

# 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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Transnational regulatory harmonization is a key building block of the international legal order. However, we know little about how elites and citizens differ in their views of regulatory harmonization. Using data from a Norwegian survey from 2023 I find citizen-elite and intra-elite gaps in perceptions of legal harmonization. Future studies into public and elite opinion of international cooperation must thus distinguish more clearly how elites also differ when theorizing how the elite-citizen gap in perceptions of international cooperation compares, 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 travelled the furthest down the path towards harmonization of salient laws and regulations 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, Princen, and Smekal 2023), we know little about how citizens and elites think about the trade-off between 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 a 2023 survey that asks Norwegian civil servants, politicians and citizens identical questions about their views of the national implementation of EU rules and optimal full matching (Hansen 2004) 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 attitudinal gaps between elites and citizens seem 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 citizens and elites will differ in their views of international cooperation.

An important theoretical implication of my results seems to be that strategic motivations 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 policy-making processes at the EU level than citizens without a direct vote in European elections. For similar reasons, citizens and politicians who are likely to have overlapping interests in national elected

officials being able to deliver on their promises through implementing their preferred policies, can explain why there are few differences between these groups.

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 both citizens and each other, my data cannot establish their exact motivations for doing so. This is particularly important because the distinction between the strategic interest perspective of this paper 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 the 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 with 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 having no voting rights in the EU's democratic institutions (Fossum et al. 2023). Future work must therefore establish whether the patterns found in this study extend to full EU member states. This can help us understand how strongly political representation of state interests, as found in the Council of the EU, can constrain national politicians' willingness to demand implementation of international law that runs counter to internationally agreed obligations.

This paper begins by developing 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 from this framework. I then outline my empirical strategy, describing both my modeling choices and variables. I lastly present my results. By showing the very large intra-elite differences in the views that exist of how international law should be implemented at the national level I show that there is a need to nuance the literature on the different perceptions that elites and citizens hold of international organizations (Dellmuth et al. 2022).

# Legal harmonization, public and elite attitudes

There is a large literature that studies popular attitudes towards the European Union as well as international organizations more broadly (Hobolt and C. E. De Vries 2016; Dellmuth et al. 2022; Hooghe and Marks 2009). However, the literature studying views of the EU has largely focused on 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 internationally agreed policy at the member state level (Porter, Jylkka, and Swanson 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 nevertheless 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. Groups of elites and citizens are thus likely to favor legal harmonization if it maximizes their chances of achieving their strategic goals. Thus, 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 theoretical logic: Here non-role oriented factors  $B$  and group membership  $G$  both feed into how each individual evaluates (E) the potential that legal harmonization has for achieving their group’s strategic and political goals. This evaluation shapes support for legal harmonization (S).

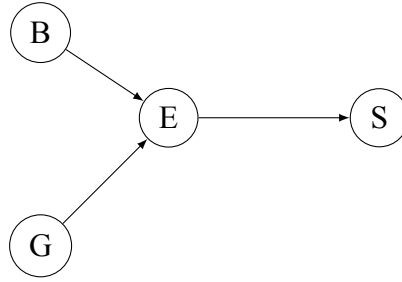


Figure 1: Theoretical model of elite and citizen evaluations of legal harmonization

## Comparing elite and citizen attitudes

Existing literature on the “elite-citizen gap” in the legitimacy of international organizations more generally, as well as the EU (Dellmuth et al. 2022; Hobolt and C. E. De Vries 2016; Foster and Frieden 2021) shows that elites tend to be more favorably inclined towards international cooperation. In the EU context, this means that those with above average incomes and education levels are more consistently in favor of 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 due to integration (Baccini and Weymouth 2021; Hutter and Kriesi 2019). Second, both the education needed for entry into elite positions, and the socialization one undergoes as one enters them, could bring with it a greater commitment to cosmopolitan world views or exposure to ideas painting trade and international cooperation as a good thing (Di Mauro and Memoli 2021; De Vries 2018; Hainmueller and Hiscox 2006).

