Routledge Handbook of European Politics

Edited by José M. Magone

Routledge Handbook of European Politics

Since the Treaty of the European Union was ratified in 1993, the European Union has become an important factor in an ever-increasing number of regimes of pooled sovereignty. This Handbook seeks to present a valuable guide to this new and unique system in the twenty-first century, allowing readers to obtain a better understanding of the emerging multilevel European governance system that links national polities to Europe and the global community.

Adopting a pan-European approach, this Handbook brings together the work of leading international academics to cover a wide range of topics such as:

- the historical and theoretical background
- the political systems and institutions of both the EU and its individual member nations
- political parties and party systems
- political elites
- civil society and social movements in European politics
- the political economy of Europe
- public administration and policy-making
- external policies of the EU.

This is an invaluable and comprehensive resource for students, scholars, researchers and practitioners of the European Union, European Politics and Comparative Politics.

José M. Magone is Professor in Regional and Global Governance at the Berlin School of Economics and Law.

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Routledge Handbook of European Politics

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Dedicated in memory of
El *fantástico* Irving Louis Horowitz (1929–2012)
and his wonderful critical wisdom and life experience

El *maravilloso* Juan J. Linz (1926–2013),
a great modest teacher and scholar with encyclopaedic knowledge

El *simpático gentleman* Peter Mair(1951–2011),
a gift of Irish inspiration and enterprise

Il y a dans chaque État trois sortes de pouvoirs: la puissance législative, la puissance éxecutrice, des choses que dépendent du droit des gens, et la puissance exécutrice de celles que dépendent du droit civil. . . . On appelera cette dernière puissance la puissance de juger . . .

Il n'y a point encore de liberté si la puissance de juger n'est pas séparée de la puissance législative et de l éxecutrice. Si elle était jointe à la puissance législative, le pouvoir sur la vie et la liberté des citoyens serait arbitraire; car le juge serait legislateur. Si elle était jointe à la puissance exécutrice, le juge pourrait avoir la force d'un oppresseur.

Tout serait perdu si le même homme, ou le même corps des principaux ou nobles, ou du peuple, exerçaient ces trois pouvoirs: celui de faire des lois, celui d éxecuter les résolutions publiques, et celui de juger des crimes ou les différends des particuliers.

(Montesquieu, L Esprit des Lois [1757], Book Eleven,
Chapter 6: De la Constitution D'Angleterre)

World peace cannot be safeguarded without the making of creative efforts proportionate to the dangers which threaten it.

The contribution which an organized and living Europe can bring to civilization is indispensable to the maintenance of peaceful relations. In taking upon herself for more than 20 years the role of champion of a united Europe, France has always had as her essential aim the service of peace. A united Europe was not achieved and we had war.

Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity. The coming together of the nations of Europe requires the elimination of the age-old opposition of France and Germany. Any action taken must in the first place concern these two countries.

(Robert Schuman Declaration 9 May 1950 quoted from
website of the European Union, Europa.eu)

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Daniel–Louis Seiler is Emeritus Professor at the Institute of Political Studies (IEP) of the University Aix-en-Provence and part-time Professor at the European School of Political and Social Science at the Catholic University of Lille. He was born in Belgium in 1943 and graduated from the Catholic University of Leuven where he got his PhD. Previously he was Junior Lecturer at University College Dublin, Professor at the University of Quebec in Montreal and then Full Professor at the University of Lausanne. Afterwards he got a Chair at the University of Bordeaux and later on at the University of Aix-en-Provence. He was also Visiting Scholar or Professor at the University of Michigan (1973), University of California Los Angeles (1992), University of Colorado (Boulder), Autonomous University Barcelona, University of the Basque Country in Bilbao, University of Freiburg, University of Geneva, Catholic University of Louvain, University of Marmara, University of Neuchâtel and at the University of Silesia (Katowice). He works in the field of Comparative Politics, mainly on political parties in Europe in the scope of Stein Rokkan's paradigm of political cleavages. He has published ten books in French.

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Preface

The idea for this *Handbook on European Politics* came from Craig Fowlie, Global Editorial Director at Routledge. I have known Craig for almost two decades and he has been always quite supportive of projects that I have undertaken with Routledge. However, the *Handbook on European Politics* was his idea. He approached me to think about proposing a *Handbook on European Politics* at the World International Studies Conference (WISC) that took place in Oporto in August 2011. After some hesitation and discussion with Craig, I became enthusiastic about the idea and began to contact potential contributors for the volume. Craig and later Andrew Taylor, Senior Editor for British and European Politics, as well as Nicole Parkin, Peter Harris and Charlotte Endersbey, have been incredibly supportive throughout the project, such that it has turned out to be quite a pleasant venture over the past three years.

This *Handbook of European Politics* seeks to reflect the major changes that have taken place since the 1960s and 1970s in European politics. At the least, there have been the following major environmental and structural changes in European politics over the past 40 years:

1   The complete democratization of the continent, apart from Belarus. After the democratization in Southern Europe in the 1970s, similar but even more complex transitions and consolidations of democracy took place in Central and Eastern Europe and in the Western Balkans. We no longer speak of a divided Europe, but rather a united continent that has been characterized as a 'regional community of democratic states' (Laurence Whitehead) framed by the intergovernmental agreements of the Council of Europe and the supranational European law of the European Union. The fall of the Berlin Wall in 1989 is regarded in this Handbook as a critical turning point, or rather a juncture in European politics.
2   The European Union has been a central agent in re-creating and moulding the relations between the vast majority of European countries. The EU has also been an important agent of democratization and Europeanization in Southern, Central and Eastern Europe. The *Handbook on European Politics* concentrates primarily on the 28 member states of the European Union. The Copenhagen criteria of 1993 – the requirements of a functioning liberal democracy, a functioning liberal market economy, the ability to absorb the EU's 80,000 pages of legislation (the so-called *acquis communautaire*), the respect for human rights and the protection of minorities – have become core prerequisites for becoming a member, but also for retaining membership. The European Union has become an integrated multilevel governance political system incorporating regional, national, supranational and even in certain cases global levels.
3   A third major feature of the new European politics since the 1970s is the change in the state and public administration architecture in relation to civil society and the private economic sector. Specifically, there has been a major shift from well-defined government

to a more network-based approach to governance. Governance can be defined as more than the sum of interactions between public and private economic and civil society institutions and organizations. The blurring of the boundaries between public and private spheres has led to a new logic of governing. This has implications for certain policy areas such as the welfare state, education and environmental policy. Within the state and public administration, the philosophy of New Public Management and New Public Governance (see Chapter 34) became dominant, introducing cost–benefit analyses into relations with citizens (sometimes regarded as 'customers') and borrowing many concepts from management science related to business enterprises in the private economy. Also very important for this shift has been the widespread use of e-government and e-democracy instruments based on new information and communication technologies (ICTs). In the Handbook, the use and abuse of these new technologies is also discussed (see Chapter 7).

4   A fourth major change is in the nature of politics. The major socio-political cleavages of European politics that were structured and encapsulated by traditional political parties, including the Christian Democrats, Social Democrats and Liberals, began to erode in the 1970s. Since then, the established historical parties have maintained their dominance in Western Europe, but their overall support has been declining. New challenger parties such as the Greens and extreme right-wing and left-wing parties have emerged, making national politics much more complex. European integration has also led to the emergence of Eurosceptic parties. In this Handbook, Ronald Inglehart's transition from materialist to post-materialist values is applied to develop an understanding of this change within societies. Important in this regard is the critical assessment of how European liberalism can become 'repressive' in relation to other forms of behaviour. Anti-immigration parties epitomize this trend towards repressive liberalism (see Chapters 4 and 44).

5   The fifth and final theme of the Handbook concerns Europe and the European Union in the world. One particular problem of the European integration process is that it has been functionally asymmetrical, also across countries. The Single European Market is still quite uneven and far from being a level playing field. Political, social and economic heterogeneity among the member states of the European Union prevents the establishment of a strong economic block. Potential further enlargement to the Western Balkans and Turkey would only increase such heterogeneity (see Chapter 39). In addition, the influence, image and power of the European Union are suffering in the global economy (Chapters 11, 48, 49, 50). Demographic changes and the rise of the Asia-Pacific rim as the centre of the global economy have further reduced the importance of the EU worldwide. The financial and Eurocrisis since 2008 has been a wake-up call, prompting countries to move towards regimes of shared pooled sovereignty, particularly in economic governance. This is still a work in progress, and only the coming decades of European politics will determine whether it will lead to success (Chapter 41).

The Handbook consists of 50 chapters that are organized in nine sections: theoretical and historical background; the political system and institutions of the European Union; national political systems and institutions; political elites in European politics; political parties and party systems; public administrations and patterns of policy-making in European politics; the political economy of Europe; civil society and political movements in European Politics; and Europe and the world.

This volume represents a collective effort by a team of 62 excellent scholars and specialists in their individual fields of research. I took on the difficult task of coordinating the project, but all contributors went the extra mile to create a Handbook that is useful for the wider political science community, as well as for any reader interested in European politics. The work is intended

to allow readers from all backgrounds to gain insight into a wide range of topics in European politics. However, this Handbook can only be a first step towards more specialized research. Many of the chapters are therefore accompanied by an extensive reference list; moreover, a collective commented bibliography for further reading can be found at the end of the Handbook. I have dedicated this Handbook to three great scholars of European politics who died in recent years and whom I had the great privilege to meet and speak with on a number of occasions: Irving Louis Horowitz, Juan J. Linz and Peter Mair. A Handbook of this dimension is large enough to accommodate all three of these giants in the field of political science.

The quality of language in this Handbook would not have been nearly as high without the flexible, hard work of Claire Bacher, who made insightful comments throughout the manuscript with proposals for the improvement of sentences and passages in each chapter. I would like to thank her very much for her meticulous attention to the language editing of the chapters before submission. She also went the extra mile to improve the overall language and consistency throughout the manuscript.

I take this opportunity to thank Craig Fowlie, Andrew Taylor, Nicola Parkin, Peter Harris and Charlotte Endersby for supporting me throughout the preparation and production of the manuscript. It s always a pleasure to work with the Routledge team. It was a pleasure to work closely with copy editor Lisa J. Williams and overall book project manager Olivia Marsh. Their kindness and professionalism contributed substantially to the quality of the Handbook.

Last but not least, I want to thank my mother for being so enthusiastic about the Handbook and awaiting its completion with such joy.

José M. Magone
Berlin, 7 February 2014

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Abbreviations

AcSS	Academy of Social Sciences
AECR	Alliance of European Conservatives and Reformists
AENM	Alliance of European National Movements
AfD	*Alternative für Deutschland* (Alternative for Germany)
AGFISH	Agriculture and Fisheries Council
AKP	Justice and Development Party, Turkey
ALDE	Alliance of Liberals and Democrats for Europe
ALMP	active labour market policies
AN	*Alleanza Nazionale* (National Alliance, Italy)
AROP	at risk of poverty
ASEAN	Association of Southeast Asian Nations
ATAKA	Attack (Bulgaria)
BAGSS	Bamberg Graduate School of Social Sciences
BEUC	European Consumers' Union Bureau
BIS	Bank for International Settlements
BNP	British National Party
BRICs	Brazil, Russia, India, China
BSE	bovine spongiform encephalitis
BSP	*Balgarska Socialisticeka Partija* (Bulgarian Socialist Party)
CAF	Common Assessment Framework
CAP	Common Agricultural Policy
CARDS	Community Assistance for Reconstruction, Development and Stability in the Balkans
CCTV	closed circuit television
CDF	*Chrétiens démocratiques francophones* (French-Speaking Christian Democrats, Belgium)
CDh	*Centre démocrate humaniste* (Humanist Democratic Centre, Belgium)
CDU	*Christlich-Demokratische Union* (Christian Democratic Union)
CEAC	Committee of EU Affairs Committees
CEE	Central and Eastern Europe
CEECs	Central and Eastern European countries
CEO	chief executive officer
CEO	Corporate Europe Observatory
CEPS	Centre for European Policy Studies
CES	Center for European Studies
CFSP	Common Foreign and Security Policy

Abbreviations

CIA	Central Intelligence Agency
CID	Citizenship, Involvement, Democracy Project
CIEP	constitutional inter-election period
CIRCaP	Centre for the Study of Political Change
CIS	Customs Information System
CITINT	EUDO Citizenship Integration Indicators
CITLAW	EUDO Citizenship Law Indicators Index
CiU	*Convergencia i Unio*
CIVCOM	Committee for Civilian Aspects and Crisis Management
CJEU	Court of Justice of the European Union
CLE	constituency level elections
CLEA	Constituency Level Electoral Archive, University of Michigan
CLWP	Commission Legislative Work Programme
COCOPS	Coordinating for Cohesion in the Public Sector of the Future project
CoE	Council of Europe
COMECON	Council for Mutual Economic Assistance
COREPER	Committee of Permanent Representatives
COSAC	*Comité des Organes Spécialisés d'Affaires Communautaires* (Committee of EU Affairs Committees)
CP	comparative politics
CPI	Citizenship Policy Index
CPI	Corruption Perceptions Index
CRIPO	Comparative Research into Current Trends in Public Sector Organization
CSDP	Common Security and Defence Policy
CSES	Comparative Study of Electoral Systems
CSO	civil society organization
CSSD	*Ceska Strana Socialne Demokraticka* (Czech Social Democratic Party)
CSU	*Christlich-Soziale Union* (Christian Socialist Union, Germany)
DC	*Democrazia Cristiana* (Christian Democracy)
DEG	Digital Era of Governance
DFG	*Deutsche Forschungsgemeinschaft* (German Research Foundation)
DG	directorate-general (EU)
DG EMPL	Directorate-General for Employment, Social Affairs and Inclusion
DPS	*Dvizenie za Prava i Svobodi* (Movement for Rights and Freedoms, Bulgaria)
DS	*Democratici della Sinistra* (Democrats of the Left)
DS	*Demokratska Stranka* (Social Democracy, Serbia)
DWP	Department for Work and Pensions, UK
EAC	European Affairs Committees
EAF	European Alliance for Freedom
EANM	European Alliance of Nationalist Movements
EAS	European Administrative Space
EB	Eurobarometer
EC	European Commission
EC	European Community
ECB	European Central Bank
ECC	European Council and Council (of the European Union)

ECE	East and Central European countries
ECE	Eastern and Central Europe
ECFR	European Council on Foreign Relations
ECHR	European Convention on Human Rights
ECHR	European Court of Human Rights (Council of Europe)
ECI	European Citizens' Initiative
ECJ	European Court of Justice of the European Union
ECOFIN	Economic and Financial Affairs Council of the Council of the European Union
ECPM	European Christian Political Movement
ECR	European Conservatives and Reformists
ECSC	European Coal and Steel Community
ECtHR	European Court of Human Rights
ECU	European Currency Unit
EDA	European Defence Agency
EDC	European Defence Community
EDP	European Democratic Party
EDP	Excessive Deficit Procedure
EDPS	European Data Protection Supervisor
EEA	European Economic Area
EEAS	European External Action Service
EEC	European Economic Community
EELV	*Europe écologie les Verts* (Europe Environment The Greens)
EES	European Election Studies
EES	European Employment Strategy
EFA	European Free Alliance
EFC	Economic and Finance Committee
EFD	Europe of Freedom of Democracy
EFP	European foreign policy
EFSF	European Financial Stability Facility
EFSF	European Financial Stabilization Facility
EFSM	European Financial Stabilization Mechanism
EFTA	European Free Trade Area
EGE	European Group on Ethics in Science and New Technologies
EGIS	European and Global Issues Secretariat of the Cabinet Office, UK
EGP	European Green Party
EIB	European Investment Bank
EIGE	European Institute for Gender Equality
EIPA	European Institute of Public Administration
EIU	Economist Intelligence Unit
EJN	European Judicial Network
ELDR	European Liberal Democratic and Reformist Group/Alliance
EMI	European Monetary Institute
EMS	European Monetary System
EMU	Economic and Monetary Union
ENP	Effective Number of Parties
ENP	European Neighbourhood Policy
EP	European Parliament

EPC	European Political Community/Centre
EPC	European Political Cooperation
EPP	European People's Party
EPR	European Party Regulation
ERC	European Research Council
ERM	Exchange Rate Mechanism
ERN	European Regulatory Network
ERT	European Roundtable of Industrialists
ESDP	European Security and Defence Policy
ESF	European Social Forum
ESF	European Social Fund
ESM	European Stability Mechanism
ESRC	Economic and Social Research Council
ESS	European Social Survey
ESSPROS	European System of Integrated Social Protection Statistics
ETA	*Euskadi ta Askatasuma*
ETUC	European Trade Union Confederation
EU	European Union
EUCO	European Council
EUDO	European Union Democracy Observatory
EUI	European University Institute
EUL	European United Left
EUMC	European Union Military Committee
EUPAN	European Union Public Administration Network
EURATOM	European Atomic Energy Community
Eurodac	European fingerprint database
Eurojust	European Union's justice cooperation unit
Europol	European Police Force
Eurosur	European Border Surveillance System
EVS	European Value Study
EWS	Early Warning System
FAC	Foreign Affairs Council (Council of the European Union)
FCO	Foreign and Commonwealth Office
FDI	foreign direct investment
FDP	*Freiheitliche Demokratische Partei* (Liberals, Germany)
FEMCIT	Gendered Citizenship in a Multicultural Europe
FI	*Forza Italia*
FIDESZ	*Fidesz–Magyar Polgari Szovetseg* (Fidesz–Hungarian Civic Union)
FKGB	*Fuggetlen Kisgazdapart* (Independent Party of Smallholders, Hungary)
FN	*Front nationale* (National Front, France)
FOCJ	functional, overlapping, competing jurisdictions
FPÖ	Austrian Freedom Party
FRA	European Agency of Fundamental Rights
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
G7/8	Seven/Eight Economically/Politically Most Powerful Countries
G20	Twenty Economically/Politically Most Powerful Countries in the Northern and Southern Hemisphere

GAL	Green–Alternative–Libertarian
GATT	General Agreement on Tariffs and Trade
GDP	gross domestic product
GERB	*Grazdani za Evropejsko Razvitie na Balgaria* (Citizens for the European Development of Bulgaria)
GFCC	German Federal Constitutional Court
GM	genetically modified
GMO	genetically modified organism
GNI	gross national income
GRECO	Group of European States Against Corruption
GSC	General Secretariat of the Council
HDZ	*Hrvatska Demokratska Zajednica* (Croatian Democratic Union)
HLCG	EU–US High Level Contact Group
HR	High Representative of the European Union for Foreign Affairs and Security Policy
HSLS	*Hrvatska Socijalno-Liberalna Stranka* (Croatian Social Liberal Party)
HZDS	*Hnuti za Demockraticka Slovenska* (Movement for a Democratic Slovakia)
IA	impact assessment
IAB	Impact Assessment Board
IASG	Impact Assessment Steering Group
ICC	International Criminal Court
ICER	International Centre for Economic Research
ICT	information and communication technology
IG	Integrated Guidelines
ILO	International Labour Organization
IMF	International Monetary Fund
INGO	international non-governmental organization
IO	International Organization
IPP–CSIC	Institute of Public Policies–*Consejo Superior de Investigaciones Científicas* (Higher Council of Scientific Research)
IPSA	International Political Science Association
IPU	Inter-Parliamentary Union
IR	International Relations
IRA	independent regulatory agency
IRL	*Isamaa ja Res Publica Liit* (Pro Patria and Res Publica Union, Estonia)
ISSP	International Social Survey Programme
IT	information technology
JDT	joint-decision trap
JHA	justice and home affairs
JIT	joint investigative team
JOBBIK	*Jobbik Magyarorszagert Mozgalom* (Movement for a Better Hungary)
K	*Eesti Keskerakond* (Centre Party)
KDH	*Krestanskodemokraticke Hnutie* (Christian Democratic Movement, Slovakia)
KERM	European Committee of the Council of Ministers, Poland
KGB	*Komitet gosudarstvennoy bezopasnosti* (Committee for State Security, former Soviet Union)
KLD	*Kongres Liberalno Demokratyczny* (Congress of Liberal Democrats, Poland)

KNAW	Royal Netherlands Academy of Arts and Sciences
KSCM	*Komunisticka Strana Cech a Moravy* (Communist Party of Bohemia and Moravia, Czech Republic)
LDDP	*Lietuvos Demokratine Darbo Partija* (Lithuanian Democratic Workers' Party)
LDS	*Liberalna Demokracija Slovenije* (Liberal Democracy of Slovenia)
LGV	*Drzavljanska List Gregorja Viranta* (Civic List of Gregor Virant, Slovenia)
LMP	*Lehet Mas a Politika* (Politics Can Be Different, Hungary)
LOI	Legal Obstacles to Integration index
LPR	*Liga Polskich Rodzin* (League of Polish Families)
LSE	London School of Economics and Political Science
LT	Lisbon Treaty
LTRO	Long Term Refinancing Operations
LUISS	*Libera Universitá Internazionale degli Studi Sociali* (Free International University of Social Sciences)
LZJ–PS	*List Zoran Jankovica–Pozitivna Slovenija* (List of Zoran Jankovic–Positive Slovenia)
MAFF	multiannual financial framework (EU budget)
MDF	*Magyar Demokrata Forum* (Hungarian Democratic Forum)
MELD	Movement of Europe of Liberties and Democracy
MEP	Member of the European Parliament
MFA	Ministry of Foreign Affairs
MH	*Most–Hid* (Bridge, Slovakia)
MIP	Macroeconomic Imbalances Procedure
MIPEX	Migration Policy Index
MMM	mixed-member majoritarian
MMP	mixed-member proportional
MP	Member of Parliament
MS	member states (EU)
MSI	*Movimento Sociale Italiano* (Italian Social Movement, former neo-fascist party)
MSZP	*Magyar Szocialista Part* (Hungarian Socialist Party)
MTO	medium-term budgetary objective
MZES	Mannheim Centre for European Social Research
NA	*Nacionala Apvieniba Visu Latvijai–TB/LNNK* (National Alliance All For Latvia–TB/LNNK)
NAP	National Action Programme
NAPS	National Anti-Poverty Strategy
NATO	North Atlantic Treaty Organisation
NDPB	non–departmental public body
NDSV	*Nacionalno Dvizenie za Stabilnosti I Vazhod* (National Movement for Stability and Progress, Bulgaria)
NGLA	Nordic Green Left Alliance
NGO	non–governmental organization
NMR	non–majoritarian regulator
NMS	new member states (EU)
NP	national party
NPD	*Nationaldemokratische Partei Deutschlands* (National-Democratic Party of Germany)
NPG	New Public Governance

NPM	New Public Management
NPO	non-profit organization
NRP	National Reform Programme
NSA	National Security Agency
NSO	non-state organization
NUTS	*Nomenclature des unités territoriales statistiques* (Nomenclature of Territorial Units of Statistics)
NV-A	*Nieuw Vlaamse Alliantie*
NWS	neo-Weberian state
NYU	New York University
OCA	optimal currency area
OCTA	Organized Crime Threat Assessment
ODS	*Obcanska Demokraticka Strana* (Civic Democratic Party, Czech Republic)
OECD	Organization for Economic Cooperation and Development
OEEC	Organization for European Economic Co-operation
OJEC	Official Journal of European Communities
OJEU	Official Journal of the European Union
OLAF	Fight Against Fraud Office (EU)
OMC	Open Method of Coordination
OMT	Outright Monetary Transactions
OPEC	Organization of the Petroleum Exporting Countries
OSCE	Organization for Security and Cooperation in Europe
ÖVP	Austrian People's Party
P/A	principal/agent
PACE	Parliamentary Assembly of the Council of Europe
PAYG	pay as you go
PC	*Poruzumienie Centrum* (Centre Alliance, Poland)
PCF	*Parti communiste français* (French Communist Party)
PCI	*Partito comunista italiano* (Italian Communist Party)
PD	Democratic Party, Italy
PD	Progressive Democrats, Ireland
PdL	*Popolo della Libertà* (People of Liberty, Italy)
PDS	*Partei des Demokratischen Sozialismus* (Party of Democratic Socialism, Germany)
PDS	*Partito democratico della sinistra* (Democratic Party of the Left, Italy)
PEL	Party of the European Left
PES	Party of European Socialists
PES	Public Employment Services
PHARE	Poland and Hungary: Assistance for Restructuring their Economies
PICT	Project on International Courts and Tribunals
PiS	*Prawo i Sprawiedliwosc* (Law and Justice, Poland)
PLI	Liberals, Italy
PM	prime minister
PNL	*Partidul National Liberal* (National Liberal Party, Romania)
PNR	Passenger Name Record System
PNV	*Partido Nacionalista Vasco*
PO	*Platforma Obywatelska* (Civic Platform, Poland)
PP	*Partido Popular* (People's Party, Spain)
PPP	purchasing power parity

PR	proportional representation
PRI	Republicans, Italy
PRL	*Parti Réformateur Libéral* (Liberal Reformist Party, Belgium)
PRM	*Partidul Romanie Mare* (Great Romania Party)
PS	*Parti socialiste* (French Socialist Party)
PSC	Political and Security Committee (Council of EU)
PSC–CVP	*Parti social chrétien–Christelijke Volkspartij* (Christian Social Party–Christian Peoples Party, Belgium)
PSD	*Partidul Social-Democrat* (Social Democratic Party, Romania)
PSDI	Social Democrats, Italy
PSI	Socialist Party, Italy
PSL	*Polskie Stronnictwo Ludowe* (Polish Peasant Party)
PSOE	*Partido Socialista Obrero Español* (Spanish Socialist Workers' Party)
PvdA	Social Democratic Party, the Netherlands
PVEA	personal vote-earning attributes
PVM	Public Value Management
PVV	*Partij voor de Vrijheid* (Dutch Freedom Party)
PVV	*Partij voor Vrijheid en Vooruitgang* (Party for Freedom and Progress, Belgium)
QMV	qualified majority voting
R&D	research and development
RAI	Regional Anti-corruption Initiative
RE	*Eesti Reformierakond* (Reform Party)
REACH	Registration, Evaluation, and Authorisation of Chemicals (EU Chemicals Regulation)
ROIR	Register of Interest Representatives
RRP	radical right populist
S&D	Progressive Alliance of Socialists and Democrats
SC	*Saskanas Centrs* (Harmony Centre, Latvia)
SCIFA	Strategic Committee on Immigration Frontiers and Asylum
SCN	second-country national
SCP	stability and convergence programmes
SDKU–DS	*Slovenska Demokrokraticke a Krestanska Unia* (Slovak Democratic and Christian Union)
SDP	*Socijaldemokratska Partija Hrvatske* (Social Democratic Party of Croatia)
SDS	*Sajuz na Demokraticni Sili* (Union of Democratic Force)
SE	*Societas Europaea* (European Company Statute)
SEA	Single European Act
SEM	Single European Market
SFIO	*Section française de l'Internationale ouvrière* (French Section of the International Worker's Party, former Socialist Party)
SGAE	*Secrétariat général des affaires européennes* (Secretariat-General for European Affairs, France)
SGI	Sustainable Governance Indicators, Bertelsmann Foundation
SGP	*Staatkundig Gereformeerde Partij* (Reformed Protestant Party, the Netherlands)
SGP	Stability and Growth Pact
SI	Socialist International
SIGMA	Support for Improvement in Governance and Management
SIS	Schengen Information System

