporate the issue of timing into the analysis. According to Pierson (2000: 12; 2004: 55), timing can be brought into the analysis in two different ways: either to show how the interaction of two unrelated events, at some point in time, produces substantial consequences; or to show the timing of a variable relative to what occurred prior to its appearance. It is according to this latter usage that timing is employed in this study. In particular, the ensuing empirical analysis seeks to illustrate that the European Court of Justice intervened too late in the process so that the prospect of changing the policy image of the issues had become entirely foreclosed.

Comparing the EU Policy Processes of Patient and Student Mobility

The Initial Critical Junctures: Removing the Paths of 'Spontaneous' Patient and Student Mobility

The issues of patient and student mobility entered the Community agenda long before the first meeting of Education and Health Ministers took place at the Community level in the 1970s, and before the Commission made its first policy proposal in the same decade on the facilitation of 'emergency' patient mobility and 'organised' student mobility. Both issues emerged on the Community agenda immediately after the signing of the EEC Treaty in 1957, even though the Treaty contained no explicit reference to the development of a policy to facilitate the mobility of students or patients. Article 3(c) of the EEC Treaty provided for the abolition of obstacles to freedom of movement for persons, and a whole chapter was devoted to the implementation of measures for facilitating the free movement of workers. Furthermore, Article 7 of the EEC Treaty prohibited discrimination on the grounds of nationality, even though it contained no reference to the specific categories of persons to whom this principle would apply. Despite these fundamental principles, by 1960 the prospect of developing a policy with the aim of facilitating the free movement of patients and students had become foreclosed.

At this early time no groups had become organised in Brussels. The Conference of European Rectors convened its first General Assembly in 1955 in Cambridge, gathering university leaders from fifteen different countries. The second General Assembly was convened in 1964 and agreed to the establishment of the organization in Geneva (Barblan, 1982). From 1964 onwards, university leaders convened general assemblies approximately every four to five years in different European cities (CRE-Information). The Standing Committee of European Doctors was established in 1959, although its seat was in Amsterdam (Interview, 2006).

In addition to articles 3 (c) and 7, the EEC Treaty also provided for articles 48 and 51. Both articles concerned the free movement of workers, but only article 48 referred to the abolition of discrimination based on nationality between foreign and national workers. Article 51 was used as the legal base behind the adoption of Regulation 3 and implementing Regulation 4 in 1958 on the coordination of social security schemes with the purpose of facilitating worker mobility. Article 51 was also used to specify the conditions under which all persons insured under a public health scheme had the right of free access to the health care system of another member state.

In particular, Regulation 3 distinguished between workers whose movement also meant the transfer of residence at the host member state. In this case, workers were given the right of free access to the health care services of the member state of work as the nationals of the host member state. The second distinction made by Regulation 3, concerned those persons who were insured in a public health scheme but whose movement to the other member state did not involve the transfer of residence. Instead, it concerned persons who travelled to another member state for other reasons, such as tourism or business, and whose stay was to be only temporary. Similarly, article 19 of Regulation 3 gave these persons the right of free access to the health care system of the host member state. The only difference from workers was that these persons were given the right of free access only if they became in need

of emergency medical treatment during their temporary stay at the host member state (Le Conseil, 1958a: 569).

The choice to give the right of free access only to people who would move for reasons other than for the exclusive purpose of receiving medical treatment did not guarantee that article 19 could not be abused. To prevent the possibility of such an occurrence, article 18 was inserted into the implementing Regulation 4. According to article 18, people would be able to exercise their right of free access only if they presented the medical authorities, upon their arrival at the host member state, with a certificate confirming the duration of their stay and that they were insured in a public scheme in the country of origin (Le Conseil, 1958b: 605). The insertion of this rule was necessary to ensure that the right of free access was invoked only in cases of an actual emergency. Thus, by inserting article 19 in Regulation 3 and article 18 in Regulation 4, the choice was made not to take future action concerning the mobility of patients. The regulations did not give patients the right of free access to the healthcare system of another member state. On the other hand, the Regulations left open the prospect of developing a policy to facilitate further the access of those persons in need of emergency treatment while in another member state.

Concerning students, the same tactic was employed two years later. The first policy proposals on the facilitation of organised student mobility at the Community level can be traced back to a 1960 document titled *Proposal of the Interim Committee on the European University* (Comité Intérimaire, 1960). The legal basis for the preparation of this document is found not on articles 7 and 3(c) of the EEC Treaty, but in article 9 (2) of the Euratom Treaty which provided for the creation of an institution of university status.

