

Sovereign States and their Decision-Making Autonomy: French and German Decision Making Concerning the Agricultural Chapter of the Uruguay Round of GATT-Negotiations.

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INTRODUCTION

This paper investigates the relationship between the abstract concept of sovereignty and actual state decision making on foreign policy. Debates continue on the concept of sovereignty, the criteria on the basis of which (the degree of) sovereignty should be established and on the usefulness of the concept in an ever globalizing world. But how is sovereignty actually related to the analysis of ‘who rules’ in particular empirical foreign policy domains?

Taking the classical distinction between internal sovereignty and external sovereignty as the point of departure, this paper moves on to claim that an additional distinction between authority and autonomy is necessary in order to analyze the relation between (aspects of) sovereignty and its potentially predictable consequences for who rules. While authority is a relatively static concept rooted in judicial rights, autonomy is a dynamic variable on the basis of which a relationship can be established with the relative importance of domestic and international considerations in decision making on foreign policy. Abstract concepts of sovereignty, authority and autonomy are thus linked up with empirical analysis.

After introducing the concept of sovereignty and highlighting relevant conceptual debates (Section I), this paper elaborates a theoretical model in which the structural variables of internal polarity (i.e. the degree of concentration of power in the hands of the government relative to

society) and external polarity (i.e. the degree of power concentration in the international system) are introduced as the main variables influencing autonomy (Section II). Based on variations in degrees of autonomy, expectations are formulated on its effect on foreign policy decision making, particularly on the relative importance of domestic and international considerations in this process. In Section III, the theoretical framework is applied to French and German preference formation regarding the 1988 CAP-reform and the Uruguay Round of GATT-negotiations between 1990 and 1993. These case-studies, which offer variation on both internal and external polarity, provide a preliminary test of the theoretical framework set out in Section II.

I. SOVEREIGNTY, AUTHORITY AND AUTONOMY

Sovereignty can be regarded ‘an essential characteristic of the (modern) state’ (Van Kersbergen, 1999: 74; see also Amilleri and Falk 1992, Held 1995, Stirk and Weigall 1995, Jackson 1999). The ‘core element in any definition of sovereignty’ is ‘the assertion of authority within a given territory’ (Krasner, 1988: 86). A distinction is commonly made between internal sovereignty (also called domestic hierarchy or territorial integrity) and external sovereignty (also called international anarchy or independence). Internal sovereignty means that ‘with respect to its territory and the population living on it, a state recognizes no authority other than its own’ (Van Kersbergen, Lieshout and Lock, 1999: 12) and thus connotes ‘supreme authority over a population inhabiting a territory’ (Aalberts, 2006: 16). A very general conceptualization of external sovereignty is the ‘lack of overarching authority structures in international relations’ (Aalberts, 2006: 16), *ergo* international anarchy. A more agency-focused conceptualization of external sovereignty is that ‘a state recognizes no authority above it in its relations with other states’ (Lieshout, 1999: 14).

Although authors are mostly in agreement on these general concepts of internal and external sovereignty, divergences arise when it comes to more specific conceptualizations of what sovereignty entails and which criteria should be applied to measure (the existence or the degree of) sovereignty. The differences in definitions and criteria to a large extent explain the variation in claims regarding the extent to which states can still be regarded to be sovereign and hence with respect to the usefulness of the concept of sovereignty within the field of International Relations. For realists, the essence of sovereignty is ‘the state’s ability to make authoritative decisions’ (Thomson, 1995: 213). According to Thomson (1995, 215) state-centric theories such

as realism 'are built on the assumption that states are, by definition, sovereign' (see also Aalberts (2006: 49). Their analysis focuses on the outcomes of interactions between these sovereign states. In contrast, liberal interdependence theorists (e.g. Keohane and Nye, 1972; Rosecrance, 1986) from the 1970s onwards argued that 'state sovereignty was being eroded by economic interdependence, global-scale technologies, and democratic politics' (Thomson, 1995: 215). More recently these arguments have been couched in terms of the adverse effects of globalization and (European) integration on state sovereignty (for a discussion and reply see van Kersbergen, 1999). On the one hand, liberal interdependence theorists defining sovereignty in terms of 'the state's ability to control actors and activities within and across borders' (Thomson, 1995: 213), conclude that state sovereignty has diminished. On the other hand, theorists focusing on sovereignty as the claim of authority would conclude that globalization and regional integration have not diminished state sovereignty, but merely a state's decision making autonomy. Clearly, variation in the definitions of and criteria for sovereignty explain these contradictory conclusions.

Based on the literature, a distinction thus can be made between sovereignty as authority – 'the claim to exclusive right to make rules' (Thomson, 1995: 223) – and sovereignty as (degree of) control or capacity – 'capability of enforcing that claim' (Thomson, 1995: 223). The latter essentially boils down to state autonomy: the ability of state and government to formulate and exert their own policies independent of the influence of other domestic and international actors. A number of authors argue that control should not be regarded a criterion for sovereignty. Van Kersbergen (1999: 74; for a similar argument see Thomson, 1995) notes that sovereignty 'will always remain to a large extent an aim, an aspiration or a claim of the ruling elite rather than an accomplished goal'. Sovereignty thus does not equal absolute power for state and government and the ability to do whatever they wish within their territory, let alone in their foreign policies. In a similar vein, Aalberts (2006: 19) warns against the 'common misinterpretation of sovereignty: that it entails absolute power control or freedom' as this 'confuses authority with power and control' and 'conflates internal and external dimensions of sovereignty'. Hedley Bull's thoughts on sovereignty, however, seem to include both authority and autonomy as criteria for sovereignty: Sovereignty 'as a right [that] has to be claimed, recognized and exercised' (Aalberts, 2006: 56-57). I would argue that when it comes to answering the question "Who rules?" in a particular empirical domain, both authority and autonomy are concepts of importance and a clear distinction can be maintained between these concepts, irrespective of the question whether

autonomy should be regarded a criterion for sovereignty or not. The latter would be important in scientific studies aiming to contribute to a widening or deepening of the conceptual debate on sovereignty. However, it is beside the point in this paper as my aim is not to problematize the concept of sovereignty itself, but rather to focus on the relation between authority and autonomy on the one hand and state decision making with regard to foreign economic policy on the other hand.¹ Suffice to say, therefore, that this paper takes the following assumptions with respect to sovereignty as the point of departure:

1. The distinction between internal and external sovereignty.
2. The distinction between authority and autonomy, irrespective of the question whether autonomy should be regarded a necessary condition for sovereignty or not.
3. Globalization and regional integration mainly have an impact on decision making autonomy, but leave state authority largely intact (for a discussion see Van Kersbergen, 1999).

