

# Comparing elite and citizen attitudes towards the differentiated implementation of EU law

Evidence from a large-*N* survey of citizens, politicians and  
bureaucrats

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December 20, 2024

Transnational regulatory harmonization is a key building block of the international legal order. However, we know little about how elite and citizen views of it differ. Using data from a Norwegian survey from 2023 this article finds both citizen-elite and intra-elite gaps in perceptions of legal harmonization: First, citizens are significantly less likely to support legal harmonization than bureaucrats. In contrast, the article finds that their views of it are similar to those of all but the most Eurosceptic politicians. Furthermore, while the attitudes of bureaucrats only differ significantly from those of strongly Eurosceptic politicians, bureaucrats with a ministry or legal background hold views of legal harmonization significantly different from those of other civil servants. Future studies of public and elite opinion of international cooperation must thus theorize more clearly how the elite-citizen gap may vary for different elites, and empirically test how these differences manifest across policy areas.

**Keywords:** differentiated implementation, EU integration, public opinion, EEA agreement

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# Introduction

Harmonization of laws and regulations is an important, but not uncontested (Kinderman 2020), tool for international organizations seeking to establish transnational legal orders. The regional political cooperation that has gone the furthest down the path of legal harmonization is the European Union (De Lombaerde et al. 2010). Despite a thriving literature that studies why European policy implementation becomes more or less harmonized across countries (Zhelyazkova 2024; Princen et al. 2022; Zbiral et al. 2023), we know little about how citizens and elites think about the competing demands from legal harmonization and national political preferences in the national implementation of EU law. This paper contributes to this debate by answering the question “How do citizens, politicians and bureaucrats differ in their views of legal harmonization?”

I use optimal full matching (Hansen 2004) and a 2023 survey that asks Norwegian civil servants, politicians and citizens identical questions about their views of the national implementation of EU rules and to answer this question. Norway is an interesting case in this context, as a heavily debated scandal related to the misapplication of EU welfare law in the Norwegian context made the issue of legal harmonization between EU and national law salient to both citizens and public officials. I show that the elite-citizen gap in attitudes towards legal harmonization seems to vary based on the elite group in question. For instance, while citizens and politicians have similar views of the desirability of legal harmonization, bureaucrats are markedly more positive towards such harmonization than the same citizens. Expanding upon existing research into elite and citizen views of international cooperation (Dellmuth et al. 2022; Kertzer 2022), I also show that there are differences in how bureaucrats with different organizational and academic backgrounds view the prospect of legal harmonization between European countries. This illustrates the importance of taking intra-elite differences into account when theorizing how citizen and elite attitudes towards international cooperation differ.

An important theoretical implication of my results is that strategic motivations seem to shape elite attitudes towards legal harmonization. One likely explanation for why Norwegian bureaucrats are more likely than citizens to perceive legal harmonization as a good thing is that they are better able to influence EU policy-making processes than citizens without a direct vote in European elections. Similarly, the fact that citizens and politicians have overlapping interests in politicians being able to implement the policies

they promised their voters can explain why these two groups have similar views on legal harmonization.

This study raises important questions for future research: While I theorize that the strategic interests of elite actors lead them to express different attitudes towards legal harmonization than both citizens and other elite actors, my data cannot establish their exact motivations. This is important because the strategic interest perspective of this article and the socialization logic described by for instance Adler-Nissen (2014) may not be mutually exclusive. Future qualitative work should therefore address how bureaucrats perceive their own roles within the multilevel administrative order (Trondal and Peters 2013), and especially how they perceive conflicting demands for bureaucratic professional autonomy and political loyalty. Future work should also assess whether the two demands have different salience for bureaucrats depending on the policy area in question. This would allow us to probe whether demands for regulatory and legal harmonization will meet similar support whether they apply to non-salient issues of limited interest to the broader citizenry or to salient issues like fiscal or migration policy.

Norway also has a particular relationship to the EU, with Norwegian law having to be harmonized with EU law despite Norway lacking voting rights in the EU's democratic institutions (Fossum et al. 2023). Future work should therefore establish whether the patterns found in this study extend also to full EU member states. This can help us understand how political representation of state interests, as found in the Council of the EU, potentially constrains national politicians' willingness to demand implementation of international law that runs counter to internationally agreed obligations.

This paper first develops a theoretical framework for how one should think about the possibly diverging views that elites and citizens may have of legal harmonization, and lays out empirically testable hypotheses. I then outline my empirical strategy, describing my modeling choices and variables. I lastly present my results. By showing the large intra-elite differences in views of how international law should be implemented at the national level I show that the literature on elite and citizen views of international organizations should be nuanced (Dellmuth et al. 2022).

# Legal harmonization, public and elite attitudes

A large literature studies popular attitudes towards both the European Union and international organizations more broadly (Hobolt and De Vries 2016; Dellmuth et al. 2022; Hooghe and Marks 2009). However, the literature studying views of the EU largely focuses on attitudes towards the institutions and outputs of the union. There is less attention paid to support for regulatory and legal harmonization, arguably one of the main drivers of European integration (Majone 2002).

This paper zooms in on this overlooked question by investigating how citizens, bureaucrats and politicians respond to the question “Should national authorities prioritize legal harmonization or their own political preferences when implementing EU law at the national level?” While this question may seem relevant only to scholars of European integration, most international organizations rely on the administrative capacity of nation-states to implement international policy at the member state level (Porter et al. 2013; Ba 2020; Tingley and Tomz 2022). Understanding how three democratically crucial groups perceive questions about legal harmonization can thus help explain both formal non-compliance with international law both inside and outside the EU and variations in adherence to internationally agreed legal principles that fall short of formal non-compliance.

My theoretical argument starts from the assumption that all actors in the political process, whether they are voters, politicians, or civil servants tasked with implementing policy, have a set of strategic goals and an ideal of how a policy should be implemented. Elite groups and citizens are thus likely to favor legal harmonization if it maximizes their chances of achieving their strategic goals. When each group evaluates the benefits of legal harmonization, this evaluation is likely made on the basis of both non-role oriented factors like ideology and age-dependent recall of historical events, and the perceived utility of legal harmonization to one’s group. Figure 1 visualizes this logic: Here non-role oriented factors  $B$  and group membership  $G$  feed into how an individual evaluates (E) the potential that legal harmonization has for achieving their group’s goals. This evaluation shapes support for legal harmonization (S).

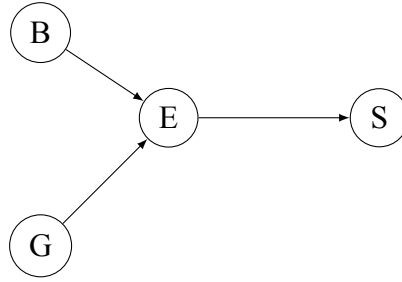


Figure 1: Theoretical model of elite and citizen evaluations of legal harmonization

## Comparing elite and citizen attitudes

Existing literature on the “elite-citizen gap” in the perceived legitimacy of both the EU and international organizations more broadly (Dellmuth et al. 2022; Hobolt and De Vries 2016; Foster and Frieden 2021) shows that elites are generally more favorably inclined towards international cooperation. In an EU context, this means that those with above average incomes and education levels more consistently favor integration. This can be explained in several ways: On the one hand elites, whether economic or cultural, possess more of the economic and human capital necessary to weather potential economic shocks stemming from integration (Baccini and Weymouth 2021; Hutter and Kriesi 2019). Second, both the education needed for entry into elite positions, and the socialization one undergoes upon entering them, could foster a greater commitment to cosmopolitan world views or provide exposure to ideas painting trade and international cooperation as a good thing (Di Mauro and Memoli 2021; De Vries 2018; Hainmueller and Hiscox 2006).