The European University proposal, by distinguishing between two different forms of student mobility, clarified that no future action was to be taken concerning the spontaneous mobility of students (Comité Intérimaire, 1960: 24). The spontaneous mobility of students concerned those persons, who after completion of their secondary education, would move to another member

state of the Community to pursue an undergraduate degree. At the time of the development of the European University proposal, spontaneous mobility was already taking place within the Community. By contrast, organised student mobility did not exist. This latter form of student mobility differed from spontaneous, in that people would have commenced their degree in their home member state and would move to the institution of another member state only for a short period.

The idea of facilitating the organised mobility of students was almost adopted. Last minute objections by the French government led to the collapse of the entire European University proposal and consequently the proposal on the facilitation of organised student mobility. However, the French wanted to maintain the proposals on the facilitation of organised student mobility by proposing their discussion at a future point in time (Palayret, 1996: 97).

Table 1: A Summary of Critical Junctures and Path Selection/Removal

Critical Junctures & Path Selection/Removal		
	Mobility of Patients	Mobility of Students
Duration of the critical juncture period from the signing of the EEC Treaty (1957)	One Year	Three Years
Openness/permisiveness of the critical juncture period	Take no action at all either concerning emergency or spontaneous/free patient mobility Or Take action concerning both policy paths. Patients would be given the right to move freely in another member state to receive medical treatment	Take no action at all either concerning organised or spontaneous/free student mobility Or Take action concerning both policy paths. Students would be given the same rights as national students when going to study in another member state
Legal bases of EEC Treaty upon which proposals on free patient and student mobility would have been based	Articles 7 and 3(c) of EEC Treaty	Articles 7 and 3(c) of EEC Treaty
Outcome of the critical juncture period	Patients were not given the right of free access to the healthcare system of another member state for the sole purpose of receiving medical treatment	Foreign students were not given the same rights as national students when going to another member state for the sole purpose of studying
Legal bases employed to remove the paths of spontaneous student and patient mobility	Article 51 of the EEC Treaty	Article 9(2) of the Euratom Treaty
Actors who excluded the paths of spontaneous student and patient mobility	Governments of the Six member states amongst of which were those that would be mostly affected by a free movement policy	Governments of the Six member states amongst of which were those that would be mostly affected by a free movement policy

The Mechanisms of Path Reproduction: The Role Played by the Policy Entrepreneur

From the moment the critical juncture period ended, culminating in the removal of the paths of spontaneous patient and student mobility, there was a significant interval until the beginning of the period of reproduction. The period of reproduction commenced with the first meeting of sectoral ministers at the Community level - health ministers in 1977 and education ministers in 1971. The impetus behind the first meeting of health ministers was an informal meeting that took place earlier between the French and British health ministers (Agence Europe, 1977). During this first meeting, patient mobility became a matter of concern because of Commission intervention. The Commission informed national health ministers that it was already looking into the feasibility of introducing a European health card to facilitate access to the health services of another member state (European Commission, 1977: 15).

In 1984, the Commission proposed the European Health Card in the form of a recommendation to the Council (European Commission, 1984). The Commission urged the member states to adopt the European Health Card by stressing that its adoption would make the Community more visible to its citizens (Agence Europe, 1984). Two years later, the governments adopted the Commission's proposal, although opting for a resolution rather than a recommendation. Health ministers stressed the importance of the initiative for the creation of a 'People's Europe' by encouraging the national authorities to make available the card to their citizens to facilitate their access to the healthcare system of another member-state when in need of emergency medical care (Council of Ministers, 1986). In the case of student mobility, the Commission met similar success. Within six years of the inaugural meeting of education ministers, the governments adopted the Student Handbook and the Joint Study Programmes following the Commission's proposal (European Commission, 1974; Council of Ministers, 1987).

At this stage, it is relevant to recall Kingdon's theory to shed further light on the actual behaviour of the Commission, because it refers to a number of factors that motivate the activity of the policy entrepreneur. Kingdon (1995:

123) argues that career civil servants are motivated by factors that do not have any material rewards. These include the enjoyment of being participants in the process, a direct concern for the policy problem, and the wish to promote certain policy values. On the other hand, Kingdon argues that policy entrepreneurs may be equally motivated by the material rewards they gain when their proposal is adopted. The successful adoption of a policy proposal brings with it material rewards such as the expansion of a bureaucracy's activities, credit for accomplishment, and career promotion.

The tactic pursued by the Commission in the cases of student and patient mobility demonstrates that its motivation emanated from a desire to protect the interests of those member states that would be affected by a free movement policy. The fact that the expansion of the Commission's activities was not opposed is demonstrated by clarifying the path that was excluded at the initial critical juncture. Elster (1985: 9) has observed that 'not all rational actions are selfish. The assumption that agents are selfishly motivated does, however, have a methodological privilege, for the following reason. For non-selfish behaviour to be possible, some other agent or agents must be selfishly motivated but not vice versa'. The Commission's concern was not therefore to make an original contribution. If this has been the Commission's primary concern, then it would not have proposed the European Health Card and the Joint Study Programmes. Rather, the Commission would have begun by attempting to propose and to persuade governments to adopt policies that facilitated the free movement of patients and students. The Commission's attempt to go against the intended policy would have met with opposition and subsequently failure.