Although the state is the highest authority at the international level, it is not likely to take just any action it wishes. States are (or at least act as if they are) bound by the treaties they have signed, the international organizations they brought into being, and the importance they attach to their reputation. This can be expected to be the case particularly when states have delegated specific parts of their authority to international institutions. With respect to GATT (General Agreement of Tariffs and Trade) negotiations for example, European member states have delegated negotiating authority to the European Commission. Nevertheless, the Commission acts on the basis of a mandate from the Council of Ministers and a final trade accord has to be met with a qualified majority in the Council (*de jure*, while these decisions are usually taken unanimously *de facto*). In effect, states operate under constraints in the international system and can be expected to take account of other actors in the international arena. In other words the decision making autonomy of states (state autonomy or external autonomy) is not likely to be absolute.

¹ This does not mean that sovereignty itself is bracketed out of the analysis, as particularly the degree of autonomy is an important *variable* in the analysis in this paper and cannot be regarded as static and given. Nevertheless, this paper does not address or enter into the thought-provoking debate instigated in the constructivist literature in which the constitutive nature of sovereignty - sovereignty as constitutive of states and the concept of sovereignty itself, in turn, constituted by states (sovereignty is what states make of it) - is emphasized (see for example Aalberts (2006) on the continuity of sovereignty within change of both the circumstances and sovereignty itself).

At the domestic level, the government is the highest authority. Again, this does not imply that the government is free to act as it wishes. Although the government holds authority over its population, it is dependent on societal recognition of its claim of the legitimate exercise of authority and it is politically accountable to its population. Therefore, governments (at least in democratic states) cannot simply ignore the wishes of societal actors when they decide on foreign policy, even though the government may have sole decision making authority in many foreign policy domains. In effect, governments face domestic constraints and are likely to take account of the wishes of societal actors to a certain extent. In other words the decision making autonomy of governments (governmental or internal autonomy) is not likely to be absolute.

In effect, when we ask the question 'Who rules?' with respect to foreign economic policy (to the extent that decision making authority has not been completely delegated to international institutions), the answer must be that eventually the state/government decides, but within both domestic and international constraints. In order to explain and potentially predict the influence of international (foreign states, IO's) and societal actors (interest groups, parliament), it is important to establish which variables influence the strength of the international and domestic constraints and hence state and governmental autonomy respectively. I claim that state autonomy and governmental autonomy are constrained and that the degrees of these constraints vary with two structural variables: the polarity of the domestic system (i.e. the degree of concentration of power in the hands of the government relative to society, also referred to as 'domestic structure' or 'state-society relations'); and the polarity of the international system (i.e. the degree of power concentration in the international system). I expect that different combinations of power relations at the two levels of analysis amplify and modify international and domestic constraints differently and therefore influence the freedom of manoeuvre or autonomy of state and government. External polarity influences the degree to which states need to take account of other international actors, and thus the degree to which state autonomy is limited. Internal polarity influences the degree to which governments need to take account of the wishes of different domestic actors and thus the degree to which governmental autonomy is limited. The theoretical notions underpinning these claims will now be elaborated.

II INTERESTS, POLARITY AND AUTONOMY

State and governmental interests

Before elaborating on the variation in degrees of state and governmental autonomy and their effect on foreign policy decision making, we first need to establish the state and governmental interests which are assumed to lie at the basis of foreign policy decisions. The State operates within a more or less uncertain environment within which it, first of all, has to take care of its survival². A distinction can subsequently be made between the external and the internal interests of the State, or between the interest of the state to survive in the international system and the interests of the government to survive in the domestic system. As a consequence, the preference ordering of foreign policy alternatives and hence foreign policy itself depends on the expected effects of the different alternatives on the interest in survival of the State.³ Van der Vleuten (2001:50) has introduced a useful distinction between three important dimensions of the interest in survival: a political, economic and ideological dimension (see also Bull, 1977 (1995ed):63).

The *political* dimension of the national interest essentially covers the relative power position of the state and its government. For the government this implies that its objective is to remain in office, and for the state it implies safeguarding its power position vis-à-vis other states in the international system. Apart from this material aspect, the State's political interest also includes an immaterial, less tangible feature: the State's credibility. Credibility may be regarded as a dimension of power, which is indicated by a state's reputation for keeping its promises and executing its threats. Wealth is the central aspect of the *economic* dimension of state interests. Applied to trade issues, this implies that states aim at safeguarding their share in world markets by tuning international trading agreements to their institutional trade opportunities. States will prefer liberalization in sectors in which they have a comparative advantage, and they will prefer protectionism in sectors in which they produce relatively inefficiently. In addition, the concept of

² In the remainder of this paper, I distinguish between the state as an actor in the international system and the state as an actor in the domestic system. The former will be referred to as 'state', and the latter will be referred to as 'government'. The term State is reserved for the state as a mental construct: the State that has to weigh its external (state) interests and its internal (governmental) interests in the process of preference-formation.

³ Underlying this statement is the assumption that actors are *rational*, which means that they decide as if they have ordered the expected outcomes of the behavioural options subjectively available to them on the basis of the expected utility they attach to these outcomes. Actors are assumed to be *utility maximizing* and thus to prefer the option with the highest expected utility attached to it.

institutional trade opportunities also refers to the degree to which a certain state is dependent on the stability a transparent, well-organized trading system provides. Domestically, governments are interested in a stable development of economic indicators like GDP and employment. Finally, the *ideological* dimension of the national interest touches upon national role-perceptions, principles and paradigms. There are certain roles a particular state wishes to play in the international system: take for example France's *vocation exportatrice* in the area of agriculture (cf. Fouilleux, 1996:52). Governments wish to safeguard the principles and paradigms on which their policy is based. Small scale family farming is such a *Leitmotiv* in German politics (Bundesministerium für Ernährung, Landwirtschaft und Forsten, 1988). A summary of these different dimensions of a State's domestic and international interests is provided in Table 1.

Table 1: Dimensions of the interests in survival of state and government

EXTERNAL	INTERNAL
<p><u>Political material interest</u> Defending the relative power position of the state.</p>	<p><u>Political material interest</u> Remaining in office (re-election).</p>
<p><u>Political immaterial interest</u> Defending the state's credibility.</p>	<p><u>Political immaterial interest</u> Defending the government's credibility.</p>
<p><u>Economic interest</u> Tuning international trading agreements to the state's institutional trade opportunities.</p>	<p><u>Economic interest</u> Maximizing national economic indicators: state budget, GNP, employment etc.</p>
<p><u>Ideological interest</u> Safeguarding the 'role' the state wishes to play in the international system.</p>	<p><u>Ideological interest</u> Defending the government's policy principles and paradigms.</p>

I assume that in the process of preference formation before making foreign policy decisions, the effects of each (subjectively available) behavioural option on the different dimensions of the State's interests are considered. This process results in an ordering of behavioural options or, put differently, a preference. I further assume that behavioural options can have three sorts of effects for each of the State interests: neutral effects; positive effects (contributing to the State interest);

or negative effects (damaging the State interests).⁴ The importance the State is likely to attach to the different aspects of its interest varies with state and governmental autonomy.