SKDL	*Suomen Kansan Demokraattinen Liitto* (Finnish People's Democratic League)
SLD	*Sojusz Lewicy Demokratycznej* (Democratic Left Alliance, Poland)
SMD	single-member districts
SME	small and medium-sized enterprise
SMER–SD	*Smer–Socialna Demokracia* (Direction–Social Democracy, Slovakia)
SMO	social movement organization
SMP	Securities Markets Programme
SNP	Scottish National Party
SNS	*Slovenska Narodna Strana* (Slovak National Party)
SNTV	single non-transferable vote
SP	Socialist Party, the Netherlands
SPAI	Stability Pact Anti-corruption Initiative
SPD	*Sozialdemokratische Partei Deutschlands* (Social Democratic Party of Germany)
SPÖ	Austrian Socialist Party
SRP	National Simplified Reform Programme
SRP	*Samoobrona Rzeczpospolitej Polskiej* (Self-Defence of the Republic of Poland)
SRS	*Srpska Radikalna Stranka* (Serbian Radical Party)
SSD	Czech Social Democratic Party
SSIEER	State Secretariat for Integration and External Economic Relations, Hungary
SSM	Single Supervisor Mechanism
STV	single transferable vote
SVP	Swiss People's Party
SWIFT	Society for Worldwide Interbank Financial Telecommunication
SZDSZ	*Szabad Demokratak Szovetsege* (Union of Free Democrats, Hungary)
TA	Treaty of Amsterdam
TAN	Traditional–Authoritarian–Nationalist
TCN	third-country national
TEU	Treaty of the European Union
TFEU	Treaty on the Functioning of the European Union
TFP	total factor productivity
TFTP	Terrorist Financing Tracking Programme
TI	Transparency International
TNP	transnational party
ToL	Treaty of Lisbon
TOP09	*Tradice Odpovednost Prosperita* (Tradition, Responsibility, Prosperity, Czech Republic)
TREVI	terrorism, radicalism, extremism and international violence
TS–LKD	*Tevynes Sajunga–Lietuvos Krikscionys Demokratai* (Homeland Union–Lithuanian Christian Democrats)
TSCG	Treaty on Stability, Coordination and Governance in the Economic and Monetary Union
UCLAF	*Unité de coordination de lutte anti-fraude* (Anti-Fraud Coordination Unit)
UD	*Unia Demokratyczna* (Democratic Union, Poland)
UD	*Uniunea Democrata Maghiara din Romania* (Democratic Alliance of Hungarians in Romania)
UDMR	*Uniunea Democrata Maghiara din Romania* (Democratic Alliance of Hungarians in Romania)
UEL/NGL	United European Left/Nordic Green Left

Abbreviations

UK	United Kingdom
UKIE	Office of the Committee for European Integration, Poland
UKIP	United Kingdom Independence Party
UKREP	United Kingdom Permanent Representation (in Brussels)
UMP	*Union pour une majorité populaire* (Union for a Popular Majority, France)
UN	United Nations
UNCAC	United Nations Convention Against Corruption
UNDP	United Nations Development Programme
UNECE	United Nations Commission for Europe
UNED	Spanish National Distance-Learning University
US/USA	United States of America
USCD	University of California San Diego
USSR	Union of Soviet Socialist Republics
UW	*Unia Wolnosci* (Freedom Union, Poland)
VER	voluntary export restraints
VIS	Visa Information Exchange System
VUB	Free University of Brussels
VV	*Veci Verejne* (Public Affairs, Czech Republic)
WE	Western Europe; Western European
WEU	West European Union
WoT	War on Terror
WPG	White Paper on Governance
WTO	World Trade Organization
WVS	World Value Survey
WWI	First World War (1914–18)
WWII	Second World War (1939–45)
ZBO	*Zelfstandige Bestuurs Organ* (independent administrative body)
ZChN	*Zjednoczenie Chrzescijansko-Narodowe* (Catholic National Union, Poland)

1

Introduction

The 'Great Transformation' of European politics: a holistic view

José M. Magone

Introduction: a guide to the complex world of European politics

'Ich bin ein Berliner.' The famous statement made by US President John F. Kennedy in front of the Rathaus Schöneberg building (City Council of West Berlin at the time) on 26 June 1963, now over 50 years ago, remains an important turning point in European politics. Although Kennedy directed some belligerent language towards the Communist regime in the German Democratic Republic and the Berlin Wall erected in 1961 by the East German leadership, this had only rhetorical significance in the context of the bond established between West Berlin and the United States. Kennedy clearly sought to express his solidarity with West Berlin – or rather, as Andreas Daum calls it, America's Berlin, thus named since the famous airlift of 1948 countered the Soviet blockade of the Western half of the city (Daum 2008: 39). In reality, Kennedy was pursuing a new policy of *détente* with the Soviet leader Nikita Krushchev; the questions of Berlin and Germany were secondary to the overall global Cold War between the two superpowers, the US and the Soviet Union. This policy of *détente* was expressed on the same day in Kennedy's speech after receiving an honorary doctoral degree from the Free University of Berlin (Daum 2008: 156–65).

Berlin was to remain an important setting for world politics until the end of the Cold War in 1989. The efforts of Mikhail Gorbachev and Ronald Reagan to improve relations between the two superpowers had the important side effect of preparing the conditions for the reunification of the city (after the fall of the Wall on 9 November 1989) and Germany itself (on 3 October 1990). Simultaneously, the emergence of the newly unified Germany had the spill–over effect of creating an opportunity for the unification of Europe. The fall of the Iron Curtain during the second half of 1989 represented one of the most spectacular transformations in European history. A domino effect of transition from Communist rule to liberal democracy and from planned to market economies affected most of the countries in Central and Eastern Europe. This type of democratization had already taken place in Southern Europe after 1974, such that at the end of the millennium, apart from Belarus, all countries in Europe were more or less functional liberal democracies sustained by liberal market economies. The role of European integration in shaping this new regional community of democratic states cannot be

underestimated. The Council of Europe, the European Union, the Organization for Cooperation and Security in Europe (OSCE) and the more international Organisation for Economic Cooperation and Development (the descendant of the OEEC) laid out the foundations for the construction and advancement of these liberal democracies and social market economies.

In this reconfiguration of European politics, due to its geostrategic position and its size (in terms of area, population and gross domestic product), Germany remains the central country in Europe. It is one of the historical 'big three' countries (along with France and the United Kingdom), and its elites have always been very pro-active in promoting the European integration process as a means of overcoming past actions, but also as a way to recreate a new German identity in which the European dimension plays an intrinsic role (Schild 2003; Patterson 2011). One of the reasons why Kennedy came to Berlin was the fact that France's president, Charles de Gaulle, was pushing for a more independent foreign policy and had obtained the support of German Chancellor Konrad Adenauer for the Franco-German Élysée Treaty (signed on 22 January 1963). Although this was just a bilateral agreement for more intensive cooperation between the two countries, it became (and still remains) one of the most important informal motors of European integration. The Franco-German friendship between two formerly bitter enemies, particularly since the nineteenth century, has been a central pillar of the peaceful coexistence of European states since 1945 (Defrance 2013; Klünemann 2013; Pfeil 2013; Schwarzer 2013). However, the Franco-German cooperation has not been consistently stable and intense throughout the past fifty years. This cooperation has depended strongly on common interests, and above all on the chemistry between French presidents and German chancellors. While there was quite a high level of cooperation between France and Germany during the management of the Eurocrisis due to the good relationship between President Nicolas Sarkozy and Chancellor Angela Merkel (referred to in the tabloids as 'Merkozy'), Merkel has had difficulties maintaining the same close relationship with President François Hollande (Cole 2008; Hilz 2013). The Franco-German friendship is so crucial for European integration because the United Kingdom is hesitant to take part in the ongoing construction of the European Union. As Hussein Kassim has shown, British Prime Minister Tony Blair tried to be more pro-active in shaping the European Union between 1997 and 2007; however, this was apparently a step too far. The lack of support from the predominantly Eurosceptic British population and divisions within both main political parties were major factors leading him to moderate his position. This became quite clear during the negotiations over the Constitutional Treaty in the Convention on the Future of the European Union in 2002–3 and in the negotiation of the budget during the British EU presidency in 2005. Although pro-active and constructive, the British government was forced to deal with an overwhelmingly negative and Eurosceptic population at home that opposed many of the policies of the Labour government (Kassim 2008: 177–78, 180; for more detail on the evolution of the relationship between Britain and the EU, see Geddes 2013: Ch. 2, 3, 4).

In this sense, 1963 was also the year of a new orientation for Europeans, following the strong positive input of the United States in the reconstruction and unification of Western Europe through the Marshall Plan (1947–53), the establishment of the Organisation of European Economic Co-operation (OEEC) and the tentative engagement in the first steps towards European integration through the Schuman Plan, which contributed to the reconciliation between France and Germany. For the United States, it was quite frustrating that Western Europe was divided into so many small national markets, preventing the application of an economies-of-scale approach on the part of US industries. The preferred model was a European-wide integrated market similar to that of the United States (Milward 1984: 169, 180; Clemens 2008: 95–6). This US influence on Western Europe and the Soviet dominance in Eastern Europe are

essential elements in the understanding of modern European politics. The legacies of these post-war influences still play a role in shaping the behaviour of political elites and (at the least) the older generations of European populations.

According to the sociologist Piotr Sztompka, the transitional events in Germany and Central and Eastern Europe in 1989 can be regarded as epochal turning points similar to the French Revolution in 1789 and the Russian Revolution in 1917. It is important to note that such transitions are traumatic for the people involved, signifying that many populations in Central and Eastern Europe are still in the process of dealing with these transformations. Many developments in national politics in Central and Eastern Europe are related to still unfinished business in terms of social, cultural and political adjustment to the new reality. The divisions in societies such as Hungary, Latvia (between pro-German and pro-Russian Latvians, and between ethnic Latvians and the country's Russian minority), Poland and several countries in the Western Balkans are still deep and will need to be addressed peacefully over time. The changes occurred so quickly that there was no time to reflect upon them (Sztompka 1993, 1996, 2000). The 'politics of memory' have become an important new dimension in many European countries, including Germany, Spain, Hungary and Poland. Paul Preston's book on the Spanish Holocaust illustrates that the negative past related to the Spanish Civil War (1936–9) and the authoritarian dictatorship of general Francisco Franco (1939–75) remains in the present in the context of democratic societies if there is no attempt to truthfully address it. In this regard, lustration processes in Central and Eastern Europe have also attracted some degree of public attention (Aguilar Fernandez 2008; David 2004; Sikkink 2011; Preston 2012).

In view of the increasingly complex web of European politics – at local, national, European and transnational levels – this *Handbook* can serve as a modest guide, allowing insight into this dynamic world. It is intended to provide any reader with a useful instrument for location of the most relevant information and further reading on particular aspects of European politics. Consequently, the *Handbook* does not claim to be a comprehensive authority, but merely a first examination of this extraordinary world of European politics at the beginning of the twenty-first century.

We focus primarily on contemporary European politics, but always reflecting on the change that has taken place since the end of the 1960s. Our approach is comparative: the diversity and commonalities across the different countries of Europe are at the heart of this *Handbook*. The national level is our main focus; however, like a kaleidoscope, we often change perspectives in order to better understand what is happening at different levels of political systems. Since the Treaty of the European Union was ratified in 1993, the European Union has become an important factor in an ever-increasing number of regimes of shared, pooled sovereignty, such as the Economic and Monetary Union, the coordination of employment policies, trans-European networks, common spaces of citizenship, security and liberty, and (last but certainly not least) common foreign and security policy. This *Handbook* seeks to present a valuable guide to this new and unique system, allowing readers to obtain a better understanding of the emerging multilevel European governance system that links national polities to the European level and even to the global level.

We have set out to achieve three main purposes. First, we seek to provide to the interested reader well-informed and comprehensively researched information on specific aspects of European politics. Some of the chapters use textboxes to highlight important concepts in particular areas. Second, we attempt to reduce the complexity of European politics by analytically examining various aspects in more detail. Of course, there are limits to the in-depth study of particular aspects of European politics; however, the *Handbook* is thorough enough to present an excellent first mapping of the subject. Finally, we seek to motivate readers to continue their

inquiries by providing them with a comprehensive literature review in each chapter and a commented bibliography at the end of the *Handbook*.

Four main topics will be addressed in the following sections. In the first section, we contextualize European politics within the broader tendencies of world politics. James Rosenau's concept and framework of 'turbulence' in world politics is applied to explain how the global, European and national levels form part of the same complex web of transformations. In the second section, we conceptualize 'European politics' as comprising the entire continent, from Lisbon and Dublin to Kiev, Chisinau and Ankara. We link this discussion to what we call the 'Great Transformation of the Twentieth Century' in an allusion to the book by Karl Polanyi published in 1944 (now experiencing a revival after decades of neglect). The third section reflects on the democratization of the continent, first in Southern Europe and then in the Central and Eastern European countries. This is complemented by a bird's-eye view of European politics today, in which the role of the European Union in shaping this process is highlighted. The fourth section discusses the values of Europeanism and the place of Europe in the world. This is followed by a short review of the chapters in the *Handbook* and some brief conclusions.

Turbulence and change in global politics: the impact on European politics

In the 'brave new world' of global politics, in order to get a sense of how realities have changed, a systematic guide to important phenomena and events is an absolute necessity. In 1990, James A. Rosenau characterized world politics as turbulent and unpredictable. According to this scholar, the new turbulent world can be conceptualized through three interconnected parameters: structural, relational and orientational factors. His point of departure was the change and major transformations that occurred in the period after 1950 (Rosenau 1990: 10).

The *structural* parameter has seen the replacement of the dominant realist Western state system by a bifurcated system in which states are no longer the sole actors. On the contrary, new actors (including non-governmental organizations [NGOs], private governance entities such as rating agencies, and international and supranational organizations like the United Nations and the European Union, respectively) cooperate but also compete with states. In this context, one should not neglect the growing importance of the large transnational corporations that sometimes have more financial power than states (Rosenau 1990: 100). Hedley Bull describes this new world as 'neo-medievalism', in reference to the overlapping authorities lacking clearly defined borders characteristic of the Middle Ages (Bull 2002: 245–57). The most dramatic change can be witnessed in the nation-state as a 'power container', as Anthony Giddens has characterized it. In the fifteenth and sixteenth centuries, by hardening its borders to the outside, the European nation-state (France being the best example in this regard) began to structure its national territory. War played a major role in creating this new state system based on nation-states with definite borders. The Westphalia peace treaty in 1648 is an important turning point in the emergence of the nation-state as a power container (Giddens 1982). Until well into the second half of the twentieth century, one could still refer to the world as an international society of states; however, the contemporary nation-state is no longer the sole actor in the emerging global political system (Attinà 2011). The 'denationalization' of the nation-state is one of the major characteristics of this power shift to other private governance and civil society entities. Increasingly, areas that were once monopolized by national sovereignty are now governed either at the supranational level or internationally (see Zürn 1998; see Chapter 50). The hollowing out of the nation-state as a 'power container' has structurally transformed the relationship between countries in Europe. The rise of supranationalism was a response to a decline in national steering ability in this

increasingly turbulent world. In a very interesting project, Stefan Leibfried and Michael Zürn illustrate how this hollowing-out of the state has taken place since the 1960s. The so-called *Trentes Glorieuses* (the 'glorious thirty years' of stability, wealth and high growth rates between 1945 and 1975) were replaced by more turbulent decades of state transformation. The following state transformations have occurred simultaneously but at different rates: changes in the resources monopoly of the territorial state (T), the legal and rule-of-law dimension of the state (RU), the democratic legitimacy of the state (D) and the dimension of the welfare state, also called the intervention state (I). The authors use the acronym TRUDI to characterize the configuration of this national constellation that began to evolve in the nineteenth century and reached a peak during the second half of the twentieth century (Leibfried and Zürn 2005: 3). All of these dimensions have undergone significant transformations, particularly in Europe. The monopoly of resources of the territorial state, its power over taxation and its sovereignty over security forces are being challenged by a number of shared regimes that constrain the power of the nation-state. Today, a percentage of national tax revenues (about 1 per cent of the gross national income [GNI]) must be transferred to the European Union, and parts of national budgets are also directed to other international organizations. However, a large portion is used to service national debt to international lenders. The minimalist budget of the EU provides the member states with the ability to join forces when international peacekeeping forces are requested and deployed by the United Nations. Sharing this burden has become a common policy in many areas of the European Union (see Chapter 49). European politics are thus no longer based on traditional independent national sovereignty, but rather on interdependent pooled shared sovereignty (Leibfried and Zürn 2005: 17–22; see Chapters 10, 41). William Wallace characterizes the multilevel governance system of the EU as post-sovereign, claiming that the division between supranational and domestic politics and policy-making have become quite blurred in recent years (Wallace 2005: 491–4).

In terms of the legal dimension of the state, national law has been superseded by European law in the European Union. International law and international criminal law have become important areas in which all European countries are signatories. In this sense, national law must take into account European and international law (Craig 2003; see Chapters 8, 10, 15). The European Convention on Human Rights is an important constraint on European states. The extradition of terrorist suspects, cases involving euthanasia and other difficult matters are now adjudicated in Strasbourg, and member states of the Council of Europe must comply with the resulting rulings (see Chapter 15). A so-called 'cascade of justice' when crimes against humanity are committed has contributed to the globalization of criminal law. The International Criminal Law, founded on 1 January 2002, is the new institution responsible for much of this development (see the excellent book by Sikkink 2011; Leibfried and Zürn 2005: 22). Although the nation-state remains the locus of democratic legitimacy, we now observe the emergence of other political arenas, such as the European and global levels. Despite the strong democratic deficit at the European level (Haller 2008; for a contrasting opinion, see Moravcsik 2008), growing cooperation between national social movements and the creation of supranational advocacy coalitions are changing the nature of European politics. The financial crisis and the Eurocrisis between 2008 and 2011 have shown that a multilevel public space is gradually developing in the European Union (see Chapter 47). In addition, global social movements have been able to join forces, facilitated by new technologies. Within the nation-state, heterogeneity and multiculturalism are challenging preconceptions about national identities, and integration policies have had to be devised in order to maintain stability in the political system (Leibfried and Zürn 2005: 22–5; Joppke 2007; see Chapters 4, 44). The policy and welfare dimension is changing at a rapid pace. The Single European Market (SEM) has become a major factor in transforming

previously protected areas of nation-states. The welfare state is being challenged by the privatization and liberalization of public utilities and policies. Other principles such as social investment and flexicurity have evolved, clearly 're-commodifying' job seekers. Employability has become a central category of the Single European Market. Mobility, particularly for young people, has become imperative in order to overcome the 'lost generation' syndrome of young people in Spain, Portugal and Greece (*indignados*, *geração á rasca*). High levels of youth unemployment across the European Union, particularly in the Southern European countries Spain, Greece and Portugal, have led to collective action by young people against what has been referred to as the 'precariat' (in allusion to the word proletariat) – people working under bad temporary work conditions as the normal situation (Leibfried and Zürn 2005: 23–5; see Chapters 35, 47; Ferrera 2005, 2008; Hemerijk 2013; on Southern European social movements, see Lima and Martín Artiles 2013: 356–9). In Europe, most countries have become quite decentralized or have at least experienced a movement in this direction. Exceptions to the rule (but under considerable pressure to make reforms) are highly centralized states such as Portugal, Greece, Romania and Bulgaria. Spain, Ireland and the United Kingdom are good examples of the devolution of autonomy to subnational units over recent decades (Keating 1998, 2008). This process of devolution has effects on subnational democracy; clearly, the more involved citizens are in the policy-making process, the better the quality of public policies. Genuine consultation and cooperation with public authorities are essential elements of a vital democracy (Hendriks 2010; see Chapter 23).

In many ways, the multilevel governance paradigm of the European Union has contributed to this decentralization and enhancement of autonomy. This was the only way to adequately adjust to the demands for a more sophisticated model of public policy. The governance model is more than formalized government. Whereas the traditional definition of formalized government would rely on a classical Weberian bureaucracy featuring a strict separation between the public and private sector, governance promotes cooperation between the public and private sector, with the civil service coming under considerable pressure to fulfil efficiency criteria that were developed in the private sector and imported to the public sector. One of the goals of such public–private partnerships is to get good value for taxpayers' money. In addition to cooperation between the public bureaucratic sector and the private economic sector, governance envisages a growing engagement of civil society in policy-making. In a simplified fashion, one can define governance as more than the sum of the interactions between public institutions, private economic actors (enterprises, rating agencies) and civil society organizations (nongovernmental organizations, charities and so on). A complex, multilevel web of networks connecting these three kinds of actors has been replacing the traditional Weberian model of government and public administration. This mix of supposedly more efficient relationships between the public and private sector should result in the more efficient production of public goods and implementation of public policy (Peters 1996: 13–16; Rosenau 2000: 4–5; Peters 2003: 124–6; Rhodes 2003: 66; see Chapter 34).

Relationally, the new information society has transformed the rigid set of relationships that previously existed at various levels. These structural changes have contributed to a shift in the relationships between citizens and the state, but also in what is considered to be power. Francis Bacon's statement 'Knowledge is power' (in *Religious Meditations of Heresies*, published in 1597) has changed the way in which individuals perceive themselves. In comparison to the period before 1950, populations have a higher level of education and easier access to information. The World Wide Web has certainly reduced the power of states and governments drastically. Julian Assange's Wikileaks and Edward Snowden's revelations of the US spy programme Prism II, managed by the National Security Agency (NSA), have granted unprecedented power to

individual citizens (see Castells 1997, 2000b). According to Thomas L. Friedman in his bestseller *The World Is Flat: The Globalized World in the Twenty-First Century*, we are witnessing a change in globalization, which was originally dominated by nation-states (Globalization 1.0); these nation-states were first replaced by transnational corporations (Globalization 2.0) and now the corporations are being replaced by individuals (Globalization 3.0). The new technologies and their convergence in terms of usage have empowered the individual. The Internet is a powerful instrument for citizens around the world (Friedman 2007: 10–12). According to Alvin Toeffler, these developments indicate a shift in power at different levels of an emerging global governance system. He recognizes three forms of power: physical violence, wealth and knowledge. According to Toeffler, this power shift also entails a shift from crude, physical forms of power to more sophisticated, wealth-related forms, eventually leading to the highly developed form of knowledge (Toeffler 1991: 13).

As Chris Rumford and Didem Buhari-Gulmez describe in their chapter (Chapter 50) in this volume, the former nation-state is being affected by a 'denationalization' process that is clearly related to the decline of the Euro-centric worldview of the nineteenth century. The separation between national and global is becoming quite porous (see above and Zürn 1998). A *glocalization* process is taking place that is changing politics fundamentally. Time and space are converging and modifying the way we perceive politics. As mentioned above, Internet platforms have created the foundations for this new type of politics, clearly placing political elites under considerable pressure. Specific identities are being reinterpreted in universal frames. Traditional societies and particularly religious thinking are being challenged by globalized universal values, often leading to conflicts in post-modern societies. The *Kulturkampf* of political elites in certain European countries (such as France, Belgium and Switzerland) between the universal and particular in relation to more traditional interpretations of Islam can be seen as a good example of this glocalization trend (Robertson 1992: 173–4; for a more detailed theoretical discussion of 'glocal religion', see Beyer 2008: 98–104; Gustavsson 2013; for a more critical review of debates in key European countries, see Chapter 4).

In terms of attitudes, orientations towards hierarchical structures have been replaced with flatter, performance-related views. Individuals' skill sets (including social and intellectual skills) have become crucial in work settings, but also in everyday life in general. Communication has become quite important; Facebook, Flickr and other social media have played a significant role in the changing attitudes of young people in relation to each other, but also in the wider world. According to Ronald Inglehart and Christian Welzel, the world of 'materialist values' based on the consumerist culture of the 1950s and 1960s has undergone a silent revolution ushering in 'postmaterialist values', whereby self-expressive forms of action are central (Inglehart and Welzel 2005: 56; Inglehart 2008; see also the critical review of the conceptualization from a theoretical-sociological perspective by Gustavsson 2012). Moreover, the rigid structures of the 1950s within public administration, political parties, churches and interest groups have been replaced by the more flexible forms found in non-governmental organizations and in spontaneous demonstrations such as the *Indignados* and Occupy movements (Inglehart and Welzel 2005: 31, 262; Lima and Martín Artiles 2013: 356–9; see Chapter 47). Again, social media play a major role in sustaining these movements over the long term. According to the sociologist Mikael Carleheden, a micro-sociological approach to social change based on Max Weber's concept of the 'conduct of life' (*Lebensführung*) can explain what is happening to society and also politics in the Western world. Instead of looking at the macrostructures of society, the examination of the 'conduct of life' of people and their structural transformations when aggregated represents a more productive way to conceptualize social and political change. Carleheden also asserts that we are now in a new stage of modern capitalism. The first phase of capitalism was very much dominated by asceticism,

as exemplified by Benjamin Franklin and the Protestant ethic in the Weberian sense. In the twentieth century, this was replaced by the age of organization; bureaucratized rules shaped the world of most people living between 1900 and 1980. However, since the 1980s we have observed the erosion of this organizational social character of the conduct of life, replaced by the age of authenticity, in which organizational modernity is viewed as suffocating. Post-materialist values have led to the explosion of a conduct of life as the search for identity, self-expression and diversity in lifestyles. The new technologies play a major role in universalizing these patterns (Carleheden 2006: 62–9). This theory has been confirmed by the sociologist Manuel Castells, who characterizes the power of identity as a crucial and distinctive element of the network society in the information age. However, identity can also lead to progressive supportive social movements, such as women's groups fighting the eroding patriarchal society or conservative organizations battling immigration, multiculturalism or other phenomena that might impact their idealized 'heartland' values (for a theoretical sociological reflection, see Castells 1997: Ch. 1, 2; on 'heartland', see Taggart 2004; on gender and European politics, see Chapter 46).

Finally, although the new technologies have empowered individuals and permitted greater authenticity, the other side of the coin is the potential for the abuse of power and the development of an Orwellian 'Big Brother' surveillance society based on advanced techniques of manipulation that may thwart democracy and establish totalitarian rule. The US National Security Agency spying scandal demonstrates the plausibility of such large-scale surveillance taking place; in this sense, democratic accountability and transparency have become important vehicles for keeping national secret services in check. This danger might come not only from the public sector, but also from private enterprises active on the Internet, using and passing on private data to other enterprises in order to better track and target consumers. According to David Murakami Wood and C. William Webster, the bad example set by the British surveillance society is slowly gaining ground in most European countries. The domestication and normalization of surveillance, primarily for security reasons, has become taken for granted, a reality that makes George Orwell's *1984* scenario a potentially irreversible feature of European politics (Murakami Wood and Webster 2009: 266–9; see the special issue on the politics of CCTV in Europe and beyond by Norris *et al.* 2004; see also the excellent Chapter 7).

The 'Great Transformation' of the European political economy and politics: the return of Karl Polanyi

Karl Polanyi's legacy: there is no 'invisible hand' in the market economy

In this section, I take inspiration from the work of Karl Polanyi, author of *The Great Transformation: The Political and Economic Origins of Our Times*, which was published in 1944, shortly before the end of the Second World War. This excellent book serves as a historical sociology of knowledge, analysing the beginning of the modern world from the Industrial Revolution until the collapse of the capitalist economy in 1929. Polanyi's humane perspective illustrates how markets can sometimes become an objectified reality over which its creators, human beings, lose control due to erroneous perceptions of market sustainability (Polanyi 1957 [1944]: 3–4). Adam Smith's famous dictum of the 'invisible hand' regulating the markets was then and still is very much alive (Smith 1999 [1776]: Book IV, Ch. 2, para. 9: 32). Despite the collapse of the capitalist economy in the crash of 1929 and subsequent market failures, even today this neo-liberal ideology of the market remains almost a dogmatic truth. What is often forgotten is that the collapse of the capitalist economy in 1929 led to the emergence of populist alternatives such as National Socialism and Fascism. Communism was another alternative to the

failing capitalist market economy. However, none of these movements was able to develop an attractive alternative economic model; nor did they devise a better political system than democracy. On the contrary, they all became authoritarian or totalitarian experiments in which repression and censorship dominated (Polanyi 1957 [1944]: 237–48). The big exception in Europe was the path taken by the Nordic countries. In his seminal book *Politics against Markets*, Gösta Esping-Andersen argues that the capitalist economy must be tamed by a responsible and imaginative leadership. This would not have been possible in the Nordic countries without strong social-democratic movements and parties. However, social-democratic parties were not strong enough on their own to reform the state or develop the social policies for which Scandinavia is famous. The crucial element of social-democratic success was the ability to be flexible and build coalitions with other social groups and their parties. In the 1930s, it was in particular a coalition with the farmers' parties (which were quite strong in Scandinavia) that contributed to this transformation (Esping-Andersen 1985: 37).