Further evidence that the Commission had the opportunity to reinforce the path of free student mobility, prior to proposing the Joint Study Programmes, was contained in the Janne report. This policy document, submitted to the Commission in 1973 by a former Minister of Education, advised the Commission to consider proposing to governments the establishment of European Delegate of Admissions within each institution to consult students moving spontaneously on admission problems. Janne also proposed that the

Commission consider the establishment within the ECJ of a specialist chamber where foreign students could refer cases of discrimination (Janne, 1973: 36). The Commission completely disregarded the proposals on free student mobility, opting instead for the Joint Study Programmes.

It was only after governments adopted the European Health Card and the Joint Study Programmes that the Commission began formulating proposals on the excluded path of spontaneous patient and student mobility. In 1978, it presented education ministers with two separate communications advocating further action on student mobility. The first communication concerned the organised mobility of students and proposed that 650 scholarships be awarded to those students on the Joint Study Programmes (European Commission, 1978a). The second communication presented by the Commission mixed policy proposals on organised student mobility with policy proposals on spontaneous student mobility. For the first time, the Commission provided numerical evidence on how many students had moved to another member state to pursue whole degrees. In 1978, 21,000 people were studying within the Community who were not participants in the Joint Study Programmes. For the Commission however, the fact that 21,000 people were studying at that time constituted only a small percentage of student mobility. As the Commission argued, the magnitude of spontaneous student mobility represented “only 0.5% of total enrolments” (European Commission, 1978b: 1). The Commission, by invoking the scope of spontaneous student mobility, justified why future action should be undertaken in relation to the organised mobility of students.

The Commission’s second communication related as much to the creation of rights for future Erasmus students as the rights of the 21,000 students who were studying in another member state. It was also about the right of those participating on the Joint Study Programmes to transfer their maintenance grants from one member state to another rather than the right to be excluded from numerical limitations. These proposals were not only adopted, but supplemented by the German government which wanted to exempt part-course students from the payment of fees for up to a year (Council of

Ministers, 1980: 23). By contrast, on the sensitive issue of spontaneous student mobility, the member states stipulated that fully mobile students would not be entitled to maintenance grants; that before admitting foreign students, institutions were free to request non-academic evidence that national students did not have to provide; and that foreign students would have to pass tests and examinations that national students did not have to sit. Thus, in contrast to part-course students, truly mobile students were denied new rights. They were awarded the pre-existing right of not having to pay higher fees than national students only because Belgium discriminated on this matter (Education Committee Report, 1980: 23).

The above steps were taken before the widely assumed (cf. Sprokkereef, 1995: 342) path breaking Gravier case. They were 'necessary' (Bachrach and Baratz, 1970: 42) to foreclose the possibility that when the ECJ intervened, no new rights would be given to foreign students. Similarly in the case of patient mobility, the possibility of giving patients the right of free access was foreclosed before the ECJ intervened. The Commission's proposal to give patients the right to move freely for hospital treatment had been rejected. What was not foreclosed was the possibility of giving patients the right to move freely for buying medical goods and for receiving non-hospital treatment (European Commission, 1990; 1994).

The Role Played by the Court: Intervening 'Too Late' in the Process

The Gravier case, which precipitated the adoption of the Erasmus programme, related to the spontaneous rather than organised mobility of students. The ECJ was asked, for the first time, to rule whether mobile students had the same rights as national students. The ECJ ruled that the principle of non-discrimination applied only to the payment of fees, giving thus no new rights to foreign students (ECJ, 1985). In the case of patient mobility, two ECJ rulings precipitated the adoption of the European Health Insurance Card. The Kohll and Decker rulings gave patients the right to move freely only for the purpose of buying medical goods and receiving medical treatment (ECJ, 1998). The second, the Smits and Peerbooms rulings, clarified that patients were not allowed to move freely for the purpose of receiving medical

treatment in the public hospital of another member state (ECJ, 2001). It was only after the Smits and Peerbooms rulings that the European Health Insurance Card was adopted.

To elucidate further why the ECJ intervened ‘too late’ in the process, one has to consider how policy would have diverged had the ECJ had intervened earlier. We have already argued with respect to the behaviour of the Commission that in proposing the Joint Study Programmes and the European Health Card, it had in essence reinforced the selected paths of organised and emergency mobility. As far as the ECJ is concerned, its intervention prior to the Commission’s proposals on the excluded path could have caused path deviation. In the absence of a guiding principle, the ECJ could have ruled that non-discrimination applied not only to fees, but also to maintenance grants and admission requirements. For patients, the ECJ could have ruled that patients were free to move to receive hospital treatment. However, this is not what happened. The fact that the ECJ intervened too late explains why none of the foregoing rulings was overturned.