Internal polarity and governmental autonomy

Internal polarity refers to the degree to which power is concentrated within the state.⁵ It essentially focuses on the power of the government in relation to society.⁶ The greater the capability of the government to impose its will on societal actors (or to pursue policies against the will of these societal actors), the higher the internal polarity (Van der Vleuten, 2001:39). A relatively high internal polarity thus implies a relatively high degree of governmental autonomy. Due to this high degree of governmental autonomy, the State can afford to be relatively insensitive to societal demands and will be better able to take account of demands of external actors. Thus, the relative weight a State attaches to its external interests increases as internal polarity increases (and governmental autonomy with it). Based on Van der Vleuten (2001:39-49), I use three institutional factors to estimate the internal polarity: First of all, the degree to which power is centralized within the state; Secondly, power relations between government and parliament; And, finally, the system of interest mediation.

The degree of centralization of power within the state affects governance capability as it indicates the degree to which the consent of lower levels of government is required in order for the central government to be able to take policy-decisions. In a unitary state, the degree of centralization is high and in a federal state, the degree of centralization is low. Furthermore, in presidential systems, the degree of centralization is high if the president and the prime minister belong to the same political party and low if they belong to different political parties. The more

⁴ The negative and positive effects on different dimensions of the State interest can be termed *costs* and *benefits* respectively. In the process of preference formation, the State decides on the basis of its *perception* of the costs and benefits it attaches to different behavioural options.

⁵ Following Van der Vleuten (2001), I use the term *polarity*, because it can be applied both at the domestic and at the international level, indicating the degree to which power is concentrated in the hands of the government at the former level, and indicating the degree to which power is concentrated in the hands of a small number of states at the latter level. As such, it is derived from Waltz's third characteristic of 'structure', which is the distribution of capabilities across the units of the system. (Waltz, 1979:81-81). I am aware that the term *polarity* is not commonly used in this sense and that my understanding of internal polarity closely resembles what is often labeled the distinction between *weak* and *strong* states (e.g. Krasner, 1978) in Comparative Politics literature, or *state-society relations* in the domestic structure literature. With respect to the former, I would argue that the terminology is less appropriate in IR literature and could easily be confused with a reference to the relative power of a state in the international system (Mastanduno *et al.*, 1998 use the terms *weak* and *strong* state in that sense for example). The term *state-society relations* fails to capture the structural character of the variable.

⁶ With the term society, I refer to domestic non-state actors, including corporatist actors and societal movements

decision-making power is centralized, the higher the internal polarity, while the less decision-making power is centralized, the lower the internal polarity.

Executive-legislative relations affect governance capabilities as they indicate the degree to which parliament constitutes a veto-player for the government. In case of coalition governments or single-party majority governments (with a stable majority in parliament), executive-legislative relations are characterized by an executive-legislative balance. In case of minority governments, these relations are legislative-dominated. Furthermore, in bicameral parliamentary systems, executive-legislative relations are characterized by an executive-legislative balance if the government has a stable majority in both the upper and the lower chamber and executive-legislative relations are legislative-dominated if the government has a minority or merely a narrow majority in either of the two chambers. To the extent that the relations between government and parliament are more balanced, internal polarity increases. To the extent that these relations are legislative-dominated, internal polarity decreases, as parliament constitutes a veto-player, which negatively affects governance capabilities.

The degree to which interest mediation is institutionalized affects governance capacity, as it indicates the degree to which societal groups can block the policies proposed by government. When the degree of institutionalization is high, we speak of a corporatist method of interest mediation, and when the degree of institutionalization is low, the method of interest intermediation is labeled pluralist. The former method places the societal groups involved in a veto-player position (Tsebelis, 1995:308). Thus, it follows that the higher the degree of institutionalization of interest mediation, the lower the internal polarity. A pluralist method of interest representation does not provide societal groups with veto-power (Nordlinger, 1981:157; Culpepper, 1993:306). Apart from the fact that these groups lack formal decision-making power, the 'presence of several competing interests could in principle mean that they will prevent one another from realizing their interests directly' (Van Waarden, 1992:44). Therefore, the lower the degree of institutionalization of interest mediation, the higher the internal polarity

Taking together the 'scores' of a state on the three indicators, we can establish whether internal polarity is low or high. Table 2 indicates the scores from high polarity (3) to low polarity (0). As governmental autonomy increases with increasing internal polarity, it follows that the higher the score in table 2, the higher the degree of governmental autonomy.

Table 2: Internal institutional indicators and internal polarity

	High degree of centralization		Low degree of centralization	
	Executive -legislative balance	Legislative-dominated	Executive -legislative balance	Legislative-dominated
Pluralism	3	2	2	1
Corporatism	2	1	1	0

Internal polarity provides information on the degree of governmental autonomy, in short its general *ability* to ignore societal demands, and about the general *ability* of society to influence the government. In case of high domestic polarity, society will need to exert far more pressure in order to influence the government than in case of low domestic polarity.⁷ Apart from the structural variable of internal polarity, a number of process variables need to be introduced which also influence governmental autonomy. These variables influence the costs and benefits societal actors are able to produce for the government and thus the internal constraints on governmental decision making.

Societal mobilization, societal resources and governmental sensitivity influence the domestic political costs and benefits attached to different behavioural options. To a certain extent, mobilization is a prerequisite for societal influence, notwithstanding the possibility that the government anticipates on societal preferences and pressure. As levels of mobilization increase, the political costs or benefits of an option increase. In order for societal groups to mobilize, a policy proposal must affect their interests, and provide substantial benefits or induce high costs (Milner, 1997:63). As long as societal mobilization is *unidirectional* – the mobilized societal groups confronting the government with similar demands – increased mobilization is likely to lead to an increase in societal influence. However, once mobilization becomes *multidirectional*, indicating lack of *unity* on the part of society, this will be detrimental to the influence of society in the process of preference formation, because it increases the government's room for manoeuvre and thus its autonomy. The more resources a group has at its disposal, the more likely this group will be able to influence the process of preference formation by effectively producing internal political costs and benefits and the less likely the government is able to ignore this group. Finally, when a government is more *sensitive*, governmental autonomy decreases, and the government needs to attach greater importance to its internal political interests (and thus take

⁷ This corresponds with what Skidmore and Hudson (1993:8-9) call the *weak statist* view, which argues that 'if [a] state is strong and insulated (...), then societal opposition can be ignored, at least until it reaches very high levels'.

account of societal pressure). The sensitivity of the government increases if the government has a weak position in parliament and when elections are pending (Van der Vleuten, 2001:53).