A state of permanent turbulence has led to a second great transformation beginning in the late 1960s and extending until today. Dealing with this state of turbulence has created considerable pressure on European politics. The recent financial and Eurocrisis that began in the United States due to the speculative and irresponsible behaviour of some investment banks and hedge funds drove not just European countries but much of the world to the brink of collapse (Lewis 2011: ix–xxi). In Europe, the post-war period was shaped by the consequences of Polanyi's Great Transformation. As a result, strong welfare states were established in most European countries. A modern country that became a member of the European Community/European Union (EC/EU) and the Organization for Economic Cooperation and Development (OECD) was expected to have welfare policies in place to compensate for the imbalances created by markets. Politics was thought to be capable of taming markets. However, after 30 years of uninterrupted economic growth and wealth redistribution, the imbalances had shifted to the social dimension of the market. The retrenchment of the welfare state began, exacerbating the conflict between trade unions and governments, the latter being committed to the liberalization and privatization of the enormous public sector. Thatcherism and Reaganomics spearheaded this shift from Keynesianism to neo-liberalism. This period of organized capitalism came abruptly to an end when the social costs of the model began to affect the competitiveness of the national European economies. Organized capitalism was replaced by a disorganized model in the 1980s. The neo-corporatist structures that had ensured stability were in a state of crisis, and governments had difficulties in shifting from a Keynesian to a neo-liberal approach to the economy. In particular, countries in continental Western Europe experienced major problems as they attempted to cope with this transition. Despite this resistance, budgetary realities forced West European countries to privatize their huge public sectors and liberalize their economies (Jessop 2002).

The best example of these trends is the Netherlands, which began to reform its economic structures towards privatization and liberalization in 1982. Reform has been a constant project ever since. The so-called 'Wassenaar Agreement' between the social partners allowed for the transformation of the Dutch economy, but simultaneously preserved the social peace (Hendriks 2001; Touwen 2008: 439–64).

In 1985, the Single European Market programme of the EC/EU was intended to prevent any further disorganization of capitalism in Europe. In order to improve the competitiveness of the world economy, a bold European approach was necessary. President of the European Commission Jacques Delors imbued the European integration process with this new dynamic by pushing forward the SEM programme. The main task of the programme involved the coordination and supervision of the deregulation of national markets and the establishment of

re-regulation at the supranational level. The SEM was not devised by the technocratic elites in Brussels; rather, it was a cry for help from European industrialists in the context of growing competition from Japan and a declining economy in the United States. The European Roundtable of Industrialists, founded in 1983 and originally based in Paris, became a powerful lobbying group in support of the creation of a 'New Europe' based on a new political-economic framework. The final goal was the establishment of a unified single market. In particular, French President François Mitterrand and the leadership of the French Socialist Party were lobbied by these industrialists to move in this direction. In many ways, the White Paper on the Single European Market programme presented by Lord Cockfield in the Delors European Commission in 1985 was almost a carbon-copy of the memorandum presented by the European Roundtable of Industrialists (ERT) that same year. In this sense, European integration was very much propelled by industrial interests in a larger unified market (Cowles 1995; Ross 1995).

In the three decades since, the relationship between the supranational and the national level has changed considerably. A new multilevel European political system that comprises supranational, national and regional levels has emerged. Pressures for change have grown over time. The impetus for Europeanization coming from the supranational level (focused on the construction of a unified single European market) has increased, producing varying patterns of compliance among the member states (Börzel 1998; Falkner *et al.* 2005; Börzel 2001; Börzel *et al.* 2010).

Although a great deal has been achieved in terms of intensive integration, the single European market is still incomplete. One of the major problems in the creation of this unified market is the so-called 'joint decision-making trap', exemplifying the inability of many countries to give up their interests and move towards this new 'Europe' proposed by the business community (see Chapter 38). One good example of this is the failure to create a single European Company Statute (*Societas Europea*). Instead, there are 28 different versions with different national rules of the game (see Chapter 39).

This means that methodological nationalism has not yet been replaced by a methodological Europeanism. The cultural foundations of a unified market are still in the making. The Euro has been an important instrument in realizing this cultural integration of the market, although the recent Eurocrisis and financial crisis have demonstrated that the competitive national state still remains the mindset of most national politicians and populations. The almost non-existent political union, the incomplete single European market and a highly asymmetric Economic and Monetary Union have sustained the diversity and heterogeneity of national economies instead of harmonizing them (see Chapters 39, 40, 41).

Despite the neo-liberal undertones of the SEM, Polanyi's influence can be found in Brussels as well, according to James Caporaso and Sidney Tarrow. The European Court of Justice (ECJ) has become an important agent in the struggle to tame European capitalism. Several times it has acted in favour of social policy arguments in order to prevent market failure. The ECJ is often called upon by civil society groups to rule on highly political issues (Cichowski 2007; Caporaso and Tarrow 2009: 611–14; see Chapter 15).

Polanyi's lessons drawn from the 'Great Transformation' are an integral part of European politics. The most sophisticated national welfare states of the world are found in the European Union, and policy-makers in the European Commission have been shaped by this social dimension of national markets. According to a survey undertaken by Liesbet Hooghe at the beginning of the millennium among high-ranking civil servants in the European Commission, a strong majority (80 per cent) supported a regulated and coordinated form of capitalism, while just 20 per cent wanted a pure liberal market economy. Eighty per cent leaned towards supranationalism, with only 20 per cent preferring intergovernmentalism in terms of European

integration. Fifty per cent advocated a balance between technocracy and democracy as the best form of European integration; 25 per cent placed a strong emphasis on technocracy, and 25 per cent on democracy. A vast majority advocated neo-corporatist arrangements with interest groups, while a minority preferred pluralism (Hooghe 2001: 92; see also Hooghe 1998).

European politics between la longue durée and everyday life

The great French historian Fernand Braudel developed the concept of time frames as a way of analysing historical phenomena. According to Braudel, there are three essential time frames: *le temps événementiel* (everyday life, as captured by the journalist or chronicler), *la longue durée* (periods between ten and 50 years) and *le temps structurel* or *civilisation* (periods of immutable change lasting centuries) (Braudel 1993: 34–5).

In this context, the *Handbook* focuses mainly on the relationship between everyday life and *la longue durée*. As mentioned above, we concentrate on change over the past half-century, seeking to identify patterns of change but also exceptions to the rule in various dimensions of European politics. Moreover, according to the perspective applied and the topic addressed in this volume, different *longues durées* with different time frames within the multilevel European and global governance may emerge. However, at the same time, we have also attempted to illustrate change through a micro-perspective of European politics. This ambitious multi-temporal perspective may be stronger in some chapters than in others. However, one should keep in mind that *la longue durée* is contextualized within the civilization of capitalism that emerged in the fifteenth century and expanded extensively and intensively across the globe. The European Union is one of the regions (along with North America) in which capitalism has long been an intrinsic factor in political mechanisms (Braudel 1993: 387–9).

A sketch of the changes that have taken place in this *longue durée*, or great transformation, since the 1960s and 1970s can be found in Figure 1.1. All of these transformations are discussed in greater detail in each of the chapters of this *Handbook*.

As discussed throughout this *Handbook*, at least seven dimensions of change in European politics can be recognized. None of these dimensions can be isolated from the others; they are merely analytically differentiated in Figure 1.1.

The state

The most significant transformations can be found in the state. New Public Management, a philosophy that advocates that the state should adopt more efficient mechanisms to ensure quality within its administrative services, has transformed the citizen into a customer of these services. On the one hand, e-government has facilitated access to information, although a digital divide can be observed in some countries. All of the countries in the European Union have been engaged in public administration and public sector reform for several decades now. The intended outcome is a lean, efficient state compatible with the new governance paradigm (see Chapter 34).

Subnational government

Years ago, Stein Rokkan described a silent revolution in the nation-states of Western Europe related to subnational government. Today, this silent revolution is taken for granted. The vast majority of countries feature a decentralized or at least deconcentrated state structure. The highest level of decentralization can be found in federal Germany, Austria and Belgium. In contrast, Portugal and Greece remain among the most centralized countries in the European Union, with highly inefficient bureaucratic machineries (see Chapter 23; Keating 2008; Hendriks 2010).

CATEGORIES	1945–79	1979–89	1989–
STATE	SOVEREIGN STATE	COMPETITION STATE	POST-SOVERIGN STATE POOLED SHARED SOVEREIGNTY
SUBNATIONAL GOVERNMENT	CENTRALIZATION	DECENTRALIZATION	DENATIONALIZATION OF SUBNATIONAL GOVERNMENT
WELFARE	KEYNESIAN NATIONAL WELFARE STATE	CRISIS OF WELFARE STATE	SCHUMPETERIAN POST-NATIONAL WORKFARE REGIME
SOCIETY	NATIONAL SOCIETIES	GROWING INDIVIDUALIZATION OF SOCIETIES	DENATIONALIZATION OF SOCIETIES WORLD SOCIETY
ECONOMY	NATIONAL ECONOMIES	GLOBALIZATION OF ECONOMIES	EUROPEANIZATION AND GLOBALIZATION OF ECONOMIES
INTEREST INTERMEDIATION	RIGID INTERVENTIONIST NEOCORPORATISM	DISORGANIZED CAPITALISM	REORGANIZED REGULATORY NEOCORPORATISM
WORLD POLITICS	SYSTEM OF INTERNATIONAL RELATIONS	NEOMEDIEVALISM	GLOBAL GOVERNANCE

Figure 1.1 The Great Transformation in post-1979 European politics
Source: Magone (2011a: 13).

Welfare state

Europeans are quite attached to their welfare state. Welfarism is a major aspect of Europeanism. However, social expenditures have increased considerably over the past 70 years. Welfare policies are by far the largest expenditure item in national budgets. Most countries spend at least 50 per cent of their budget on social policies. A large part of this is financed through external debt, further constraining the fiscal room for manoeuvre (Ferrera 2005, 2008; Hemerijk 2013; Chapter 35).

Society

Until the 1960s, the nation–state tried to construct an imagined homogeneous community that clearly represented its core national identity. Today, increasingly, areas that the state had previously

monopolized are being 'denationalized', as Chris Rumford and Didem Buhari-Gulmez describe in the final chapter of the *Handbook* (Chapter 50), citing the research of Michael Zürn (1998). This denationalization of society is creating a new 'glocalized' world society. New technologies have facilitated improvements in global communication. The so-called 'Facebook generation' is embedded in national societies, but also at the same time in global virtual communities. Moreover, immigration has considerably changed the outlook of imagined national communities that were once taken for granted. Today, the challenge for most countries is the integration of existing large ethnic groups, such as the Turkish populations in Germany and the Netherlands, North African ethnic groups in France and Spain, and the Muslim population (especially from Pakistan) in the United Kingdom. At the same time, European politics must deal with the growing impact of populist and xenophobic movements (e.g. the Swiss People's Party [SVP], the British National Party [BNP], the National-Democratic Party of Germany [NPD] and the Freedom Party in the Netherlands [PVV]). All of these parties present, with varying intensity, the idea of an imaginary 'heartland' of national values and (in extreme cases) ethnic homogeneity as the preferred society (Taggart 2000; Decker 2013; see Chapters 7, 27, 44).

Economy

La longue durée since the 1960s has seen the realization of a new economic reality. After decades of industrial capitalism confined to the nation-state but featuring a growing trend of globalization (particularly when Japan and the Asian tigers entered the scene in the 1980s), we are now experiencing the rise and probably also the decline of financial capitalism in its fiercest form in Europe. Financial capitalism has very much been supported by the new technologies that have enabled trading seven days week, around the clock. Computers with sophisticated programmes began to take over economic indices. Reaganomics and Thatcherism contributed to this emergence of more speculative financial capitalism. The financial crisis in the United States and the subsequent Eurocrisis have forced governments to intervene heavily in the economy and rescue their national banking sectors. As a consequence, most European governments have had to increase their debt ceiling, in some cases (such as Ireland, Greece and Portugal) with catastrophic consequences (Lewis 2011; Magone 2011b). Potential positive outcomes of this crisis may include the return of regulatory frameworks, improvements in the information strategies of customers, and greater cooperation in the European Union and particularly in the Eurozone through the establishment of the European Financial Stability Facility/European Stability Mechanism (EFSF/ESM), a huge bailout fund for countries that find themselves in difficulty and cannot get any money from the markets. Moreover, a banking union will be established in November 2014. This means that a department of the European Central Bank will be granted the ability to supervise, control and intervene when banks are failing, a pan-European approach that emulates similar institutions in the United States (see Chapter 41).

Interest intermediation

One of the successes of the *Trentes Glorieuses* was the establishment of a permanent dialogue with the social partners, the national trade unions and business confederations. This improved the long-term stability of European economies. The neo-corporatist model was quite strong in the smaller democracies, such as Austria, the Netherlands, Belgium and Luxembourg; however, the Nordic countries followed similar policies. The UK, Germany and France also regarded negotiation and cooperation with the social partners as important. However, in the 1970s the intransigency of trade union confederations and employers' organizations led to the end of organized capitalism, with disorganized capitalism taking over. Trade union confederations lost influence due to high levels of unemployment and economic stagnation. In Britain, Margaret

Thatcher became famous for her belligerent attitude towards trade unions. According to Philippe Schmitter and Jürgen Grote (1997), neo-corporatism re-emerged in a softer form in the 1990s. In part, this was related to the highly propagandistic European social model presented by Jacques Delors's European Commission, but governments also needed the social partners to contribute to the adoption of difficult policies in order to enhance the competitiveness of national economies. For example, the Wassenaar Agreement in the Netherlands in 1982 allowed for the establishment of a more dynamic economy referred to as the Polder model (Hendriks 2001; Touwen 2008). The Treaty of the European Union, in which Economic and Monetary Union (EMU) was enshrined, started a process of economic and monetary convergence that culminated in the adoption of the Euro in 2002 by 13 member states of the European Union. As a consequence of this effort by governments, growth and stability pacts had to be signed with the social partners. However, the highly diverse European economy also led to mixed results of such social pacts, as John Kelly and Kerstin Hamann analyse in Chapter 42. The European economy is still a work in progress; at this point, it is quite asymmetrical in terms of economic development, welfare states, taxation systems and systems of interest intermediation, as Chapter 39 highlights.

World politics

After 1945, realism remained the primary approach to international relations. The Cold War strengthened this paradigm of state relations, in which power and self-interest are the main principles in a global system dominated by states. However, in the 1960s and 1970s, new non-statal powerful actors began to populate the world arena. Hedley Bull (2002) identifies this change as 'neo-medievalism': As in the Middle Ages, authorities overlapping that of the state constrain countries in their pursuit of power and self-interest. In the European Union, there has been a growing cooperation in immigration management through Frontex; the strong commitment to multilateralism is represented by the network of United Nations organizations.

The Common Foreign and Security Policy (CFSP) of the European Union is fully committed to the multilateralism symbolized by the United Nations (European Commission 2001, 2003). Some countries are still vacillating between unilateral and multilateral approaches to foreign policy and security, but the room for manoeuvre for go-it-alone policies is now much more limited (see Chapter 49 on CFSP in this volume; for a critical view on Europe in the world, see Chapters 48, 50).

In summary, *la longue durée* of European politics is producing new relationships within and between national polities, but also outside national polities. These new forms of politics include elements of the past but are also characterized by novelty. One certainty is that the imagined homogenous national community within a European state with full sovereignty (in the sense of a power container) has been replaced by a new heterogeneous national community (with the possible exception of Poland, Greece and Portugal) within a polity with shared sovereignty in many policy areas.

The emergence of pan-European politics

In 1972, in his innovative and erudite book on the politics of Western Europe, Gordon Smith outlined an interesting characterization of his geographical focus. He asserts as follows:

> 'Western Europe' in this book is simply Europe minus the Communist states; it is notoriously difficult to define and justify any particular 'area' to be taken as the springboard

for comparison, and the motley of European states is no exception. It is possible to point to their common reliance on a market economy and to their shared historical experiences; yet both features apply to a number of non-European countries as well. However, for the states with which we are concerned there is an important additional factor which involves an element of self-selection. This is the momentum towards economic and political integration, which in varying degrees affects them all. Ortega y Gasset viewed the feeling for and the idea of 'nationality' as Europe's 'most characteristic' discovery. Yet at the present time a reverse process is under way – a movement beyond the nation-state as the means of political innovation; it is relevant therefore that the final chapter should be concerned with the problems and forms of European integration.

(Smith 1972: x)

'Europe minus the Communist countries' includes Portugal, Spain and Greece, which were at that time ruled by dictatorships, but not the Communist countries that were behind the Iron Curtain. The Cold War was a major factor in establishing two kinds of Europe, the 'Old' and 'New' Europe that are still in the process of converging towards a single entity in terms of conceptualization. European politics existed before and after the Cold War, a period defined as spanning from 1947 to 1989. The Cold War split Europe into Western pro-American Europe and an Eastern Europe dominated by the Soviet Union. It is important to recall this division, because in the frenzy after 1989 the unification of the continent was much more difficult than first anticipated. A pan-European approach to politics began to emerge only in the late 1990s or following the turn of the new millennium.

The use of the term 'New Europe' is a reference to the Great Transformation in pan-European politics since the 1960s. The *détente* between the two superpowers, the United States and the Soviet Union, was an important precondition for this transformation – in particular the Helsinki process leading up to the Conference of Security Cooperation in Europe in 1975. In November 1990, this valuable arena became an organization based in Vienna and Warsaw; it now deals with difficult conflicts, mainly those on the periphery of the European continent (see Galbreath 2007: 39–64).

As the developments in the field of 'European politics' show, it took until the accession of Central and Eastern European countries to the European Union in 2004 and 2007 for the West and East research agendas to be merged into one.

Democratization and anticipatory Europeanization in Southern, Central and Eastern Europe

Part of the significance of the Southern European transitions to democracy was that they initiated a worldwide process towards democratization. According to Samuel Huntington, the third wave of democratization started on 25 April 1974 in Portugal (Huntington 1991: 3–5). The wave had a domino effect in Central and Eastern Europe 15 years later. The democratic transitions in Southern Europe occurred during the *détente* period of the Cold War. The left-wing *Zeitgeist* of the 1970s was a cause of great concern for the Nixon administration. All three authoritarian dictatorships had been loyal supporters of the North Atlantic Treaty Organisation (NATO): Portugal and Greece were members, and Spain under Franco had a strong relationship with the United States. The most worrying case for the Nixon administration was Portugal, which underwent a revolution between 25 April 1974 and 25 November 1975. The external dimension of democratization cannot be underestimated. There was a considerable effort on the part of the superpowers, particularly the United States, to keep Southern Europe within its sphere of

influence. Eventually, all three new democracies consolidated before they joined the EU/EC. Greece joined the EC in 1981, and Portugal and Spain followed suit in 1986. Greece had already started its process of integration with the country's association agreement in 1962; although the process was frozen during the military dictatorship (1967–74), it still joined much sooner than Portugal and Spain. Portugal and Spain had to wait eight years to become members, a delay that sometimes frustrated Iberian politicians. However, the Southern European enlargement was an important step towards the creation of a heterogeneous, diverse EC/EU in economic, political, social and cultural terms. Although Italy had been a founding member since 1952/1957, the inclusion of more Southern European countries clearly contributed to a shift from a community of homogeneous developed democracies sustained by strong economies to a mixed community in which community transfers from the North to the South through a new cohesion policy were necessary. This was the compensatory instrument that the 'Club Med' countries (Portugal, Spain and Greece) negotiated in exchange for support of the European Commission's Single European Programme (Dinan 2004: 225–7).

The EC/EU was an important factor in strengthening democratic political institutions in these countries before they became members. Attila Ágh introduces the concept of 'anticipatory Europeanization' in his analysis of Central and Eastern European countries, a term that he defines as follows:

> [The] Europeanization of the candidate countries covers two major periods. The first one is an anticipative Europeanization as general democratization; the second is an adaptive one with an EU specific democratization. In fact, in the first period general democratization covers a field that may also be called modernization and/or liberalization, since it is a catching up period with many tasks characteristics of the former historical developments of the developed countries. The second period, in turn, is closer to their recent history and shows similarities with the case of the Mediterranean member states.
>
> (Ágh 2003: 91)

Precisely the same process had already taken place in Southern Europe, including the Italy of the 1950s, but in a much softer version. Southern European enlargement happened at a time when the European integration process was stagnant and dominated by the member states; in contrast, in 1993 (the official start of the process of enlargement for the Central and Eastern European countries), the European Union had been established, clearly shifting power away from the nation-state to the supranational institution. Several processes were taking place (such as the implementation of the SEM, the EMU, etc.) that put member states under constant Europeanizing pressures. As a result, whereas the Southern European enlargement was characterized by a light touch approach, the Central and Eastern European expansion was quite tough, involving annual screening of national development, the implementation of a much larger *acquis communautaire* of 80,000 pages and stronger conditionality in most areas, including democratic practices (see Smith 1999; Pridham 2005). It took over a decade for most countries to become members; for Bulgaria and Romania, it took 12 years (Lippert 2003: 91). Meanwhile, not only Bulgaria and Romania joined the EU, but also Croatia as the twenty-eighth member in 2013.

It is clear that adaptive democratization and Europeanization were especially demanding for Central and Eastern European countries, but anticipative democratization and Europeanization – taking place before and in parallel with the former process – were even more difficult and painful for these countries. In some ways, these processes are intertwined through political, economic, legal and human rights conditionality (the so-called 'Copenhagen criteria').

In 1993, the Copenhagen criteria were established during the Danish presidency of the European Union, placing all of the candidate countries in Central and Eastern Europe under considerable pressure. Political, economic and human rights conditionality were introduced in order to transform these countries into something more 'similar' to the Western part of the European Union. The Copenhagen criteria are as follows:

- political: stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- economic: existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union;
- acceptance of the Community *acquis*: ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union (see also Lippert 2003; European Council 1993: 13; Ministry of Foreign Affairs of Denmark 2013).

Southern Europe had to focus only on political democratization, as all three former dictatorships had inherited what Giovanni Arrighi calls 'market fascism', a capitalist economy dominated by an authoritarian regime (Arrighi 1985: 268). In contrast, the Central and Eastern European countries had to undertake a triple transition from an authoritarian/totalitarian political structure to liberal democracy, from a planned economy to a liberal market economy and from a socially secure state to an incipient welfare state. Although these countries successfully embarked on a transformation of their political systems, economies and welfare states, a number of loose ends still continue to haunt them (some countries more than others). Over the past 25 years, political and economic institutional engineering and transfer from the West to Central and Eastern Europe through anticipative and adaptive Europeanization and democratization have became a major aspect of European politics (see von Beyme 1996: 158–9; the excellent Elster *et al.* 1998; Whitehead 2001a, 2001b; Pridham 2005).

This process is far from over, as is evident from the ongoing monitoring of the situation in Bulgaria and Romania, which at the time of writing were still not Schengen Area members due to opposition from the Netherlands, Finland and Germany (Euractiv 2013). This indicates that, culturally speaking, Southern, Central and Eastern Europe are still on the road towards a more substantive democracy. Although parts of Southern Europe (in particular Spain and Italy) have made great leaps forward in the development of a more sophisticated civil society, Portugal, Greece and most Central and Eastern European countries are still lagging behind (see the excellent Chapter 45).

According to the Eurobarometer studies, there has been a considerable decline in satisfaction with regard to how democracy works in the respondents' countries, but also concerning democracy in the European Union. Citizens in all Southern, Central and Eastern European democracies are overwhelmingly dissatisfied with how democracy works; the only exception is Poland, probably due to the country's high level of stability over the past five years and its booming economy (see Eurobarometer 2011: 48; 2013: Annex, Question A1, T1).

This indicates that a large number of member states are beginning to show signs of the syndrome of dissatisfied societies. Here, reference should be made to the outstanding studies conducted by Leonardo Morlino and Marco Tarchi on Italy as a dissatisfied society. In several publications, the two authors have shown that Italy has been permanently dissatisfied with national democracy since at least the 1970s. They also differentiate between instrumental and ideological dissatisfaction. Instrumental dissatisfaction refers mainly to the poor performance of institutions and policy-making that could be overcome by improvements in the short, medium and long term. More difficult to remedy is what is defined as ideological dissatisfaction – the outright

rejection of democracy (Morlino and Tarchi 1996, 2006). Thus far, most of the dissatisfaction in Europe can be categorized as instrumental rather than ideological.

In sum, any country that wants to join the European Union will be compelled to redesign its political, economic and social institutions in order to obtain a good fit with the emerging constitutional order of the European Union. The Lisbon Treaty (already acting as a constitution in all but name) set out the expected political, economic and social institutional framework for the member states (see Christiansen and Reh 2009). There is a growing congruence between the supranational and national constitutional orders. But what are the main aspects of this European constitutional order? This is defined in Articles 2 and 3 of the Treaty of the European Union (the first part of the Lisbon Treaty). Article 2 sets out what national democracy in the European should represent:

> The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.
>
> (Treaty of the European Union, Art. 2)

However, Article 3 already looks forward towards a Single European Market and its associated policies beyond the nation–state. The three first paragraphs of Article 3 again define the policies of embedded markets as described by Karl Polanyi:

1 The Union's aim is to promote peace, its values and the well-being of its peoples.
2. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime.
3. The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.

> It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child. It shall promote economic, social and territorial cohesion, and solidarity among Member States.
>
> It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced.
>
> (Treaty of the European Union, Art. 3)

Any deviation from these provisions may lead to sanctions, although such mechanisms are still in the making.

Comparing the politics of liberal democracy in a pan-European perspective

In this sense, we come full circle back to the seminal text of Gordon Smith on the politics of Western Europe, which focuses on a comparison of the politics of liberal democracies in Europe.

According to Smith, a typical liberal democracy provides three things: mechanisms of political choice, a balanced political structure and a stable political system. All three, though analytically separated, are mutually related (Smith 1972: 1). As he sees it, the emphasis of liberal democracies on freedom of choice 'is in its origins an economic freedom rather than a political one, that is to say, one bound up with the free operation of the market system' (ibid.). The author goes on to present the various conditions for a market economy, such as the 'ability for individuals to accumulate capital, the mobility of both capital and labour, the basic freedom of market forces to provide the most favourable situation for the exercise of rational economic choice' (ibid.: 2). He then engages in an insightful discussion of this relationship:

> The demand for political choice acted as an important supplement to the market economy, but it was not primarily a democratic demand, rather a way of securing the foundations of the whole system. Each with its own set of institutions, economic and political choice developed in tandem.
>
> (Smith 1972: 2)

The analysis of this evolutionary process exhibits a British bias; however, this is quite understandable. Britain was the birthplace of the Industrial Revolution, and therefore the centre of Polanyi's Great Transformation, later copied by all other continental European countries; in addition, it is the site of the mother of all parliaments, the Westminster model. In spite of all its imperfections, British parliamentarianism remains at the heart of European parliamentarianism, even though each national tradition has led to different institutional designs and political cultures (see Finer 1999: 1335–6, 1374–6; see also Chapters 19, 20, 21). The idea of 'Her/His Majesty's loyal opposition' became the norm also in republican polities. This brilliant invention came to be much more cooperative and consensual on the continent and the Nordic countries than in the Anglo-Saxon countries, becoming routinized and professionalized over time. In many new democracies of Southern, Central and Eastern Europe, the 'opposition' is still in the process of institutionalization. Political choice means that governments in power must respect the elected opposition in parliament, since any of the parties may be in power in the next legislature period, and therefore the party in government may become the new opposition. This civilized behaviour between government and opposition can only evolve over several decades into the complex relationship we observe in established democracies, comprising both formal and informal instruments (Dahl 1966; Helms 2008). This internalization of the rules of cooperation and consensualism are still in the making in many Southern, Central and Eastern European democracies. The culture of parliamentarianism requires decades to establish.