Table 2: Summary of the Reproduction Mechanisms

Reproduction Mechanisms of the Paths of ‘Emergency’ Patient Mobility and ‘Organised’ Student Mobility		
	Mobility of Patients	Mobility of Students
First Mechanism of Reproduction- The Commission	<p>Commission proposes first recommendation on the adoption of the European Health Card in 1984 and therefore on the path selected at the initial critical juncture</p> <p>Two years later (1986) the European Health Card is adopted in the form of a resolution</p> <p>After the adoption of the European Health Card, the Commission makes proposals on spontaneous patient mobility of which only one is not foreclosed: that patients should be treated equally only in relation to medical goods and non-hospital treatment</p>	<p>Commission proposes first resolution on the adoption of the Joint Study Programmes in 1974 and therefore on the path selected at the initial critical juncture</p> <p>Two years later (1976) the Joint Study Programmes is adopted in the form of a resolution</p> <p>After the adoption of the Joint Study Programmes, the Commission makes proposals on spontaneous student mobility of which one is not foreclosed: that students should be treated equally only in relation to fees</p>
Second Mechanism of Reproduction-The ECJ	<p>The ECJ in its Kohll and Decker rulings gives patients the right to move freely for medical goods and non-hospital treatment</p> <p>The Smits and Peerbooms rulings clarified that patients did not have the right of free access with regards to hospital treatment</p>	<p>The ECJ in its Gravier ruling gave students the right of not having to pay higher fees than national students</p> <p>The Gravier ruling did not give students the right to maintenance grants and to be admitted on the same requirements as national students</p>

	The consequences of such a ruling would be immense for France	The consequences of such a ruling would be immense for France, Germany as well as for the UK
'Key' decision that emerged after the ECJ rulings	The European Health Insurance Card and thus the path of 'emergency' patient mobility selected at the initial critical juncture	The Erasmus Programme and thus the path of 'organised' student mobility selected at the initial critical juncture

Conclusion

The paper began by putting forward two competing explanations of EU policy output. The first supports the idea that policy output reflects the preferences of the most prominent member states – notably France, the UK, and Germany. The second conceptualised power as being dispersed across transnationally organised groups within the EU. To refute such an explanation, the paper asked why, given that the EEC Treaty defines non-discrimination and freedom of movement as fundamental principles, the concept of student and patient mobility do not equate to genuine free movement. To answer this question a path-dependency model of the EU policy process, consisting of the initial critical juncture and the period of path reproduction, was proposed. It was subsequently applied in order to elucidate how and why the Commission and the ECJ defended the interests of those member states that would be detrimentally affected by a freedom of movement policy. Overall, the concern of this paper has been with 'who gets what and how' from the EU policy process, and with 'who gets left out and how' (Bachrach and Baratz, 1970: 105).

A few empirical illustrations from the case of student mobility help illuminate the methodological problems that emerge when we attempt to relate the argument advanced in this paper with the concept of Europeanisation. A full analysis of the rationale behind the development of the Europeanisation of public policy literature is beyond the scope of this paper. It suffices only to mention that this research agenda is not concerned with explaining the process that gives birth to binding authoritative decisions but with explaining change at the level of the member states. In a more recent account, Radaelli clarified the distinctiveness of this research agenda as follows:

‘Let us start by demarcating the difference between Europeanisation and the set of puzzles typical of integration theories. Europeanisation is a set of post-ontological puzzles. This means that we start from the notion that there is a process of European integration under way, and that the EU has developed its own institutions and policies over the last fifty years or so. Accordingly, the puzzles do not refer to the nature of the beast ... i.e., why and how do member-states produce European integration, and whether the EU is more intergovernmental or supranational’ (Radaelli 2004: 2).

The concept of Europeanisation is, however, intrinsically linked to the debate between supranationalism and intergovernmentalism. Evidence of this constitutes one of the earliest definitions of the concept according to which Europeanisation is defined as ‘the emergence and the development at the European level of distinct structures of governance ... associated with problem-solving that formalises interactions among the actors, and of policy networks specializing in the creation of authoritative rules’ (Risse *et al*, 2001: 3). Secondly, when Europeanisation is defined more precisely, to disassociate its meaning from the policy making process, the supranational institutions are conceptualised as the mechanisms through which Europeanisation descends downwards to the domestic level after the stage of policy adoption (see Radaelli 2000). As a consequence of its power to interpret primary EU law, the ECJ is the first mechanism that can trigger change at the domestic level. The Commission, with its power to use the infringement procedure to bring a member state before the ECJ, constitutes a second Europeanisation mechanism leading to domestic change to a lesser degree.