There are likely to be gaps in elite and citizen perceptions of legal harmonization, not only in their overall perceptions of international organizations. Starting with bureaucrats, they are likely to favor legal harmonization because the EU level’s tendency to bypass national ministries (Egeberg and Trondal 2016) increasingly allows national agencies to both shape European policy and translate European preferences to a national audience. Adopting legal harmonization as a default mode of implementation of EU law is thus likely to strengthen the hand of bureaucrats in the process of implementing EU law relative to politicians. In contrast, citizens tend to vote for politicians to enact policy aligned with their preferences (Thomson et al. 2017). As a result, they may see implementation of EU law that privileges national preferences as more likely to realize this goal. This leads to the following hypothesis:

*H1: Bureaucrats are more likely than citizens to support legally harmonized implementation of EU law into national law.*

Citizens and politicians may, in contrast, have similar preferences when faced with a choice between implementing EU law according to a harmonizing or nationally oriented principle: In addition to being concerned with re-election, politicians are also motivated by a desire to implement policies aligned with their own values (Strom 1990). Thus, even if voters and politicians are unlikely to hold identical beliefs, both groups may believe that the best way to achieve the policy outcome that they either voted for or were elected to achieve is best served by policy implementation aligned with national leaders' political preferences rather than European policy goals. I thus hypothesize:

*H2: Politicians and citizens are likely to have similar levels of support for legally harmonized implementation of EU law into national law.*

However, politicians may also be less supportive of legal harmonization than citizens. In theorizing why this may be, I again start from the perspective that politicians holding elected office do so partially because they wish to realize certain policy preferences (Strom 1990; Giger et al. 2020). An important motivation for seeking political office is thus likely to be the autonomy it grants politicians to realize their political goals. Their conception of themselves as policy-makers is also likely to be reinforced through repeat participation in public bodies where they are called upon to vote or otherwise make political decisions. In contrast, outside of periodically voting in elections, many citizens may not feel themselves to be an integral part of a country's democratic process (Rico et al. 2020). They may instead evaluate regulatory and legal harmonization on the basis of their other roles, as for instance employees or multinational citizens. In these roles, citizens may prefer legal harmonization over implementation that only looks to national political preferences. The difference in the salience of the democratic roles of each group could thus make politicians more critical of legal harmonization than citizens. This leads to the following hypothesis:

*H3a: Politicians are less likely than citizens to support legally harmonized implementation of EU law into national law.*

This comparatively lower level of support may be most pronounced among Eurosceptic politicians. Politicians from Eurosceptic parties may be more likely than both a broader group of citizens and non-

Eurosceptic politicians to identify sovereignty as an important policy goal in itself (Van Elsas et al. 2016). They are also, though politicians may be misinformed about what their voters want (Broockman and Skovron 2018), likely to infer that their voters are sceptical of European integration, and may see strategic incentives to favor policy implementation that privileges national, rather than European, goals (Erikson et al. 2002). I thus hypothesize:

*H3b: This negative effect is likely to be greater for Eurosceptic politicians than for politicians as a whole.*

## **The intra-elite legitimacy gap**

Elite groups are likely to hold varying views of legal harmonization, based on their perceptions of whether their group stands to win or lose strategic advantages from legal harmonization. Put in the terms of the model in figure 1 we would expect elite actors, upon entering their institutions, to become familiar with the relative utility and costs of legal harmonization to their group. These evaluations, that may be informed either by strategic concerns or socialization (Adler-Nissen 2014), in turn serve as a basis for individual opinion-formation about the issue.

Increasingly, EU administrators tend to “bypass” national ministries when designing policy (Egeberg and Trondal 2016). Because harmonized implementation requires frequent collaboration with EU-level bodies, those who both collaborate with the European actors in a policy field and can translate their preferences to national stakeholders may enjoy a more privileged position than if discussions about implementation had happened mainly between political-administrative actors at the European level and national ministries. Bureaucrats may thus see the need for continuous communication and collaboration with the EU level that is implicit to legal harmonization as a way of strengthening their hand relative to politicians (Maggetti and Verhoest 2014). Their privileged status may also be particularly salient where politicians are not allowed access to democratic policy-making fora, as is the case for the relationship between Norway and the EU (Fossum 2015).

In contrast, politicians evaluating the prospect of legal harmonization are likely to reach the opposite conclusion: Assuming that a key goal of any politician is to implement policy aligned with their preferences, we would expect them to see legal harmonization that imposes the potentially contradictory

preferences of an international institution as contrary to that goal. This logic is likely to hold independently of whether their party is currently in power: As the partisan composition of governments may change, politicians representing parties currently in the opposition are likely to perceive themselves as future benefactors of implementation logics that favor national preferences over transnational legal harmonization. This leads to the following hypothesis:

*H4a: Bureaucrats are likelier than politicians to support the legally harmonized implementation of EU law into national law.*

Eurosceptic politicians are again likely to be much less in favour of legal harmonization than both bureaucrats and politicians from non-Eurosceptic parties. The latter are more likely to see protection of sovereignty as a means to a different end than a goal in itself, and to feel less pressure to respond to Eurosceptic electoral sentiments. This may translate to a gap in opinion even within the group of politicians. I thus hypothesize:

*H4b: This negative effect will be greater when comparing bureaucrats only to politicians from Eurosceptic parties.*

I also assume that there will be different levels of support for legal harmonization across the civil service itself. Those belonging to independent agencies and supervision bodies may be more likely than those working in ministries to favor the principle of legal harmonization. The reason is the particular modes of interactions between the national and European level implied by Norway's non-membership of the EU. Because of the "two-hatted" nature of the Norwegian civil service (Egeberg and Trondal 2015), in which European bodies increasingly work directly with national agencies while bypassing their political leaders, cooperation between the EU and the Norwegian level is largely decoupled from political coordination. Familiarity with the autonomy that this mode of cooperation brings, and the knowledge that it may strengthen agency power relative to political leaders could lead agency officials to express stronger support for legal harmonization than ministry officials.

Evaluations of the benefits of legal harmonization could also be impacted by variations in how strongly those working in ministries and agencies have been socialized into thinking of themselves as part of a European administrative order. Adler-Nissen (2014, p. 122) describes a "Brussels effect" in which even those from countries opting out from a policy area see themselves as partners in achieving



European goals in the same areas. Because of the frequent collaboration between national and European agencies agency officials may see themselves as participants in a European administrative field (Levi-Faur 2013) with a European approach to problem-solving. In contrast, especially in non-member states with little access to the political level of the EU, ministry officials may orient themselves more towards the political leadership of any given area. They may thus become more attentive to the concerns of national political leaders than of their European counterparts. This leads to the following hypothesis:

*H5: Civil servants working in directorates or supervisory bodies are more likely than those working in national ministries to favor the legally harmonized implementation of EU law into national law.*

Certain academic backgrounds could also moderate these strategic beliefs. Previous work has found that whether someone comes from a background in the natural sciences or humanities shapes their political views (Alwin and Tufiş 2016). I expect to find a distinction between how civil service lawyers think about the issue of legal harmonization compared to those with other backgrounds. Regardless of whether they perceive themselves to be net benefactors from legal harmonization or not, civil servants who are lawyers should be more aware of the demands for harmonization that is explicit to the process of European integration than those who are not. As a consequence, I assume that:

*H6: Bureaucrats with a legal education will be more likely to support legally harmonized implementation of EU law.*

Table 1: Summary of hypotheses

Hypothesis	Pairing	Relative preference for harmonization
<i>H1</i>	Bureaucrats vs. rest of sample	+
<i>H2</i>	Politicians vs. citizens	≈
<i>H3a</i>	Politicians vs. citizens	—
<i>H3b</i>	Eurosceptic politicians vs. citizens	— —
<i>H4a</i>	Bureaucrats vs. politicians	+
<i>H4b</i>	Bureaucrats vs. Eurosceptic politicians	++
<i>H5</i>	Ministry officials vs. agency officials	—
<i>H6</i>	Lawyers vs. other professionals	+

My article advances our knowledge of how elites and citizens perceive the implementation of international law at the national level. It does so by shining a light on whether the theoretically expected variations in elite and citizen utility of such legal harmonization maps onto the same groups' assess-

ment of it. This is important not only because it helps illuminate politicians' and citizens' views on a politically important question, but also because the administrative discretion inherent to national implementation of EU law (Steunenberg and Toshkov 2009) leaves much room for individual discretion in formulating and implementing policy, while at the same time requiring harmonization of policy goals. Understanding whether these conflicting trade-offs are perceived similarly by citizens, bureaucrats and politicians is thus important for understanding what level of legitimacy the principles underpinning them enjoy.