We are likely to find 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 relative to politicians in the process of implementing EU law. 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 better realizing their goals. 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 instead 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 allowing for 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 the case, 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, Lanz, and C. De Vries 2020). An important motivation for seeking political office is thus likely to be the autonomy it grants politicians to make their political preferences a reality. 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, Guinjoan, and Anduiza 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. This difference in the salience of the democratic roles of each group could make politicians more critical of legal harmonization than citizens. I thus hypothesize:

*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. The reason is that they may be more likely than both a broader group of citizens and non-Eurosceptic

politicians to identify sovereignty as a worthy goal in itself (Van Elsas, Hakhverdian, and Van der Brug 2016). They are thus, I would, argue more likely than both a broader citizenry and non-Eurosceptic politicians to see protection of sovereignty as a distinct policy goal, rather than a means to achieve a separate set of policies. 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 thus see strategic incentives to favor policy implementation that privileges national, rather than European, goals (Erikson, MacKuen, and Stimson 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 that elite actors, upon entering their institutions, become familiar with the relative utility and costs of legal harmonization to their group. These evaluations, which may be informed either by strategic concerns or socialization (Adler-Nissen 2014), then 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 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 legal harmonization entails as a way of strengthening their hand relative to politicians (Maggetti and Verhoest 2014). This privileged status may 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’ evaluations of legal harmonization is likely to lead them to the opposite con-

clusion: Assuming that one of the key goals 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 a given politician's party is currently in government: 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 is again likely to 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 that Norway's non-membership of the EU brings. 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. The 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.

The evaluations of the benefits of legal harmonization could also be impacted by different levels of European socialization between those working in agencies and ministries. Adler-Nissen (2014, p. 122)



describes a “Brussels effect” in which even those from countries opting out from a policy see themselves as partners in achieving European goals in the same areas. Because of the frequent collaboration between national and European agencies those working in agencies 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, those working in national ministries 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 for instance found that whether someone comes from a background in the natural sciences or the humanities shapes their political views (Alwin and Tufiş 2016). In this case, I expect there to be a distinction between how lawyers think about the issue of legal harmonization compared to others. Regardless of whether they may perceive themselves as net benefactors from legal harmonization, lawyers working in civil service should be more aware of the demands for harmonization that is explicit to the process of European integration than those without a legal background. 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 paper advances our knowledge of how elites and citizens perceive the implementation of interna-

tional law at the national level. It does so by shining a light on whether theoretically expected variations in the utility of such legal harmonization to various groups maps onto their actual assessment 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 (Steunenbergh 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 will 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 put in the field early in 2023, was fielded as a part of the KODEM survey (Bach, Trondal, and Aars 2020).

The predominance of local representatives 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 politicians operating 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 policy preferences of their own party in parliament, and express support for it even when told that local voters disagree with this position (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 impact of belonging to one of the three groups, and the

socialization into particular world views that comes with such group membership, on support for legal harmonization.

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

The survey was fielded 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 in the Norwegian context. 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 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), frequent references and a public inquiry is likely to have prolonged the issue-attention cycle (Eriksen 2022).

This 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 the rules of Norway's association agreement with the EU requires conformity between Norwegian and European rules, the depoliticization of the EU in Norwegian politicians 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 calls for more research into these questions also within EU member states.

## **Dependent variable**

My dependent variable is a measure of a preference 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 formulated “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 also recode the variable, collapsing those who “Somewhat” and “Strongly” agree or disagree.

Some respondents may read this not as indicating support not only 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 be more aware of these distinctions, through their experience with implementation of EU law. 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**

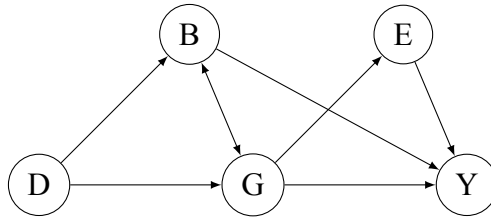
I use a two-step empirical strategy where I first non-parametrically match the relevant groups (such as politicians and citizens) on a limited set of pre-treatment variables before removing residual imbalance on important control variables through traditional regression (Gelman, Hill, and Vehtari 2020). I use matching covariates known from the existing literature on support for the EU. This makes it easier to control for important “observables” that can confound an independent relationship between citizen or elite status and support for legally harmonious implementation that do not fall 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 variables can also be found in table A2.