Based on this conceptualisation, the ECJ should have triggered significant change at the level of the member states when it was called, in the Gravier case, to interpret the principle of non-discrimination. However, as was demonstrated, the decision of the ECJ in the Gravier case can be seen to have induced a ‘Europeanisation effect’ only in the case of a small member state. By contrast, the recent use of the infringement procedure by the Commission against Austria and Belgium triggered profound changes at the level of these member states.

The Commission did not however use the infringement procedure against member states with respect to the implementation of the Erasmus programme. Two years after the adoption of Erasmus, a legal scholar observed that 'the Commission could bring an infringement action against a member state whose legislation makes it impossible for the national universities to enter into Erasmus-type agreements with their counterparts in other member states' (Lenaerts, 1989: 123). However, since the adoption of the Erasmus programme there has not been a single case of non-implementation brought before the ECJ. This is surprising when one recalls the findings of classic implementation theorists such as Pressman and Wildavsky (1973), and even more so when EU analysts argue 'from what we know about implementation in federal states we would predict problems for a multi-level system of governance such as the EU' (Dimitrakopoulos, 2001: 336).

Instead, the Commission used the infringement procedure to force Austria and Belgium stop requiring foreign students to prove that they had been admitted to a course of study in their home country before entering their institutions (ECJ, 2004, 2005). This act of discrimination towards mobile students relates back to the Commission's second communication. As we saw, a common admissions policy had not been agreed, and consequently Austria and Belgium, along with all the other member states, had the right to discriminate against foreign students. This was acknowledged by the Austrian delegation during the proceedings: 'The academic recognition of diplomas for the purpose of commencing or pursuing higher education or other training *does not* [my emphasis] fall within the scope of the Treaty' (ECJ, 2005: paragraph 30). Nonetheless, the ECJ found that Belgium and Austria were indeed discriminating against foreign students. The ECJ rulings enabled French and German students to flood into Belgian and Austrian universities (EurActiv, 2005a; 2005b; 2006a; 2006b).

Bibliography

Agence Europe. 1977. Franco-British Proposal for a Council of Health Ministers, 12 April 1977, No. 2195.

Agence Europe. 1984. Health: Satisfactory Outcome of Informal Meeting of "Ten", 30 November 1984, No. 3980.

Alter, Karen J. and Meunier-Aitsahalia, Sophie. 1994. "Judicial Politics in the European Community: European Integration and the Path breaking Cassis de Dijon Decision", Comparative Political Studies, 26 (4): 535-561.

Armstrong, Kenneth A. 1995. "Regulating the Free Movement of Goods: Institutions and Institutional Change", in Josephine Shaw and Gillian More, eds., New Legal Dynamics of European Integration, pp. 165-191. Oxford: Oxford University Press.

Ashford, Douglas E. 1978. ed. Comparing Public Policies: New Concepts and Methods. London: Sage Publications.

Association Internationale de la Mutualité. 1991. The Cross-Border Health Care Within the European Community-For the Commission of the European Communities, Directorate General V, Brussels, April 1991.

Bachrach, Peter and Baratz, Morton S. 1970. Power and Poverty: Theory and Practice. Oxford: Oxford University Press.

Barblan, Andris. 1982. "University Cooperation in Europe: Some Useful Lessons", European Journal of Education, 17 (1): 27-35.

Baumgartner, Frank and Jones Bryan. 1991. "Agenda Dynamics and Policy Subsystems", The Journal of Politics, 53 (4): 1044-1074.

Baumgartner, Frank., Green-Pedersen, Christoffer and Jones, Bryan. 2006. "Comparative studies of Policy Agendas", Journal of European Public Policy, 13 (7): 959-974.

Bennett, Andrew and Elman, Colin. 2006. "Complex Causal Relations and Case Study Methods: The Example of Path Dependence", Political Analysis, 14 (3):250-267.

Bulmer, Simon. 1994. "Institutions and Policy Change in the European Communities: The Case of Merger Control", Public Administration, 72: 423-444.

Bulmer, Simon. 1998. "New Institutionalism and the Governance of the Single European Market", Journal of European Public Policy, 5 (3): 365-386.

Capoccia, Giovanni and Kelemen, Daniel R. 2005. "The Study of Critical Junctures: Theory, Narrative and Counterfactuals in Institutional Theory", Paper presented at the APSA Annual Convention, 1-4 September 2005,

Washington DC, available at http://www.asu.edu/clas/polisci/cqrm/APSA2005/Capoccia_Theory_Narrative.pdf

Caporaso, James A., Marks, Gary., Moravcsik, Andrew and Pollack, Mark A. 1997. "Does the European Union Represent an N of 1?", ECSA Review, X (3): 1-5.

Cobb, Roger W and Elder, Charles D. 1983. Participation in American Politics: The Dynamics of Agenda-Building. Baltimore: John Hopkins University Press.