## Data and methods

I investigate these hypotheses through a survey from 2023 that asked identical questions of a large sample of Norwegian citizens ( $N = 4.206$ ), politicians from all levels of government, though predominantly from the local level, ( $N = 1.898$ ) and civil servants working in national administrative bodies ( $N = 2.979$ ). The survey, which was fielded early in 2023, was part of the KODEM project (Bach et al. 2020).

The predominance of local politicians in the sample of elected officials is an important limitation. As local politicians may be more likely to prioritize local responsiveness over ideological coherence than their colleagues at the national level (Bucchianeri et al. 2021), they may also think differently about legal harmonization. There is nevertheless much to suggest that local officials look to the national policy preferences of their own party, and support it even when told that local voters disagree (Broderstad and Stein 2024). This suggests that politicians from the same party seek similar policy outcomes across levels of government. However, because local politicians either in Norway or in EU member states rarely have strong influence over EU policy-making (Lidström 2020) most politicians in my sample may have little practical experience with the reality of legal harmonization. This could make them more critical than the average national politician.

Despite these limitations, the data allows me to estimate the causal impact of belonging to one of the three groups. I can thus estimate the causal effect that group membership, and the socialization into particular worldviews that comes with it, has on support for European legal harmonization.

## **My case: Norway and the EU**

The survey was fielded in 2023, almost four years after the so-called NAV scandal came to light (Pavone and Stiansen 2022). Extensive news coverage at the time revealed that the Norwegian welfare administration NAV had consistently misapplied EU law. The scandal led to a large public debate about Norway's relationship to the EU, as well as what obligations this relationship implies. The end result was an extensive debate about the obligations of legal harmonization that are implied by a formal relationship with the union, in a country where the political system has long sought to depoliticize the issue of Norway's increasing integration into the European political order (Fossum et al. 2023). While the survey was fielded four years after the scandal first became public knowledge, potentially making it less salient to the general public than it would have been immediately after the scandal became known (Petersen 2009), extensive public debate and a public inquiry is likely to have prolonged the issue-attention cycle (Eriksen 2022).

The sudden "re-politicization" of European integration also makes the Norwegian case an ideal one for testing attitudes towards a technical issue such as what principle should underlie the implementation of EU law at the national level. When the salience of an issue of European integration increases, people's reliance on elite cues for making up their minds about it tends to decrease (Hooghe and Marks 2009). The fact that the Norwegian public debate in the aftermath of the scandal focused on the relative trade-off between legal harmonization and sovereignty makes it likely that even citizens or politicians with little previous knowledge of EU policies would have relatively well-formed attitudes towards the question.

The chief limitation of my case is that Norway is an associated non-member of the EU. While Norway's association agreement with the EU requires conformity between Norwegian and European rules and regulations, Norwegian politicians' depoliticization of the EU could make bureaucrats, citizens and politicians less likely to think of EU law as intertwined with Norwegian law than if the country had been a full EU member. The aforementioned debate about these issues, which made it very clear that Norwegian and European law was highly intertwined (Eriksen 2022), should somewhat mitigate this issue. However, this limitation suggests a need for more research into these questions also within EU member states.

## **Dependent variable**

My dependent variable measures preferences for implementation in a way that ensures harmonization with the EU (see figure A1 for descriptive statistics). The variable is Likert-scaled, with the response categories going from 1 (Strongly disagree) to 5 (Strongly agree). The question is phrased “When Norway implements an EU legal act it is more important that it is implemented in a way that is as similar as possible to other EU countries and institutions than that it is implemented in the way Norwegian politicians want”. I collapse the categories for “Somewhat” and “Strongly” agreeing or disagreeing, making the variable a dummy.

Some respondents may read the question not as not only indicating support for the implementation of identical legal principles, but also identical legal texts. They may, in other words, believe that they are asked whether all EU law should be implemented as if it was a regulation and not a directive. While this may be less of an issue among citizens and politicians, who may be less attuned to these fine-grained legal distinctions, it presents an analytical challenge because of my interest in the attitudes of bureaucrats. These respondents may have experience with the implementation of EU law that makes them more aware of these legal distinctions. To overcome this limitation the survey question used the phrase “legislative acts”, without specifying whether the act in question was a directive or a regulation.

## **Matching covariates**

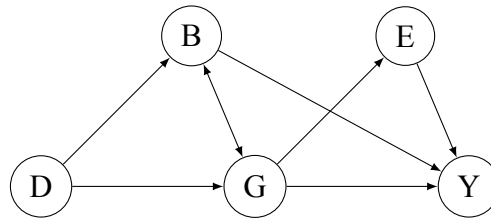
I use a two-step empirical strategy where I first non-parametrically match the relevant groups (such as politicians and citizens) on a limited set of pre-treatment variables before removing residual imbalance on important control variables through traditional regression (Gelman et al. 2020). I use matching covariates known from the existing literature on support for the EU. This makes it easier to control for important pre-treatment “observables” that can confound an independent relationship between citizen or elite status and support for legally harmonious implementation without being on the causal path between group membership and support for legal harmonization. Descriptive statistics for the matching covariates, broken down by group, are shown in table A1. A brief summary of the matching covariates can also be found in table A2.

The causal logic of the model is shown in figure 2. Here a set of demographic variables (D) directly

influence both people's decisions to enter one of the three groups (G) and their general ideological orientations and characteristics like income (B). These characteristics may in turn both shape and be shaped by people's group membership, potentially impacting both selection into any of the three groups and their perception of legal harmonization. A last path goes from group membership G to views of legal harmonization Y through utility-based perceptions of such harmonization (E).

While the list of controls employed (see table A2) makes it likelier that I am measuring an effect of group membership, one cannot rule out omitted variable bias. However, by matching and controlling for relevant pre-treatment variables, I believe I come as close as possible to being able to make causal statements without having a truly experimental design.

Figure 2: Causal diagram connecting group membership to harmonization preferences through utilitarian evaluations.



## Demographic controls

I match respondents in all groups first on age, education and whether one self-identifies as living in a rural place or not. These are pre-treatment variables that help determine both group membership as well as attitudes towards legal harmonization.

While higher levels of education make it likelier for a citizen to perceive integration as beneficial (Gabel 1998; Kuhn et al. 2021), one's birth cohort may also impact attitudes towards the EU (Fox and Pearce 2018). The fact that older generations were politically socialized at a time when the issue of EU membership was highly salient in Norwegian politics means that their views of legal harmonization might differ from those of younger respondents (Grasso et al. 2019). The closeness in time to Norway's two membership referendums also makes it likely that the same people's early exposure to EU debates was dominated by discussions about national sovereignty (Skinner 2012). This is particularly salient for questions about legal harmonization, which are inextricably linked to questions of sovereignty.

I control for urban or rural residence through a dummy variable. The urban-rural cleavage has animated Norwegian debates about the EU for decades (Skinner 2012; Schoene 2019). An important reason, Schoene (2019) argues, is that those living in rural areas see themselves as different from those living in urban areas in ways that go beyond mere ideological differences. This makes it important to actually ask about place of residence, and not just how people position themselves on the centre-periphery cleavage. Here, all those who identify as living in a rural town or in a sparsely populated area are coded as 1 and everyone else as 0.

The causal path from group membership to views of legal harmonization should arguably be independent of the differences that one might find in for instance views of EU membership and other important questions. For instance, even otherwise similar bureaucrats or politicians might, because of differing group interests, adopt different views of legal harmonization. However, group belonging may also indirectly impact support for legal harmonization through what it does to for instance income and Euroscepticism. Controlling for such variables may thus introduce “bad controls”, i.e. a control variable that could also be an outcome variable of belonging to either of the three groups (Angrist and Pischke 2009). Failing to account for this possibility would risk underestimating the true causal effect.