However, there is also the danger that political choice can become less visible if adversarial forms of behaviour in European democracies become less common. New challenger parties may then emerge to defy the incumbents. The recent rise of new extreme right-wing, populist, Eurosceptic and anti-party movements are part of this renewal of democracy. The extreme forms of parties on the left and the right are forbidden in some countries due to their historical legacy, but allowed in others. In Germany and Spain, there are regular discussions about introducing a ban on the National Democratic Party of Germany (*Nationaldemokratische Partei Deutschlands*, NPD) and the parties attached to the Basque terrorist organization 'Freedom and Basque Country' (*Euskadi ta Askatasuma*, ETA), respectively. In both cases, the parties feature ideologies that seek to alter the national democracy.

This example clearly shows that European politics must take into account the temporal dimension. Some national democracies already have a long-standing history of government and opposition. They have a repertoire of democratic rules and practice to deal with incumbents

and new challengers. This process is easier in the consensus democracies in the Nordic countries and West Central Europe. In the new democracies, despite the demands of the Eurocrisis and the financial crisis, cooperation between the political parties is still a work in progress. Parties in Portugal, Spain, Greece and most Central and Eastern European countries (particularly Poland, Hungary, Bulgaria and Romania) are still learning to work together in the national interest when necessary rather than blindly pursuing partisan interests. In contrast, the case of Germany should be noted. In spite of the antagonism between the Christian Democrats (CDU/CSU) and the Social Democrats (SPD), these parties decided to form a grand coalition in 2005; this political cooperation was clearly an important factor behind Germany's ability to shake off the financial and Eurocrisis more quickly than most other European countries. A similar grand coalition emerged following the general elections of 2013.

We can therefore differentiate European democracies according to the longevity of their stable democratic government and opposition. Moreover, we can distinguish between continuous and discontinuous democracies. Furthermore, after 1989 additional nation-states emerged in Central and Eastern Europe and in the Balkans. Despite the countries' shared liberal democratic values, the national expression of democracy is and will remain quite diverse in Europe (see Table 1.1).

A second factor that may allow us to get a sense of the diversity of European democracies is the fact that some countries have a qualitatively stronger democratic political culture than others. The Nordic countries are recognized as having the highest level of democracy in a variety of dimensions. This also applies to their generous welfare states. The Western Balkans, Ukraine, Bulgaria and Romania are located on the other side of the spectrum. A tentative typology along a substantive-procedural democracy dimension may allow us to understand the difficulties in comparing democratic political systems in Europe. 'Procedural democracy' means that a given country has routinized and institutionalized procedures of democracy, allowing alternation in power to occur in a peaceful way following regular elections. 'Substantive democracy' goes beyond this minimalist interpretation of democracy, comprising not only a fully institutionalized and sophisticated procedural democracy, but also a system that is sustained by the strong engagement of its citizens through associationism and participation, featuring a high level of equality of opportunities and a strong social market economy. A socialized (taken for granted) culture of the rule of law and measures guarding against political corruption are further factors that form part of a strong substantive democracy (see Morlino 2004; Diamond and Morlino 2005; Morlino 2012). Such a state is a 'vital democracy', in the sense of Frank Hendriks (2010), because this democratic nature finds expression at the subnational level as well. Whereas a procedural democracy is a top-down process, substantive democracy is a balanced political culture with top-down and bottom-up inputs. One important element of a substantive democracy is a high level of cooperation between the government and the opposition. According to Arend Lijphart, one should differentiate between majoritarian and consensus democracies. The UK is a traditional majoritarian democracy, but one can observe similar majoritarian tendencies in many other European countries. The core of consensus democracies is located in West Central Europe (Belgium, the Netherlands, Luxembourg, Austria, Switzerland, but also Germany) and the Nordic countries (Denmark, Sweden, Norway, Finland and Iceland). According to Lijphart, consensus democracies are more efficient and perform better than majoritarian democracies. Cooperation between smaller parties leads to improved long-term planning in policy-making that includes input from the main forces in the country (Lijphart 1999: 273–4; see Table 1.2).

A bird's-eye view of the quality of democracy in most European countries can be provided through two indices. One is the Democracy Index developed by the Economist Intelligence Unit, now in its fifth edition since 2008. This measure uses five dimensions in order to

Table 1.1 Continuous, discontinuous and new democracies

Continuous democracies (nineteenth century)	Discontinuous democracies			New countries and democracies
	Post-1945	*Since mid-1970s*	*Post-1989*	
United Kingdom	West Germany (after 1990, Germany)	Portugal	Poland	Czech Republic
Sweden	Italy	Spain (turbulent Second Republic 1931–6)	Hungary	Slovakia
Denmark	Austria	Greece, despite a brief right-wing democracy (1948–67)	Bulgaria	Estonia
Norway			Romania	Lithuania
Finland			Turkey	Latvia
Netherlands				Slovenia
Belgium				Croatia
Luxembourg				Serbia
Switzerland				Montenegro
France (if Vichy period and occupation is ignored)				Bosnia-Herzegovina
	Malta (since 1960)			Macedonia
				Kosovo
	Cyprus (since 1960)			Albania
	Iceland (since 1945)			Ukraine
NUMBER OF DEMOCRACIES PER PERIOD				
10	6	3	5	14
ACCUMULATED NUMBER OF DEMOCRACIES				
10	16	19	24	38

approximate the quality of democracy in 165 democracies. One interesting aspect of this index is that a distinction is made between full substantive democracies and other systems. Democracies that do not fulfil the highest standards are considered flawed or hybrid democracies. Whereas flawed democracies exhibit deficits in certain dimensions, hybrid democracies still include authoritarian tendencies, political corruption and other negative aspects. In order to make analytical differentiations between the various categories of countries, I have divided the groups into strong, medium and weak (see Table 1.3). Moreover, I have characterized full democracies as 'substantive', and those that are flawed as 'procedural'. Of course, one should always be aware that typologies are only crude maps, not capable of expressing in depth the nature of each of these democracies.

Out of the 54 flawed democracies, 18 are located in Europe. The three hybrid regimes located in Europe are on its periphery. Bosnia–Herzegovina is still characterized by ethnic divisions and

Table 1.2 Substantive and procedural democracies in Europe

Substantive democracies		Procedural democracies		
Majoritarian	*Consensus*	*Majoritarian*	*Consensus*	*Inconclusive*
United Kingdom	Netherlands	Italy	Czech Republic(?)	Bosnia-Herzegovina
France	Belgium	Portugal	Estonia(?)	Montenegro
Ireland	Luxembourg	Greece		Albania
Spain(?)	Sweden	Hungary		Kosovo
	Denmark	Poland		Latvia
	Finland	Slovakia		
	Norway	Slovenia		
	Iceland	Bulgaria		
	Austria	Romania		
	Switzerland	Croatia		
	Germany	Macedonia		
		Ukraine		
		Turkey		
		Malta		
		Cyprus		
		Lithuania		
4	11	16	2	5

conflict, despite attempts to institutionally engineer a culture of consensus. Albania still remains characterized by high levels of political corruption and party political fragmentation. Even more problematic are the larger states of Ukraine and Turkey. Ukraine's major difficulty in establishing a proper democracy is related to respect for the opposition. Professionalization and routinization are still lacking in the country's highly divided society, part of which supports stronger ties to Europe and part of which still has a strong bond with Russia. Geographically, this is expressed through an East–West cleavage. Turkey has made significant efforts to move towards democratic rule; however, the dominance of the Justice and Development Party (AKP) and the fragmentation of the party system have raised concerns about the country's rule of law, respect for the opposition and extra-parliamentary civil society in general.

Naturally, the Democracy Index changes over time. However, one can identify sustainable substantive democracies as well as some democracies that have not yet reached that standard. The cases of Spain, Portugal, Greece and Italy belong to this latter category. All of these countries have already achieved a high level of democratic quality, but in many dimensions they lag behind the more substantive democracies. The substandard functioning of their governments, their low levels of political participation and ongoing problems in their political cultures clearly contribute to their position straddling the line between full and flawed democracies. Probably the most extraordinary success stories have been the Czech Republic and Spain, countries that are clearly moving up the ladder, even though there are still problems that must be overcome in order for them to become full democracies.

The Sustainable Governance Indicators (SGI) of the Bertelsmann Foundation are a further useful index providing an overview of how states rank in comparison to each other in terms of their ability to implement reforms. This measure concentrates on the member states of the OECD. It comprises three indices: the Policy Performance Index identifies the profile of strengths and weaknesses in economic, social and environmental policies, the Democracy Index identifies

Table 1.3 Democracy Index (2012)

Country	Rank	Overall score	(I) Electoral process and pluralism	(II) Function-ing of govern-ment	(III) Political partici-pation	(IV) Political culture	(V) Civil liberties
FULL DEMOCRACIES/SUBSTANTIVE DEMOCRACIES							
STRONG FULL DEMOCRACIES/SUBSTANTIVE DEMOCRACIES							
Norway	1	9.93	10.00	9.64	10.00	10.00	10.00
Sweden	2	9.73	9.58	9.64	9.44	10.00	10.00
Iceland	3	9.65	10.00	9.64	8.99	10.00	9.71
Denmark	4	9.52	10.00	9.64	8.99	9.38	9.71
Switzerland	7	9.09	9.58	9.29	7.78	9.38	10.00
Finland	9	9.06	10.00	9.64	7.22	8.75	9.71
MEDIUM FULL DEMOCRACIES/MEDIUM SUBSTANTIVE DEMOCRACIES							
Netherlands	10	8.99	9.58	8.93	8.89	8.13	9.41
Luxembourg	11	8.88	10.00	9.99	6.67	8.75	10.00
Austria	12	8.62	9.58	8.21	7.78	8.13	9.41
Ireland	13	8.56	9.58	7.86	7.22	8.13	10.00
Germany	14	8.34	9.58	8.21	6.67	8.13	9.12
Malta	15	8.28	9.17	8.21	5.56	8.75	9.71
United Kingdom	16	8.21	9.58	7.50	6.11	8.75	9.12
WEAK FULL DEMOCRACIES/WEAK SUBSTANTIVE DEMOCRACIES							
Czech Republic	17	8.19	9.58	7.14	6.67	8.13	9.41
Belgium	24	8.05	9.58	8.21	5.56	7.50	9.41
Spain	25	8.02	9.58	7.50	6.11	7.50	9.41
FLAWED DEMOCRACIES/PROCEDURAL DEMOCRACIES							
SLIGHTLY FLAWED DEMOCRACIES/STRONG PROCEDURAL DEMOCRACIES							
Portugal	26	7.92	9.58	6.43	6.67	7.50	9.41
France	28	7.88	9.58	7.14	6.67	7.50	8.53
Slovenia	28	7.88	9.58	7.50	7.22	6.25	8.82
Italy	32	7.74	9.58	6.43	6.67	7.50	8.53
Greece	33	7.65	9.58	5.71	6.67	6.88	9.41
Estonia	34	7.61	9.58	7.14	5.00	7.50	8.82
MEDIUM FLAWED DEMOCRACIES/MEDIUM PROCEDURAL DEMOCRACIES							
Slovakia	40	7.35	9.58	7.50	5.56	5.00	9.12
Cyprus	41	7.29	9.17	6.43	6.11	5.63	9.12
Lithuania	42	7.24	9.58	5.71	5.56	6.25	9.12
Poland	44	7.12	9.58	6.43	6.11	4.38	9.12
Latvia	47	7.05	9.58	5.36	5.56	5.63	9.12
EXTREMELY FLAWED DEMOCRACIES/WEAK PROCEDURAL DEMOCRACIES							
Hungary	49	6.96	9.17	6.07	4.44	6.88	8.24
Croatia	50	6.93	9.17	6.07	5.56	5.63	8.24
Bulgaria	54	6.72	9.17	5.71	6.11	4.38	8.24
Romania	59	6.54	9.58	6.07	4.44	4.38	8.24
Serbia	66	6.33	9.17	4.64	6.11	4.38	7.35
Macedonia	73	6.16	7.75	4.64	6.11	4.38	7.94
Montenegro	76	6.05	7.92	5.36	5.56	4.38	7.06
HYBRID DEMOCRACIES (MIXTURE BETWEEN DEMOCRACY AND AUTHORITARIANISM)							
Ukraine	80	5.91	7.92	4.64	5.46	4.38	7.06
Turkey	88	5.76	7.92	6.79	5.00	5.00	4.12
Albania	90	5.67	7.00	4.00	5.00	5.00	7.35
Bosnia-Herzegovina	98	5.11	6.92	2.93	3.33	5.00	7.35

Source: Author's compilation based on the Economist Intelligence Unit (2013: 3–8).

Note: 10 = full substantive democracy; 0 = authoritarian regime. In 2012, 25 democracies were full democracies; of these 25 nations, 16 were located in Europe. Most of them are long-standing continuous democracies.

Table 1.4 Sustainable governance in OECD countries in Europe, based on Bertelsmann's indicators (2014)

High level of sustainable national governance	*Medium level of sustainable national governance*	*Low level of sustainable national governance*
Sweden	Ireland	Bulgaria
Finland	Czech Republic	Greece
Denmark	France	Malta
Switzerland	Slovenia	Croatia
Germany	Portugal	Turkey
Luxembourg	Spain	Hungary
Estonia	Slovakia	Cyprus
UK	Italy	Romania
Lithuania		
Netherlands		
Poland		
Latvia		
Belgium		

Source: based on Bertelsmann Foundation (2014), available at: http://www.sgi-network.org/docs/2014/basics/SGI2014_Overview.pdf (accessed 5 June 2014).

Note: Sum of values of three indices: Policy Performance Index (0–10), Democracy Quality Index (0–10), Governance Index (0–10). The highest value is 10 and lower 0. High level of sustainable national governance score of over 20; medium level of national sustainable score between 19 and 17; low level of national sustainable governance score below 17.

the strengths and weaknesses of the democratic framework and the Governance Index looks at the ability of the state machinery to implement reforms. It focuses predominantly on steering capabilities and the accountability of the government in each OECD country and beyond.

As Table 1.4 shows, the cleavage between full substantive and procedural democracies becomes quite clear in terms of governance. A more detailed study of the country reports identifies as a key variable in most procedural democracies the deficit in bottom-up input by civil society. Italy represents quite a negative case in this regard: the country certainly has a stronger civil society than most of the new democracies, but it is struggling to move towards a more sustainable governance approach in dealing with public policy.

In terms of Europeanization, Table 1.4 indicates that some countries have had more difficulty in complying with and implementing EU legislation than others. Recent studies by Gerda Falkner *et al.* (2005) and Tanja Börzel *et al.* (2010) show that differentiated Europeanization is still a major problem in the establishment of a homogeneous single European market. Different levels of political, economic and social development prevent the creation of a level playing field in the European Union. Chapter 38, by Gerda Falkner, on the joint decision-making trap in European policy-making processes demonstrates that national interest still very much shapes final compromises in EU legislation.

Europeanism and European politics: the recognition of 'many Europes'?

Although there has been a great deal of change since the 1960s, European politics continues to display a high level of continuity in terms of the values and preferences of Europeans. Like the ideology of Americanism, with its 'rags to riches' mythology, emphasis on freedom and

Table 1.5 Patterns of European values and attitudes before and after 1979

Values	Before 1979	After 1979
SOCIETY		
Remodelled identities	Strong nation-state, single identity	Waning national identity, moving towards multiple identities (regional, national and European)
Redefining the family	Dominance of the nuclear family	Plurality of family forms, patchwork families, same-sex families, traditional nuclear family, singles; the aging of society/demographic change
Communitarianism	Embedded role of the individual in the community always central	Despite the erosion of the community towards the individualization of society, still remains a major feature of European politics
Multiculturalism	Tendency to emphasize homo-geneity in national identity	Recognition of ethnic diversity due to groups within the respective countries (Catalonia, Flanders, Scotland) or immigrant communities (Turkish population in Germany, African and Muslim populations in the UK, the Netherlands and France)
Religion/ secularization	Decline of religious communities	Continuous decline of religious communities
STATE, INTEREST GROUPS AND POLICY-MAKING		
The collective society	State as economic manager and guarantor of social welfare	State as economic manager and guarantor of social welfare
Welfarism	Equality of results (in terms of benefits) over equality of opportunities	Equality of results (in terms of benefits) over equality of opportunities
The civilian-industrial complex	Limited role for the military	Limited role for the military
Sustainable development	Exponential growth ideology dominant	Sustainable development, balance between environment and economy; the needs of future generations should not be compromised
Work to live	Traditional rigid forms of working time organization	More flexible forms of work/life balance; enhancement of quality of life
LAW		
Criminal rights	Emphasis on individual rights, non-adversarial style of law, negotiation rather than confrontation through law	Emphasis on individual rights, non-adversarial style of law, negotiation rather than confrontation through law
Opposition to capital punishment	Still common in some countries before 1979	No membership in the EU without a ban on capital punishment
EUROPEAN INTER-STATE GOVERNANCE		
Perpetual peace	Cold War	Democratic peace, the Kantian model of perpetual peace
GLOBAL GOVERNANCE		
Cosmopolitanism	Strong nation-state-centric thinking	Growing importance of glocalization; the local and global have become one
Multilateralism within the framework of a reformed United Nations	Growing importance of cooperation and consensus in international organizations	European Union as an important coordinator of European policies, even if national interests (France, the UK) still play a role
Civilian power	Avoidance of war outside Europe (exceptions: Portugal, Spain, France, the UK)	Emphasis on soft power mechanisms such as diplomacy, particularly through the EU, participation in peacekeeping operations
Smart power	Contextualized in the Cold War, dominance of US or Soviet Union as hegemon	Through the European Union, moving towards smart power, emphasizing proportionality in the use of instruments related to hard and soft power

Source: McCormick (2010: 8, 217–20).

socialization into a civil religion centred on the Constitution and the founding fathers (Gebhardt 1992 [1976]), one can speak of a Europeanism that clearly comprises a set of attitudes and values that Europeans more or less share, from Lisbon and Dublin to Vilnius and Nicosia (if not beyond). John McCormick has made an effort to find out what this 'Europeanism' entails, and certainly the task is not an easy one. In the end, McCormick came up with a set of values that are changing but also exhibit a relatively high level of continuity. His work was influenced by an article in the *Frankfurter Allgemeine Zeitung* by two eminent European intellectuals, Jürgen Habermas and Jacques Derrida (*Frankfurter Allgemeine*, 31 May 2003, republished in Levy *et al.* 2005; see Table 1.5).

McCormick identifies certain important aspects of this Europeanism. Nevertheless, he is quite cautious, making an important differentiation between *Europeanism*, which is made up of absolute values that have become taken for granted as a legacy of history in a common space, and *Europeanness*, basically referring to the adoption of these values. Turkey, Ukraine, Russia, Georgia and most countries in the Western Balkans have adopted these values. The matter becomes more complicated if we want to find out more about European identity. Is the European Union the sole reference point for European identity, or are there many Europes that are persistently left out of the European narrative (Rumford 2009: 2–4; Magone 2009)? This point is also emphasized by Thomas Risse, who demonstrates that different political cultures and identities are still at work in the European integration process. However, he also identifies an emerging multilevel European public space in which debates about Europe have become more common (Risse 2010: 126–56). Chapter 47, by Donatella della Porta and Louise Parks, suggests that there is a growing focus on the European level in order to prevent certain policies from being enacted. The financial crisis and the Eurocrisis have contributed to the contestation of European approaches.

The diversity of national cultures has produced a unique set of policies in which the national and supranational levels have merged into a new constellation. One of the best examples is European law, which clearly exhibits elements of the various legal cultures of Europe. In spite of this, all members of the European Union voluntarily comply (more or less successfully) with European law (Stone Sweet 2000; Craig 2003; see Chapters 10, 15). This demonstrates the sophisticated level that the European Union has reached in terms of a unique polity in the world. As John McCormick asserts, the European Union seems to have embarked on the project of a democratic peace, or rather a Kantian perpetual peace (McCormick 2010: 193–9). After two horrendous world wars in the twentieth century and other major conflicts such as those in the Western Balkans, most European countries are engaged in constructing a common European Union, in spite of all their national differences. Peace is taken for granted by most Europeans, such that it has become quite difficult for nation-states to recruit people for their armies, in part due to demographic changes and also in part because military service in most countries is now voluntary.

Norbert Elias's civilizing process of affect control and the growing tolerance of otherness has become a reality that is taken for granted by Europeans, such that they are often not aware how far they have come in this regard. Like Polanyi, Elias has also been recently rediscovered by European integration specialists seeking to characterize what is happening in Europe. Current European politics is the product of a long-term psycho- and sociogenetic process. This process is not unilinear – trial and error and wrong turns are also a part of it; however, all these experiences accumulate to form a sociology of knowledge of the civilizing process (Elias 1976, vol. I: Intro., vii–lxxxii; vol. II: 312–454; Linklater 2011: 438–44).

As Laurence Whitehead rightly asserts, Europe has become a regional community of democratic states that have clearly adopted common principles and values, even though there

is some diversity in the interpretation of nationally defined liberal democracies (Whitehead 2001a: 395–8, 410). These principles are not set out by the European Union alone, but also (more importantly) by the intergovernmental Council of Europe. The Council of Europe was founded in 1948 and comprises all European countries, even some that may be considered outer Europe such as Georgia, Armenia and Azerbaijan. It is a powerful symbolic institution that contributes to a democratic peace in Europe that now has lasted for over six decades. The Council of Europe is also the core international organization representing the many Europes that still exist. It is often forgotten that Europe invented the international organization in the nineteenth century (Reinalda 2009: 11). The Vienna Congress of 1815 had to develop mechanisms to monitor the decisions taken there. Around 18 follow-up conferences took place until the middle of the century, establishing what Katherine Holsti calls a first international governance system to prevent conflict. This is also clearly the origin of the hundred years of peace discussed in Polanyi's book. This means that, as a process, an international governance system ensuring democratic peace began about two hundred years ago (Holsti 2000: 36).

The structure of the *Handbook*

The *Handbook* consists of nine parts and comprises 50 chapters (see Table 1.6). All of these chapters are self-contained; however, references to other chapters are made throughout the book, such that there is a possibility for further reading. The nine parts are as follows:

1   Historical and theoretical background
2   The political system and institutions of the European Union
3   National political systems and institutions in European politics
4   Political elites in European politics
5   Party systems and political parties
6   Public administration and patterns of policy-making in European politics
7   The political economy of Europe
8   Civil society and social movements in European politics
9   Europe and the world

Part I: Historical and theoretical background

The *Handbook* begins with some historical overviews and theoretical reflections on specific aspects of European politics. It starts with a review of the legacy left by Stein Rokkan written by Daniel-Louis Seiler (Chapter 2). Although Rokkan focused primarily on Western Europe, he still remains an important reference on continuity and change in European politics. This is followed by a chapter by John Loughlin (Chapter 3) exploring the important role that religion has played, historically and even today, in the shaping of most national political systems. Gina Gustavsson's chapter (Chapter 4) offers a critical political-theoretical review of the debates related to exclusionary liberalism and their different aspects. Antonio Varsori then gives an important review of the history and historiography of the European Union since its beginnings (Chapter 5), and Attila Ágh reflects on the more recent development of the European Union (Chapter 6). Juliet Lodge delineates the development of a 'Fortress Europe' targeting the security aspects of the Single European Market (Chapter 7). She focuses mainly on the use of the new technologies to ensure surveillance of the single European market and its external borders. Finally, this section is complemented by a theoretical discussion by Mary Volcansek of the American influences on the European legal space (Chapter 8).

Table 1.6 Overview of chapters in the *Handbook*

Part I *History and theory*	Part II *EU political system*	Part III *Institutions*	Part IV *Political elites*	Part V *Parties*	Part VI *Public administration and policy-making*	Part VII *Political economy*	Part VIII *Civil society and social movements*	Part IX *Europe and the world*
C2 Seiler The legacy of Stein Rokkan	**C9 Eising** Multilevel governance in Europe	**C17 Pasquino** Governments	**C24 Verzichelli & Cotta** Parliamentary elites	**C27 Wolinetz** Political parties	**C34 Colino & del Pino** Patterns of public administration	**C39 Höpner & Schäfer** Political economy	**C44 Wallace Goodman** Immigration and integration policies	**C48 Manners** Theories and myths EU
C3 Loughlin Religion and politics	**C10 Pernice** Multilevel constitutionalism	**C18 Elgie** Heads of state	**C25 Best & Semenova** Parliamentary elites in CEECs	**C28 Katz** Party system change in Western Europe	**C35 Hemerijk** Welfare states	**C40 Bongardt** Europe 2020	**C45 Maloney & van Deth** Participation & associationism	**C49 Sjursen** Common foreign and security policy
C4 Gustavsson Contemporary European liberalism	**C11 Dinan** Political system of the EU	**C19 Norton** Parliaments	**C26 Dumont & Verzichelli** Selection and de-selection of ministers	**C29 Lewis** Party system change in Eastern Europe	**C36 Bull & Newell** Political corruption	**C41 Torres** Political EMU	**C46 Woodward** Gender and politics in Europe	**C50 Rumford & Buhari-Gulmez** World society turn in European studies
C5 Varsori History of European integration	**C12 Lewis** Council of the EU	**C20 Saalfeld** Executive–legislative relations		**C30 Riera** Electoral systems	**C37 Kassim** National EU policy coordination	**C42 Kelly & Hammann** Social pacts and interest intermediation	**C47 della Porta and Parks** Contentious politics in the EU	
C6 Ágh Berlin Wall aftermath	**C13 Cini** European Commission	**C21 Auel** Europeanization of national parliaments		**C31 Jalali & Silva** Party patronage	**C38 Falkner** Europeanization of policy-making	**C43 Greenwood** Interest groups		
C7 Lodge Fortress Europe	**C14 Raunio** European Parliament	**C22 Rehder** Judicial politics in Europe		**C32 Ladrech** Europeanization of party politics				
C8 Volcansek Americanization of European law	**C15 Harmsen & MacAuliffe** ECJ and ECHR	**C23 Lidström, Hendriks & Loughlin** Local & regional democracy		**C33 Hanley** European parties				
C16 Schmidt Democracy in Europe								

Part II: The political system and institutions of the European Union

Following this theoretical and historical contextualization of European politics, the *Handbook* moves on to chapters related to the multilevel governance system of the European Union. The *Handbook* focuses not only on national politics, but also on the growing importance of the European Union and other European institutions such as the Council of Europe, the OECD and the OSCE in shaping values, legislation and public policy in national polities. However, the vast majority of European countries are members of the European Union, and thus also part of this larger political system. Therefore, this section of the *Handbook* seeks to delineate the institutional setting of this multilevel system. The first chapter, by Rainer Eising (Chapter 9), provides a thorough overview of the EU's multilevel governance system, which is still just a heuristic device to map and better understand this polity. Central to the understanding of the European Union is its democratic legitimacy. Ingolf Pernice outlines the making of a multilevel non–hierarchical constitutionalism between the national and the European levels (Chapter 10). It clearly focuses quite a lot on the impact of the German Federal Constitutional Court (GFCC) on further European integration. The centrality of the rulings of the GFCC for the further development of European integration has been one of the most interesting phenomena in this interaction between the national and supranational levels. This is followed by a chapter by Desmond Dinan on the complex political system of the European Union (Chapter 11). This sets the framework for three further contributions on the institutional decision-making of the EU, namely overviews of the European Council by Jeffrey Lewis (Chapter 12), the European Commission by Michele Cini (Chapter 13) and the European Parliament by Tapio Raunio (Chapter 14). A further chapter by Robert Harmsen and Karen MacAuliffe (Chapter 15) explores the impact of the European Courts on European politics, namely the European Court of Justice and the European Court of Human Rights, the latter attached to the Council of Europe. Vivien Schmidt (Chapter 16) reviews the literature on the way democracy is organized in the EU, developing a new model for assessing it based on the system theory of David Easton. She analyses the democratic deficit of EU institutions not only from an input–output perspective, but also from the point of view of throughput, the processes that are happening in the 'institutional black box'.