The causal logic of the model is shown in figure 2. Here a set of demographic variables 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 assignment to any of the three groups and how they perceive 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 for matching covariates found in all groups) makes it likelier that I am measuring a direct effect of group membership, one cannot rule out omitted variable bias. However, by matching and controlling for relevant pre-treatment variables, I believe I have come as close to being able to make such a statement in the absence of 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 both education and income make it likelier for a citizen to perceive integration as beneficial (Gabel 1998; Kuhn, Lancee, and Sarrasin 2021), one’s birth cohort may also impact attitudes towards the EU (Fox and Pearce 2018). The fact that older generations were politically socialized 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. In other words, even bureaucrats or politicians with similar views of legal harmonization might, because of differing group interests, adopt different views of legal harmonization. However, group membership may also indirectly impact support for legal harmonization: For instance, group membership is likely to impact income and views of the EU, and by extension also support for legal harmonization. Controlling for such variables is likely to 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). Not accounting for this mediation would risk underestimating the true causal effect.

## **Organizational belonging**

I add an indicator exclusively to the model of support for legal harmonization among bureaucrats. This specifies whether the respondent works in a ministry or rather an independent agency or supervisory authority. Given that the two-hatted nature of European independent agencies, in which they are frequently more responsive to European than national institutions, it is likely that they will vary in their approach to the question of legal harmonization (Egeberg and Trondal 2017). This is made even 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, in turn, shape how they think about the relative trade-off between implementation of EU law according to a harmonizing or interest-maximizing goal.

One important limitation is that I do not have information on the precise 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 initial implementation of EU law at the Norwegian level, those working in supervisory agencies might only be responsible for supervising compliance with it. This might lead the two groups to have very different evaluations of the potential for legally harmonized implementation.

To test the differentiated impact that education might have within the surveyed cohort of civil servants, I also use a measure that asks people which field their highest completed degree stems from. 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 has largely succeeded in accounting for most of the original imbalance in the values of the matching covariates found in 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 traditional 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.

Performing matching 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 can be formalized as in equation 1:

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

In a second step, as a robustness test, I use a group-level multilevel model with county fixed-effects. Here support for legal harmonization  $Y$  for individual  $i$  in county  $j$  becomes a function of an independent variable 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 as in equation 2.

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

## Results and discussion

I begin by investigating the elite-citizen gap in perceptions of harmonized implementation of EU law.