Corbett, Anne. 2005. Universities and the Europe of Knowledge: Ideas, Institutions and Policy Entrepreneurship in European Union Higher Education Policy, 1955-2005, Basingstoke: Palgrave Macmillan.

Comité Intérimaire Pour L' Université Européenne, "Rapport du Comité Intérimaire aux Conseils de la Communauté Économique Européenne et de la Communauté Européenne de l' Energie Atomique", Florence, le 27 Avril 1960.

Council of Ministers. 1980. General Report by the Education Committee, 11 June 1980, 7787/80.

Council of Ministers. 1986. Resolution of the Council concerning the Adoption of a European Emergency Health Card, Official Journal of the European Communities, 23 July 1986, No C184.

Council of Ministers. 1987. European Education Policy Statements, 2nd Edition, Office for Official Publications of the EC.

CRE-Information, CRE General Assemblies, 4th Quarter, No 80.

Crenson, Matthew A. 1971. The Unpolitics of Air Pollution, Baltimore, MD: Johns Hopkins University Press.

Dahl, Robert A. 1957. "Decision-Making in a Democracy: The Supreme Court as a National Policy-Maker", Journal of Public Law, 6: 279-295.

Dahl, Robert A. 1961. Who Governs?, New Haven, CT: Yale University Press.

Dimitrakopoulos, Dionyssis G. 2001. "Unintended Consequences: Institutional Autonomy and Executive Discretion in the European Union", Journal of Public Policy, 21 (2): 107–131.

Dimitrakopoulos, Dionyssis G. 2001. "Implementing EU Public Policy" in Jeremy Richardson ed., European Union-Power and Policy-Making, pp. 335-355. London: Routledge.

Dowding, Keith. 2004. "Interpretation, Truth and Investigation: Comments on Bevir and Rhodes", British Journal of Politics and International Relations, 6 (2): 136-142.

Dudley, Geoffrey and Richardson, Jeremy. 1999. "Competing Advocacy Coalitions and the Process of Frame Reflection: A Longitudinal Analysis of EU Steel Policy", Journal of European Public Policy, 6 (2): 225-248.

Elster, Jon. 1985. Making Sense of Marx, Cambridge: Cambridge University Press.

EurActiv. 2005a. Austria Takes Emergency Measures for Education in Wake of ECJ Ruling, 11 July 2005.

EurActiv. 2005b. Austria Seeks Solution to Major Influx of Foreign Students, 7 September 2005.

EurActiv. 2006a. Belgium to Set Limit Number of French Students, 21 March 2006.

EurActiv. 2006b. French Complain to Commission Over Belgian Student Quota, 1 September 2006.

European Commission. 1974. Education in the European Community, COM (74) 253 final, 14 March 1974.

European Commission. 1977. Report on the Development of the Social Situation in the Communities.

European Commission. 1978a. Education Action Programme at Community Level: A European Community Scholarships Scheme for Students, COM (78) 469 final, 22 September 1978.

European Commission. 1978b. Admission to Institutions of Higher Education of Students from other Member-States, COM (78) 468 final, 22 September 1978.

European Commission. 1984. Draft Council Recommendation concerning the Adoption of a European Emergency Health Card, Official Journal of the European Communities, 28 January 1984, No C 21.

European Commission. 1990. Communication from the Commission on the living and working conditions of Community citizens in frontier regions with special reference to frontier workers, COM (90) 561 final, 27 November 1990.

European Commission. 1994. European Social Policy-A Way Forward for the Union-A White Paper-Part A, COM (94) 333 final, 27 July 1993.

European Court of Justice. 1985. Gravier v City of Liège, Case C-293/83.

European Court of Justice. 1998. Raymond Kohll v Union des caisses de maladie, Case C-158/96.

European Court of Justice. 1998. Nicolas Decker v Caisse de maladie des employés privés, Case C-120/95.

European Court of Justice. 2001. Smits and Peerbooms, Case C-157/99.

European Court of Justice. 2004. Commission of the European Communities v Kingdom of Belgium, Case C-65/03.

European Court of Justice. 2005. Commission of the European Communities v Republic of Austria, Case C-147/03.

Feldman, Elliot J. 1978. "Comparative Public Policy: Field or Method?", Comparative Politics, 10 (2): 287-305.

Gordon, Jean and Jallade, Jean-Pierre. 1996. "Spontaneous Student Mobility in the European Union: A Statistical Survey", European Journal of Education, 31 (2): 133-151.

Franchino, Fabio. 2005. "The Study of EU Public Policy-Results of a Survey", European Union Politics, 6 (2): 243-252.

Hall, Peter A. and Taylor, Rosemary C.R. 1996. "Political Science and the Three New Institutionalisms", Political Studies, XLIV, 936-957.