## **Organizational belonging**

When testing support for legal harmonization within the civil service, I use a dummy specifying whether the respondent works in a ministry or an independent agency or supervisory authority. Given the two-hatted nature of Norwegian independent agencies, in which they are frequently more responsive to European than national ministries, agency and ministry officials are likely to vary in their approach to the question of legal harmonization (Egeberg and Trondal 2017). This is made more likely by how those employed by national ministries are also organizationally and physically closer to the political leadership of their policy area. This may shape how they think about the relative trade-off between implementation of EU law according to a harmonizing or national interest-maximizing goal.

One important limitation is that I do not have information on the workplace of each respondent. This is important, because independent agencies and supervisory bodies differ in their relationship to the legislative process: Whereas those working in independent agencies might be involved in the ini-

tial implementation of EU law at the Norwegian level, those working in supervisory agencies might only be responsible for ensuring compliance with it. This might lead the two groups to evaluate legal harmonization very differently.

To test the impact that education might have within the surveyed cohort of civil servants, I use a measure that asks people which field their highest completed degree was in. I code everyone who has responded "Law" as 1 and everyone else as 0.

Lastly, I use a dummy to identify Eurosceptic politicians, coding everyone from a Eurosceptic party as 1, and everyone else as 0. I code the right- and left-wing populist parties Red Party, Progress Party and the Socialist Left Party and the agrarian Centre Party as Eurosceptic, in line with Rooduijn et al. (2023) and Fossum (2020).

## Model estimation

The first step of my analysis employs optimal full matching (Hansen 2004). The algorithm works by calculating Mahalanobis distances for all treated and control units in the dataset. It then creates pairs, consisting of units from the control and treatment groups that reduce these distances as much as possible. As the algorithm creates clusters of so-called "subclasses", I use clustered standard errors to account for the nested structure of the data. Figures A3 and A4 show that the optimal full matching largely succeeds in accounting for most of the original imbalance in the values of the matching covariates within the three groups, with very little imbalance needing to be accounted for through the post-matching regression.

The benefit of matching the data prior to a regression analysis is that it reduces the dependence on particular assumptions about the functional form of a relationship, which in turn reduces the room for model misspecification (Ho et al. 2007). The logic is that in a model where each member of a group  $G$  have identical values on a set of covariates  $X$  the effect of membership in a particular group on support for legal harmonization  $Y$  can be derived by simply regressing one on the other. In other words, the assumption is that the two groups would have similar values on  $Y$  were it not for their membership in one group rather than the other. Reducing the between-group imbalances through both matching and regression analysis thus gets us closer to being able to make a causal statement about the effect of group membership without relying on strong assumptions about the shape of this effect.

Creating matched pairs using the Mahalanobis distance mitigates the so-called “propensity score paradox” (King and Nielsen 2019): Frequently, pairs of units may be balanced in terms of the propensity scores, but imbalanced on the actual covariates used. Mahalanobis distances overcome this limitation by creating matched pairs based on the covariate values themselves, rather than any one-dimensional propensity score.

This yields a model in which support for legal harmonization  $Y$  for individual  $i$  is a function of the treatment  $D$  and a vector of matching covariates  $X_1$  added to the post-matching regression in line with Ho et al. (2007). I fit the model as a logistic regression to account for the binary nature of the dependent variable. This is formalized in equation 1:

$$Y_i = D_i + X_{1i} \quad (1)$$

As a second step, I use a group-level multilevel model with county fixed-effects as a robustness test. Here support for legal harmonization  $Y$  for individual  $i$  in county  $j$  becomes a function of an independent variable  $X_1$ , a vector of control variables  $X_2$  plus a county and individual-level variance  $v_j$  and  $\epsilon_i$ . This allows me to account for the multilevel model of the data, less of a concern when using matched data, in a structured way. This model is formalized in equation 2.

$$Y_{ij} = \beta X_{1i} + \beta X_{2i} + v_j + \epsilon_i \quad (2)$$

## Results and discussion

I begin with a simple bivariate regression between group membership and support for legal harmonization. The predicted values (see figure 3) suggests that bureaucrats are much more favorably inclined towards legal harmonization than other groups. However, the differences between citizens and politicians are much smaller. I next investigate whether these differences are robust to controlling for compositional differences in age, education and location between the three groups.



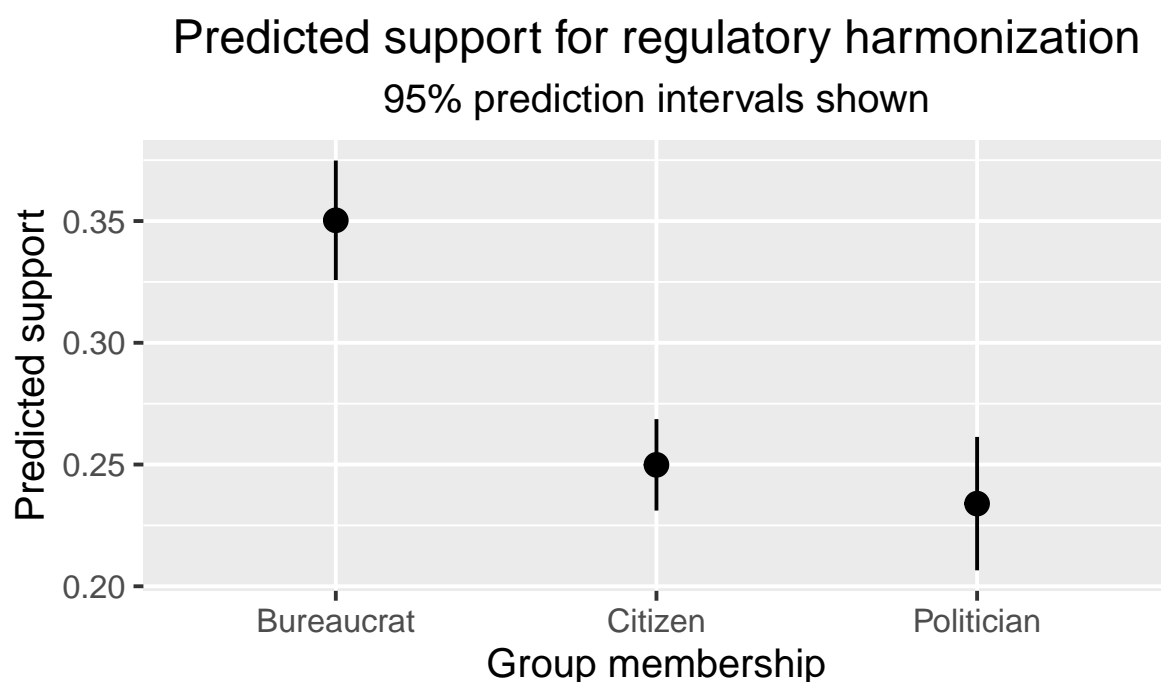


Figure 3: Predicted support for regulatory harmonization. 95% prediction intervals shown.

## Matched results

The results shown in table 2 suggest important differences in how citizens and elites think about legal harmonization. I find, for instance, that bureaucrats are more supportive of legal harmonization than citizens. This confirms *H1*. I also confirm *H2* and reject *H3a*, as there is no statistically significant difference between how citizens and politicians think about this issue.

Citizens may hold beliefs that lie closer to those of politicians than bureaucrats because both groups are policy-seeking in the sense that they either vote or seek election out of a desire to shape national policy. This means that the two groups are likely to share an interest in policies being implemented according to national, rather than international, political preferences. Another reason for these differences may be sample composition: The data contains predominantly local politicians (only 1.1% ( $N = 21$ ) of the politicians served in the Norwegian parliament Stortinget). Local politicians may be more similar to the average voter than those elected to parliament. However, a robustness test (see table A6) shows that attitudes towards legal harmonization do not differ significantly between local and national politicians. The lack of statistical significance may however be caused by the small number of national politicians,

Table 2: Results from optimal matching with subclass-clustered SEs and matching weights implemented. DV = Preference for legal harmonization.