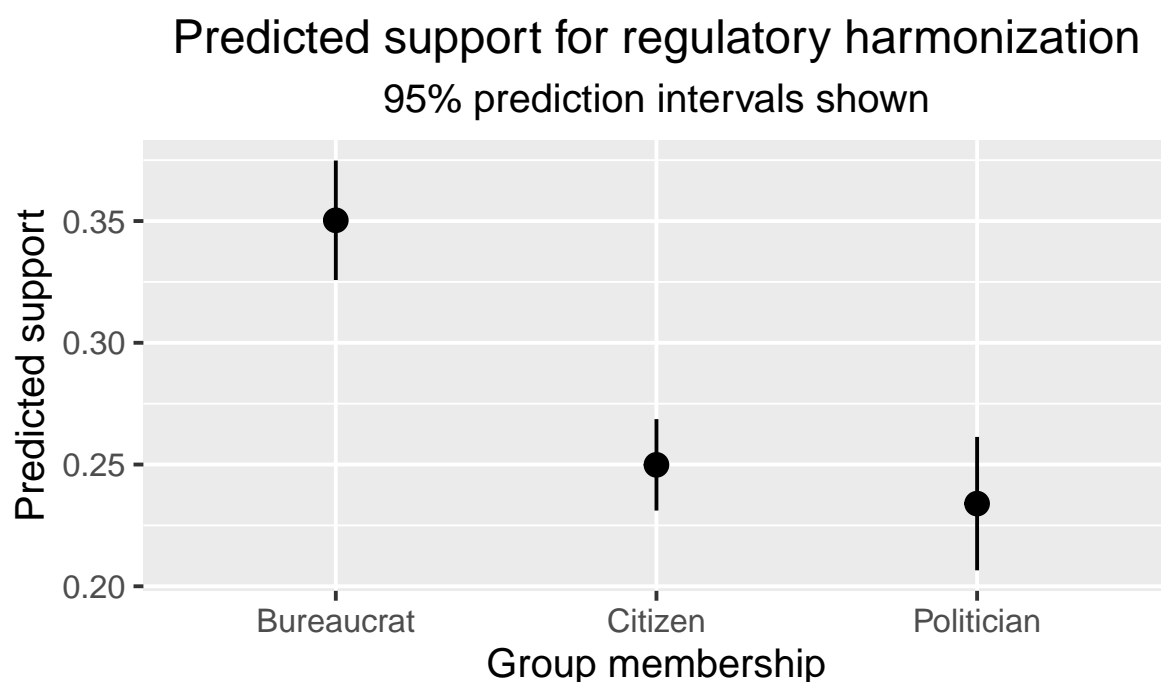


Figure 3: Predicted support for regulatory harmonization. 95% prediction intervals shown.

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

## 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 furthermore confirm *H2* and reject *H3*, as there is no statistically significant difference between how citizens and politicians think about the prospect of legal harmonization.

There is thus evidence that the elite-citizen gap in perceptions of legal harmonization will vary for different political-administrative elites: Because bureaucrats are better positioned than the others to take advantage of the opportunities for influence that the multilevel system of governance offers, they are more likely to be positive towards the prospect of legal harmonization than citizens. In contrast,

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.

politicians and citizens may both be policy-seeking, in the sense that they either vote or seek election because of a desire to influence national policy. They are thus more likely to have a shared interest in policies being implemented according to national preferences than bureaucrats.

Citizens and politicians may also have similar views due to sample composition: Because the data contains predominantly local politicians (only 1.1% ( $N = 21$ ) of the politicians served in the Norwegian parliament Stortinget), they may be more similar to the average voter than those elected to parliament. However, a robustness test (see table A6) shows no statistically significant differences between national and local politicians. The lack of an effect may nevertheless be caused by the small sample of national politicians, as there is a positive effect on support for legal harmonization of being a national politician.

I also find differences in the preferences for legal harmonization within the administrative elite. Confirming *H6*, I find that lawyers are more likely than non-lawyers to prefer legal harmonization as the guiding principle for the implementation of European law in Norway. The reason may, as previously argued, be that lawyers are more likely than civil servants with other backgrounds 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 nevertheless reveals a more surprising result. My results suggest agency officials are more likely to oppose harmonized implementation of EU law than those working in ministries. This is counter-intuitive in light of the fact that the same agency officials have more opportunities for directly influencing proposed EU law than civil servants in Norwegian ministries (Egeberg and Trondal 2016). What may nevertheless explain agency officials’ reluctance to go along with legal harmonization is the greater autonomy that they have enjoyed in the wake of the “agencification” of public administration seen both in Norway and elsewhere in the West (Moynihan 2006). Through this process, agencies have gained great autonomy in the design and implementation of national policy. Agency officials may thus be more sceptical of legal harmonization than ministry officials because they see *international* harmonization as weakening their *national* autonomy. This explanation is compatible with my theoretical perspective that each group would see legal harmonization through the prism of their

own autonomy, even though it leads to a different outcome than hypothesized. An identical analysis using coarsened exact matching substantially confirms these results (see table A4).