External polarity and state autonomy

The structure of the international system constrains and enables states, making certain policy options more attractive to them than others. These constraints vary with the degree to which power is concentrated within the international system (external polarity). External polarity indicates the distribution of power between the states in the international system, in the same manner that internal polarity indicated the power relations between the government and societal actors in the domestic system. External polarity increases as power in the international system is more concentrated or, in other words, distributed more unequally (Lieshout, 1999:18). External polarity affects the stability of power relations and thereby the degree to which states need to take account of their external interests. The more unstable the power relations in the system are, the more the State needs to take account of its external interests if it wishes to survive. External polarity thus influences the degree to which states need to take account of the demands of foreign states and IO's (external interests), as well as the degree to which states have leeway to take societal demands into account (internal interests). In other words: External polarity affects state autonomy.⁸

The virtue of the 'inequality of states' is that it 'makes peace and stability possible' (Waltz, 1979:132). Bipolar systems are more stable than multipolar systems. If the number of poles within the international system increases, 'the level of decision-making uncertainty about the consequences of particular actions in the international arena increases' as well (Bueno de Mesquita, 1978:243). As a result of the flexibility of alliances, power relations in multipolar systems are less stable than power relations in bipolar systems. In multipolar systems, the 'tendency of coalitions to gain and lose partners' makes the 'resolve of opposing states and also

⁸ Skidmore (1994) emphasizes the variable of state power as indicative of the degree to which a certain state is constrained by its external environment. I agree that the external environment imposes different constraints on superpowers than on middle powers, the former having more policy options available to them. However, I would add that the policy options of a certain state in a multipolar system (low polarity) – irrespective of its particular position within the international system - also differ from the policy options available to that state in a bipolar system (high polarity).

the size and strength of opposing coalitions (...) hard to calculate' (Mearsheimer, 1990b:37). Furthermore, superpowers in a bipolar system have a greater interest in and feel more responsible for maintaining the status quo than great powers in a multipolar system (Lieshout, 1995:180). Consequently, in a bipolar system, middle powers and small powers can rely on the intervention of superpowers in defense of their territory, while, in a multipolar system, they have to rely on their own efforts to a greater extent. We may conclude that a bipolar system (and the relative power positions of states within that system) is relatively stable compared to a multipolar system.⁹

The more stable the international system, the less uncertain and constrained the position of states will be within this system. As a result, since bipolar systems are more stable and impose fewer constraints on states than multipolar systems, the degree of state autonomy is also larger in bipolar systems than in multipolar systems. In the process of preference formation, this affects the weight a State is likely to attach to its international interests (which increases as state autonomy decreases) and the State's ability to take account of its domestic interests in the process of preference formation (which increases as state autonomy increases). As a consequence, middle powers will be less concerned about their power position in a bipolar system than in a multipolar system.¹⁰ The probability then increases that the State will give precedence to its domestic interests – thus to domestic demands such as pressure exerted by interest groups - and that it will pay less attention to its international interests (e.g. pressure exerted by foreign states).

Apart from the structural variable of external polarity, the process variable of *state vulnerability* also influences state autonomy. Increased pressure by other states is likely to result in increasing political costs for a state. The *vulnerability* of the state (comparable to the sensitivity of the government in the domestic arena) affects the degree to which state A needs to take account of the preferences of state B and thus the degree to which state A is likely to be influenced by state B. Asymmetries in dependence-as-vulnerability between states have consequences for the interactions between these states.¹¹ If state A is more vulnerable to state B

⁹ Moreover uncertainty and instability are also extremely high during periods of power transition, that is, when external polarity is actually changing (Bueno de Mesquita, 1978:455; Starr and Morton, 2001:51).

¹⁰ One exception needs to be mentioned though. This concerns middle powers which are not aligned with one of the superpowers. As these states are not integrated within competing blocks, they are at risk of serving as locations for superpower competition.

¹¹ In the area of international trade for example: If state A exports a large part of its products to state B and state A has no alternative export markets, then state A is *vulnerable* to state B (Keohane and Nye, 1989:12-13).

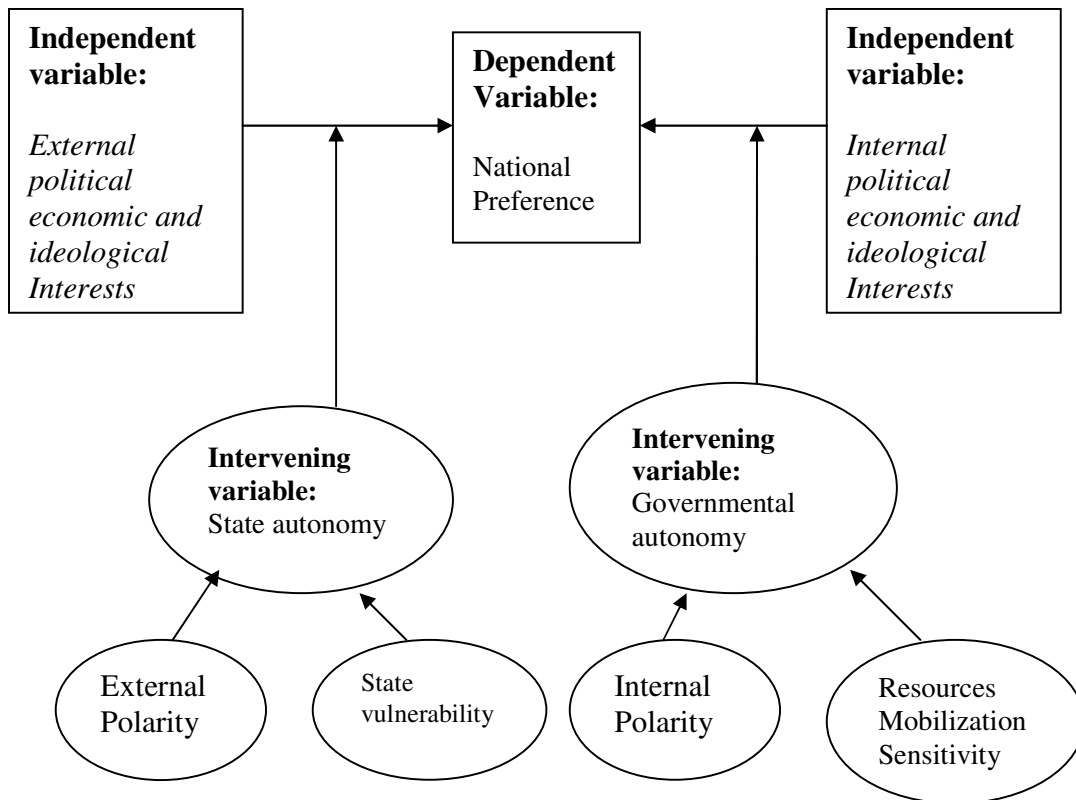
than vice versa, then A is likely to anticipate on B's wishes and expected behaviour. This has an impact on the costs and benefits state A attaches to different behavioural options in the process of preference-formation. In this situation it is clearly in state A's interest not to upset state B, for the reaction of state B (e.g. retaliation) could seriously damage A's political and economic interests. If state A has a high degree of vulnerability to other states, then its autonomy decreases and it will attach more weight to its external political interest than to its internal interests in the process of preference-formation.

