

A Critical Summary of “The Path to European Integration” by Paul Pierson

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February 22nd, 2014

The Argument: From Synchronic Analysis to Diachronic Analysis

Sometimes, all it takes is a perspectival shift to interpret empirical phenomena in a new light. This is Paul Pierson’s objective in his article disputing intergovernmentalist accounts of European integration. For Pierson, intergovernmentalism is a functionalist perspective positing that the EU “is essentially a forum for interstate bargaining” (pg. 124). Intergovernmentalism had, at the time of Pierson’s writing, become “the dominant” perspective for the study of European integration (pg. 128). Indeed, the fundamental building blocks of intergovernmentalism – “member states are the central institution builders of the [EU], and they do so to serve their own purposes” – seem difficult to dispute, and are readily accepted by Pierson himself (pg. 157). Yet for Pierson, intergovernmentalists have been winning the theoretical debate by playing a rigged game. The intergovernmentalist focus on synchronic analysis (i.e. collecting data at a single point in time) and focus on “grand bargains” has produced an unrepresentative series of photographs of European integration. And “just as a film often reveals meanings that cannot be discerned from a single photograph, a view of Europe’s development over time gives us a richer sense of the nature of the emerging European polity” (pg. 127). This is where Pierson’s historical institutionalist approach comes in. In short, Pierson seeks to provide a historical institutionalist account of European integration that challenges intergovernmentalism without endorsing alternative theories of regional integration (namely neofunctionalism).

Pierson’s Historical Institutional Approach

Pierson acknowledges that under the label of historical institutionalism has fallen “a diverse range of scholarship, much of it with little theoretical focus” (pg. 126). Thus along the way, he seeks to develop a more precise and rigorous account of historical institutionalism. Most broadly, historical institutionalist scholarship “is historical because it recognizes that political development must be understood as process that unfolds over time. It is institutionalist because it stresses that many of the contemporary implications of these temporal processes are embedded in institutions – whether these be formal rules, policy structures, or norms” (ibid). Pierson’s more specific theory makes the following proposition: even though principals may be self-interested and initially hold a strong bargaining position, they “nevertheless carry out institutional and policy reforms that fundamentally transform their own positions (or those of their successors) in ways that are unanticipated and/or undesired” (ibid).

Pierson highlights three sources of gaps (or ‘bureaucratic drift’ – as this phenomenon is referred to in principal-agent frameworks): 1) “the short time horizons of decision makers,” 2) “the prevalence of unanticipated consequences,” and 3) the prospect of shifting member state policy preferences” (pg. 135). With respect to short-term consequences, member state governments often “[act] for short-term political reasons” – given more pressing domestic political demands, but these decisions often have “long-term institutional consequences” (pg. 136). Concerning unintended consequences, Pierson argues that even if actors had long time horizons, the growing “issue density” in the EU (i.e. the rise in number of laws and policies promulgated at the EU level, as well as veto players playing the policymaking game) “generates problems of overload” and inevitably leads to “asymmetrical access to information,” which renders monitoring bureaucratic drift difficult (pgs. 137; 139). With respect to shifting preferences of the principals (member states), Pierson argues that a historical approach reveals the dynamic nature of state preferences, thus “evolving arrangements will diverge from the intentions of original designers” (pg. 140).

Pierson highlights three reasons why bureaucratic drift, once detected, would be difficult to eliminate: 1) “the resistance of [EU] institutional actors,” 2) “institutional obstacles to reform within the [EU],” and 3) “the sunk costs associated with previous actions” (pg. 142). With respect to agent resistance, Pierson notes that EU institutions can be expected to use any resource available “to resist member-state efforts to exercise greater control over their activities” (ibid). Concerning institutional barriers to reform, Pierson argues that states often seek to create institutions that their opponents will not be able to control, thus “political institutions are often “sticky” – specifically designed to hinder the process of institutional and policy reform” (pg. 143). Finally, concerning the role of sunk costs, Pierson writes that “individual and organizational adaptations to previous decisions” may “vastly increase the disruption caused by policy shifts or institutional reforms, effectively locking in previous decisions” (pgs. 144-145).

The Case Study: European Social Policy

Pierson sets up his case study to, in his mind, hit intergovernmentalism where it hurts: “Social policy is widely considered to be an area where member-state control remains unchallenged [...] Yet even in this area – where an intergovernmentalist account seems highly plausible – a historical institutionalist perspective casts the development of European policy in quite a different light” (pgs. 148; 150). Pierson conducts a case study of EU policymaking on 1) gender equality, 2) health and safety regulations, and 3) the enactment of the “Social Protocol” in the 1992 Maastricht Treaty to argue that historical institutionalism, not intergovernmentalism, best explicates the EU’s role in these areas traditionally guarded by states (pg. 150). On gender equality, Pierson highlights how a passing reference to equal pay for men and women in Article 119 of the 1957 Treaty of Rome was used by the European Court of Justice (ECJ) to issue several “expansive interpretations” that “have required extensive national reforms of social security law and corporate employment practices” (pg. 151). With regards to workplace safety regulations, Pierson marvels at the number of directives issued by the more autonomous European Commission in this area: “by late 1994, 29 new directives had been passed under the new procedures [for qualified majority voting on health and safety decisions] introduced with the Single European Act” – noting how southern European states that “had the most to lose from the enactment of high standards” found themselves “overwhelmed by the enormity of the regulatory task” to mount much resistance (pg. 153). Finally, Pierson highlights how the Social Protocol included in the 1992 Maastricht Treaty, which allowed qualified majority voting in the Council of Ministers on a series of issues from working conditions to labor market regulations offers plenty of opportunities for bureaucratic drift: “the Social Protocol leaves tremendous room for unanticipated consequences [...] the arrangement clearly reflects a harried and desperate effort to keep the Maastricht negotiations from coming unraveled altogether. Legal ambiguities abound [...] it is, of course, the European Court of Justice that will determine how these ambiguities are resolved” (pg. 155).

Some Criticisms

Without getting down in the weeds of EU integration theories, Pierson’s attempts to frame historical institutionalism as an alternative to intergovernmentalism that is conceptually distinct from neofunctionalist theory is unpersuasive. For example, Pierson emphasizes the “possibilities for autonomous action by supranational actors” and even revives Ernst Haas’ neofunctionalist theory of “spillover” (“the tendency of tasks adopted to have important consequences for realms outside those originally intended”) (pgs. 147; 139). Pierson notes that “intergovernmentalists challenge neofunctionalism with two key questions: Why would member states lose control, and even if they did, why would they not subsequently reassert it?” – implying that neofunctionalists have not provided their own answers. But it is precisely the various formulations of “spillover” and of supranational entrepreneurship that have been supplied by neofunctionalists as answers to the intergovernmentalist

challenge. The most trenchant critique that has been leveraged at neofunctionalism has been its inability to explicate regression, and the theoretical proximity of Pierson's historical institutionalist approach to neofunctionalist theory renders it vulnerable to the same charge. Indeed, Pierson's prediction that the Maastricht Treaty's Social Protocol may well spur EU policymaking beyond state preferences has not been validated by subsequent developments in EU competences. Most social policies that states care about – housing, pensions, education, etc. – remain under the exclusive purview of EU member states. Perhaps the only area where some expansion of EU competence in the social policy area has come from the ECJ's growing human rights caseload (much of which implicates judicial review of domestic social policies) – but this growing human rights jurisdiction for the court has largely been imposed on the ECJ by outside forces (namely the member states themselves and from the European Court of Human Rights of the Council of Europe) – it does not represent an autonomous move by the court to further its self-empowerment.