I lastly test *H3b* and *H4b*. As table 3 shows, comparing bureaucrats and Eurosceptic politicians yields a larger positive effect than 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 only studying Eurosceptic politicians. Once again coarsened exact matching (table A5) yields substantially identical results.

Table 3: Results from 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

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

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

There are thus differences in how elites and citizens think about the prospect of legal harmonization, but they 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 degree than

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

politicians from mainstream and 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 Eurosceptic politician than we would see if politicians from non-Eurosceptic parties were also included.

A more fundamental reason that the views that bureaucrats, citizens and politicians hold of legal harmonization differs may be that there are differences in how aware each group is of the outcomes of it. 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, bureaucrats could be more favourably inclined towards such harmonization because their access to the European policy-making process makes the benefits of harmonization clearer to bureaucrats than to citizens or politicians. An alternative reason for the greater support for regulatory harmonization among bureaucrats is thus the familiarity that they have with it rather than how it may strengthen their hand relative to politicians or citizens.

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, that can be attributed to the different sample sizes of the three groups, most point in the same direction. For instance, support for EU membership is strongly predictive of 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 to how its utility differs for each group.

## Summary and concluding discussion

In this paper I have shown that bureaucrats, citizens and politicians express very different levels of support for legal harmonization compared to implementation that privileges political preferences. 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 stand to gain or lose from deeper legal harmonization across a broad range of areas. This is evident 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. The differences within the administrative elite, for instance, maps onto variations in both the academic backgrounds of civil servants and their position relative to Norway's political elite.

Several of my empirical 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, citizens and politicians are likely to converging preferences also in other European countries, as policy-seeking behavior is a likely motivator of both decisions to seek elections and vote choice not only in Norway.

The large overlap between citizens and politicians found in this study, however, may 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 have views of legal harmonization that are closer to the citizens that elected them than what would have been the case in highly comparable EU member states. A crucial question for future research is thus whether my results also hold in full EU member states.

An important question for future study is 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 from one regulation to another (Lerman and McCabe 2017). Future studies should thus test how the perceived support for regulatory harmonization differs on the basis of the combination 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.