Hypotheses

A number of expectations on state and governmental autonomy in preference formation on foreign policy can now be derived.

- the lower the internal polarity, the lower the degree of governmental autonomy and the more importance a State will attach to its internal interests relative to its external interests;
- the higher the internal polarity, the higher the degree of governmental autonomy and the more importance a State will attach to its external interests relative to its internal interests;
- the higher the levels of societal resources and unidirectional mobilization, the lower the degree of governmental autonomy and the more likely a State is to take account of its internal political interest;
- the greater a government's sensitivity, the lower the degree of governmental autonomy and the more importance a State will attach to its internal political interests;
- the lower the external polarity, the lower the degree of state autonomy and the more importance a State will attach to its external interests relative to its internal interest;
- the higher external polarity, the higher the degree of state autonomy and the more importance a State will attach to its internal interest relative to its external interest;
- the greater a State's vulnerability vis-à-vis other states, the lower the degree of state autonomy and the more importance it will attach to its international political interest.

These expectations can be summarized in a causal model, presented in Figure 1.

Figure 1: Causal model

Combining the theoretical expectations based on the structural variables of internal and external polarity yields four possible combinations (Table 3). Box B – low internal polarity and high external polarity – depicts cases in which the State is confronted with relatively weak external constraints and strong internal constraints: the degree of state autonomy is high and the degree of governmental autonomy is low. This leads to the expectation that internal considerations will be decisive. Box C – high internal polarity and low external polarity – depicts cases in which the State is confronted with strong external constraints and relatively weak internal constraints: the degree of state autonomy is low and the degree of governmental autonomy is high. This generates the expectation that external considerations will be decisive. In cases in boxes A and D, the structural variables do not allow for clear-cut expectations on the primacy of either domestic or

international considerations. I expect that in these cases, the intervention of process variables will be decisive in tilting the balance towards either international or domestic considerations. Decision making in Box A takes place under loose constraints. The high degree of state autonomy allows for domestic politics to be taken into consideration, but the high degree of governmental autonomy takes away the necessity for the State to do so. Decision making is particularly difficult in cases in box D, as both governmental and state autonomy are low and internal and external considerations have to be taken into account here. The State will have to seek a compromise, which is likely to result in a long and tardy process of preference formation.

Table 3: Polarity, autonomy and state preferences

		<i>Internal Polarity</i>	
		<i>High</i>	<i>Low</i>
<i>External Polarity</i>	<i>High</i>	<p>A High degree of state autonomy. High degree of governmental autonomy. No decisive effect of either domestic or international considerations: process variables gain in importance</p>	<p>B High degree of state autonomy. Low degree of governmental autonomy. Domestic considerations will be decisive</p>
	<i>Low</i>	<p>C Low degree of state autonomy. High degree of governmental autonomy. International considerations will be decisive</p>	<p>D Low degree of state autonomy. Low degree of governmental autonomy. No decisive effect of either domestic or international considerations: process variables gain in importance</p>

III FRENCH AND GERMAN PREFERENCE FORMATION ON INTERNATIONAL AGRICULTURAL POLICY

This section will provide a preliminary empirical test of the theoretical framework elaborated above. Four cases will be studied, one from each box. By selecting France and Germany, variation on the variable of internal polarity (and thus governmental autonomy) is established. Internal polarity in Germany is relatively low.¹² The degree of centralization of power in Germany is low, as it is a federalist state. Its score on Schmidt's index of veto-points is high (5 out of 5) (Schmidt, 1993:386-387). Furthermore, in the period of the case studies, Germany had a coalition government with a majority in the Bundestag, the lower chamber of parliament. In the Bundesrat, the upper chamber of parliament, the government had a stable majority until 1990 and a minority or very small majority from 1990 onwards (Saalfeld, 2005:64). Executive-legislative relations are therefore characterized by an executive-legislative balance until 1990 and are legislative dominated from 1990 onwards. Finally, Germany is characterized by a high institutionalization of interest mediation. Different indices of corporatism agree on the presence of modest to strong corporatism in Germany (Siaroff, 1999:180-184). In contrast with Germany, the French unitary state is highly centralized. France's score on Schmidt's index of veto-points is 0 out of 5 (Schmidt, 1993:386-387). Nevertheless, between 1986 and 1988 and from 1993 onwards, *cohabitation* between a Socialist President and a Centre-Right prime minister reduced the centralization of power. Furthermore, the Centre-Right government ruling France between 1986 and 1988 enjoyed a majority in the Assemblée. The Socialist government from 1988 until March 1993 was a minority government and the Centre-Right government from March 1993 onwards was a majority government again (Thiébaud, 2004:338). Consequently, executive-legislative relations were balanced between 1986 and 1988, legislative dominated between 1989 and March 1993, and balanced again from March 1993 onwards. Different indices of corporatism indicate a low degree or even an absence of corporatism in France, although the indices are not as much in agreement on the degree of corporatism in France as they are on the degree of corporatism in Germany (Siaroff, 1999:180-184). On the basis of Table 2, Germany's score on

¹² In this article, 'Germany' refers to the Federal Republic of Germany until 1990 and includes the ex-GDR from 1991 onwards.

internal polarity varies between 1 until 1990 and 0 from 1990 onwards (both indicating low polarity) and France's score is 2 (indicating high polarity).¹³

Variation on the variable of external polarity is obtained by selecting, for both France and Germany, one preference formation process *before* and one *after* the end of the Cold War. The first case is the 1988 CAP-reform and the second case is the agricultural chapter in the Uruguay Round of GATT-negotiations between 1990 and 1993. The international system from the middle of 1950s up to and including 1989 can be classified as bipolar, with the United States and the Soviet Union being the two superpowers. In the beginning of the 1990s, after the fall of the Berlin Wall and the demise of the Soviet Union, scholars did not agree whether the international system was unipolar or multipolar. On the one hand, Mearsheimer (1990a) and Layne (1993) argued that the political international system was on its way to become multipolar, while Krauthammer (1990) argued that it was unipolar, with the US as hegemon. The period between 1990 and 1993 appears to have been a period of transition, the outcome of which was not yet clear at the time. Since a period of power transition involves high degrees of uncertainty and instability, it most closely resembles what I classified as low external polarity, even though there is no agreement on whether the international system was in fact multipolar or not. Table 4 provides an overview of the cases and how they are classified with respect to internal and external polarity.