Part III: National political systems and institutions in European politics

Part III of the *Handbook* focuses on the national political systems. Gianfranco Pasquino gives an overview of the diversity of government in Europe (Chapter 17). The dominance of the semi-presidential and the parliamentary government models are particularly emphasized. This is complemented by a contribution on the heads of state in Europe and their influence in national politics by Robert Elgie (Chapter 18). In both chapters one can find typologies of governments and how politics plays out within them. Continuity and change in parliamentarism in Europe is thoroughly analysed by Philip Norton (Chapter 19), who focuses his contribution on the growing dissemination of common parliamentary norms across the continent, particularly among the new democracies. The role of the Internet in improving the connection between MPs and citizens is stressed. This is followed by a thorough chapter on executive–legislative relations by Thomas Saalfeld (Chapter 20). He uses a rational choice model based on principal–agent theory to analyse patterns of executive–legislative relations. The chapter is an empirical *tour de force* introducing also comparative insights between established and new democracies. This is complemented by a study by Katrin Auel on the Europeanization of national parliaments and their ability to influence European politics (Chapter 21). The issue of 'strategic Europeanization'

is highlighted in this contribution. After this, Britta Rehder provides an excellent overview of judicial politics in Europe (Chapter 22). Her focuses are the constitutional courts and the issue of judicial review in European countries. The last chapter in Part III deals with subnational democracy. Anders Lidström, Frank Hendriks and John Loughlin (Chapter 23) apply both a state traditions approach and also a typology of democracies in order to obtain some insight into patterns of subnational democracy.

Part IV: Political elites in European politics

Part IV attempts to study patterns in the recruitment, selection and behaviour of political elites in Europe. Luca Verzichelli and Maurizio Cotta (Chapter 24) take a longitudinal historical approach in analysing the changing configurations of political elites across several European countries, based on a dataset created by a research team coordinated by the authors. This is complemented by a chapter by Heinrich Best and Elena Semenova on the development of political elites in post-1990 Europe (Chapter 25). The last chapter deals with hiring and firing of ministerial elites. This is based on empirical research of a project in which Patrick Dumont is a coordinator, and therefore quite innovative and new insights are presented in this chapter co-authored with Luca Verzichelli (Chapter 26).

Part V: Party systems and political parties

The centrality of political parties and party systems is acknowledged in this *Handbook*. Part V starts with a comprehensive review by Stephen Wolinetz of the changing nature of political parties since the nineteenth century (Chapter 27). Richard S. Katz (Chapter 28) and Paul G. Lewis (Chapter 29) then provide excellent overviews of party systems in Western and Eastern Europe, respectively. Pedro Riera has the onerous task of describing the impact of electoral systems in different European countries (Chapter 30). His study is quite thorough and shows preferences from proportional representation systems to more mixed ones. This is followed by a contribution on the difficult subject of party patronage. Carlos Jalali and Patrícia Silva (Chapter 31) report on an international project coordinated by the late Peter Mair with Petr Kopecky and Maria Spirova, in which both authors took part. They provide innovative data related to a party patronage index. The last two chapters deal with the growing interaction of national parties in a multilevel governance setting. Robert Ladrech explores how national parties are being Europeanized in Chapter 32, while David Hanley presents an overview of the still embryonic development of transnational European parties (Chapter 33).

Part VI: Public administration and patterns of policy-making in European politics

In Part VI of the *Handbook*, the focus is on patterns of public administration and policy-making in European countries. César Colino and Eloísa del Pino provide an excellent comprehensive overview of public administrative reform in a pan-European perspective (Chapter 34). They also focus on the Europeanization processes related to the European Administrative Space. The new trends in public administration are also an important part of the chapter. This is followed by a chapter on welfare systems in Europe, in which Anton Hemerijk explores the replacement of the social protection rationale by one of social investment (Chapter 35). This is a quite thorough study of welfare reform from a pan-European perspective. The impact of political corruption in European politics is analysed by Martin Bull and James Newell (Chapter 36). The diversity

of levels of political corruption and the difficulty of measuring the phenomenon are highlighted by the authors. Nevertheless, the authors try to identify patterns of political corruption. The chapter also includes a discussion of international and European networks and benchmarking measures intended to combat political corruption. Hussein Kassim's chapter on national EU policy coordination (Chapter 37) gives an excellent overview of the linkage between national and supranational administrative structures, exhibiting the high degree of diversity in the models of national EU policy coordination. The final chapter, by Gerda Falkner (Chapter 38), illustrates the difficulties of taking EU-wide policy-making decisions. As in highly decentralized federal systems such as Germany, the EU is often affected by a decision-making trap (concept developed by Fritz Scharpf) that leads to blockades and inertia in its further development.

Part VII: The political economy of Europe

Gerda Falkner's article is an ideal transition to this section on the political economy of Europe. The heterogeneity and diversity of national political economies has also affected the creation of the Single European Market. Martin Höpner and Armin Schäfer provide a thorough analysis of this diversity (Chapter 39), indicating that the European Union is still far from being a homogeneous whole. Heterogeneity in the varieties of national capitalism and also uneven implementation of the Single European Market programme have created a very unbalanced European political economy. This argument is backed up with concrete examples and empirical data.

This is followed by a complementary chapter by Annette Bongardt on the Single European Market programme and the impact of the new Europe 2020 strategy (Chapter 40). The problems of implementation of the Europe 2020 strategy are highlighted. A crucial chapter is Francisco Torres's account of Economic and Monetary Union (Chapter 41), which takes into account the recent developments since the Eurocrisis began in 2009. In particular, the asymmetry between the economic and the monetary pillar of EMU is critically dissected and analysed. A chapter on the social pacts in the European Union by John Kelly and Kerstin Hamann (Chapter 42) explains how a light neo-corporatist approach to interest intermediation between labour and capital still persists in Europe despite a considerable degree of liberalization since the 1980s. Part VII is completed by a chapter by Justin Greenwood on Eurogroups and patterns of lobbying (Chapter 43).

Part VIII: Civil society and social movements in European politics

The role of civil society and social movements in Europe should not be underestimated; the *Handbook* therefore includes chapters on various related issues that are relevant in national societies but also at the European level. One crucial chapter is that by Sara Wallace Goodman (Chapter 44), who analyses the policies of immigration and integration across Europe. The chapter is extremely thorough and quite detailed in its comparative analysis. Jan van Deth and William Maloney (Chapter 45) explore the levels of political participation and associationism in Europe, on the basis of the authors' cross-national research spanning more than a decade. This is followed by a study by Alison Woodward on gender and European politics (Chapter 46), exploring in particular what Manuel Castells has referred to as the 'end of patriarchalism' (Castells 1997: Ch. 4). Then follows a quite innovative contribution by Donatella della Porta and Louisa Parks on contentious politics in the European Union, addressing the anti-globalization movements and youth protest in Southern Europe (Chapter 47).

Part IX: Europe and the world

The final section of the *Handbook* includes critical studies on the relationship between Europe and the rest of the world. Ian Manners explores the myths and theories of European foreign policy (Chapter 48). Manners delineates the development of European foreign policy from a theoretical perspective. He also contextualizes this development in the evolving popular culture in terms of movies and video games. This mix makes the chapter quite an interesting read. Helene Sjursen considers the development and contributions of the CFSP (Chapter 49). This well-researched chapter based on decades of study is characterized by a critical approach. Finally, Chris Rumford and Didem Buhari-Gulmez critically review the relationship between Europe and the rest of the world from a sociological theory perspective (Chapter 50). In comparison to the other chapters, their approach is that of Europe-in-the-world. They use the world society approach to show how Europe is perceived and related to in a globalized setting.

In sum, as noted at the very beginning of this introductory chapter, the *Handbook* is intended to be a guide to the complex world of European politics as it begins to unfold in the twenty-first century. The hope is that it may provide a platform for further in-depth research on particular aspects of European politics.

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Part I

Historical and theoretical background

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2

The legacy of Stein Rokkan for European polities

A short tribute

Daniel-Louis Seiler

Stein Rokkan died in 1979, leaving a corpus of works he considered unfinished and was constantly revising. Today, with hindsight, it can be said that these texts remain essential for any political scientist undertaking a study of the European cultural zone. His scientific legacy is rich and complex, both from the methodological and the theoretical standpoint, covering a wide range of fields.

As far as European politics are concerned, the heritage he left us is twofold. On the one hand, there is the paradigm of fundamental cleavages, which has provided political scientists with an interpretative model for the European multi-party system; on the other, there is his conceptual map of Western Europe, which affords a comprehensive synthesis of the nation-building processes on the continent. These two models will therefore be the focus of this chapter, underlining the extent to which they remain pertinent in the understanding of even very recent political phenomena.

The four cleavages paradigm

The publication in 1967 of *Party Systems and Voter Alignments* (under the direction of Seymour Martin Lipset and Stein Rokkan) can be considered a Copernican revolution in the study of the European multi-party system, a change in perspective equivalent to that of the distinction between mass and cadre parties introduced by Duverger 15 years earlier (Duverger 1954). Before that point, specialists had wavered between *perinde ac cadaver* recourse to the left–right axis and simple inventory logic.

Taken from the discourse of the players in the political game, the concepts of 'left' and 'right' had been briefly defined by Duverger, but most researchers used these terms without defining them, as if they were blindingly obvious. Even today, Duverger's theory is still misunderstood. In his view, left–right opposition represents not a continuum but rather a dichotomy: parties express conflicts, which are always dualistic in nature. Consequently, the centre does not exist except as a grouping together of the moderates from both camps. In order to combat the multi-party system, it is necessary to adopt an appropriate voting regime – that is to say, a regime based on a plurality that preserves the natural bipartisanship. Duverger's perspective in this regard

becomes evident when he makes a norm, even a categorical requirement, of the *Westminster Model*: any party system that deviates from this model is viewed as abnormal (Duverger 1954).

Some countries do have party systems corresponding to this model: Portugal, England (but not Scotland, Wales or Northern Ireland), Spain (except Catalonia, the Basque Country and Galicia) and France (if we agree to consider the Front National as an extremum of the classic right). Italy, where Duverger's influence remains strong, demonstrates the limits of electoral engineering: certainly, there are fewer parties than there once were, but the 2013 parliamentary elections, marked by Beppe Grillo's *5 Stelle* movement, revealed the powerlessness of the system. Moreover, the centre has far from disappeared, even though the EU's hopes for Mario Monti were dashed; once the Berlusconi scandal is over, it is likely that centrism will regain strength (see special issue by Giugni and Lazar 2013).

However, the other European countries feature party systems that are impossible to reduce to a left–right dualism, either because they have too many parties or because one or more of their parties is neither left-wing nor right-wing – or because they possess both of these characteristics. Even with the left–right axis extended by the addition of two centres and two extremities, the model's explanatory capacity does not exceed more than six cases. Beyond six political parties – the far left, left, centre left, centre right, right and far right – unless we assume that voters are insane, the party system becomes incomprehensible. Yet Belgium, Finland, Denmark, the Netherlands and Switzerland each have more than six political parties represented in parliament. A second objection is that some parties (for example the Christian Democrats in the Benelux countries, Switzerland and, formerly, Italy) combine positions ranging from the left of the socialist party through the centre to the far right. In fact, the issue of religion or attachment to the Catholic Church has often led voters who in Great Britain would have been Labour supporters to join far-right groups or to vote in a bloc with their fellow believers, even those whose other views would identify them as conservatives. We have suggested the concept of 'horizontal parties' – groups covering the political spectrum from left to right – to designate this type of party (Seiler 1986: 93; 2011: 181–2).

Conversely, Rokkan's model is based on four fundamental cleavages. If we assume that on each side of each cleavage a family of parties can develop, eight explanatory possibilities are available to us; this can be extended to 16 if each family of parties is divided into moderates and radicals, and even to 24 if each camp possesses extremists! There is thus no possible comparison between the explanatory potential of Rokkan's paradigm and that offered by left–right opposition, even in expanded form (Rokkan 1999).

It is obvious that this expansive quality of the four cleavages paradigm can be explained by the fact that Rokkan understood the complexity of European multi-party systems: In particular, he understood their history. In his view, the parties are both the agents of the conflict and the instruments of its integration; they persist, even in the long term. They are thus witnesses of the past; the richer and more complex this history is, the stronger the tendency towards a multi-party system (Rokkan 1999). It may be remarked in passing that the desire of the large European groups, as stated in their statutes to limit the proliferation of parliamentary groups ('little' groups), is unnatural. For, as the EU has continued to expand, the European Parliament has opened up to party systems that often express new sociological and historical realities. Westminster should not be compared to the parliament in Strasbourg, but rather to that of Vienna in imperial times.

Not only does the four cleavages paradigm reveal the mysteries and richness of European multi-party systems, it has also withstood the test of time. What is more, it has an undeniable predictive aspect. The Rokkan model dates from 1967, a time when (*in illo tempore non suspecto*) the system of cleavages and parties appeared extremely stable, seemingly frozen since the 1920s. However, in 1968 the party systems of European countries entered a period of turbulence from

which they have yet to emerge. This phenomenon has given rise to many debates in political science concerning the defreezing of the cleavages. Contrary to an argument often put forward, defreezing – if it exists – fails to prove Rokkan's model outdated; in fact, it even validates and confirms it (for supporters of Rokkan s thesis see Bartolini and Mair 1990). Two examples are proposed in support of our thesis: the centre v. periphery cleavage and the emergence of the Green parties.

The cleavage dividing the 'centre' (the nation–builder) and the 'periphery' (the outer provinces that resist national integration on the basis of language, religion or simply a specific way of life) represents the Rokkan paradigm's main innovation. Today, the concepts of centre and periphery are part of the everyday vocabulary of party specialists, but the situation was quite different in 1967. Although Rokkan was not alone in constructing a model based on the thesis of cross-cutting cleavages, he was the only scholar to allow a place to 'parties for territorial defence' (Rokkan 1999: 320–6). He was criticized by some political scientists for this novel innovation, which aroused ironic derision among his English colleagues. With the exception of Belgium, where the phenomenon only went back a few years, no countries had parties resulting from such a cleavage. The *Union Valdotaine* in Italy was as marginal as it was peripheral, and as for the Scottish National Party (SNP), which represented the British analysts' implicit reference, researchers had no doubts about its irrelevance.

However, today this same SNP forms the regional government in a Scotland in which it is the Tories who seem marginal. The Scottish case is not an exception; Catalonia is in a similar situation with its Convergence and Union (*Convergencia i Unio*, CiU) government, and the Basque nationalists of the Nationalist Basque Party (*Partido Nacionalista Vasco*, PNV) – a party over one hundred years old – are the main political force in Euskadi. Similarly, in Flanders, the separatist New Flemish Alliance (*Nieuw Vlaamse Alliantie*, NV-A) is establishing itself as the strongest party in the region, boasting the largest parliamentary group in the Belgian parliament (for more see Urwin and Rokkan 1983).

In addition, recourse to the centre v. periphery cleavage enables us to better understand the emergence or, more precisely, the resurgence of nation-state parties driven first by xenophobia, then by Euroscepticism and finally by Islamophobia. The ultra-nationalist groups, although they borrow certain themes attributed to the 'right', take their economic and social concepts from the far left, while giving a new lease on life to the protectionist theories of the nineteenth century (for example those of Friedrich List). To categorize such parties, specialists employ a 'cat-dog' in Sartori's sense, the word 'populism' having lost all meaning from having been attributed too much meaning (a good example of conceptual stretching) (Sartori 1991: 247–9). Centralism and ultra-centralism are representatives of a family of parties almost as old as the social–democrat parties: They appeared in the nineteenth century and peaked in popularity in the 1930s with the wave of Fascism and Nazism that swept across Europe. Whereas the defence parties of the periphery were often a 'post-1968' phenomenon with an electorate sensitive to post-materialist values, the new nation-state groups emerging at the end of the last century and proliferating in the twenty-first century correspond to a backlash phenomenon predicted by Lipset in his latest edition of *Political Man*. With an electorate steeped in materialist values, such parties express fear in the face of the threats that European integration and, above all, globalization pose to their material security (unemployment) as well as to national identity (Lipset 1981).

Whereas classic state nationalism is an old phenomenon that can only be termed new with a lack of historical hindsight, the same cannot be said of the ecologists. Should we conclude that they represent the appearance of a new cleavage that Rokkan did not foresee, one that cannot be reduced to the paradigm of the four basic cleavages? This has been the contention of many authors. A number of scholars have suggested a cleavage – resulting from some revolution

or another – opposing new politics and old politics. In party terms, this has amounted to opposing the ecologists to the far-right parties; that is to say, to establishing an absurd dichotomy between an authentically new political force and the resurgence of parties whose roots go far back in time.

By this reasoning, the Green parties would appear to be inexplicable using Rokkan's paradigm. According to Stefano Bartolini and Peter Mair, this is certainly not the case. In an essential work backed up by electoral data, the researchers prove that the ecologist electorate comes mostly from socialist renegades or social democrats – that is, from the socio-economic 'left'. The sum total of their respective votes creates a stable electoral bloc. Thus, the Greens would seem to originate from the possessors, owners and employers v. workers cleavage (Bartolini and Mair 1990; Seiler 2011: 244–6). From the point of view of electoral sociology, this argument is convincing. However, when examined from the perspective of their discourse and socio-economic vision, the ecologists do not primarily appear to be defenders of the working class, workers or the proletariat. Thus, to include them in the possessors v. workers cleavage seems somewhat artificial. Must we therefore accept the new politics hypothesis?

This would be unnecessary: because Rokkan's paradigm defines not just one cleavage but four, it offers other classificatory possibilities. To answer the question in Rokkanian terms, we must identify two *loci* – on the one hand, the revolution from which the Greens originate and, on the other, the axis of conflict along which this revolution developed. It is obvious that the ecologists sprang up from a reaction, a counter-mobilization in Rokkan's terms, against the damage done to the environment by the Industrial Revolution. This is expressed in their radical criticism of capitalism and growth and their desire to replace this with 'green' growth (for some, even with 'degrowth'). Resolute in their determination to conserve ecosystems (i.e. the countryside), the Greens are obviously territorial parties, representatives of a territory they intend to develop harmoniously. They are therefore an integral part of the man/nature relationship that Marx identified as the key to the social division of labour. Their opposition to Mancunian liberalism means that their positions are similar to the more moderate stances defended by social democracy; they are 'economic' parties. However, their propositions also resemble those of the parties focused on territorial defence (in Rokkan's sense), thus bringing them closer to the defence parties of the periphery. On this point, it is interesting to note that in the European Parliament the ecologists form a common group with the regionalists, the so-called Greens/European Free Alliance (EFA) parliamentary group (see Chapters 14, 33).

All in all, it would seem that the Greens are economic territorial parties stemming from the impulse to defend nature against the ravages of industrialization and uncontrolled urbanization. In Rokkan's paradigm, the 'economy-territory' slot is occupied by the 'secondary and tertiary sector v. primary rural sector' cleavage; this latter sector gave rise to agrarian parties, which the eminent sociologist viewed as primarily concerned with the prices of agricultural products on specific markets. However, the analysis of agrarian positions since the 1920s has revealed that beyond the problems the liberal economy poses for agriculture, there is also a definite desire to defend not only the mode of production but also a specific way of life. The farmers were the guardians of the environment, and for a long time their economic activity maintained a more balanced relationship with nature. 'The end of small farmers' and 'the end of *terroirs*' following the integration of agriculture into the vast food-processing sector have therefore contributed greatly towards the upsetting of natural balances that led to the counter-mobilization of the ecologists. At first an urban reaction, the Green parties now also mobilize the supporters of regional agriculture – farmers who seek to defend their small-farmer status, rejecting the role of industrial farmer. The reactions against Monsanto in general and transgenic corn in particular illustrate this mobilization, embodied by the European deputy José Bové, a member of *Europe*

Ecologie Les Verts. The agrarian parties, where they exist, demonstrate a deep sensitivity to environmental problems. As early as 1970, the Swedish *Centerpartiet*, under the leadership of Thorbjörn Fäldin, expressed its opposition to Sweden becoming a concrete sprawl and to nuclear energy. As for its Norwegian counterpart, its positions are virtually those of a *koalitionfähig* Green party such as the German *Grüne*, *Europe Écologie Les Verts* (EELV) in France or the Belgian ecologist parties (Seiler 2011: 246–50).

The identifiable connection between the Greens and the agrarians leads us to examine the economic-territorial cleavage of Rokkan's paradigm a little more closely; in Karl Polanyi's perspective, this division can be clarified as a 'market v. nature' cleavage. This explanation enables us to understand the emergence of both the agrarian parties and the Greens (Polanyi 1957 [1944]).

Stein Rokkan was interested above all in his main discovery, the centre v. periphery cleavage. This was the point of departure for the 'Conceptual Map of Western Europe', which he considered his greatest work. In fact, Stein Rokkan completely abandoned his cleavage paradigm in later years; in 1978, when I sent him the first opuscule in which I developed a typology of political parties in Europe based on his model (Seiler 1978), he replied with a few words of thanks, saying that he was pleased that I 'had found some use in an old scheme of mine'. He enclosed a collective work, written in German under the direction of René König, that concerned the conceptual map of Europe (Rokkan *et al.* 1978; Rokkan and Svåsand 1978).

The conceptual map of Western Europe

Stein Rokkan's conceptual map of Europe is too well known to require a lengthy explanation. We shall endeavour to describe its general characteristics in order to concentrate on its topicality.

As we know, Rokkan's map is a conceptual model based on the integration of four variables: two independent variables (culture and economy), an intermediary variable (territory) and a dependent variable (the nation-building process) (see Table 2.1). A variety of different economic factors are combined into one variable that reflects the intensity and structure of the urban network; the cultural variable corresponds to the effects of the Reformation on a Europe long dominated by the Roman Catholic Church, while the territorial variable is identified with geopolitical position (Rokkan 1999: 141–7).

In the European case, the model's interest lies in the way it reveals a clear political structure: the intensity and density of urban networks. The economic variable is expressed along an east–west axis that produces a 'state–economy' dimension subdivided into five parts. The second dimension, expressing the impact of the Reformation, has four sub-divisions that form a north–south territorial axis: the Protestant state church, mixed territories, national Catholicism and the Catholicism of the Counter-Reformation. Europe, as revealed by the conceptual map, forms a system with a centre – the city belt – and two peripheries – one seaward, the other landward. It is significant to note that this economic centre (or core) has never stopped developing; even today, the towns that share EU capital status – Brussels, Luxembourg and Strasbourg, but also The Hague (for Eurojust) and Lyon (for Europol) – all belong to the city belt. To these, we can add the Meccas of knowledge represented by the College of Europe in Bruges and the European University Institute in Florence. However, this structure has been obvious since the 1970s, and Rokkan was well aware of it (Rokkan 1999: 142).

The model's scientific interest obviously lies in its capacity to account for the events that have taken place in the decades following Stein Rokkan's death. Of the many major events, we shall present two examples, a specific event from the late twentieth century and another that began in the same era but whose effects are still being felt. Respectively, these are the war in Yugoslavia and the expansion of the European Union (see Table 2.2).

Table 2.1 A conceptual map of Western Europe, 1500–1800

The state–economy dimensions: east–west axis

	Seaward peripheries	Seaward Empire-nations (Distant)	City-state Europe: Integrated into larger systems	City-state Europe: Consociational formation (Close)	City-state Europe: Fragmented until nineteenth century (Distant)	Landward Europe-nations (Close)	Landward Buffers
Centre formation	Weak	Strong	Strong			Weak	Weak
City network	Weak	Strong	Strong			Weak	Weak
The state–culture dimension: north–south axis — Protestant state church	Iceland, Norway, (Scotland), Wales	ENGLAND, DENMARK			Hansa, Germany	PRUSSIA, SWEDEN	Finland
Mixed territories			NETHERLANDS, Rhineland	SWITZERLAND			Baltic territories
National Catholic	Ireland, Brittany	FRANCE	'Lotheringia', Burgundy, Arelatum			Bohemia, BAVARIA	POLAND
Counter-Reformation	PORTUGAL	SPAIN	Catalonia	Belgium	Italy	AUSTRIA	(HUNGARY)

Note: Territories recognized as sovereign during the period from 1648 to 1789 are shown in capital letters.

Table 2.2 A typology of the political systems of twentieth-century Western Europe

System characteristics			Seaward peripheries: sovereign after 1814	Seaward nation-states: retrenched empires	City-state Europe : early consociations or late unification	Landward Nation-states: retrenched empires	Landward Buffers: sovereign after 1918
Size	City structure	Linguistic structure					
Larger	Monocephalic	Integrated		France		(German Democratic Republic)	
	Endoglossic peripheries		United Kingdom				
	Polycephalic	Integrated		German Federal Republic Italy			
	Endoglossic peripheries		Spain				
Smaller	Monocephalic	Integrated	Iceland	Denmark	Luxembourg	Sweden Austria	
		Divided	Norway Ireland				Finland
	Polycephalic	Integrated		Portugal	Netherlands		
		Divided			Belgium Switzerland		(Yugoslavia)

Source: author's own compilation based on interpretation of Stein Rokkan.

The war in Yugoslavia that broke out at the end of the twentieth century demonstrated the non-viability of the democratic states straddling the Tallin–Dubrovnik axis corresponding to the boundary established by the Roman emperor Theodosus between the Western Roman Empire and its Eastern counterpart.

Interpreting the war in Yugoslavia with Rokkan's conceptual map

The Illyrian and later Yugoslav concept was invented by Croatian and Serbian intellectuals living in the Austro-Hungarian Empire (Jelavich 1983; Jelavich and Jelavich 1977). After World War I, the Serbian Crown was put in charge of Yugoslavia as a reward for victory in the Serbian Campaign. Nevertheless, Serbian nationalists (such as the great statesman Pasic) were ambivalent about the development, as they favoured a different concept: Great Serbia. The Yugoslavia idea – the political unity of all southern Slav countries (from Slovenia to Bulgaria) in one state – was the literal application of the Herderian–Fichteian concept of *Kulturnation* (Herder 1959 [1772]; Fichte 1978 [1806–7]; Meinecke 1911: 9, 13, Chapter 6). The implementation of this idea was not limited to L. Gaj's Illyrian areas; it also helped Masaryk and Beneš to create Czechoslovakia and gave Transylvania to Romania. This *Kulturnation* concept, which is still regularly applied in the former Eastern Bloc, is based on the following three equations:

1   Nation is equal to culture.
2   Culture is equal to language.
3   Nation is equal to language.

The first step in the creation of a unified state was to establish a common language between the Serbs and Croats; to accomplish that, linguists stressed the similarities between Croatian and Serbian vernaculars. Although they failed to include Slovenian and Bulgarian, the similarity of these languages was emphasized. The second step was to unify Yugoslavia as an autonomous state, but within the general framework of a renewed Habsburgian Empire. Archduke Franz-Ferdinand, the heir to the throne, was strongly committed to this idea, and this was one of the main reasons behind his assassination by Serbian ultra-nationalists in Sarajevo in June 1914. The third step, a consequence of the second, contributed to the second and contributed to the Austrian defeat in 1918: the founding of the Kingdom of Serbs, Croats and Slovenes. The final step was, of course, the creation of a unified Yugoslavia, the natural result of this logical process.