Hay, Colin and Wincott, Daniel. 1998. "Structure, Agency and Historical Institutionalism", Political Studies, XLVI: 951-957.

Heidenheimer, Arnold J. 1973. "Comparing Policy Development Cross-Nationally", Policy Studies Journal, 1 (3): 170-172.

Hix, Simon. 1994. "The Study of the European Communities: The Challenge to Comparative Politics", West European Politics, 17:1-30.

Hix, Simon. 1998. "The Study of the European Union II: The 'New Governance' Agenda and Its Rival", Journal of European Public Policy, 5 (1); 38-65.

Hogwood, Brian W. and Peters, B. Guy. 1983. Policy Dynamics, Brighton: John Spiers.

Janne, Henri. 1973. For a Community Policy on Education, Bulletin of the European Communities, Supplement, 10/73.

Jones, Charles O. 1984. An Introduction to the Study of Public Policy, California: Brooks/Cole Publishing Company.

Kay, Adrian. 2003. "Path Dependency and the CAP", Journal of European Public Policy, 10 (3): 405-420.

Kay, Adrian. 2005. "A Critique of the Use of Path Dependency in Policy Studies", Public Administration, 83 (3): 553-571.

Kingdon, John W. 1995. Agendas, Alternatives and Public Policies, Boston: Little Brown.

Lenaerts, Koenraad. 1989. "Erasmus: Legal Basis and Implementation", in Bruno De Witte, ed., European Community Law of Education, pp. 113-125. Nomos: Baden-Baden.

Le Conseil De La Communauté Économique Européenne, 1958a, Règlement No 3 concernant la sécurité sociale des travailleurs migrants, Journal Officiel des Communautés Européennes, 16.12.1958.

Le Conseil De La Communauté Économique Européenne, 1958b, Règlement No 4 fixant les modalités d'application et complétant les dispositions du règlement no 3 concernant la sécurité sociale des travailleurs migrants, Journal Officiel des Communautés Européennes, 16.12.1958.

Mucciaroni, Gary. 1992. "The Garbage Can Model and the Study of Policy-Making: A Critique", Polity, 24: 459-482.

Mahoney, James. 2003. "Strategies for Causal Assessment in Comparative Historical Analysis", in James Mahoney and Dietrich Rueschemeyer eds., Comparative Historical Analysis in the Social Sciences, pp. 337-371. Cambridge: Cambridge University Press.

Mahoney, James. 2007. "Qualitative Methodology and Comparative Politics", Comparative Political Studies, 40 (2): 122 - 144.

March, James G. and Olsen, Johan P. 1984. "The New Institutionalism: Organizational Factors in Political Life", American Political Science Review, 78 (3): 734-749.

Mazey, Sonia. 1998. "The European Union and Women's Rights: From the Europeanization of National Agendas to the Nationalization of a European Agenda?", Journal of European Public Policy, 5 (1): 131-152.

McLean, Iain. 2003. "Two Analytical Narratives about the History of the EU", European Union Politics, 4 (4): 499-506.

Moravcsik, Andrew. 1991. "Negotiating the Single European Act: National Interests and Conventional Statecraft in the European Community", International Organization, 45:19-56.

Moravcsik, Andrew. 1995. "Liberal Intergovernmentalism and Integration: A Rejoinder", Journal of Common Market Studies, 33 (4): 611-628.

Moravcsik, Andrew. 1999. "A New Statecraft? Supranational Entrepreneurs and International Co-operation", International Organisation, 53 (2): 267-306.

O'Reilly Dolores and Stone-Sweet Alec. 1998. "The Liberalisation and European Reregulation of Air Transport" in Wayne Sandholtz and Alec Stone-Sweet eds., European Integration and Supranational Governance, pp. 165-184. Oxford: Oxford University Press.

Palayret, Jean-Marie. 1996. "A University for Europe: Pre-history of the European University Institute in Florence 1948-1976", Presidency of the Council of Ministers, Department of Information and Publishing.

Parry, Geraint and Morriss, Peter. 1974. "When Is a Decision not a Decision?", in Ivor Crewe, ed., Political Sociology Yearbook, Volume 1, pp. 317-337. Croom Helm: London.

Peters, B. Guy., Pierre, Jon and King, Desmond S. 2005. "The Politics of Path Dependency: Political Conflict in Historical Institutionalism", The Journal of Politics, 67 (4): 1275-1300.

Peterson, John. 1992. "The European Technology Community: Policy Networks in a Supranational Setting", in Rhodes, R.A.W. and David, Marsh. eds., Policy Networks in British Government, pp. 226-247. Oxford: Clarendon Press.

Pierson, Paul and Skocpol, Theda. 2002. "Historical Institutionalism in Contemporary Political Science", in Ira Katznelson and Milner, Helen V. eds., Political Science: The State of the Discipline, pp. 693-721. New York: W.W. Norton.