On the basis of the theoretical framework, it is first of all expected that as the German government enjoys a lower degree of governmental autonomy, it will be more guided by internal considerations than France. Furthermore, the expectation is that external considerations will gain relatively in importance in the period 1990-1993, compared to the period before 1990, as state autonomy increased. For each of the cases respectively, I will shortly elaborate on the consequences of the proposed policies for the state's interests (political, economic, ideological), and on variations in the process variables during the decision-making process. Subsequently, the preferences defended by France and Germany in the international arena will be described, and in

¹³ These classifications of France and Germany with respect to their internal polarity correspond with other author's categorizations of state-society relations in these states. State-society relations are generally considered to be society-dominated in Germany (leading to the expectation that domestic groups will be more influential) and state-dominated in France (leading to the expectation that domestic groups will be less influential) (e.g. Katzenstein, 1978:323-234; Krasner, 1978:58; Mastanduno et al., 1989:470; Risse-Kappen, 1991:492, 504; Skidmore, 1993:207; Van der Vleuten, 2001:87).

conclusion an analysis is provided of these preferences in the light of state and governmental autonomy and the relative influence of internal and external considerations.

Table 4: Internal polarity, external polarity, and the four cases

		<i>Internal Polarity</i>	
		<i>High</i>	<i>Low</i>
<i>External Polarity</i>	<i>High</i>	France: CAP-reform 1988	Germany: CAP-reform 1988
	<i>Low</i>	France: Uruguay Round 1990-1993	Germany: Uruguay Round 1990-1993

The 1988 CAP-Reform

In June 1987, the European Commission proposed a package of reforms aimed at safeguarding the financing of the EC-budget. An important part of this package was the introduction of the so-called stabilizers, which imposed a ceiling on agricultural expenditure. This was deemed necessary, because the production quota, introduced in 1984, did not sufficiently limit agricultural expenditure to prevent budgetary problems.¹⁴ It took the Council of Ministers until February 1988 to reach agreement on the package of reforms.

German interests and preferences

There was a considerable amount of external political and economic pressure to reform the CAP. The Commission exerted intense pressure on the member states to agree to the proposed CAP-reform, repeatedly pointing at the continuing budgetary deficits which were mainly caused by

¹⁴ When production was to exceed a certain threshold, stabilizers would become operative, lowering the support prices with the same percentage as the excess production (de Groot, 1997:141).

agricultural expenditure. CAP-reform simply was a necessity. The United Kingdom (UK) and the Netherlands supported the Commission plans and tried to convince other member states to accept the proposals (De Groot, 1997:158). Domestically, however, societal pressure in Germany was mostly mobilized against the Commission proposal of introducing stabilizers. The *Deutscher Bauernverband* (DBV) categorically rejected the price reductions that the stabilizers were likely to give rise to and showed itself in favour of reducing the quantity of production instead, as well as setting aside land for this purpose (Deutscher Bauernverband, 1988:23). The stabilizers did not fit in well with the German idea of agricultural policy either, which focused on farm support through the price mechanism (Scotto, 1987; Lemaitre, 1987). High farm prices were indispensable for the price mechanism to generate sufficient income for German farmers. The stabilizers were thus both politically and ideologically costly for the German government. Furthermore, elections were scheduled for Baden-Württemberg and Schleswig-Holstein in September 1987, two Länder in which the farm vote was considered to be of importance (Elliot and Heath, 2000:44-45). Chancellor Helmut Kohl feared these elections would damage the majority of the coalition parties in the Bundesrat (Attali, 1995:426), and he warned Minister of Agriculture, Ignaz Kiechle, that these elections were important.

Germany was the only member state that categorically rejected the Commission proposals (de Groot, 1997:155). It rejected the stabilizers and submitted a wholly different proposal, which came down to national quota and national financing of support when these quotas were exceeded. Furthermore, Germany, together with France, proposed to introduce a set-aside scheme, as an alternative to the system of stabilizers (de Groot, 1997:155). Set-aside would limit production, which would eventually result in a decrease in expenditure on agriculture. This would be far more desirable than price cuts. At the European Council meeting in Copenhagen, December 1987, Germany blocked the negotiations, because the Commission had not submitted proposals on set-aside. During its own presidency of the European Community, starting January 1988, Germany succeeded in getting a set-aside scheme accepted. Although set-aside eventually was not introduced as an alternative for, but in addition to the system of stabilizers, the high ceilings for expenditure combined with the set-aside limited their effects.

The German position defended in the international arena was in accordance with the preferences of the German farmers. Their pressure appears to have been effective, and the sensitivity of the German government due to the two Länder elections positively affected the

societal influence. We may conclude that the German farm organization influenced German preference with regard to the 1988 CAP-reform (see also Hendriks, 1991; Patterson, 1997; Elliot and Heath, 2000). Domestic considerations turned out to be more important for the German government than international considerations.

French interests and preferences

Just like Germany, France was confronted with pressure from the Commission and several member states to agree to the proposed CAP-reform. It found an ally in Germany though, as both were interested in undermining the system of stabilizers. However, the German emphasis on limiting production and introducing set-aside did not correspond with the wishes of the French farmers and their idea of agricultural policy (Fouilleux, 1996:62-65). The farmers protested against the Commission proposals and against any European agricultural policy that was budget-driven (Banzet, 1987). A complicating factor for the French government were the presidential elections which were to be held in March 1988. According to Attali (1995:426), the French government would not easily be able to make concessions.

In the negotiations in the Council of Ministers, France did not reject the Commission proposals altogether, but aimed at limiting the effects of the stabilizers. To that end, it proposed that the thresholds for production beyond which guarantee prices would be reduced, be introduced for a range of products together instead of per product (de Groot, 1997:143). This would allow excess production of one product to be leveled out by other products, for which the production had remained below the threshold. Together with Germany, France also proposed an initiative of optional set-aside. Eventually, France agreed to both the stabilizers per product and to set-aside, even though the Commission proposals on set-aside did not permit extensive cattle breeding on the land that was taken out of production, which France had desired (de Groot, 1997: 158). The farmers opposed the agreement on CAP-reform their government consented to and were angry at Farm Minister François Guillaume, because he had introduced the proposal for set-aside in the negotiations (Fottorino, 1988:1).