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# Appendix

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

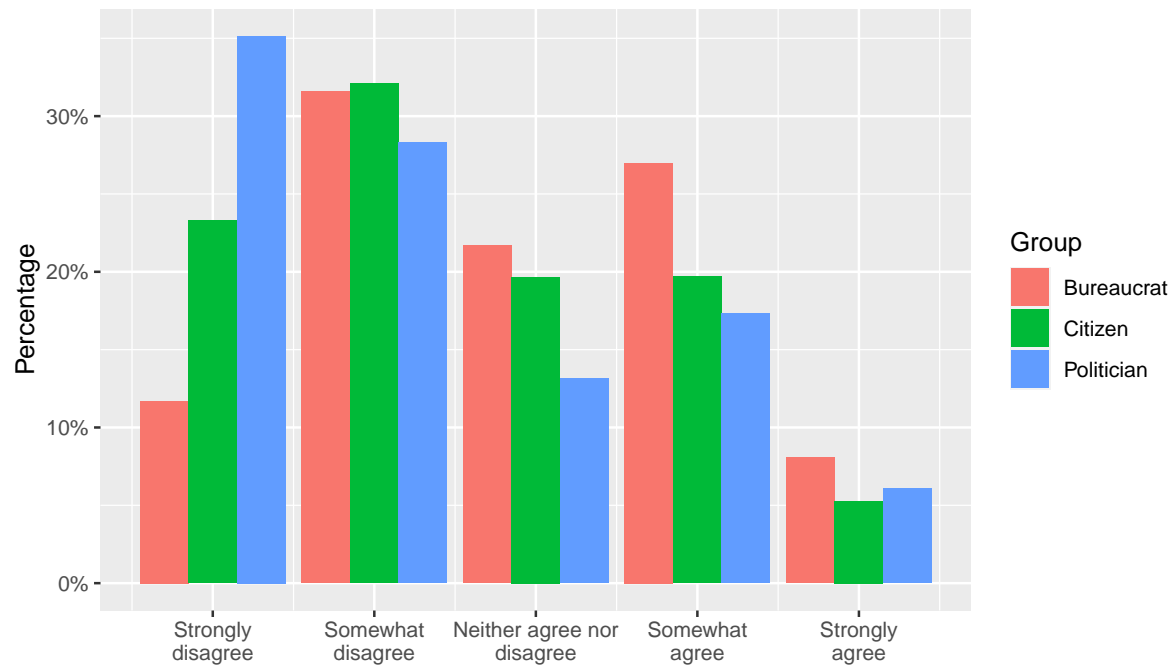


Figure A1: Responses to questions about harmonization with EU law

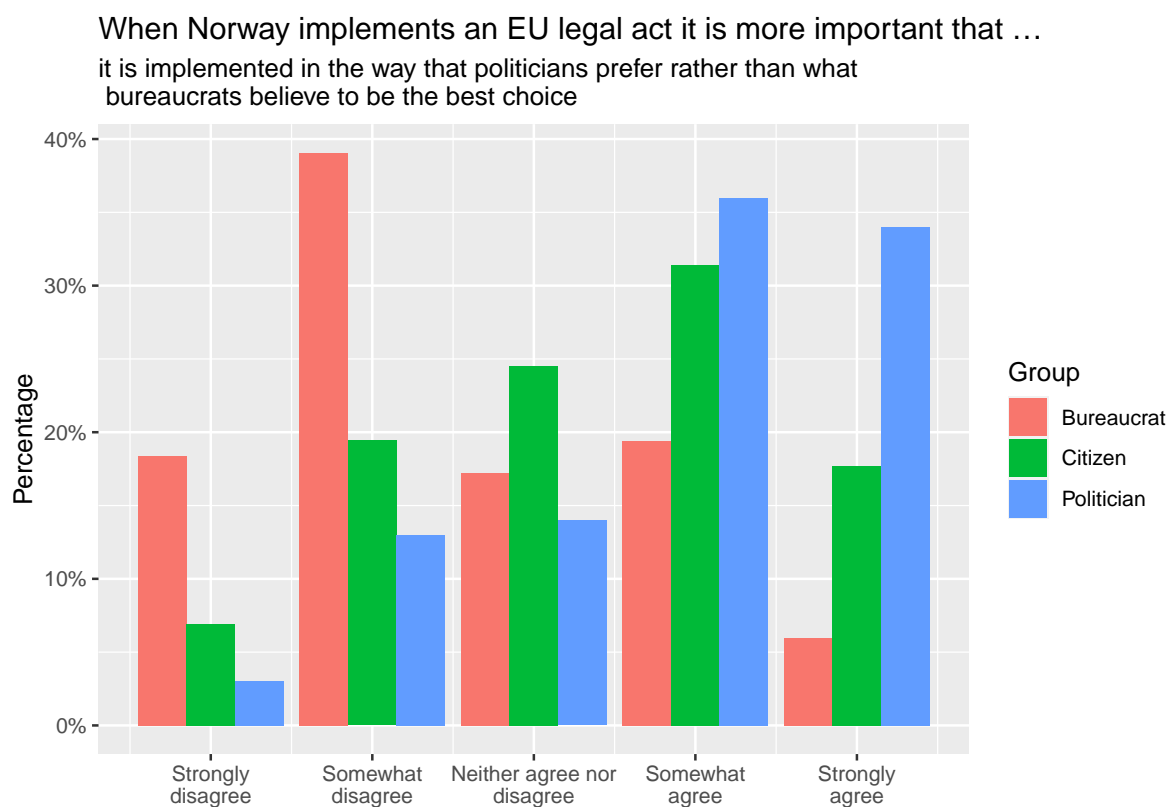
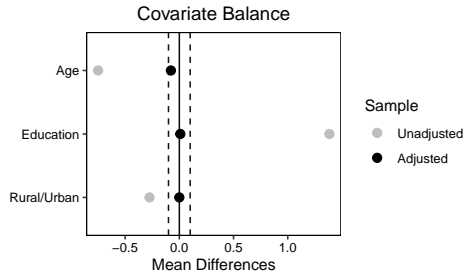
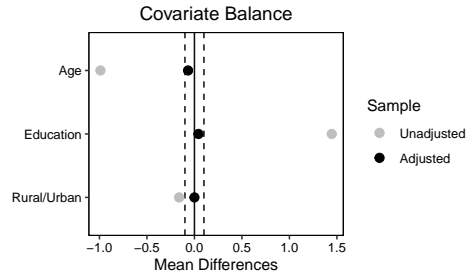