From the perspective of the classical analysis of nation and nationalism based either on language or religion, the collapse of Yugoslavia is inexplicable. The map of dialects between the Serbo-Croat set does not correspond to the map of the Serb, Croatian and Muslim populations. When Croats and Serbs fought each other in Vukovar, it was neither over the alphabet nor over the question of *filioque* which opposes Catholics to Orthodoxes! In fact, the map of the hostilities separating the Croats and Bosnian Muslims follows the Theodosius line.

On the other hand, the presence of the Serbian population in Krajina correlates with the Austrian *Militärgrenze*. Serbs, who were considered good soldiers, settled in this area in order to protect the Empire against Turkish attacks. The old kingdom of Bosnia (which, like the Albano-Illyrians, was Roman Catholic) was already in trouble when the Ottomans invaded the country. The Catholics were struggling against members of the Bosnian church who had been influenced by the Bogomil heresy; the latter group had turned partly to Islam and partly to Orthodoxy (Dzaja 1984). The Ottoman governments definitely favoured the Orthodox Church, which was obedient to the Phanar organized by the Turkish rulers and exercised control over the *Rum Millet*. Most of the conversions affecting Christianity in the Balkans concerned Roman

Catholics and Albanians and Bosnians (Castellan 1991). Serbians and Bosnians were opposed to each other in two respects: historically, as Easterners versus Westerners, and also as former privileged pro-Turks versus former victims of the Turkish domination.

The division that appeared within post-communist Yugoslavia was precisely this east–west division in Europe. It was not a question of faith or of language; rather, it was a question of historical structures. It concerned neither modes of production nor feudal structures, nor even recent serfdom. Switzerland and most of Scandinavia have never known the feudal system, yet nobody questions the fact that both belong to the West.

The distinctive feature of Western Europe is the existence of a *civilis societas*, separating earth from heaven but also society from state (Colas 1992). This means that in the West pluralism developed and was perceived as natural. The East, however, operated on a monist pattern: State, society and religion were viewed as inseparable. In the West, strong states were opposed to civil society, whereas in the East patrimonialism was able to serve as a counterweight to despotism. The West invented a democracy based on parliaments and the mediation of political parties, and Eastern Europe invented a populist democracy based on charisma and patronage. In the West, democracy has always been under threat from totalitarianism, representing the attempt to deny the existence of a difference between state and civil society, between private and public, etc. In the East, democracy has always been challenged by classical Oriental despotism.

Nobody questions the fact that the landward buffers are an interface between East and West. However, their basic structures, which are quite visible nowadays, reveal that they are part of Western Europe. Whereas the Baltic States, Poland, Slovakia, Hungary and Croatia are located along this interface, this is obviously not the case for Slovenia and Bohemia, which belong to the bulk of Western Europe. Slovenia was a part of the *Occidens* from the very beginning, for the same reasons that Austria was. Bohemia came along later but was soon incorporated into the Holy Roman Empire.

Interpreting European integration with Rokkan's conceptual map

Our first example could be entitled 'War in Yugoslavia'; and the second could be called 'What's Wrong with the EU'. If we refer to Rokkan's conceptual map, the history of European integration shows several significant stages. To begin with, six-country Europe included four countries (Benelux and West Germany) that were entirely part of the city belt, whilst the other two were only half-dependent on it: that is, France (the Nord-Pas-de-Calais, Champagne-Ardennes, Lorraine, Alsace, Franche-Comté, Rhône-Alpes, Provence-Alpes-Côte d'Azur and Languedoc-Roussillon regions) and Italy (northern Italy as far south as Tuscany and Emilia-Romagna). In 1958, the Italy of the city-states represented the wealthiest part and the most dynamic economy on the peninsula; in France, this corresponded to a periphery – often an industrialized one, the centre being in the Europe of imperial maritime nations. If the expansion process had not gone beyond six-country Europe, the union would have become federalized long ago. The entry of Great Britain, Denmark and Ireland decreed otherwise.

The expansion that has taken place since 1973 has concerned countries that can be analysed using Rokkan's map and thus categorized as imperial or peripheral nations. Greece, which was admitted upon the country's return to democracy and which was able to secure Cyprus's entry into the Union, played the part of the stowaway: the European Council had confused Caramanlis and Papandreou with Pericles. In 2000, on the initiative of France, which feared German hegemony over the new democracies of Central Europe, the entry of Bulgaria and Romania was granted, even though they were less economically developed and politically unstable. The latter country is compatible with Europe (in the sense of Rokkan's map) and

possesses a successful automobile industry, but it remains politically unsettled (not to mention the Roma issue). The former, a less dynamic country, suffers from the same problems and, in particular, from high volatility in its party system.

It was only when Greece set off the Euro crisis that it was discovered that the country had massaged its accounts, that its state was politically non-existent and that Cyprus was being used as a kind of Trojan horse by oligarchs and the Russian mafia seeking to launder ill-gotten gains. The Greek crisis and its impact on the Eurozone destabilized Europe's most fragile countries, Spain and Portugal, whose budgetary policies were initially among the most exemplary from the standpoint of the standards imposed by the European Commission.

Conclusion

Europe is diverse and complex; if it nevertheless wants to have a more efficient integrated political system (or even if its ambition is limited to managing the system that already exists), a minimum degree of common political culture is essential. When we examine Rokkan's conceptual map, the reasonable limits of EU expansion become clear. Croatia, which has just been admitted, is a good recruit; to admit Turkey would be catastrophic. Too many mistakes have been made, and the influence of successive British governments (which see Europe only as a vast market) and French governments (which do not take into consideration the formal aspects of democracy and are indifferent to political cultures) will eventually compromise the EU's political future. More than 30 years ago, the Swiss philosopher Denis de Rougemont, an untiring activist for the European cause, wrote that 'either Europe is a culture or it is very little' (De Rougemont 1966).

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3

The theological and secular dimensions of the modern state

Historical and contemporary perspectives[1]

John Loughlin

Introduction: the diversity of the modern European nation-state

The modern nation-state is a European invention founded on the development of both states and nations throughout European history (Alter 1994; Breuilly 1994). While all democratic nation-states share a number of common features, there is also a great diversity in how they express these features (Loughlin and Peters 1997; Dyson 2011). This diversity derives, at least in part, from the religious origins of the modern state, especially the creation of 'confessional' states by the Treaty of Westphalia, which ended the European Wars of Religion in 1648. These were initially Catholic and Lutheran states but were later joined by Calvinist states in the Netherlands, Scotland and, for a time, England. However, the roots of these states go back even further in European history, and many of their features derive from theological and philosophical debates that pre-dated the Reformation and the Wars of Religion (Burns 1988). Today, these theological origins are almost entirely forgotten, and the nation-state is regarded by most historians and political scientists as the quintessential *secular* state, in the sense that it has completely discarded any religious dimension in its practical operations. In this chapter, I seek to explore to what extent the modern nation-state still retains some of these older influences that shaped its development and to what extent this accounts for its present-day diversity. This, in turn, raises the question of what it means to call the nation-state 'secular', as well as the different meanings and uses of this term.

Today, the nation-state has become the dominant form of political organization and is associated with 'modernity' – with the rise of industrial capitalism and the creation of national markets, with the rise of the industrial bourgeoisie and various forms of liberalism, with liberal representative democracy and Weberian-type systems of public administration, etc. (Smith 1998).[2] It is so familiar that we tend to take it for granted and assume that it is the 'natural' form of political organization, just as we assume that liberal representative democracy is the natural (and best) form of political practice. However, when considered from a historical perspective, it is

clear that the nation-state is a relative newcomer; its emergence can be dated from about the time of the French Revolution, which began in 1789 (Brubaker 1992). Before that point, there were types of political and social organization that were called 'nations' and 'states', but these were different in important respects from contemporary nations and states (Spruyt 1994; Larkins 2010). Already in the eleventh and twelfth centuries, we can see the origins of what would become the modern state in countries such as England, Scotland, France, Spain and Sweden, with their centralizing monarchs, while the term 'nation' (derived from the Latin *natus*, meaning 'the place of birth') was used to describe groups of people sharing a similar language or geographic origin in the Crusader armies as well as in the new universities in Oxford, Paris and Bologna. Furthermore, the Reformation encouraged the growth of a national consciousness with the creation of national churches in those countries that adopted Protestantism (Greenfeld 1992); this was mirrored in Catholic countries such as France and Spain that adopted Gallican forms of Catholicism (Ozment 1980). This also entailed a welding together of ethnic and national consciousness. We shall return to the problems of religion and secularism in the final part of this chapter.

The religious dimension of political systems in the Middle Ages

It was not inevitable that the modern state would take the form that it eventually did. In his book *The Sovereign State and Its Competitors: An Analysis of Systems Change* (1994), Hendrik Spruyt identifies six different forms of political organization that were in competition with each other in Europe during the Middle Ages: the Holy Roman Empire, the papacy, feudal arrangements, territorial states, city-states and city leagues. The older forms among these were the papacy, the Empire and feudal arrangements, which developed complex relationships of rivalry as well as collaboration. The principal competitors here were the Empire and the papacy, which operated within a common understanding of the nature of religion, politics, the economy and society, but struggled with each other for dominance within that system. Both parties accepted the notion of 'two swords', spiritual and temporal, and acknowledged that the other had the right to exercise one of these swords. At the same time, the emperor often attempted to usurp from the pope the exercise of the spiritual sword, and the pope tried to usurp the exercise of the temporal sword from the emperor. However, both parties operated within a system that accepted the idea that legitimation of any human activity derived from the Church and theology. The question was thus who sanctioned any particular activity and decided whether it was legitimate. At the same time, in most parts of Europe, society was dominated by a feudal system of mutual arrangements of protection and service between lords (both temporal and spiritual) and their vassals (Bloch 1989). The feudal system, largely a rural phenomenon, led to the emergence of great aristocratic landowners who also operated within the imperial/papal system, with greater or lesser degrees of autonomy from the pope and emperor. In some respects, the Holy Roman Empire and the Church reflected this feudal organization of society, but in other respects they were separate from it.

Three other forms of political organization developed that would eventually challenge the first three. First, centralizing monarchs consolidated territorial states in England, Scotland, France, Sweden and Spain. It is important that we not view these states in an anachronistic way by thinking of them as equivalent to our modern forms of political organization that bear the name of 'state' (Mann 1986: 416–19; Poggi 1990: 34–68). During this period, monarchs were themselves constrained by the pan-European system dominated by the Church and the Empire, and their claims to power and legitimacy could be made only in the terms laid down by the pope

and the emperor. In addition, their claims to rule even within their own territories had to compete with those of the great feudal lords, who resisted any attempt to interfere within their own domains. At the same time, monarchs began to imitate the emperor, as in the fourteenth century, when the lawyers of Philip the Fair propounded the dual maxim according to which the king was to be 'emperor in his realm' (*rex est imperator in regno suo*) and would no longer 'recognize any superior' (*superiorem non recognoscens*) (Herz 1957: 479).

A new development emerged from around the eleventh century with the development of cities as part of a wider economic, cultural and spiritual renaissance renewal across Europe. This was a period of Church reform, particularly under Pope Gregory VII (pope from 1073, d. 1085), who introduced greater uniformity and centralization in the Church and imposed compulsory celibacy on parish clergy, thus creating a powerful clerical caste. Also in the eleventh century, new monastic orders such as the Carthusians (semi-hermits founded by St Bruno in 1084) and the Cistercians (founded by St Robert of Molesme in 1098 but whose most famous member was St Bernard of Clairvaux (1090–1153)) emerged. These monastic communities were found mainly primarily located in the countryside; however, at the same time, urban settlements began to develop and expand, creating the great Gothic cathedrals that sprang up across Europe. Cities were emerging as powerful centres ready to challenge the feudal lords of the neighbouring countryside. During this period, new forms of religious life evolved, the most famous of which were the Franciscans (founded by St Francis in 1209) and the Dominicans (founded by St Dominic in 1216). Like the older orders of monks, these new friars took vows, but notably not the vow of stability that had previously bound monks to the monastery they initially joined. Instead, the friars were highly mobile and travelled between the urban centres, preaching (in the case of the Dominicans) and practising evangelical poverty (in the case of the Franciscans). But in addition to these spiritual movements, new social classes were emerging, centred on the craft guilds and merchants. In Florence, a new banking system was created to handle the growing commercial transactions between cities and other centres. Indeed, St Francis's father was a merchant in Assisi; the saint's dramatic adoption of poverty as a lifestyle was a reaction against his father's affluence and the *nouveaux riches* of the cities.

In most parts of Europe, cities were thus becoming important political centres. This was most evident in Northern and Central Italy and in the territories of the Holy Roman Empire, although it can also be seen in the cases of London and Paris. In Italy, some cities became independent city-states: Florence, Venice, Milan, Siena, etc. In Central Europe, cities obtained statutes from the emperor granting them varying degrees of autonomy; there were over 50 'Imperial Cities' with high levels of autonomy (Whaley 2011: 531–41). A further development of city government was the creation of leagues of cities, primarily for purposes of trade but also for mutual protection against rival powers. The best-known example was the Hanseatic League (thirteenth to seventeenth centuries), which boasted a membership that varied between 70 and 170 cities. A similar institution was the Lombard League in Northern Italy.

There was often collaboration between monarchs building territorial states and the cities, as they both opposed the feudal nobility in the countryside. In any case, there was a highly complex system of interrelationships among these competing entities: there were rivalries between the pope and the emperor and between the Empire and the princes and the centralizing monarchies, with cities competing against each other as well as supporting one or another of their other competitors (Bryce 2012 [1866]: *passim*). Besides these complex relationships among the different political actors during the centuries before the Reformation, there were also serious divisions within the Church itself (Burns 1988). Two principal issues were relevant to the later development of both the Reformation and the Counter-Reformation, as well as the evolution

of the modern secular state. First, there was a conflict between conciliarists and caesaro-papists – that is, between those, such as Marsilius of Padua (*c.*1275–*c.*1342), who believed that the Church exercised its authority through general councils that the pope might call and preside over but to which he was also subordinate, and those who held that it was the pope who exercised this power and that his authority superseded that of general councils. The views of conciliarists and caesaro-papists became entangled with the struggles among the various political and spiritual powers. Second, Church life went through cycles of corruption and attempted reform. Some reformers (such as John Wycliffe [d. 1384] in England and Jan Hus [d. 1415] in Bohemia) anticipated the later efforts of Luther, Zwingli and Calvin, who regarded them as proto-Protestants. Although these dissidents were perceived as heretics by almost all the political and religious leaders of the time, they were a sign of what was to come, and their protests, although rooted in theological issues such as the nature of the Eucharist, often spilled over into the political domain. As a result, they were severely suppressed, and Hus himself was burned at the stake (Ozment 1980).

Renaissance humanism

Providing a background to these conflicts was the development of the new scholarship of Renaissance humanism that was, in part, inspired by a return to the authors of classical antiquity and a renewed interest in the languages of that period as well as Hebrew (Skinner 1978, vol. 1). The older wisdom of the Fathers of the Church and the great scholastic synthesis of Aristotelian philosophy and Christian revelation by the Dominican St Thomas Aquinas (1225–74) formed the intellectual context of the debates. From the fourteenth century onwards, however, much of this scholarship degenerated into sterile arguments over obscure theological points. Petrarch (1304–74) has been called the 'Father of Humanism', alongside authors such as Giovanni Boccaccio (1313–75) and Dante Alighieri (1265–1321). Although these writers remained Christian, they attempted to go beyond scholasticism, seeking inspiration in the classical wisdom of antiquity found in the works of writers such as Cato and Cicero. In Florence, Venice and the other Italian city-states, there was a great flourishing of the arts, especially architecture and painting. However, the humanist movement extended all across Europe; some of its leading lights were Sir Thomas More (1478–1535), the Lord Chancellor of England in the reign of Henry VIII, and Erasmus of Rotterdam (1466/1469–1536) in the Low Countries. Humanist scholarship affected both religious studies and political thought. In terms of religion, its emphasis was a 'return to the sources' of the Bible – that is, to the original versions in Hebrew and Greek rather than the Latin Vulgate edition that had been produced by St Jerome in the fifth century. Erasmus produced a translation of the New Testament that had an enormous impact on theology at the time. On the political side, Thomas More's *Utopia* (published in 1516) was actually a political critique of European society. Neither More nor Erasmus were revolutionaries, but they and other humanists were aware of scandals and corruption in the Church. This also entailed awareness of the difficulties of the political system in which the Church was an essential element. As subsequently became clear, neither man would have dreamed of overthrowing this politico-religious system, but both were equally adamant that it should be reformed. Perhaps unwittingly, their humanist writings provided some of the tools that would be used by their contemporary Luther and the younger Calvin precisely to overthrow the older system. The books produced by Johannes Gutenberg's printing press (invented around 1439) facilitated the diffusion of the writings of the humanist thinkers.

The Reformation

Luther, Lutheranism and the modern state

The Reformation was a hiatus in European history that significantly contributed to what would become the highly divergent political, social and economic systems of modern Europe. However, although it constituted a break with the previous system, it took place within the complex system outlined above and became bound up with the various conflicts already described; indeed, there are several continuities with the mediaeval period (Gregory 2012). The key figure who triggered these changes was Martin Luther (1483–1546). Luther had entered an Augustinian friary following a narrow escape from death as a young man. By all accounts, he was a very faithful observer of the Rule of his Order, achieving the position of sub-prior (second-in-command of the friary) and even representing the entire Augustinian Order on business in Rome (Beutel 2003: 5). However, his later writings make clear that although he observed the Rule externally, it had failed to transform him internally. This is probably what led to his later fulminations against 'good works' (the ascetic practices of the religious life as well as other practices, such as the pilgrimages and processions typical of mediaeval Catholicism) and his development of the idea that such 'works' could not bring about salvation; rather, only God's complete remaking of the soul from the outside could accomplish this. However, Luther was also a very learned scholar, and although he would later reject humanism as a philosophical movement (just as he rejected Thomistic scholasticism), he was influenced by the humanists' method of 'returning to the sources' and working in the original Biblical languages of Hebrew and Greek (Beutel 2003: 6). He was also influenced by their critiques of the corruption of the Church and their disdain for what they regarded as some of the more superstitious practices of the time. Like them, he did not initially seek the division of Christendom or political revolution, but his impetuousness and the vehemence of his language would soon have that effect.

From a political perspective, three crucial documents penned by Luther represent the first nails in the coffin of the mediaeval political and religious system, contributing to the advent of the modern nation and the modern state (although not yet the 'nation-state'). The first text, generally regarded as the first step of the Reformation, was officially known as the *Disputation of Doctor Martin Luther on the Power and Efficacy of Indulgences* (or, more commonly, *The 95 Theses*); it was nailed to the doors of the castle church of Wittenberg in 1517. This document was an indictment of the selling of 'indulgences' (remittances for time spent in purgatory after one's death), a practice that the pope and many other ecclesiastical leaders in the Church engaged in at the time. Although this was later seen as a dramatic gesture, it was in fact quite normal to pin such documents to the door of a church, since most people would read them on their way into the building to pray or attend a service (a bit like posting a message on Facebook today!). The theses were addressed to Pope Leo X, and Luther was convinced that the pope and other bishops would see the folly of selling indulgences once they read his arguments. In fact, the pope at first ignored Luther; later, in the encyclical *Exurge Domine* in 1520, he condemned the Augustinian's ideas as heretical. Luther was given 60 days to recant his statements or risk excommunication, but his response was to issue two further documents that were even more provocative. *To the Christian Nobility of the German Nation* was addressed to Charles V, who, at the age of 19, had just been elected Holy Roman Emperor (the English King Henry VIII was also a candidate) but had not yet been crowned. Luther hoped to persuade the young ruler to take his side against the pope. The address to the German nobility represented an important moment in the evolution of Luther's ideas on both ecclesiology and the relations between the Church and the political system. The address contains three basic ideas: first, the notion of the

priesthood of all believers, not just of the clergy; second, on a related note, the denial of the pope's right to be the sole interpreter of scripture; and, third, the rejection of the pope's right to call a general council of the Church. Luther clearly hoped that the young Charles V (who, as emperor, would be a rival to the pope) might be persuaded by this attack on the pope's legitimacy as spiritual leader of the Church. Charles, however, followed the pope's example and placed Luther under the ban of the Empire, effectively making him an outlaw.

The political context is crucial for understanding further developments in Luther's theological journey and how this was 'received' in the Europe of his time. At the time, both the papacy and the Empire were quite weak; both sides were desperately seeking to maintain their hegemony against each other and against other competitors – territorial monarchs such as France and the restless German princes. Some of the German princes, including the Duke Elector of Saxony (whose territory included Wittenberg), were chafing under the yoke of the emperor and saw this conflict as an opportunity to gain further autonomy from him. Of course, many of the princes were also convinced by Luther's arguments for reform, although this was clearly entangled with their political motivations. Each case would need to be examined individually to assess whether the position adopted by a ruler was a matter of conviction or expediency, but certainly there are many cases in which rulers switched sides when it suited their purposes.

In 1520, Luther also published *On the Freedom of a Christian*, in which he laid out a vision of a world in which Christians were not compelled to obey the law but would live out their lives through love and service of each other. As the Reformation progressed, Luther's writings began to be employed not only by the princes (to emancipate themselves from imperial and papal control) but also by the lower classes (to emancipate themselves from princely control). The best-known example of this was the Peasants' Revolt (1524–6) led by Thomas Münzer and the Anabaptists. Despite his declarations in favour of Christian 'freedom', Luther was horrified by these developments and condemned Münzer and the peasants in the strongest terms, even calling for their torture and execution. In so doing, he revealed himself to be deeply conservative, both politically and socially, despite his theological radicalism. Luther's ecclesiology also influenced his political ideas. For him, the church was an invisible society of true believers motivated only by the love of God. As an institution, it should not rival the political powers in the way that the pope had rivalled the emperor. In fact, the Church should not even carry out 'good works' such as caring for the poor or feeding beggars, as the mediaeval Church had done. Luther did not believe that the Church, understood as the society of faithful and loving believers, should exercise temporal power in the way that the popes had. Rather, the temporal power – the prince – should wield this sword, even over Church affairs such as the punishment of heretics or the excommunication of sinners. The temporal power should provide for the needs of the poor and needy but, more importantly, should suppress their mendicancy and idleness. On the other hand, Luther simply assumed that the temporal power would be Christian; he would not have been able to conceive of a secular state in the modern sense of the word. The prince was a member of the Church, and his decisions would be taken in the light of the Gospel. Luther, true to his emphasis on looking to the Bible for lessons, viewed the Old Testament kingdoms as examples of rulership, whereas the precepts of the Sermon on the Mount were seen as pertaining to the practices of individual Christians within the 'invisible' Church.

Writing furiously in the throes of the political and religious disputes that he had sparked off and addressing new issues as they arose, Luther was not devoid of contradictions as his ideas evolved. These ideas were a combination of the political ideas of medieval Catholicism and the notion of 'Christendom', but reduced to the level of a 'state' such as Saxony rather than a vast territory spread across Europe. This notion of scale is important, as it would lead to the

distinctive concept of a state church. In fact, Lutheranism was adopted by several German princes, but its most complete expression was eventually that found in the Scandinavian states and especially Sweden. In the German states, Catholic and/or Calvinist minorities remained (once the latter had emerged as the other main branch of the Reformation), whereas Sweden and Norway became purely Lutheran states.

What is interesting for the analysis of this chapter are the longer-term consequences of Lutheranism in the development of European states. There seem to be two principal outcomes. The first is a certain passivity on the part of the Lutheran churches in relation to the state, derived from Luther's ecclesiological notion of the 'invisible' Church and his devolution of several functions to the civil authorities. In the German states, this passivity has sometimes been seen as contributing to the Church's capitulation when it was confronted with powerful rulers such as Bismarck and, even more disastrously, Hitler. The German state took on a mythical hue in Herder's theories and was divinized in Hegel's dialectic. In the Scandinavian countries, and especially Sweden, the Lutheran State Church was also passive when confronted with a powerful centralizing monarchy and it was effectively incorporated into the civil service. Second, Luther had recommended that the temporal power and not the Church take responsibility for what we would now call social services. In Scandinavia, this eventually evolved into the famous Swedish model of the welfare state. It is true that this was established by the Swedish Social Democrats in the 1930s, who were not very sympathetic to the Christian church, but the Social Democrats were undoubtedly practising a secularized version of the Lutheran conception of the state (Kahl 2005: 102–6).

Two further comments might be made concerning Luther and Lutheranism's contribution to the evolution of the modern state. The first is that although Luther accepted the notion of 'Christendom', he conceived this to be at the level of a medium-sized state such as Saxony, whose Elector provided him with protection and for which he designed a state church. Unlike Sweden, Saxony was not an independent monarchy, but it is not difficult to see how the notion of a 'state church' could develop out of this change in scale from the wider European political system (as described in the earlier part of this chapter, where the 'Church' spanned the entire European territory as it was then defined) to the much smaller territories of Saxony or Sweden. This was the beginning of the concept of 'national' Churches, which would ultimately receive its consecration in the Peace of Westphalia. The second key notion that Luther encouraged was that of ethnicity. The very title *Address to the German Nobility* illustrates a consciousness of his own 'national' or 'ethnic' identity, as does the offence Luther took at what he perceived as the Italian stereotype of the boorish, drunken German; in turn, he stereotyped the Italians as being corrupt and decadent. Saxony could not become a 'German' state, since Germans could be found throughout the Empire, but this was a powerful incentive towards the development of an 'ethnic' conception of nationhood.

Calvin, Calvinism and the modern state

Calvin (1509–64) was younger than Luther, but his influence on the future direction of the Reformation was just as profound; from the perspective of the evolution of the state, it was perhaps even more important. Although Calvin accepted many of Luther's theological ideas, he also developed arguments of his own and interpreted some of Luther's concepts in a different way (Troeltsch 1931).

The key difference between the political ideas of the two reformers lies in their conceptions of the relationship between civil and religious authorities. Luther gave the civil authorities much greater power over church matters than Calvin would have allowed. This may be a reflection

of the different circumstances in which the two men worked out their theological ideas. Luther, as noted, lived in the relatively large state of Saxony, while Calvin lived mostly in cities (except for his early years in the kingdom of France). The more radical versions of the Reformation, which Calvin adopted and further extended, were being elaborated by Zwingli in Zurich and Bucer in Strasbourg. In fact, Calvin was on his way to join Bucer when he was diverted to Geneva, where he would spend most of the rest of his life. The Swiss Reformation, of which he became the leading figure, was thus fought out at the level of cities and cantons, thus on a much smaller scale than in Saxony (Close 2009).

Calvin's principal ideas on the relationship between civil and ecclesiastical authorities are found in Book IV, Chapter XX of his *Institutes*. This is a more measured (that is, less violent in its language) document than Luther's writings and is influenced more by Calvin's humanistic learning and legal training than by the passion and heat of the battle that marked Luther's writings. Calvin's theology was dominated less by the notion of human sinfulness than Luther's and more by an awareness of God's glory that relativizes all human affairs. Nevertheless, he held civil magistracy in high regard and demanded that Christians obey their rulers (a precept shared by Luther and contemporary Catholics). But Calvin's experiences in Geneva would prove crucial to the evolution of his understanding of relations between the Church and civil authorities. Even before the Reformation, the civil magistrates of Geneva (an imperial city dominated by a local prince-bishop) had won a certain amount of autonomy from the bishop. When the Reformation reached the city, the magistrates were determined to keep it under their control. Calvin resisted these attempts at suppression and, in contrast to Luther, developed the idea that the Church should be responsible for its own affairs rather than be subordinate to the civil authorities. A long struggle between the two groups followed; at one point, Calvin was expelled from the city, but he was later allowed to return. Calvin gave more thought than Luther to the form the political system should take – that is, whether it should be a monarchy, aristocracy or democracy. Although he would have been happy with any of these systems if they were Protestant, he seemed to prefer aristocracy, democracy or a mixture of the two. Calvin also grudgingly recognized the right of Christians to resist unjust rulers.