The French position taken in the negotiations in the Council of Ministers was not in accordance with the wishes of the French farmers. The government's efforts to minimize the effects of the stabilizers were not contrary to the French farm interests, but the farmers had

wanted the government to reject the Commission proposals altogether. Furthermore, the government proposed a set-aside scheme, even though the French farmers strongly opposed the idea of set-aside or any other kind of production-limiting policies. Even if one takes into account the possibility that the French government supported the set-aside proposal in order to strengthen the Franco-German alliance against the stabilizers and to create a bargaining chip which could be exchanged for concessions by others, then still the choice for the set-aside proposal indicates that farm pressure had no decisive impact on the government. References to the government's 'tied hands', due to the presidential elections, were aimed at gaining concessions from other states in the negotiations, but cannot be regarded indicative of societal influence.

The Uruguay Round Between 1990 and 1993

Within the Uruguay Round of GATT-negotiations (1986 and 1993) agriculture was an important issue. Particularly between 1990 and 1993, substantial proposals and potential accords on the agricultural aspects of the Uruguay Round were discussed. In the autumn of 1990, the European Commission proposed an agricultural offer in the run up to the GATT ministerial conference in Heysel, which the Council of Ministers had to approve. The Heysel conference, originally intended to finalize the GATT-negotiations, turned into a debacle however, and it took until November 1992 for the European Commission and the US-government to reach a compromise on agriculture: the Blair House Accord. However, this compromise was not acceptable to all member states. After additional negotiations and concessions, both the US and all European member states could agree on a deal on agriculture that introduced several changes to the Blair House Accord in December 1993.

German interests and preferences

Between 1990 and 1993, the EC was under intense external pressure from other GATT-members, particularly the United States and the so-called CAIRNS-group of cereal-exporting states, to liberalize agricultural trade (Europe, 20.9.1990:10, 19.10.1990:12). Within the EC, however, France tried to convince Germany to persist with its tough stance regarding the agricultural issue. Germany thus found itself in a difficult position, since it, on the one hand, highly valued the

Franco-German axis in the process of European integration, but, on the other hand, also attached great importance to its relations with other trading partners, like the US (Bulletin, 24.2.1987: 139-143). Moreover, by the end of 1991, it became increasingly clear that Germany's overall economic interest was better served by a swift and successful conclusion of the Uruguay Round. Beneficial agreements had been reached on many non-agricultural topics (CDU/CSU/FDP, 1991:12; Paeman and Bensch, 1995:195), and due to the so called 'globality' of the negotiations, the concessions made by trading partners on these non-agricultural issues would not materialize until agreement was reached on the outstanding issues, among which agriculture. Since Germany, as an important exporter of industrial goods, would economically benefit from these concessions, it became increasingly costly to continue prioritizing particularistic agricultural interests, which blocked an overall GATT-agreement. Furthermore, as time went by, the US threatened to prioritize bilateral cooperation if the GATT-negotiations were to collapse (Gegenschlag aus Amerika, 1991; GATT-Verhandlungen, 1991). This could seriously damage the multilateral trade regime, the importance of which Germany had repeatedly emphasized before and during the negotiations (e.g. Bulletin, 12.6.1987:512-513). We may conclude that, particularly from 1991 onwards, both the German external political and particularly its economic interests were increasingly served by flexibilizing the European offer on agriculture, which enhanced the chances of successfully concluding the Uruguay Round.

Domestically, nevertheless, German farmers demanded protection and mobilized pressure against a far-reaching European agricultural offer in 1990 and against the Blair House Accord in 1992. In 1991 industrial interest groups also stepped up their pressure on the government to make concessions on agriculture in exchange for concessions of trading partners on industrial trade (Patterson, 1997:153). The mostly unidirectional mobilization against agricultural concessions in 1990 had made way for a multidirectional societal mobilization in 1991. Furthermore, the German government was facing the first all-German elections in December 1990. Governmental sensitivity was therefore high, particularly taking into consideration that farmers were generally considered an important source of support for the government coalition of CDU, CSU and FDP (Weiss, 1989:80-81).

With respect to the negotiations on the European agricultural offer for the Heysel conference in the autumn of 1990, Germany staunchly defended the German agricultural interest in the Council meetings (Agra Europe, 19.13.1990:3; Europe, 10.10.1990:7; Swinbank an

Tanner, 1996:78). It rejected the Commission proposals for a 30% cut in agricultural support. By the end of 1991, however, the German Cabinet decided to opt for flexibilization of the agricultural offer. The German preference ordering had changed: a successful conclusion of the GATT-negotiations was now prioritized over defending particularistic farm interests. In accordance with these priorities, Germany also accepted the Blair House Accord agreed to by the European Commission and the US in November 1992, despite fierce French protests against this deal (Bulletin, 25.11.1992:1151). In August 1993, however, Chancellor Kohl made a statement to the press – after a meeting with the French president François Mitterrand – indicating that Germany also had problems with the Blair House Accord (Webber, 1998:52). Although German government officials went out of their way to convince their negotiating partners that the German position on Blair House had not changed, Kohl now instructed the German negotiators to concede to the French as much as possible, however, without jeopardizing the Uruguay Round. This resulted in German support for the French demand of ‘clarification’ of the Blair House Accord in September 1993, which eventually resulted in partial renegotiations, leading to an overall GATT-deal in December 1993.

Until the end of 1990, the position defended by the German government reflected the demands of the German farm lobby. The German demand for flexibilization of the European agricultural offer in 1991, however, and its acceptance of the Blair House Accord in 1992, appear to have been instigated by external considerations. The process variables of the degree of societal mobilization and governmental sensitivity explain why the German government chose to prioritize its internal political interests in 1990, but not in 1991 and 1992. In 1990, the upcoming parliamentary elections and the unidirectional societal mobilization against agricultural concessions, made the policy option of a far-reaching agricultural offer extremely costly, whereas an absence of both unified societal mobilization and crucial elections enabled the government to prioritize a successful conclusion of the Uruguay Round over protecting particularistic farm interests in 1991 and 1992. In 1993 though, Germany indirectly protected farm interests again, by supporting the French demands for ‘clarification’ of the Blair House Accord. Nevertheless, it is striking that this time, these preferences do not seem to have been driven by domestic pressure of the farm lobby, but by external political pressure exerted by France.