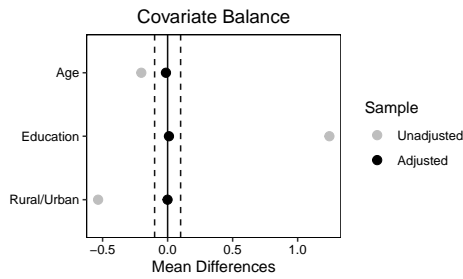
Figure A2: Responses to questions about implementation of EU law according to national political preferences.



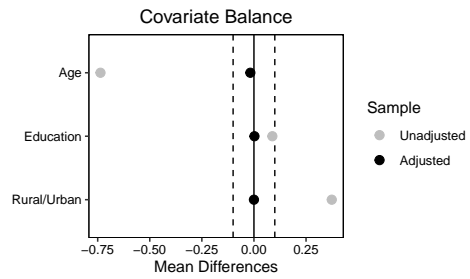
(a) Bureaucrat vs. sample



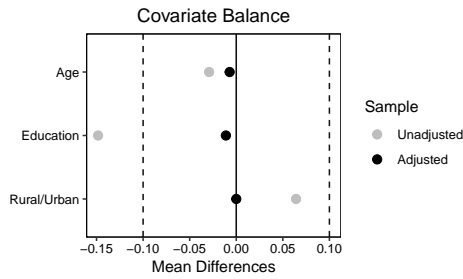
(b) Citizens vs. bureaucrats



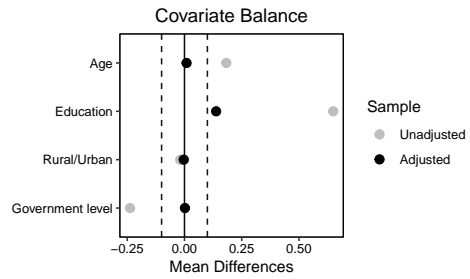