Pierson, Paul. 1998. "The Path to European Integration: A Historical Institutional Analysis", in Wayne Sandholtz and Alec Stone-Sweet, eds., European Integration and Supranational Governance, pp. 27-58. Oxford University Press.

Pierson, Paul. 2000. "Not Just What but When: Timing and Sequence in Political Processes", Studies in American Political Development, 14: 72-92.

Pierson, Paul. 2004. Politics in Time: History, Institutions and Social Analysis, Princeton: Princeton University Press.

Pierson, Paul. 2005. "The Study of Policy Development", Journal of Policy History, 17 (1): 34-51.

Pierson, Paul. 2007. "The Costs of Marginalization: Qualitative Methods in the Study of American Politics", Comparative Political Studies, 40 (2): 145-169.

Pollack, Mark A. 2003. The Engines of European Integration: Delegation, Agency and Agenda-Setting in the EU, Oxford: Oxford University Press.

Polsby, Nelson W. 1979. "Empirical Investigation of the Mobilization of Bias in Community Power Research", Political Studies, 27 (4): 527-541.

Pressman, Jeffrey L. and Wildavsky, Aaron 1973. Implementation: How Great Expectations in Washington are Dashed in Oakland, Berkeley: California University Press.

Radaelli, Claudio M. 2000. "Whither Europeanisation? Concept Stretching and Substantive Change", European Integration Online Papers (EIoP), Vol. 4, No 8.

Radaelli, Claudio M. 2004. "Europeanisation: Solution or Problem?", European Integration Online Papers (EIoP), Vol. 8, No 16.

Raney, Austin. 1968. ed. Political Science and Public Policy, Chicago: Markham Publishing Company.

Risse, Thomas., Cowles, Maria G. and Caporaso, James. 2001. "Europeanization and Domestic Change: Introduction", in Maria G. Cowles, James Caporaso and Thomas, Risse eds., Transforming Europe: Europeanization and Domestic Change, pp. 1-21. Ithaca: Cornell University Press

Sabatier, Paul A. and Jenkins-Smith, Hank C. 1993. eds. Policy Change and Learning: An Advocacy Coalition Approach, Boulder: Westview Press.

Sabatier, Paul A. and Jenkins-Smith, Hank C. (1999) "The Advocacy Coalition Framework: An Assessment", pp. 117-166 in 115 in Sabatier, P.A. (ed.) Theories of the Policy-Process, Boulder: Westview Press.

Sandholtz, Wayne. 1998. "The Emergence of a Supranational Telecommunications Regime" in Wayne Sandholtz and Alec Stone-Sweet eds., European Integration and Supranational Governance, pp. 134-163. Oxford University Press.

Schattschneider, Elmer E. 1960. The Semi-Sovereign People: A Realist's View of Democracy in America, New York: Holt.

Schlager, Edella. 1999. "A Comparison of Frameworks, Theories and Models of Policy Processes", in Paul A. Sabatier, ed., Theories of the Policy-Process, pp. 233-260. Boulder: Westview Press.

Schneider, Volker., Dang-Nguyen, Godefroy and Werle, Raymund. 1994. "Corporate Actor Networks in European Policy-Making: Harmonizing Telecommunications Policy", Journal of Common Market Studies, 32(4):473-498.

Sprokkereef, Annemarie. 1995. "Developments in European Community Education Policy", in Juliet Lodge, ed., The European Community and the Challenge of the Future, pp. 340-347. London: Pinter Publisher.

Stone-Sweet, Alec. and Sandholtz, Wayne. 1997. "European Integration and Supranational Governance", Journal of European Public Policy, 4 (3): 297-317.

Weir, Margaret. 1992. "Ideas and the Politics of Bounded Innovation", in Sven Steinmo, Kathleen Thelen and Frank Longstreth, eds., Structuring Politics: Historical Institutionalism in Comparative Analysis, pp. 188-216. Cambridge: Cambridge University Press.

Wendon, Bryan. 1998. "The Commission as Image-Venue Entrepreneur in EU Social Policy", Journal of European Public Policy, 5 (2): 339-353.

Wincott, Daniel. 1995. "Institutional Interaction and European Integration: Towards an Everyday Critique of Liberal Intergovernmentalism", Journal of Common Market Studies, 33 (4): 598-609.

Wincott, Daniel. 1995. "The Role of Law or the Rule of the Court of Justice? An 'Institutional' Account of Judicial Politics in the European Community", Journal of European Public Policy, 2 (4): 583-602.

Zaxariadis, Nikolaos. 2002. "Rethinking European Integration in the Competition Domain: A Public Policy Approach", Policy Studies Journal, 30 (2) : 2 2 9 - 2 3 9 .