French interests and preferences

Similar to Germany, France faced the political pressure from GATT-members and the European Commission to liberalize agricultural trade. By the end of 1991, even German support was failing and France became increasingly isolated within the EC. It was also feared that the discord within the EC (particularly between Germany and France), would have repercussions on the process of European integration. Regarding the French economic interests, a GATT-agreement would arguably be beneficial for the overall economy, although an agreement would be relatively more favourable to an industrial exporting state like Germany. However, France repeatedly downplayed the agreements reached on non-agricultural issues, as well as the benefits an overall GATT-deal was likely to provide (Coded message from the Dutch permanent representation in Brussels to the Dutch Ministry of Foreign Affairs, 8.12.1992). With respect to France's external ideological interests, accepting a far-reaching agricultural offer and giving in to US demands were costly policy options. France's *vocation exportatrice* regarding agricultural products (cf. Fouilleux, 1996:52), and its inclination for interventionist policies were at stake as the proposals denied the 'right' to export, making potential exports increasingly dependent on relative competitiveness and the operation of the market mechanism. Furthermore, giving in to US demands and accepting deals more favourable to the US than to the EC, could jeopardize the role France saw for the EC as a counterweight against the US (cf. Gyomarch et al., 1998:40-43). The only ideological consideration supporting readiness to compromise was the importance France attached to the Franco-German axis (cf. Delorme, 1994:42).

Domestically, the variable of internal political pressure was nearly a constant. Farmers protested against a far-reaching European agricultural offer and against flexibilization of this offer at later stages in the negotiations. Although societal mobilization of other groups (e.g. industrial groups) in favour of concessions in the agricultural negotiations in order to arrive at a successful GATT-deal had increased somewhat by the end of the Uruguay Round, societal pressure mainly supported the French farmers. Furthermore, the sensitivity of the socialist government was considerable in the autumn of 1992. The French government had only narrowly escaped a no-vote in the referendum on the Treaty on European Union in September 1992. In addition, parliamentary elections would be held in March 1993, and the governing Socialist party did not do well in the polls.

Between 1990 and 1993, France continuously stalled decision-making in the EC on flexibilization of the agricultural offer. In 1990, France rejected the Commission's agricultural proposal for the Heysel conference. In 1992, France objected to the Blair House Accord, threatening to use its veto-power if necessary (Noblecourt, 1992:1). Finally, in 1993, France demanded 'renegotiation' of the Blair House Accord. This resulted in a new Accord in December 1993, which France accepted, even though the material changes appeared to be minimal.

With the exception of the acceptance of the final deal in December 1993, the preferences defended by France coincide with the demands of the French farm organizations. At the same time however, these preferences are in line with the French external ideological interests, though less with its external political interests from 1991 onwards. The question that needs to be answered now is whether the French government acted on the basis of domestic political considerations or on the basis of external, mainly ideological considerations. I would argue that the French government based its actual preferences on external considerations and used the societal mobilization to support their 'tied hands' strategy as a means to gain maximal concessions from its partners. The chances of effective farm influence appear to have been small for two reasons. First of all, the relations between government and farm organizations had deteriorated between 1991 and 1993. Agriculture Minister Louis Mermaz agreed to CAP-reform in 1992, against the demands of the farm organizations and without informing or consulting them (Fouilleux, 1996: 56-59). He perceived CAP-reform as a means of strengthening the position of the EC in international negotiations (Grosrichard, 1991:21). Strengthening the leverage of the EC at the international level seemed more important to him than satisfying the farmers. The farm organizations were aware of their lack of influence and deemed it necessary to establish contacts with other Ministries (Fouilleux, 1996:62-65). Secondly, decision-making with respect to the GATT-negotiations took place at the upper echelons of the executive during this period, limiting the access of the farm organizations (Epstein, 1997:361).

Contrary to internal political considerations, external considerations *do* explain French preferences, including the acceptance of the final deal. In 1991 and 1992, France's *vocation exportatrice* and the role of the EC as a counterweight to the US were at stake. Although the final agreement reached in December 1993 was still likely to damage French exports, the agreement was less costly than the previous proposals. It was clear this agreement was 'as good as it gets', and the only alternative was no agreement at all, which would leave France worse off. French

opposition against the agreement would also have repercussions on the Franco-German axis, and it would risk a European crisis (Webber, 1998:52). Rejecting the agreement became increasingly hard to defend internationally. Finally, the French government appears to have been confident that the final deal – even though the material changes relative to the Blair House Accord were minimal and certainly not sufficient to meet the demands of the farm organizations – could be defended domestically. The cuts in export subsidies had been decreased and the US had made concessions. The government could therefore claim that it had resisted US pressure and that the French *vocation exportatrice* had not been squandered. France, indeed, took every opportunity to emphasize how much it had won in the negotiations (e.g. Ministère de l’agriculture et de la pêche, 1994).

CONCLUSION

The investigation in German and French preference formation with regard to the 1988 CAP-reform and the agricultural part of the Uruguay Round of GATT-negotiations between 1990 and 1993 has shown differences in the relative influence of internal and external considerations. German resistance against the CAP-reform proposed by the Commission was based on domestic considerations, reflecting the wishes of the German farm organizations. France also seemed committed to protect the interests of its farmers and tried to undermine the proposed system of stabilizers to that end. However, the fact that it (together with Germany) introduced and finally accepted set-aside – a policy the French farm organizations fiercely opposed – shows that the French farm groups had no decisive impact on their government during the negotiations. With respect to the agricultural part of the Uruguay Round between 1990 and 1993, the German government, confronted with domestic mobilization against compromising on the agricultural chapter and facing parliamentary elections in December 1990, first succumbed to domestic pressure. From 1991 onwards, however, in the absence of unified societal mobilization and crucial elections, Germany prioritized external political and economic considerations and agreed to agricultural concessions. The preferences defended by France between 1990 and 1993 largely coincided with both the demands of the French farm organizations and the incentives based on external ideological considerations. The investigation has shown that the latter offer a convincing

explanation of the French preferences in this period, whereas direct evidence for farm influence is lacking. Taken together, these cases demonstrate how internal polarity and external polarity affect governmental autonomy and state autonomy respectively and how this translates in the relative influence of international and domestic considerations in the foreign policy process. Under conditions of low internal polarity and high external polarity (Germany 1988), the degree of state autonomy was high while the degree of governmental autonomy was low and societal demands prevailed in the process of preference formation. In contrast, under conditions of high internal polarity and low external polarity (France 1990-1993) external interests were prioritized. The German case between 1990 and 1993 (low internal polarity, low external polarity) convincingly showed the decisive influence of process factors when both the degrees of state autonomy and governmental autonomy are low.

We may conclude that the case studies provide support for the hypotheses derived from the theoretical framework presented in this article. Further rigorous testing of the model will be necessary in order to arrive at more robust conclusions regarding its predictive accuracy. Even though states enjoy decision making *authority* in nearly all foreign policy domains, they cannot simply act on policies of their own design but are constrained by both international and societal actors: their decision making *autonomy* is limited. Application of a rigorous distinction between state autonomy and governmental autonomy enabled predictions on the relative influence of international and domestic actors on state preferences and policies. If lower degrees of autonomy should also be regarded as indicative of lower degrees of sovereignty remains a matter of definition. Nevertheless, the importance of the degrees of state and governmental autonomy in the analysis of 'who rules' in particular empirical domains is a matter of fact.

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