	Bureaucrat vs. sample	Bureaucrat vs. citizen	Bureaucrat vs. politician	Citizen vs. politician	Ministry vs. agency official	Lawyer vs. non-lawyer
Constant	−0.769 (0.505)	−1.024+ (0.532)	1.241+ (0.686)	0.003 (0.659)	0.553 (0.186)	3.520 (2.682)
Bureaucrat	0.575* (0.248)	0.746* (0.308)	0.089 (0.769)			
Politician				−0.494 (0.341)		
Agency official					−0.328* (0.128)	
Lawyer						0.768** (0.261)
Age	0.091 (0.074)	0.061 (0.083)	0.175 (0.143)	−0.390** (0.126)	−0.060 (0.064)	0.003 (0.133)
Education	−0.221 (0.189)	−0.174 (0.205)	0.034 (0.289)	0.106 (0.268)	0.088 (0.312)	−1.153 (0.867)
Urban/rural	−0.264 (0.188)	0.070 (0.353)	−0.689* (0.302)	0.197 (0.272)	−0.812** (0.261)	−0.613 (0.393)
Level of government						−0.694+ (0.360)
Num.Obs.	4287	3395	2254	2925	1362	719

+  $p < 0.1$ , \*  $p < 0.05$ , \*\*  $p < 0.01$ , \*\*\*  $p < 0.001$

Note: All pairs created by minimizing distance of the actual mean values.

as there is a positive treatment effect on support for legal harmonization of being a national politician.

The elite-citizen gap in perceptions of legal harmonization thus seems to vary for different political-administrative elites: Because bureaucrats are better positioned than citizens to influence the design of EU policy, they are also more likely than them to be positive towards the prospect of legal harmonization. In contrast, I find no statistically significant difference between the views of most politicians and bureaucrats. I thus reject *H4a*. That the matching procedure renders the significant differences in the bivariate model (see figure 3) insignificant suggests that compositional differences due to age, education or place of residence are likely to be an important underlying source of attitudinal variation across the three groups.

I furthermore find differences in the preferences for legal harmonization within the administrative elite. Confirming *H6*, I show that lawyers are more likely than non-lawyers to prefer legal harmonization as the guiding principle for the implementation of European law in Norway. This may, as previously argued, be because lawyers are more likely than other civil servants to be aware of the legal underpinnings of EU law and its commitment to legal harmonization. Thus, even if attention to the issues raised by the so-called “NAV scandal” was likely to be high among all civil servants, lawyers working in the civil service were more likely than other civil servants to be attentive also to its legal implications.

Column 6 of table 2 indicates a more surprising result. My results suggest that agency officials are more likely to oppose harmonized implementation of EU law than those working in ministries, thus rejecting *H5*. This is counter-intuitive in light of the fact that the same agency officials have more opportunities to directly influence proposed EU law than civil servants in Norwegian ministries (Egeberg and Trondal 2016). What may nevertheless explain this result is the greater autonomy that agency officials have enjoyed through the so-called “agencification” of public administration seen in both Norway and the broader West (Moynihan 2006). Through this process, agencies have gained great autonomy in the design and implementation of national policy. Officials working in these bodies may thus be more sceptical of legal harmonization than ministry officials because they see *international* harmonization as weakening their *national* autonomy. This explanation, even though it leads to a different outcome than hypothesized, is compatible with the theoretical perspective that each group would evaluate legal

harmonization on the basis of how it strengthened their own autonomy. An identical analysis using coarsened exact matching substantially confirms these results (see table A4).

I lastly test *H3b* and *H4b*. As table 3 shows, the positive difference between bureaucrats and Eurosceptic politicians is larger than the one between bureaucrats and politicians as a broader group. However, neither difference reaches statistical significance. In contrast, the negative effect of being a politician rather than a citizen becomes statistically significant and substantively much larger when the analysis is restricted to Eurosceptic politicians. I thus confirm *H3b* and reject *H4b*. Once again coarsened exact matching (table A5) yields substantially identical results.

Table 3: Results from full optimal matching with subclass-clustered SEs and matching weights implemented. DV = Preference for legal harmonization.

	Bureaucrat vs. Eurosceptic politician	Citizen vs. Eurosceptic politician
Constant	−0.124* (0.890)	−0.392+ (0.586)
Bureaucrat	1.693+ (0.949)	
Politician		−1.012*** (0.221)
Age	0.04 (0.010)	−0.152 (0.135)
Education	−0.08 (0.195)	−0.023 (0.221)
Urban/rural	−0.713 (0.205)	−0.235 (0.257)
Num.Obs.	1674	2345
+ $p < 0.1$ , * $p < 0.05$ , ** $p < 0.01$ , *** $p < 0.001$		

There are thus differences in how elites and citizens think about the prospect of legal harmonization. These differences, however, vary by the type of actor involved: While unelected civil servants are much more favorably inclined towards legal harmonization than citizens, the only significant gap in opinion between citizens and elected officials is between citizens and Eurosceptic politicians. These politicians may be incentivized to treat sovereignty as a good that should be protected for its own sake to a greater

Table 4: Summary of results from matching

Pairing	Direction of ATT	Statistically significant?
Bureaucrats vs. sample	+	Yes
Bureaucrats vs. citizens	+	Yes
Politicians vs. citizens	-	No
Eurosceptic politicians vs. citizens	--	Yes
Bureaucrats vs. Politicians	+	No
Bureaucrats vs. Eurosceptic politicians	++	No
Agency vs. Ministry officials	-	Yes
Civil service lawyers vs. non-lawyers	+	Yes

degree than politicians from more pro-European parties. Because citizens may have distinct reasons for preferring harmonized legal outcomes across Europe, regardless of the loss of sovereignty, the end result is a greater negative effect of being a citizen rather than a Eurosceptic politician than we see when including politicians from non-Eurosceptic parties in the analysis.

A more fundamental reason for the varying views of bureaucrats, citizens and politicians could be that each group has different levels of awareness of legal harmonization. Even though issues of regulatory harmonization could be particularly salient in the Norwegian context, they may still be less salient to citizens than bureaucrats. For instance, because they have privileged access to EU policy-making processes, the benefits of regulatory harmonization could be clearer to bureaucrats than citizens and politicians. Here the alternative causal mechanism would thus not be the strategic interests of bureaucrats, but rather a more nuanced awareness of the outcomes of regulatory harmonization than what is found in the other groups.

As a robustness test of whether the results shown in table 2 can be attributed to variations in strategic interests rather than different mental models used to assess the benefits of legal harmonization, I complement the previous study with a group-level analysis of important determinants of support for legal harmonization. Table A7 shows that, while there are variations in the statistical significance of the coefficients, most point in the same direction. For instance, support for EU membership strongly predicts views on legal harmonization in all groups. This suggests that the same characteristics help predict support for harmonization across groups, and that all groups apply similar logics when assessing the benefits of legal harmonization. The fact that all groups apply similar mental models to the question

of how European law should be implemented suggests that variations in attitudes between groups are most likely to be attributable for instance to how its utility differs for each group, rather than variations in the mental models they use to make up their minds about it.

## Summary and concluding discussion

In this paper I have shown that bureaucrats, citizens and politicians express very different levels of support for legal harmonization. However, contrary to previous literature on the varying perceptions that elites and citizens have of international organizations (Dellmuth et al. 2022), I show that the shape and magnitude of the elite-citizen gap towards legal harmonization depends substantially on whether the elite in question stands to gain or lose from deeper legal harmonization across a broad range of policy areas. This is evident for instance in how bureaucrats, who are well placed to influence the implementation of EU law at the national level, are more likely to favor legal harmonization than citizens.