Calvin saw his own theology as a continuation of Luther's and there are important similarities in the approaches of the two reformers: they shared similar critiques of the mediaeval Church and of scholasticism; both were influenced by humanistic scholarship, especially the return to the original sources of the Bible; they had similar understandings of *sola scriptura* and *sola fide*; and both had an Augustinian pessimism with regard to human nature. However, there were also important differences, particularly in their ecclesiologies and sacramental theologies. Luther retained more of the Catholic ecclesiology, particularly with regard to the ministry, and more of the Catholic notion of the real presence of Christ in the Eucharist. Calvin's ecclesiology took a 'presbyterian' form, with church government dominated by 'elders' who oversaw 'ministers' who were 'called' by the congregation rather than being appointed by bishops. This is not to say that the early Calvinist congregations were 'democratic' in our sense of the word, but certainly we can see here an important step towards the establishment of democracy. Later Calvinism also facilitated the abandonment of the mediaeval Church's ban on usury, which led to a loosening of the constraints on the market. This liberated marketplace eventually developed into modern capitalism, as Weber noted (Troeltsch 1931; Weber 2002 [1905]; Polanyi 2001 [1944]).

Radical Protestantism

As hinted at above, both Luther's (early) work and Calvin's writings seemed to suggest that revolt against civil and/or religious authorities was permitted if these authorities acted against

God's commandments and against a godly way of life. These ideas were taken up by various sects in two different ways. One tendency, exemplified by Thomas Münzer, was to resort to violence in order to overthrow the current rulers and install a radical version of the Kingdom of God on earth. Attempts to do so were ruthlessly suppressed by the civil authorities in Lutheran, Calvinist and Catholic countries. The second tendency was to express disapproval of the sinful status quo through withdrawal from the world and the establishment of autonomous monastic-style communities seeking to live a godly life. This tradition largely derives from Menno Simons, a Dutch Catholic priest who renounced the priesthood and embraced the Reformation. Today, the descendants of this movement can be found primarily in North America in the form of the Mennonites, the Amish, the Hutterites, etc. Some of these groups have been prominent in modern peace movements.

The Reformation in the British Isles: Anglicanism, Scottish Calvinism and Welsh Nonconformity

Is there an 'Anglican' perspective on the relations between Church and state? There are, in fact, several different perspectives that derive from the successive stages of the Reformation in England. Although Henry VIII was, in most respects, a faithful Catholic in terms of doctrine, he was also a representative of the Tudor dynasty, which had been engaged in a process of centralization of the state from about the fifteenth century onwards. He should therefore be seen as one of the monarchs (alongside the French and the Spanish) who sought to assert the rights of the territorial state against the claims of the papacy and the Empire. The Tudor monarchs, like their predecessors, had also been concerned about neutralizing the claims of the English barons. While Henry was opposed to Lutheran theology and, in particular, Luther's doctrine of the Eucharist, he turned the religious turmoil of the early Reformation to his advantage by setting himself up as the head of the Church of England (thereby ensuring that he could obtain a divorce) but also by seizing the vast holdings of the monasteries and religious houses of England, Wales and Ireland and selling them off, thus replenishing the royal coffers with much-needed revenue. However, what was most important for the subsequent development of Church–state relations in England was the establishment of a national Church – the Church of *England*, not of Rome. This gave a powerful impetus to the already existing sense of English nationality (Greenfeld 1992: 27–88) that only grew under the reigns of Henry's successors to the throne (with the exceptions of Mary I and James II). Whatever the regime – monarchy, Cromwellian dictatorship or parliamentary constitutional monarchy – the Church now 'belonged' to the nation and came to be seen as an essential element of *Englishness*. This attitude persists even to the present day (for the moment): the Church of England is still the established church of the country (but not of Scotland, Wales or Northern Ireland), and Anglican bishops sit in the House of Lords, the upper house of the legislature.

As a consequence of the spread of the British Empire, Anglicanism became an international religious movement with a world-wide Anglican 'communion'. In some cases, the Anglican Church became the established church of the British territory or colony. The key issue was whether subjects would pay tithes to the established church as they did in Ireland and Wales when the Church of England was established there. In these two countries, there were movements for disestablishment closely connected to Irish and Welsh nationalism that eventually succeeded (in Ireland in 1869 and in Wales in 1920). The Anglican Church has survived in Ireland (as the Church of Ireland) and Wales (as the Church *in* Wales) and also in Scotland, where it is known as the Scottish Episcopal Church. The Anglican Church was also established

in several colonies or parts of colonies in the United States: in Virginia in 1609, in the lower part of New York in 1693, in Maryland in 1702, in South Carolina in 1706, in North Carolina in 1730 and in Georgia in 1758. This meant that all the inhabitants of these states had to pay taxes to the Church. These arrangements came to an end with the signing of the Articles of Confederation and the creation of the federal United States. One of the aims of the Constitution was to prevent the creation of an established church in the federation, but it also guaranteed freedom of religion in public life. In Canada, the Church of England was established by law in Nova Scotia, New Brunswick and Prince Edward Island.

However, my primary concern in this section is to explore the connection between changing ecclesiological conceptions of Anglicanism and their impact on church–state relations. Although, as noted, the Church of England passed through several different phases, the overall position has been the Erastian notion that the state should have supremacy over the Church. Constitutionally, the prime minister (even when the office-holder is an atheist, as Lloyd George was) must approve the appointment of Anglican bishops, although Gordon Brown promised reforms in this area when he became prime minister. At the same time, the Church of England could not achieve hegemony in the same way that the Church of Sweden did by eliminating all rivals. For one thing, in England (but also in Scotland, Wales and Ireland) there was much greater religious heterogeneity: the Church of Scotland was Calvinist but co-existed alongside the Anglican Episcopal Church, the Roman Catholic Church and various smaller Protestant sects such as the Free Presbyterians (the 'Wee Frees'); in Wales nonconformists (Methodists, Evangelicals, Quakers, etc.) were stronger than the established Church of England; in Ireland the majority of the population remained Catholic, with an Anglican Anglo-Irish aristocracy dispersed across the entire island, a strong Presbyterian minority in Ulster and a variety of Protestant sects. All of this meant that although the state (the monarch and the organs of government) remained in Anglican hands, it had to come to terms with the wide variety of other Christian faiths. This may be one of the factors that led to what political scientists call Anglo-Saxon pluralism. Interestingly, in (Protestant) Anglophone Canada, this notion of political pluralism, expressed through 'multiculturalism', contrasts strongly with the situation in (Catholic) Québec, where there is a more statist notion of politics and where 'interculturalism' rather than 'multiculturalism' is the dominant approach.

Roman Catholic perspectives

As with the other theological traditions, there is no one Catholic position with regard to church–state relations. We must distinguish here between the papacy (which, as noted on p. 53, was a temporal as well as a spiritual power in the Middle Ages) and the different ecclesiastical situations in various parts of Europe. First, even before the Reformation, there were tensions between advocates of conciliarism (such as Marsilius of Padua, who held that the supreme spiritual authority of the Church lay with councils of bishops) and the advocates of papal monarchy (who saw the pope as the supreme authority). Temporal rulers chose sides in this debate, generally less out of theological conviction than political expediency; there were even cases of advocates switching position depending on which ruler was supporting them (Ozment 1980).

Following the Reformation, the political situation changed dramatically, with the rise of political nationalism and the first signs of the modern state (particularly in Protestant Europe). There were differences among Counter-Reformation Catholic theologians – such as the Jesuit Robert Bellarmine (1542–1621), who promoted monarchy, obedience and hierarchy (Höpfl 2004), and others, including the Dominican Francisco de Vitoria (*c.*1492–1546), who (drawing on a revived Thomism) emphasized the common good (Nemo 2002: 176). The papacy itself

looked on developments in post-Reformation Europe with disfavour; this eventually became a systematic opposition to modernity that reached its culmination in Pius IX's notorious *Syllabus of Errors* (1864). It is true that between the Reformation and the promulgation of the *Syllabus* there had been the French Revolution and the looming spectres of anarchism and radical Marxian socialism. Furthermore, particularly within Catholic countries, liberal nationalism and Republicanism had taken on a vicious anti-clerical aspect. In Italy, the Risorgimento was in full swing; the Papal States themselves were gradually whittled away until the pope was reduced to his enclave in Rome. Catholic ecclesiology in the nineteenth century, in addition to believing the Catholic Church to be the only true Church, also conceived it to be an embattled fortress besieged by the forces of Protestantism and modernity – nationalism, liberalism, freemasonry, socialism and revolution. The *Syllabus* can be seen as a panicked reaction to these threats from without. This began to change when Leo XIII, elected pope in 1878, moderated the extreme stance of Pius IX by beginning to come to terms with modernity at least to some extent in, for example, his encyclical *Rerum Novarum* (1891). Nevertheless, the hierarchy of the Catholic Church maintained an ecclesiology (the 'fortress' model) that was a reaction against the Protestant Reformation, the eighteenth-century Enlightenment, the French Revolution and the rise of the modern state and industrial society. This lasted until the Second Vatican Council (1962–5) adopted a radically different approach with its *Dogmatic Constitution on the Church* (*Lumen Gentium* 1964) and *Pastoral Constitution on the Church in the Modern World* (*Gaudium et Spes* 1965).

The papal position on church–state relations rejected the Lutheran and Erastian idea that the state should have supremacy over the church; it viewed itself as exercising a 'spiritual sword' that was superior to the 'temporal sword'. Although it finally came to accept that the modern state, even in Catholic countries, would not submit to the spiritual authority of the pope, it still sought to obtain for itself a special position in these countries that would give it an important role in public affairs. In some countries, such as the newly independent Ireland (1922) and Franco's Spain (1936–76), it certainly did occupy such a position. In others, such as Italy and the countries of East and Central Europe before Communism, it approximated this position through the system of concordats. The Holy See, recognized as an autonomous and sovereign state in its own right, also built up a diplomatic corps in many countries (which still exists today).

However, it is also necessary to consider the positions of different hierarchies. Although the papacy looked askance at the growth of nationalism, in practice several Catholic countries also became 'Catholic' nations. This was true of France and Spain – particularly the former, which developed a variation of ecclesiastical nationalism known as Gallicanism that opposed ultramontanism (i.e. primary loyalty to the pope). This allowed the French and Spanish monarchs an important say in the appointment of bishops and lower clergy, even though (in the context of the conflicts brought about by the Reformation) these kingdoms remained within the Catholic fold. When modern nationalism spread across Europe after the French Revolution, some countries (such as Ireland and Poland) used their Catholic faith as an important element of their national identity. This led to some curious situations, such as when, in the latter half of the nineteenth century, the British government allied with the Vatican to condemn the revolutionary Republican movements in Ireland. Irish nationalists responded by saying, 'We take our religion from Rome and our politics from home' (quoted in Keogh 1986: 68). There were also Catholic thinkers and movements that were sympathetic to the ideals of liberalism and democracy, such as Lammenais and Lacordaire, who published the journal *L'Avenir* (Nemo 2002: 603–8). However, such figures tended to incur condemnation from Rome and sometimes ended up leaving the Church.

Central to these developments was ecclesiology. The Catholic version of ecclesiology had become somewhat unbalanced after the Council of Trent (1545–63) and the extreme positions adopted by Pius IX. It was almost as though Catholic teaching was defined by emphasizing whatever distinguished Catholicism from Protestantism: devotion to Mary, the promulgation of the dogma of the Immaculate Conception, papal infallibility, Catholic devotions such as the rosary, etc. Of course, Protestants also adopted the opposite unbalanced and exaggerated positions – for example what has been called 'bibliolatry' or even iconoclasm. It was only during the twentieth century that more balanced positions began to be developed, with the *Nouvelle théologie* in Catholicism[3] and the growth of the ecumenical movement beginning in the 1930s. On the Catholic side, the Second Vatican Council (1962–5) was the culmination of this trend; it also had a profound impact on church–state relations. It is true that the Vatican often established relations with unsavoury regimes such as Franco's Spain and the 1941 Ustaša puppet regime led by Ante Pavelić in Croatia.[4] However, beginning in the 1960s, the Catholic Church was often in the vanguard of movements for democracy and social justice in Africa, Asia and Latin America as well as in the developed world.

The modern nation-state

We now turn to the impact of religion on the evolution of the concept of the modern nation. In her book *Nationalism: Five Roads to Modernity* (1992), Liah Greenfeld asserts that the *modern* nation began with the Protestant Reformation, particularly the English Reformation. She argues that England led the way by defining itself as a *Protestant* nation in contrast to *Catholic* France, which was the second modern nation. Germany, Russia and the United States followed distinctive 'roads' to modernity, but in each case religion played an important role. It should also be noted that the Reformation, by introducing the principle of 'national' churches – the Church of Sweden, of England, of France, etc. – consolidated the notion of a nation as identified with a particular confession and with a particular state. The 1648 Treaty of Westphalia ended the Wars of Religion through the application of the principle of *cuius regio, eius religio* – 'the religion of the ruler will be the religion of the state and people' – an idea that had been in circulation since the 1555 Peace of Augsburg. Westphalia featured two elements that became important in the subsequent development of the nation and the state: first, it consolidated the existence of state churches and, second, it introduced the principle of non-intervention of one state in the internal affairs of another, thus clarifying the notion of 'sovereignty'. Modern international relations is a secularized version of this principle.

The development of the modern *democratic* state also progressed in the period after the Reformation, principally during the seventeenth and eighteenth centuries. This occurred through the three great revolutions of this era: the 1688 'Glorious Revolution' in England, which consolidated parliamentary government against absolute monarchy; the 1776 American Revolution, whose 1778 Constitution established the world's first modern federal system; and the 1789 French Revolution, which created the modern unitary nation-state (the 'one and indivisible Republic') and the notion that the 'nation' was identical to 'the people'. These revolutions gave us the three currently dominant forms of the state: the 'union' state of the United Kingdom (that is, formed by the 'unions' of England with Wales, Scotland and Ireland, respectively), the American federal state and the French unitary state. Most modern states subsequently adopted one of these three forms; the majority have opted for the federal or unitary models, although in recent years there has been a growing interest in the model of the 'union' state. These revolutions and state forms were the result of many political, economic, social and

religious factors, as well as the influences of political philosophers and theologians; the best known of these include Machiavelli, Hobbes, Bodin, Montesquieu and Rousseau (who vacillated between Roman Catholicism and the Reform tradition).

My argument is that these different ways of organizing the state according to specific concepts of nation and state derive, at least in part, from the different and competing theologies of the church, of church and state, and of church and politics that were actively debated in the most crucial period of nation- and state-building in the sixteenth century. However, my interest here lies in what the consequences of these positions were for subsequent political organization and the development of political theory, even in its most secularized expressions.

The contemporary situation: religion, secularization and 'post-secularism'

Do these historical and theological considerations have any relevance to the contemporary state? Thanks to the secularization processes initially identified by Peter Berger (1967) and more recently propounded by Steve Bruce (2002), whose work is inspired by sociologists such as Weber and Durkheim, religion has largely been consigned to the purely private sphere and is no longer seen as relevant to contemporary politics, except in the negative sense of its exclusion. The sociological version of the secularization thesis involves a rather crude reading of modern European history that holds that, with increasing 'modernization' and the emphasis on scientific explanations of the world and more 'rational' forms of social organization, 'religion' will eventually disappear or at most be confined to the sphere of private individual beliefs and activities (rather like bird-watching or stamp-collecting). Following Max Weber's dismissal of religion as being unworthy of a rational being, this became a dominant paradigm in the social sciences, not just in sociology but also in other disciplines such as political science, international relations and economics (Gregory 2012: 299).

It would appear that secularization in the sense described above did occur in Western European countries; however, in recent years there has been a vigorous debate about the original thesis. Die-hards such as Steve Bruce have dug in their heels, refusing to abandon the theory that religion would disappear or become irrelevant. Other sociologists, political theorists, theologians and historians have adopted more nuanced positions. Berger (1999) now admits that the original thesis was wrong, at least in its prediction that religion would disappear. It has not disappeared; on the contrary, it seems to be alive and well even in the United States, the world's most 'modern' state, although Berger does think that the prediction may be more accurate as a description of Western European trends (Berger *et al.* 2008).

This change of position is based on empirical realities. Far from disappearing, religion seems to thriving in most parts of the world (Micklethwait and Wooldridge 2009). The secularization thesis largely holds in Western Europe and some countries similar to Europe (such as Canada, Australia and New Zealand), but not in other parts of the world such as the United States, Latin America, Africa and Asia. Even China is experiencing a revival of religious faith and practice; given the enormous size of its population, China's absolute numbers of religious believers and practitioners outnumber their equivalents in Europe. Furthermore, the liberation of the former Communist states of East and Central Europe and the Soviet Union has also led to a revival of religion in several countries in that region. This is admittedly uneven, ranging from the strong Catholic presence in Poland to the majority atheism of the Czech Republic (Slovakia, by contrast, is also strongly Catholic). The 2004 EU enlargement meant that large numbers of Poles, Lithuanians and other East and Central Europeans who were practising Catholics arrived in

Britain and Ireland, helping to reanimate declining parishes in these countries. Finally, the presence of large Muslim immigrant populations in several European countries and the rise of militant Islamism have placed the question of religion on the public and political agendas through issues such as the status of women, Muslim attitudes towards homosexuality, sharia law, etc. Negative reactions to Islam have led to the questioning of multiculturalism and attitudes of tolerance in the UK, the Netherlands and Germany, while the French have resorted to the traditional notion of *laïcité* on issues of dress codes in schools and in public places (with regard to the *burqa* and the *hijab*). In addition to these recent manifestations of religion in European states, there is also the fact that even though religious practice has declined, churches and other religious organizations have never completely gone away. Churches are constitutionally and legally recognized in all European states and by the European Union (Doe 2011). Furthermore, they are responsible for the delivery of a range of public services. The key question is how this recognition and this involvement in public service delivery relate to liberal representative democracy. We will examine these three aspects of the religious question in turn.

Nevertheless, even if there are empirical manifestations of religion at the level of society, it is not the case that *states* are becoming more secular. John Milbank (1990), founder of the theological school known as 'radical orthodoxy', claims that, in reality, what we think of as 'secular' institutions and the social theories that try to describe and explain them actually have a religious foundation. In other words, they are not fully 'secular', in the sense that they have completely escaped their religious or even theological roots. My argument in this chapter is related, although I think one can also speak of the 'secularization' of concepts and phenomena that may have their origins in theological constructs. This is what has been argued above with regard to the development of European states such as Sweden and the Netherlands: the original theological concepts have been all but forgotten, but the content of those concepts still plays a role in shaping the form of the state and the political, policy and administrative culture of that state (Kahl 2005). In his sociological writings, David Martin has long been a critic of the cruder versions of the secularization thesis; he asserts that religion and society have always existed in a dialectical relationship with each other, and that this is true in the modern era as well as of previous periods (Martin 1978). Charles Taylor (2007) argues a similar point in his massive volume when he states that it was the reforming efforts of the Christian church – even before the Reformation itself – that laid the foundation of the modern secular state. So, how secular is the modern state? We now turn to this question.

Constitutional and legal recognition of religious groups

The Treaty of Westphalia was originally established to end the Wars of Religion that had followed the Reformation; these conflicts had divided the Holy Roman Empire, although religious conflict had broken out in other parts of Europe as well. Although the term 'Westphalian state' is today taken to refer to a state that does not intervene in the affairs of other states, its original meaning entailed a recognition of the confessional state. One consequence of this was the phenomenon of 'established' churches in Protestant Europe and a special recognition of the Catholic Church in Catholic Europe. This arrangement still largely holds today in several European states. Church–state relations in Europe can be described as a spectrum; at one end, there are the established churches of England, Norway, Denmark and (until 2000) Sweden. At the other end of the spectrum, there is France, where since 1905 there has been complete separation of church and state and a distinctive concept of *laïcité.* In between, there are various arrangements that regulate church–state relations, such as concordats between the Holy See and the state, as is the case in

Italy and in some of the former Communist states. Ireland's 1937 Constitution granted 'special recognition' to the Catholic Church; however, this clause has since been removed as part of the reconciliation process between the two parts of Ireland (there is a large Protestant population in the North). Even if their constitutions do not explicitly mention religious groups, many countries have passed legislation to regulate religious activities, and, in practice, many public services, such as education and health care, are delivered by religious organizations. In the United States, there was also the separation of church and state following the establishment of the Federation; the First Amendment to the Constitution (1791) forbids the establishment of religion but also guarantees its free exercise. Unlike in France, this was not designed to stifle religious expression in the public sphere but rather to ensure that no one church dominated over others, as had been the case in some of the European countries (including England) from whence most of the original colonists came. The result has been a lively presence of mostly Christian groups as well as much smaller numbers of other faiths in American civil society and even an assumption that all political leaders will profess a religious faith. At present, it is highly unlikely that an atheist will be elected to high public office. In contrast, in some European countries candidates tend to play down any religious affiliation, the most notorious example being perhaps British prime minister Tony Blair, who wanted to convert to Catholicism but waited until he left office to do so. Alistair Campbell, his 'spin doctor', notoriously said, 'We don't do God!' (*Daily Telegraph*, 4 May 2003).

The question of the place of religion in the European Union was debated during the Convention on the Future of Europe, which was presided over by Valéry Giscard d'Estaing. The Convention was an attempt to draw up a 'Constitutional Treaty' for Europe, a document whose preamble laid out some of the values and principles of the European Union. One issue was whether Christianity or even 'religion' should be explicitly mentioned in this preamble. The member states were divided on the question, with countries such as the UK, the Scandinavian countries and France being opposed and others, including Poland (then a candidate for EU membership), Spain (under Aznar), Italy and Malta (also a candidate), being in favour. Interestingly, this represented a division between northern (Protestant) Europe and southern (Catholic) Europe. France, although traditionally Catholic, opposed the reference on the grounds that it would interfere with its tradition of *laïcité*. In the end, the references to Christianity and 'religion' were dropped in favour of a vaguer reference to 'spiritual' traditions. Nevertheless, the Constitutional Treaty (and the subsequent Lisbon Treaty) gave constitutional recognition for the first time to churches and religious groups as organizations of European civil society.

Religious groups and the delivery of public services

Religious organizations, mainly Christian denominations but also other groups such as Muslims, Jews and Sikhs, are involved in the provision of a wide range of public services, many of which are delivered on behalf of the state. The largest sector here is education, where, despite the efforts of secular liberals to remove the church from this sphere, many schools are run by religious organizations. This is the case in the UK, Ireland, the Netherlands (where about 70 per cent of schools are church schools), Italy, Spain, Germany and even France (where Catholic schools are termed *les écoles privées*). There are also a growing number of Muslim, Jewish and Sikh schools. Other services provided by religious organizations include health care, social services, orphanages and care for the elderly, immigrants, refugees and asylum seekers. Many of these services are at least in part funded by the state, but also in part by the religious organizations themselves through donations from their members.

Of course, the mere fact that religious organizations provide these services does not mean that all those involved in delivering the services and all those who benefit from them are believers. For example, many of those who teach in Catholic schools may not be practising Catholics or even believers. Similarly, many pupils in these schools come from homes that are highly secularized and only nominally Catholic (if at all). Nevertheless, the delivery of these services ensures that religious organizations do in practice still occupy a place in the public sphere. A basic issue that has arisen in contemporary Western societies is to what extent these organizations remain free to practise their own beliefs and whether there may be limits to this. We now turn to the question of religious freedom in political theory.

Contemporary approaches to religious freedom in political theory

Rawlsian secularism

Political theory in the Anglo-Saxon world has been dominated by the work of John Rawls, the American political scientist whose book *A Theory of Justice* (1971) provided a philosophical underpinning to the kind of secularist liberal democracy described above, although he did modify his position on religion in his later work *Political Liberalism* (1993). Rawls was concerned with how to reconcile the principles of equality and freedom in a society marked by inequality and unfairness. In *A Theory of Justice*, he develops two principles of justice: the *liberty principle*, establishing equal basic liberties for all citizens, and the *equality principle*, which would guarantee liberties that represent meaningful opportunities for all in society and ensure distributive justice. However, in order for the members of a society to agree to these principles, Rawls introduces a mind-game, arguing that the actors should start from what he calls an 'original position': from behind a 'veil of ignorance' they should agree on certain basic rights and the redistribution of benefits. This is based on the idea that they would thereby set aside knowledge of their own personal characteristics and their own place in society (their social class, religion, economic situation, etc.) as well as what he calls 'comprehensive doctrines' (doctrines that make negotiation difficult, of which religion is the most striking example), using 'public reason' in order to arrive at a consensus on the basic rules of co-existence. It is here that religious believers might part company with Rawls, as he assumes that religious beliefs are inherently incompatible with 'public reason'. However, the intellectual and cultural elites who have come to dominate Western institutions and the academy since the 1960s tend to agree with Rawls on this point. As Thomas Farr has argued, 'Rawlsian assumptions about the inherently anti-liberal and anti-rational characteristics of religion are widely shared among intellectuals in the West and the United States, including both secularists and many Protestants and Catholics' (Farr 2008: 49).

Rawls's work has provoked a heated debate, with critiques issued by scholars from a wide variety of intellectual traditions, including the communitarian Michael Walzer (1983), the libertarian Robert Nozick (1974) and Amartya Sen (2009), whose research is centred on 'capabilities'. But most of these scholars would probably agree with Rawls's position on the negative consequences of religion for liberal democracy, as well as with the precept of restricting religious belief and practice to the private sphere. Others, however, see a more positive role at least for certain religious traditions, perceiving them as potentially necessary to support democracy; far from suppressing such traditions in the name of democracy, these scholars argue, they should be actively encouraged. In fact, Rawls himself later adopted such a position in the 1993 book *Political Liberalism*, although it is the early Rawls that has been most influential. Before examining this more positive understanding of religion and politics, it will be useful to consider another secularist position that differs from the Rawlsian approach: 'value pluralism'.

Value pluralism

This approach, which stems from the theories of Isaiah Berlin, has been developed by Joseph Raz (1986), John Gray (1995) and, more recently, Peter G. Danchin, who has applied it to the principle of religious freedom in international and domestic law (see Danchin 2008a, 2008b). Value pluralism rejects the Rawlsian idea that there is something called 'public reason' capable of supplying a 'meta'-liberal legal framework that takes precedence over any particular value system, including a set of religious beliefs. In his *Four Essays on Liberty* (1960), Berlin argues that, '[i]f the claims of two (or more than two) types of liberty prove incompatible in a particular case, and if this is an instance of the clash of values at once absolute and incommensurable, it is better to face this intellectually uncomfortable fact than to ignore it, or automatically attribute it to some deficiency on our part which could be eliminated by an increase in skill or know-ledge; or, what is worse still, suppress one of the competing values altogether by pretending that it is identical with its rival – and so end by distorting both' (quoted in Danchin 2008b: 2). In *The Crooked Timber of Humanity*, Berlin suggests that value systems may be ultimately 'incom-mensurable'; that is, no one value system may be placed in a hierarchy of more or less true beliefs (Berlin 1998: 9). They are different sets of beliefs that simply represent divergent inter-pretations of the good life that are valid within their own communities. Gray accepts this position but argues (unconvincingly, in my opinion) that this is not the same as moral relativism. The political consequences of such an approach are very different from those of Rawls's legal liberalism; in fact, value pluralists argue that difficulties should be resolved not through law but through politics and debate (although Peter Danchin has developed this perspective from the point of view of international and domestic law).