(c) Bureaucrats vs. politicians



(d) Citizens vs. politicians



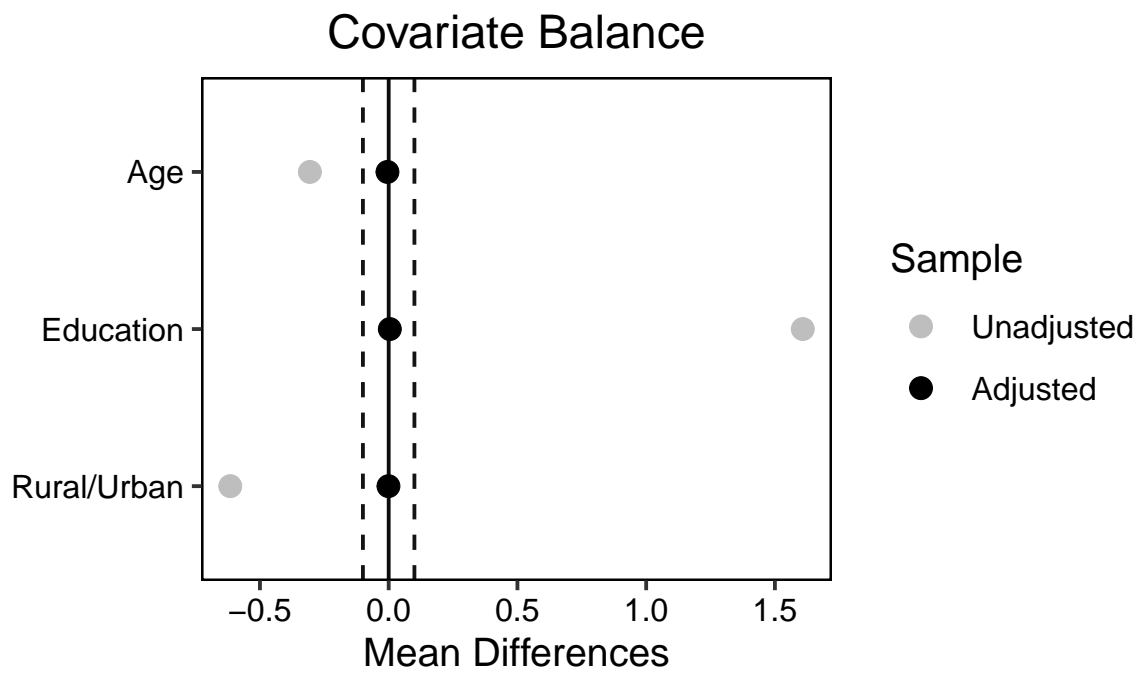
(e) Agency vs. ministry officials



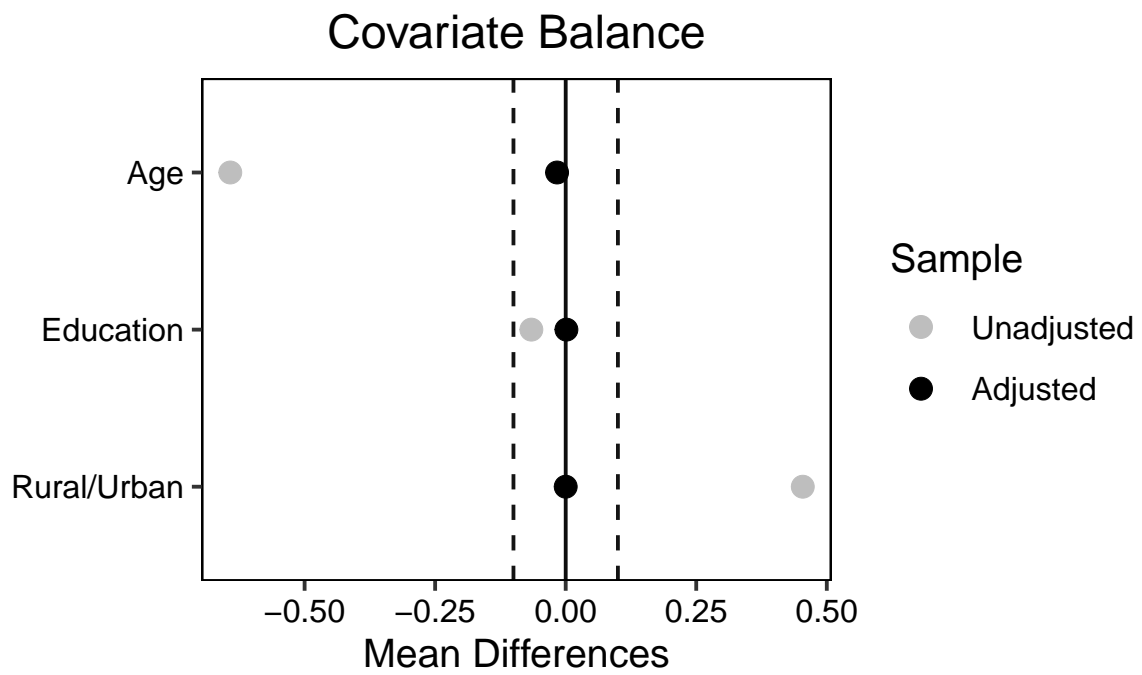
(f) Lawyers vs. non-lawyers

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. Euroseptic politician	Citizen vs. Euroseptic 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*