Expanding on existing research into elite and citizen views of the perceptions of international cooperation (Dellmuth et al. 2022; Kertzer 2022), I also show that elite groups themselves may have varying preferences for how EU law should be implemented at the national level. I find for instance differences within the administrative elite that map onto both variations in their academic backgrounds and position relative to Norway's political elite.

Several of my results may also be relevant to full EU member states. For one, expanding agency autonomy, which is an important reason that agency officials could be more critical of legal harmonization than those working in ministries, has been an important development in the administrative systems of many Western states (Moynihan 2006). Theoretically, the policy-seeking behavior that is a likely underlying reason for the great similarities in the views held by both citizens and politicians is also likely to motivate citizens and politicians in other countries than Norway.

The large overlap between citizens and politicians found in this study, however, may also be driven by the particularities of Norway's relationship to the EU: Because Norwegian politicians and citizens are similarly shut out of EU policy-making processes (Fossum et al. 2023), Norwegian politicians may hold views of legal harmonization that are closer to the citizens that elected them than what politicians

in highly comparable member states would have done. A crucial question for future research is thus whether my results also hold in states that are full EU members.

An important question for future study is also whether these differences hold across the full range of policy areas that are subject to international cooperation. It is likely, for instance, that a key dividing line can be found between those policies that are merely regulatory in nature and between those that relate to the state's ability to raise taxes or armies (Genschel and Jachtenfuchs 2016). Given that the need for transnational cooperation also varies strongly across policy areas, with issues like climate change mitigation requiring a very different level of international engagement than labour law, future studies should also address how politicians and bureaucrats relate to issues of legal harmonization across policy areas. While politicians might think of regulatory harmonization as only a minor imposition, the demand for harmonization of highly salient policy areas is likely to meet greater consternation. Second, because regulatory harmonization may be an abstract question for many citizens or politicians, their views of harmonization may differ across regulations (Lerman and McCabe 2017). Future studies should thus test how the perceived support for regulatory harmonization differs based on particular combinations of regulatory content and individual interests.

Lastly, future research should also disentangle precisely why most international law is actually implemented according to the demands of the international institutions, even if individual civil servants may differ in their normative desire to see such implementation. Such research should qualitatively probe how civil servants perceive their own roles in the national implementation of international law, and especially how they navigate the role conflicts that may arise from dual and cross-level demands for loyalty. Doing so would shed important light on the validity of the proposed causal mechanisms theorized by this paper.

## **Acknowledgements**

I first wish to thank the editor and two anonymous reviewers for their invaluable feedback. I also wish to thank colleagues at ARENA, conference attendees at the Nordic Association for European Studies conference 2023, attendees of the ECPR General Conference 2024 and participants at the Workshop

on coherence in multi-level orders in 2024 for commenting on the paper at various stages. The author gratefully acknowledges funding for the research through the Research Council of Norway project Compliance in complex institutional orders (COMPLEX).

## Disclosure statement

No potential conflict of interest was reported by the author.

## Notes on contributor

Martin Moland is a postdoctoral research fellow at ARENA, Centre for European Studies. His work predominantly focuses on public contestation of EU institutions and European integration, and has appeared in venues such as *Journal of European Public Policy*, *JCMS: Journal of Common Market Studies* as well as *Publius: The Journal of Federalism*.

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# Online supplementary material

When Norway implements an EU legal act it is more important that ...  
it is implemented in a way that is as similar as possible to other EU countries and  
institutions than that it is implemented in the way Norwegian politicians  
want

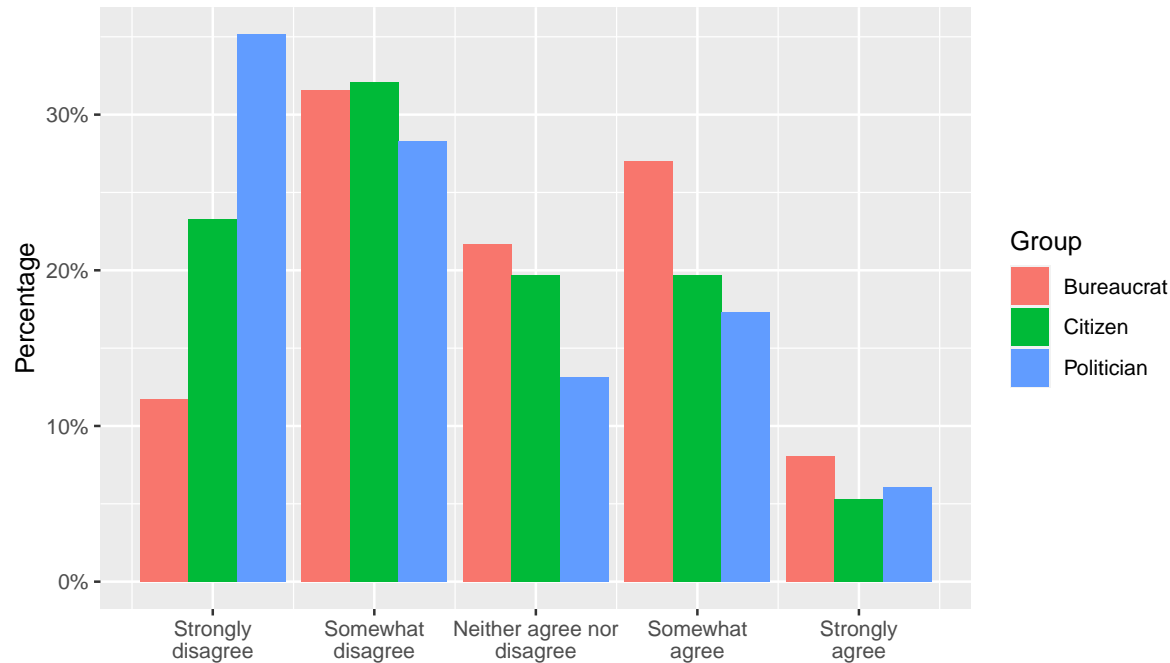


Figure A1: Responses to questions about harmonization with EU law

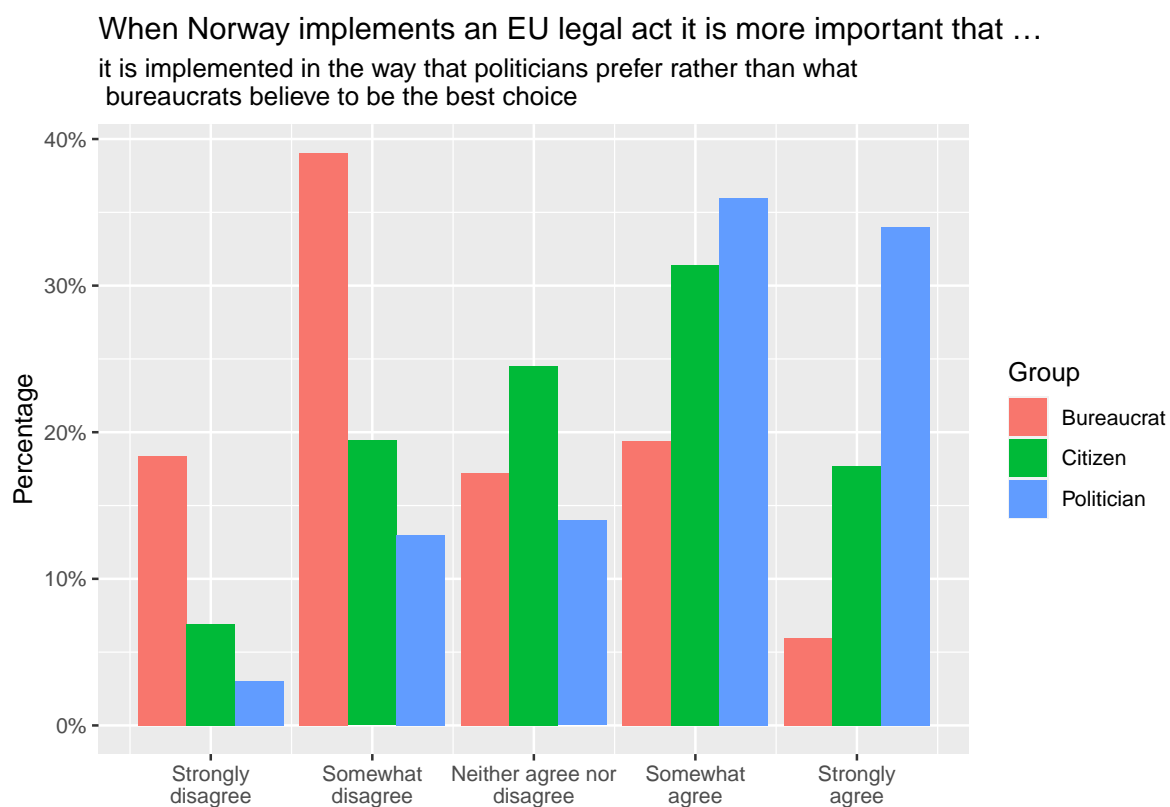
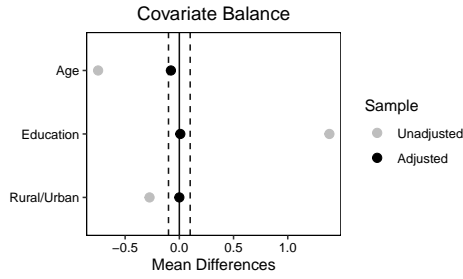
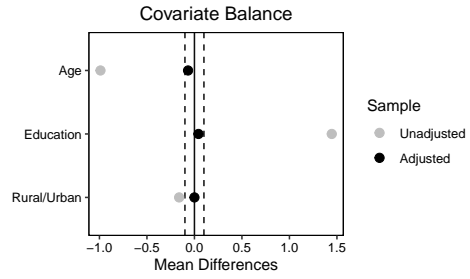


Figure A2: Responses to questions about implementation of EU law according to national political preferences.

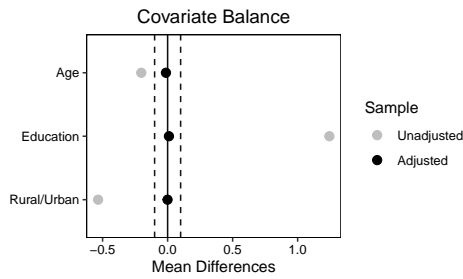




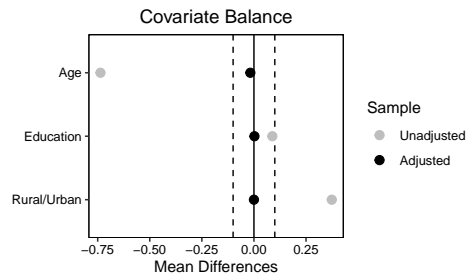
(a) Bureaucrat vs. sample



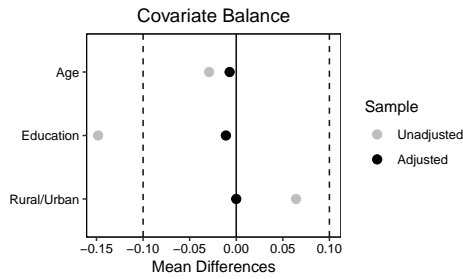
(b) Citizens vs. bureaucrats



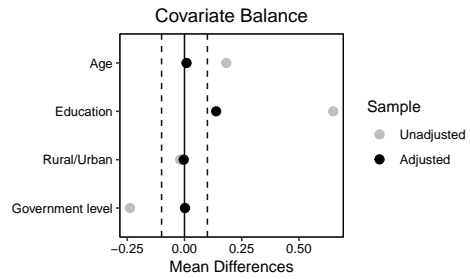
(c) Bureaucrats vs. politicians



(d) Citizens vs. politicians

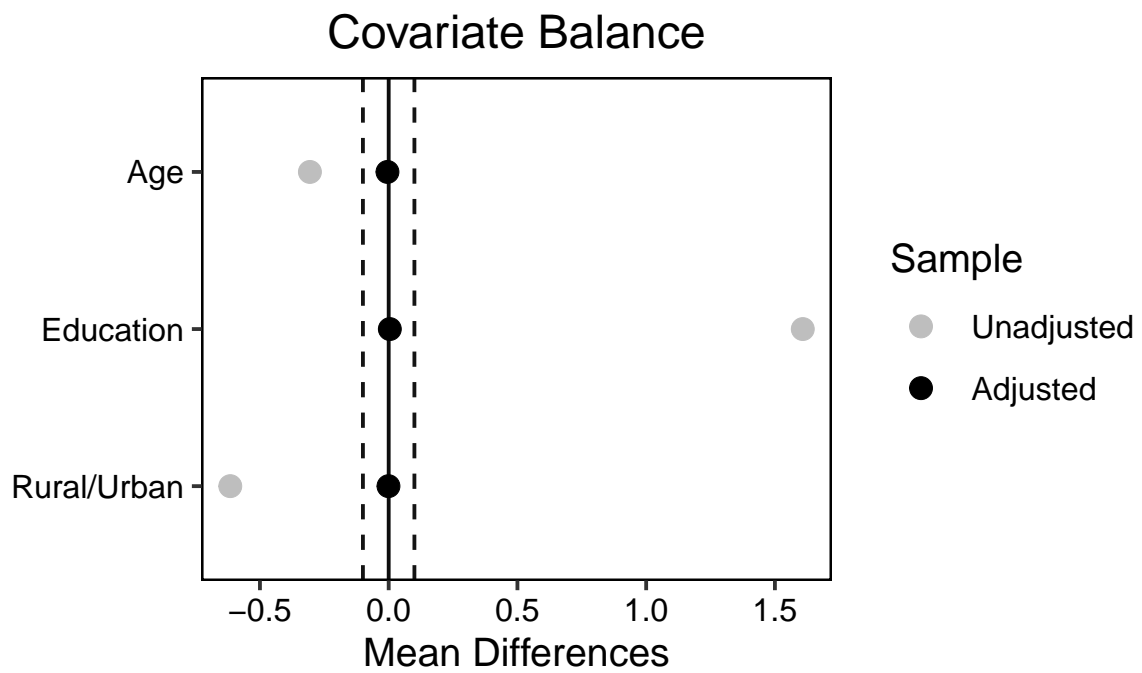


(e) Agency vs. ministry officials

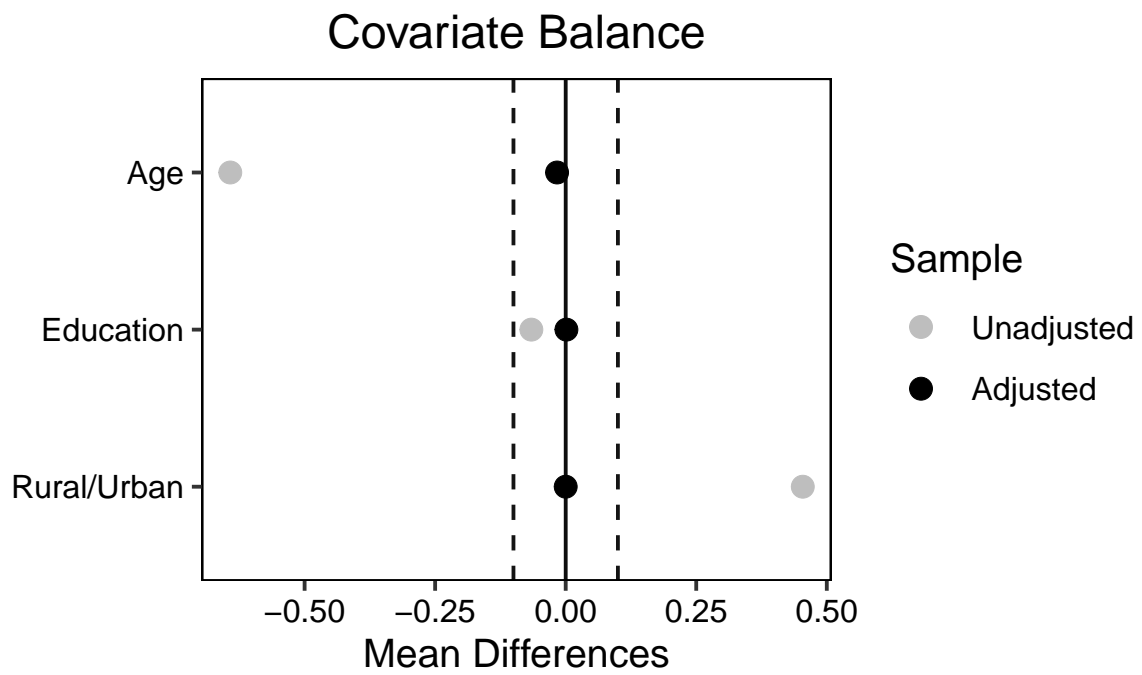


(f) Lawyers vs. non-lawyers

Figure A3: Covariate balance after optimal full matching



(a) Bureaucrats vs. Eurosceptic politicians



(b) Citizens vs. Eurosceptic politicians

Figure A4: Covariate balancing after optimal full matching for subset of Eurosceptic politicians.

Table A1: Summary statistics for bureaucrats, citizens and politicians

(a) Bureaucrat

	Unique values	Missing (%)	Mean	SD	Min	Median	Max
Age	6	8	2.8	1.1	1.0	3.0	5.0
Education	4	4	2.9	0.2	1.0	3.0	3.0
Income	9	6	6.7	0.9	1.0	7.0	8.0
Rural/Urban	2	0	0.1	0.3	0.0	0.0	1.0
Radical politics	2	0	0.2	0.4	0.0	0.0	1.0
Oppose EEA	8	51	2.4	1.3	1.0	2.0	7.0
Satisfaction with democracy	6	0	1.9	0.7	1.0	2.0	5.0
Directorate/Ministry	2	0	0.5	0.5	0.0	0.0	1.0

(b) Citizens

	Unique values	Missing (%)	Mean	SD	Min	Median	Max
Age	7	0	3.9	1.5	1.0	4.0	7.0
Education	4	1	2.6	0.6	1.0	3.0	3.0
Income	9	3	5.0	1.9	1.0	5.0	8.0
Rural/Urban	2	0	0.3	0.4	0.0	0.0	1.0
Radical politics	2	0	0.3	0.4	0.0	0.0	1.0
Oppose EEA	8	51	3.1	1.5	1.0	3.0	7.0
Satisfaction with democracy	6	0	2.2	0.9	1.0	2.0	5.0

(c) Politicians

	Unique values	Missing (%)	Mean	SD	Min	Median	Max
Age	7	2	3.1	1.2	1.0	3.0	6.0
Education	4	1	2.7	0.5	1.0	3.0	3.0
Income	9	2	5.8	1.7	1.0	6.0	8.0
Rural/Urban	2	0	0.6	0.5	0.0	1.0	1.0
Radical politics	2	0	0.4	0.5	0.0	0.0	1.0
Oppose EEA	8	52	3.1	1.8	1.0	3.0	7.0
Satisfaction with democracy	6	0	2.0	0.8	1.0	2.0	5.0

Table A2: Description of variable coding.

Variable	Description
Age	Numerical indicator of age group that respondent belongs to. Lowest age group coded as 1 with 5 being the maximum
Education	Numerical Indicator for education. 1 = No education or only primary school. 3 = College or graduate degree.
Rural/Urban	Categorical description of the respondent's current place of residence. 1 = Large city, 5 = Rural area

Table A3: Bivariate correlations between views of legal harmonization and group membership. Naive *SEs*. DV = Preference for legal harmonization.

	$\beta$
Bureaucrat	0.350*** (0.011)
Citizen	-0.100*** (0.015)
Politician	-0.116*** (0.019)
Num.Obs.	4417

Table A4: Results from coarsened exact matching with subclass-clustered SEs and matching weights implemented. DV = Preference for legal harmonization.

	Bureaucrat vs. sample	Bureaucrat vs. citizen	Bureaucrat vs. politician	Citizen vs. politician	Ministry vs. agency official	Lawyer vs. non-lawyer
Constant	0.347*** (0.045)	0.377*** (0.076)	0.372** (0.101)	0.393*** (0.060)	0.468** (0.147)	1.168*** (0.080)
Bureaucrat	0.064** (0.021)	0.058+ (0.028)	0.058*** (0.011)			
Politician				−0.016 (0.019)		
Agency official					−0.010** (0.028)	
Lawyer						0.140** (0.046)
Age	−0.008 (0.005)	−0.016*** (0.003)	−0.010 (0.013)	−0.026** (0.007)	−0.020 (0.015)	−0.03 (0.015)
Education	−0.009 (0.016)	−0.009 (0.025)	−0.012 (0.035)	−0.006 (0.020)	0.00 (0.050)	−0.210*** (0.024)
Urban/rural	−0.117*** (0.014)	−0.114*** (0.022)	−0.143*** (0.021)	−0.085*** (0.017)	−0.163** (0.047)	−0.140** (0.035)
Level of government						−0.089+* (0.026)
Num.Obs.	3841	3002	2201	2764	1351	665

+  $p < 0.1$ , \*  $p < 0.05$ , \*\*  $p < 0.01$ , \*\*\*  $p < 0.001$

Note: All pairs created by minimizing distance of the actual mean values.

Table A5: Results from coarsened exact matching with subclass-clustered SEs and matching weights implemented. DV = Preference for legal harmonization.

	Bureaucrat vs. Euro sceptic politician	Citizen vs. Euro sceptic politician
Constant	−1.825** (0.612)	−0.112 (0.380)
Bureaucrat	1.626*** (0.475)	
Politician		−0.955*** (0.226)
Age	−0.032 (0.044)	−0.176*** (0.053)
Education	−0.088 (0.144)	−0.091 (0.133)
Urban/rural	−0.730*** (0.131)	−0.385*** (0.0115)
Num.Obs.	1652	2178

+  $p < 0.1$ , \*  $p < 0.05$ , \*\*  $p < 0.01$ , \*\*\*  $p < 0.001$

*Note:* All pairs created by minimizing distance of the actual mean values.

Table A6: Results from optimal full matching procedure among politicians. DV = Preference for harmonized implementation

	$\beta$
Constant	−2.057* (1.023)
National politician	0.585 (0.774)
Age	−0.019 (0.113)
Education	0.340 (0.230)
Rural/urban	−0.182 (0.311)
Num.Obs.	892

+  $p < 0.1$ , \*  $p < 0.05$ , \*\*  $p < 0.01$ , \*\*\*  $p < 0.001$

Table A7: Preference for legal harmonization. Group-level analysis.

	Bureaucrat	Citizen	Politician
Constant	0.262 (0.185)	0.610** (0.216)	0.579* (0.273)
Age (scaled)	0.021 (0.090)	−0.308*** (0.060)	0.086 (0.105)
Education (scaled)	−0.210 (0.143)	−0.057 (0.052)	−0.104 (0.090)
Income (scaled)	0.180 (0.143)	0.073 (0.065)	0.017 (0.097)
Urban/rural	−0.477+ (0.244)	−0.236 (0.158)	−0.180 (0.185)
Oppose EU membership (scaled)	−0.322*** (0.044)	−0.370*** (0.040)	−0.439*** (0.060)
EEA evaluation (scaled)	−0.318** (0.103)	−0.117 (0.090)	−0.03 (0.123)
Satisfaction with democracy (scaled)	0.029 (0.087)	−0.04 (0.062)	0.103 (0.100)
Num.Obs.	1237	1959	875
AIC	1486	1594	819

+  $p < 0.1$ , \*  $p < 0.05$ , \*\*  $p < 0.01$ , \*\*\*  $p < 0.001$

*Note: All continuous variables scaled by one SD*