What is positive about this approach from the perspective of religious freedom is that it seriously considers the substantive content of religious beliefs and practices, arguing that these should be respected as varying accounts of what their adherents perceive to be the good life. This also seems to imply that the Rawlsian meta-legal framework for managing plurality based on the 'original position' and the 'veil of ignorance' itself represents a definition of the good life that has no inherent superiority over any other account, despite its claims. However, there is also something inherently relativistic about the 'value pluralism' approach, in that it seems to deny the possibility of developing an approach that derives from our common humanity and that could form the basis of relationships among different groups and between these groups and the state. It is difficult to see how 'value pluralism' differs from the Western 'multiculturalist' approach that it criticizes – except that, unlike the latter, it does not denigrate Western Christian culture or view this as inferior to other cultures (Bloom 1987: 36).

Alfred Stepan's twin toleration thesis

The underlying assumption of the Rawlsian approach is that 'religion', as a comprehensive doctrine that is alien to 'public reason', is difficult to reconcile with liberal democracy and should therefore be confined to the private sphere. Challenging this idea is a third approach that has been developed in recent years by Alfred Stepan of Columbia University (Stepan 2005). Stepan and the Spanish political scientist Juan Linz conducted an extensive empirical research survey in various parts of the world on the relationship between religion and democracy. Their primary focus was the question of whether religion and democracy are compatible. They found that democracy is indeed possible, although not inevitable, in countries with majorities of believers, including Islamic countries. In his chapter summarizing the findings of this research project,

Stepan argues that religions such as Islam and Christianity are actually quite complex and may contain a variety of different currents of thought – what he calls 'multivocality' – some of which may be amenable to democracy (Stepan 2005: 12). In actual practice, there are a number of democratic states in which religion is fully recognized and accepted by the state – for example Hindu-dominated India, with its Muslim, Buddhist, Jain and Christian minorities, and Muslim Indonesia. Other such democracies include the Orthodox countries of Romania, Bulgaria and Greece (although this country only recognizes the Orthodox Church). Several countries of Western Europe are democracies with established churches or in which religious groups are present in the public sphere through their provision of public services such as education and health care (see also Doe 2011). Furthermore, following the Second Vatican Council, the Catholic Church has been one of the prime movers in the third wave of democracy in Latin America and Africa (Huntington 1991). However, Stepan also recognizes that some strands within religious groups, including both Islam and some branches of Catholicism, are not conducive to liberal democracy. Some Muslim groups reject democracy that is based on the notion of 'sovereignty of the people', since only Allah is sovereign. In Catholicism, the Church historically refused to recognize the legitimacy of liberal democracy, accepting it only after the Second Vatican Council. Furthermore, there is a strand of *intégriste* Catholicism that nostalgically clings to old conceptions of Church and Throne or, even more sinisterly, to extreme right-wing ideas (*Le Nouvel Observateur*, 14 November 2011).

It is with this background in mind that Stepan has proposed what he calls the 'twin toleration' thesis.[5] He argues that the Rawlsian approach of secularism cannot succeed in societies with significant religious communities; in fact, it is likely to be counterproductive by alienating such communities from mainstream society. Almost no liberal democracy has actually followed the Rawlsian approach, nor is any likely to do so. According to Stepan, this is because democracy 'is a system of conflict regulation that allows open competition over the values and goals that citizens want to advance', but there are democratic boundaries within which such competition takes place (Stepan 2005: 5). This requires the negotiation of a democratic covenant between civil and religious authorities – the 'twin toleration' of each by the other. Government permits both private and public religious activity, including activities designed to influence public policy, within very broad, equally applied limits. Religious individuals and communities agree to avoid actions that 'impinge negatively on the liberties of other citizens or violate democracy and the law' (Stepan 2005: 10–11).

The Stepanian approach could have a number of positive effects, both for the practice of democracy and for the religious organizations that are present in pluralistic societies.

First, it would enrich democracy itself, as it would embrace religious groups, with all their rich knowledge of humanity and experience in delivering a wide range of services that benefit the common good. Robert Putnam has spoken of 'social capital' as essential for the functioning of a democratic society, and religious groups make an important contribution to this capital (Putnam 1993). In the United Kingdom, the current coalition government's 'Big Society' programme has strong affinities with Catholic social teachings; the involvement of churches and other religious communities in this programme could contribute to the enhancement of social capital (Loughlin *et al.* 2013). Furthermore, some of the underlying principles of liberal democracy and human rights have their origins in religious concepts: the intrinsic dignity of human beings, the equality of all people by virtue of their common creator and heavenly father, the imperative to love one's neighbour as oneself, etc. Contemporary lists of human rights are often secularized versions of these principles, but by themselves they have little intrinsic justification. Without this philosophical and ethical underpinning and without a truly humanistic

understanding of these rights (that is, imbued with an integral humanism), they could come to be manipulated by powerful lobbies and groups that may be promoting something that is less than human.

Second, the twin toleration approach would help religious organizations to adapt themselves to democracy. As mentioned above, no major religious group – Christianity, Islam, Hinduism or Judaism – is 'univocal'; rather, they are made up of different tendencies, some of which are more compatible with democracy than others. Stepan's approach would encourage these latter tendencies to come to the fore, and this may help the group as a whole to become more successfully integrated into a pluralist, democratic society. In fact, this approach may be important in developing democratic theory and practice; it may be that new forms of democratic expression will develop as a result. In contrast, secular Rawlsianism, multiculturalism and value pluralism all tend to reinforce the more anti-democratic tendencies within religious groups, either forcing them into or encouraging them to maintain a marginalized position. Encouraging these organizations to participate fully in the public sphere may thus be good for democracy itself.

It is obvious that the Stepanian approach can only work if the principle of religious freedom – understood in both its individual and collective senses – is fully respected.

The implementation of the principle of religious freedom in domestic politics and in international affairs

In modern society we find a somewhat paradoxical situation. On the one hand, many authors have acknowledged that the 1960s 'secularization thesis' has failed to materialize; on the contrary, religion is still alive and kicking in almost all parts of the world. Peter Berger, one of the original proponents of the thesis, has now declared that he and other sociologists of the 1960s were mistaken, at least with regard to countries outside Western Europe and Canada (Berger 1999), although Bruce (2002) is still holding fast to the original secularization theory. Two journalists from the *Economist*, John Micklethwait and Adrian Wooldridge, published a book in 2009 entitled *God Is Back: How the Global Rise of Faith Is Changing the World*. Monica Duffy Toft and her colleagues confirm this idea on the level of global politics (Toft *et al.* 2011). On the other hand, in recent years there has been a rise in the denial of religious freedom in all parts of the world, both in the form of attacks by aggressive secularism in Western countries and in the remaining Communist regimes and the denial of religious freedom to religious minorities in countries with a hegemonic religious majority (Farr 2008: 334, fn. 39). The latter trend is primarily found in Muslim countries, but it can also occur in countries where other faiths are dominant (e.g. in Russia and Greece, where Christian Orthodoxy is the dominant religion). Undoubtedly, the two phenomena are closely related. It is intolerable to some secularists that religion should leave the private sphere; indeed, many feel threatened by the more extreme tendencies within religious groups such as radical Islamism and the evangelical Christian right. Nevertheless, the principle of religious freedom is itself a fundamental freedom and it is important to resist attempts to undermine it. Article 18 of the Universal Declaration of Human Rights states that '[e]veryone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance'. The European Convention on Human Rights includes a similar article – Article 9 – that seeks to protect freedom of thought, conscience and religion.

Recent developments in Western states and elsewhere indicate that the provisions of these articles are not being comprehensively respected. A valuable source of information in this regard

is the International Religious Freedom Report, which is drawn up each year by the US State Department. The report for 2011 states, 'Governments restricted religious freedom in a variety of ways, including registration laws that favored state-sanctioned groups, blasphemy laws, and treatment of religious groups as security threats.' The report identifies what it calls 'chronic and systemic violators of religious freedom': China, North Korea, Iran, Saudi Arabia, Eritrea and other countries with authoritarian governments. However, the report also chronicles violations of religious freedom across the world, including those in Western developed countries. Although not mentioned in the State Department's report, these infringements range from the closure of Catholic adoption agencies in the UK because of their refusal to allow homosexuals to adopt children to the attempt in Italy by a Finnish atheist to remove crucifixes from school classrooms. There have also been a series of controversies over the wearing of religious symbols or clothing (in France, Belgium and the UK) and over whether Christians may refuse to participate in abortions or civil partnership ceremonies for homosexuals. With 'homosexual marriage' now a legislative reality in France and the UK (in England and Scotland), these tensions could become more pronounced. We should not compare the position of European Christians with the violent persecution of Christians taking place in other parts of the world; however, there seems little doubt that the human right of religious freedom of these individuals is being denied in some instances.[6]

One of the problems has been in the way that Art. 9 of the European Convention and Art. 18 of the Universal Declaration are interpreted. Courts and administrations in some countries (including the USA and the UK) and in the Council of Europe have interpreted these provisions to mean that individuals exercise their freedom by being allowed to 'worship' or pray as individuals. This individualist interpretation seems to stem from the secularist Rawlsian perspective of liberal democracy, which argues that religious groups have no right of voice or presence in the public sphere. However, the articles can also be interpreted as meaning that religious groups have the right to express and practise their beliefs as organized communities. These would represent group rights rather than the rights of individuals. The notion of group rights has been developed by Kymlicka with regard to linguistic and cultural minorities, but it could also be applied to religious minorities (Kymlicka 1995). Furthermore, by this argument, such organized religious communities would have as much right to participate in the public sphere as any other group and would have an equal right to try to influence public policy. The Rawlsian approach leads to a situation in which a secularist approach is regarded as somehow superior to a religious perspective and where it alone has a right to be heard.

This leads to a secularist interpretation of the law and this seems to underlie some recent legal judgements in the United Kingdom and the European Court of Human Rights. Despite much evidence to the contrary, some English judges have argued, rather arbitrarily, that the Judaeo-Christian tradition has little relevance in the interpretation of English law.

Freedom of religion in international affairs

It is interesting that the academic discipline of International Relations (IR) has traditionally paid little attention to the phenomenon of religion. This is undoubtedly because the dominant approaches in IR – realism, neo-realism and liberal institutionalism – all accept the secular nation-state as the key actor in international affairs (Farr 2008: 53). International affairs are conceived of as a system of 'anarchy' (in the literal sense of there being no world government, not in the popular sense of 'chaos') in which national self-interest is the dominant driving force that motivates states in the international arena. States are regarded as unitary actors driven by self-interest and power, in the same way that individuals in society are thus driven. IR theorists have tended to

share the Enlightenment and Rawlsian secularist idea that 'religion' is inherently irrational and should not enter into relationships between states. This secularist mentality, dominant in many departments of foreign affairs in Western states, is often shared by international organizations such as the UN and the World Health Organization. 'Religion' is seen at best as irrelevant and at worst as an obstacle to development programmes. This is despite the fact that the majority of the world's population is religious in some sense and that religious organizations and NGOs are often at the coal face of development programmes.

Conclusions

A number of points emerge from these reflections. First, religion and even theology have been crucial in the development of the modern Western nation and state; the various theological traditions derived from the Reformation led to the diversity of understandings of the nation and the state in Europe and elsewhere. Second, despite the efforts of secularism to remove religion from the public sphere, religion and religious organizations remain important, both constitutionally and legally, as well as in the delivery of a range of public services delegated to them by the state in many countries. Third, there are different understandings of the way in which religion affects democratic practice. Most Christian churches would accept that Western states are secular institutions; nevertheless, they would insist that a healthy democracy requires that they be recognized as actors in the public sphere rather than confined to the private sphere. Some secularists, in contrast, would prefer to remove religion entirely from the public sphere and even from the delivery of public services. In theoretical terms, this might be seen as a conflict between the versions of democracy proposed by Alfred Stepan and John Rawls, respectively.

Notes

1 This is a revised version of 'Religion, Secularism and the Modern State: Politico-Theological Reflections' in Ferran Requejo and Camil Ungureanu (eds) (forthcoming), *Democracy, Law and Religious Pluralism in Europe: Secularism and Post-Secularism*, London: Routledge.
2 However, the nation-state has also been associated with non- and even anti-democratic political regimes, such as Nazi Germany, Fascist Italy, China, Albania and the former Communist states of East and Central Europe. Japan, the first Asian nation-state, is another example.
3 During the inter-war period and after 1945, there was a flourishing of theological debate in the Catholic Church, led by the Jesuits Henri De Lubac and Karl Rahner, the Dominican Yves Congar and the young Josef Ratzinger.
4 Although I reject John Cornwell's argument that Pius XII was 'Hitler's Pope' or did not do enough for Jews during World War II (Cornwell 2000).
5 In this section, I am following the excellent summary of Stepan's thesis provided by Thomas Farr (2008: 95).
6 The Observatory on Intolerance and Discrimination against Christians (*Dokumentationsarchiv der Intoleranz gegen Christen*), headed by Dr Gudrun Kugler, is a non-governmental and not-for-profit organization registered under Austrian law that has produced extensive documentation of cases of discrimination against Christians in Europe: http://www.intoleranceagainstchristians.eu/index.php?id=818 (accessed 8 November 2012).

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4

Contemporary European liberalism

Exclusionary, enlightened or romantic?

Gina Gustavsson

Introduction

What is the state of contemporary European liberalism? According to an emergent literature on immigration and ethnic relations, this question has become increasingly difficult to disentangle from the heated debate over how to handle the growing presence of Islam in Europe.

Consider, for example, the wave of veil bans and mandatory citizenship tests for immigrants that swept across Europe at the beginning of the twenty-first century. As we will see later in this chapter, many of these measures promote a shared European identity of *liberalism*, rather than a specifically national one (Joppke 2004, 2007). Indeed, the largely secular majority seem to experience the growing Muslim immigrant minority as a threat not only to their national identity as French, English or German, but also, conspicuously, to their ideological identity as *liberals* (Sniderman *et al.* 2004; Sniderman and Hagendoorn 2007; Adamson *et al.* 2011; Triadafilopoulos 2011). This is the background against which contemporary European liberalism must be understood.

This chapter takes a closer look at what is often described as a repressive turn in European liberalism, a turn towards a tougher, exclusionary liberalism that is generally believed to have its roots in the Enlightenment liberalism of Immanuel Kant. The turbulent beginning of the twenty-first century has placed these concerns at the top of the agenda for European politicians, intellectuals and citizens alike.

In March 2004, Europe experienced its first large-scale Islamist terrorist attack along the lines of 9/11: the Madrid train bombings. In the same month, the French *affaire du foulard*, which had been heatedly debated for over a decade, culminated in a legal ban on wearing the Muslim headscarf and other conspicuous religious symbols in public schools. Later that year, Theo van Gogh, a Dutch film-maker and vehement critic of Islam, was murdered by a Muslim fundamentalist in an Amsterdam street – and before the year was out, the Dutch populist Geert Wilders had founded the new self-avowedly liberal Freedom Party, which advocates the banning of the Quran and the Muslim veil in the name of liberty.

In the subsequent year, 2005, Islamist terror struck London. A few months later, the Danish newspaper *Jyllands-Posten* published 12 cartoons of the prophet Muhammad; according to the

editor, this was an attempt to fight back against self-imposed censorship among liberal intellectuals and artists on the topic of religion. The publication sparked violent protests throughout the Muslim world as well as in European countries, most notably the UK. The cartoon controversy also gave rise to an intense European debate on freedom of speech and of religion, a debate that quickly came to include the problematic topic of the Muslim veil.

At the heart of this debate lurk the elusive nature of liberalism and its often slippery core concepts of freedom and tolerance. The aim of this chapter is to clarify the nuances of various types of liberalism – and the related ideals of freedom – that take centre stage in these debates.

In the following analysis, I first briefly summarize the core aspects of liberalism, which is best understood as a family name shared by a number of concepts at odds with one another. The subsequent section turns to consider the empirical rise of a repressive or exclusionary liberalism in Europe, most notably exemplified by the recent surge in bans against the Muslim veil. I then return to political theory to understand the roots of this liberalism, which are often traced back to the Enlightenment and its ideal of reflective autonomy. This is followed by a section on public opinion, in which I use survey data to investigate the support for these different ideals of liberty in European public opinion. Finally, I consider some recent critiques of the theoretical framework of 'enlightenment liberalism', suggesting that there is a need to focus in more depth on its neglected cousin: 'romantic liberalism'. This results in a novel theoretical framework for assessing contemporary debates within liberalism.

The liberal family

The political theorist Michael Freeden proposes that liberalism exists in three forms: first, in the world of abstract principles, there is liberal political philosophy; second, in the contemporary world of politics and debate, we find liberalism as an ideology; and, third, in history, liberalism takes the shape of a certain narrative (Freeden 2004: 5). Because this chapter is not an exercise in conceptual history or a semantic analysis of the use of the term 'liberal', we need not dwell on definitions of liberalism as a political label or historical concept. Instead, let us focus here on its first shape: liberalism as a political philosophy.[1]

In the first chapter of *The Making of Modern Liberalism*, Alan Ryan suggests that the varied nature of liberal thought should discourage us from trying to establish exactly what liberalism is once and for all; our focus should instead be on liberalisms in the plural (Ryan 2012: 22). Nor do we here need to establish any more than the external borders of what I suggest we call the 'liberal family'. In other words, we need a minimal definition of liberal political theory that excludes other families, such as conservative or socialist political theory, but still leaves room for considerable variation between the different members of the liberal family.

The lowest common denominator among the liberal family members is undoubtedly their overriding – critics would say obsessive – concern with individual liberty, as can indeed be deduced from the etymology of the word 'liberalism' itself. Under the section on liberalism in *The Encyclopedia of Philosophy*, the British philosopher Maurice Cranston laconically observes: 'By definition a liberal is a man who believes in liberty' (Cranston 1967: 459). More recently, Gerald Gaus began his book *Contemporary Theories of Liberalism* with the following words:

> The liberal tradition in politics is, first and foremost, about individual liberty. Although its roots go far back in the history of political thought, liberalism emerged as a distinct political theory as a call for freedom of speech and of thought.
>
> (Gaus 2003: 1)

The author then goes on to quote the famous Oxfordian John Plamenatz, who said that freedom of thought 'is an idea which emerges slowly in the West in the course of the sixteenth and seventeenth centuries; and yet today, in the eyes of the liberal, it is this liberty which is most precious of all' (Gaus 2003: 1). Indeed, it is the defence of this liberty of the individual that we find at the centre of the canonical works of liberal philosophy, such as John Locke's *Two Treatises of Government* (Locke 2005 [1689]), Benjamin Constant's *Principles of Politics Applicable to All Representative Governments* (Constant 1999 [1815]) and finally John Stuart Mill's *On Liberty* (Mill 1991 [1859]).

The state, liberal philosophers typically argue, should not concern itself with the fostering of good, virtuous citizens, but rather with upholding its citizens' rights to cultivate themselves in the manner they see fit. A crucial element of liberalism in this philosophical sense is thus that it seeks to prioritize the right over the good (Manent 1995: xvi). The reason I say 'seeks' is that, as we shall see later in this chapter, many contemporary liberals concur with John Rawls that the liberalism of J. S. Mill, for example, builds on a certain conception of the good, a certain idea of what constitutes the best and highest life (Rawls 1993: 98). However, there is no doubt that Mill understood his purpose in *On Liberty* to be the separation of politics from the pursuit of the good life. His goal was undoubtedly to defend a separation between politics and ethics (albeit for ethical reasons, according to some interpreters).[2]

In summary, in the words of liberal theorist Brian Barry, the core of liberal political philosophy is the following:

> The basic idea of liberalism is to create a set of rights under which people are treated equally in certain respects, and then to leave them to deploy these rights (alone or in association with others) in pursuit of their own ends.
>
> (Barry 2003: 538)

With its declaration of this universal right to pursue one's own good in one's own way, and its links to a cosmopolitan view of justice and human rights, liberal philosophy is typically uncomfortable with the nationalist project, if not entirely in opposition to it. This is not to deny that liberalism *historically* developed in close alliance with nationalism throughout the nineteenth century; this is evident, for example, in the case of Giuseppe Mazzini (1805–72), one of the central figures behind the unification (*il Risorgimento*) of Italy, who was just as much a committed liberal as he was a national romantic (Vincent 1997: 277). However, during the later part of the twentieth century contemporary liberal parties in Europe were consistently the least nationalistic and the most cosmopolitan and pro-European (Magone 2011: 356–9).

Moreover, we are concerned here with liberalism as a political philosophy and how it has been invoked in debates, rather than with liberalism in history or in relation to party identification. Of course, a few liberal theorists, most notably Will Kymlicka and David Miller, have argued for the need to combine liberal principles with a sensitivity to the individual's need to belong to a culture or nation (Kymlicka 1989; Tamir 1993; Kymlicka 1995; Miller 1995). Nevertheless, the majority of liberal theorists have remained lukewarm (if not altogether cold) in response to demands for national belonging or cultural similarity. It is fair to say that in liberal thought individual liberty typically takes priority over the need to identify with a given community, culture or nation (Beiner 2003).

Liberalism in the European debate

Hard-line trends in liberalism

In the less philosophical and more empirical literature on immigration and citizenship, liberalism has been typically viewed as the arch-enemy of any political force that seeks to limit cultural and ethnic mixing, close national borders or differentiate citizenship (Hollifield 1992; Soysal 1994). Yet, this opposition between liberalism on the one side and culturalism on the other has been increasingly challenged by recent events in European politics.

Scholars of immigration policy and ethnic relations have suggested that European liberalism is currently undergoing a major shift on the levels of both policy and discourse. They claim that, rather than defeating nationalism, liberalism is now in the process of replacing it, quickly assuming the role of the principal ideology of belonging in Europe today. The three main examples they return to are veil bans, mandatory civic integration tests and an increasingly harsh public debate that characterizes Muslim immigrants as the intolerant 'other', for example in the Muhammad cartoon controversy of 2005 (Rostbøll 2009; Kostakopoulou 2010: 842–3; Rostbøll 2010; Adamson *et al.* 2011).

It is worth nothing that these trends are often viewed as examples of the alleged turn away from multiculturalism. However, while European politicians have certainly announced the 'death of multiculturalism', the extent to which this rhetorical shift has been paralleled by a change in policy is questionable (Kymlicka 2010) – as is, indeed, the extent to which multiculturalist policies can ever have been said to play an important role in (for example) republican France.[3] In any case, what concerns us here is not the purported death of multiculturalism, but rather the birth of a new liberalism that plays a pivotal role in the harder line that many European governments have adopted towards immigrants and Muslim citizens.[4]

Adam Tebble has suggested that we are currently witnessing the rise of 'identity liberalism', a particularly aggressive and exclusionary version of the liberal ideology. Among his most vivid examples is the famous Dutch immigration video from 2006 which tests the liberalism of would-be immigrants by showing them pictures of topless women, young people smoking marijuana and gay men kissing each other. This video certainly sends a strong message of the uncompromisingly radical identity of Dutch culture and the non-negotiable duty of all immigrants to adjust themselves to these liberal values (Tebble 2006: 474).

Other scholars have suggested that this new liberalism is inspired by Carl Schmitt's view of politics as 'based on the identity-constituting process of distinguishing between friends and enemies'. In the paradigm of this 'Schmittian liberalism', immigration policy becomes a weapon in a civilizational struggle between 'us' and 'the other'; neutrality and compromise are thus construed as impossibly naïve, since they represent the first step down the treacherous path of losing one's own cultural identity (Triadafilopoulos 2011: 871).

The Swiss minaret referendum vividly illustrates this toughened liberalism. In November 2009, a majority of 57.5 per cent of the Swiss electorate surprised much of Europe by voting 'yes' in a referendum on a constitutional amendment banning the construction of minarets in Switzerland. Although at the time of the referendum there were only four minarets in Switzerland, the pro-ban campaign posters featured a Swiss flag almost entirely covered by pointed black minarets, together with the ominous figure of a *burqa*-clad woman. The minarets bore a conspicuous similarity to rocket missiles, and their menacing presence on the Swiss flag also invoked associations with the spread of some form of pestilence or infection spoiling the previously clean nation of Switzerland. Despite this overtly racist imagery, the pro-ban campaign presented itself as the defender of the universal values of liberalism, which were portrayed as

under threat from supposedly unenlightened Muslims (Lentin and Titley 2012: 128–31; Pratt 2013: 198–200).

Perhaps the crudest case of liberalism as an identity that differentiates enemy from friend can be found in the near-exhilaration with which several influential liberal opinion-makers have reacted to Islamist terror attacks. For example, the French *nouveau philosophe* Pascal Bruckner, a self-professed believer in 'enlightenment liberalism', has declared that liberals should welcome the challenge from Islamist radicalism because it invigorates us and clarifies our self-perception:

> let us agree that we now have an enemy and that this helps us remain vigilant, in a state of alert. Here we can truly say with Thucidydes: 'Your hostility does us less harm than your friendship.' The adversary puts us in the contradictory position of wanting to defeat him and wanting to preserve him in order to retain the energy he instills in us. He is at once detestable and desirable.
>
> (Bruckner 2010a: 138)

Civic integrationism as exclusionary liberalism

Turning to the policy debate rather than the media discourse, some of the most influential work has been done by Christian Joppke. Although he is not as alarmed by the hard-line liberal trend as many others are, and in fact finds both veil bans and mandatory citizenship tests to be acceptable (cf. Joppke 2010: 115), he nevertheless maintains that 'liberalism now does the "exclusionary" work which, at an earlier time, had been done by racism or nationalism' (Joppke 2010: 2).

One of Joppke's recurring examples of this type of exclusionary liberalism is the recent convergence of several European countries toward similar policies of civic integration (Joppke 2007). In 1998, for example, the Dutch parliament passed the Law on Civic Integration for Newcomers. This law, which made 600 hours of language and civic lessons mandatory for non-European migrants, was intended to show that, after decades of parallel schools and health and community services for immigrant minorities in one of the most multiculturalist regimes in Europe, newcomers were now expected to thoroughly integrate into their host society. Many liberals believed it was time to stand up for their own culture, demanding that immigrants with supposedly illiberal values adopt the liberal norms of Dutch society. There was a rising concern that multiculturalist policies had contributed to a polarized and fragmented society, leading to the radicalization of young Muslims in immigrant neighbourhoods (Joppke 2004: 248). This concern was heightened by the murders of the gay right-wing populist Pim Fortuyn in 2002 and the Islam-critical film-maker Theo van Gogh in 2004 – although only the latter could be connected to Islam; Fortuyn's assassin was a vegan activist, whereas van Gogh's murderer was a Dutch-Moroccan Muslim enraged by the portrayal of Islam as a misogynist ideology in *Submission*, a film van Gogh had made with the Somali-born Dutch feminist Ayaan Hirsi Ali (Joppke 2007: 7–8).[5]

Over the first few years of the new millennium, mandatory civic integration programmes, intended to teach newcomers the values of their host countries, spread beyond the Netherlands to France, the UK, Belgium, Austria, Germany, Denmark, Norway and Finland (Joppke 2004: 248). For example, following the intense riots in many British cities in 2001, the Labour government launched an investigation into the increasingly polarized race relations in the UK. According to the resulting *Cantle Report*, one of the main roots of the problem was that 'people "tiptoe around" the sensitive issues of race, religion and culture'. Home Secretary David Blunkett (Labour) thus urged a new, harsher line on integration: 'We have norms of acceptability', he

declared, 'and those who come into our home – for that is what it is – should accept those norms' (Joppke 2004: 249).

Since then, the UK's migration and citizenship policies have undergone what Tony Blair referred to as no less than a 'citizenship revolution' (Blair 2006), i.e. the continuous stepping-up of requirements that migrants and asylum-seekers adhere to British norms and values, in line with Dutch, German and Danish policies (Kostakopoulou 2010: 832–7).

However, the Dutch, German, British and other nationally defined values that the new civic classes wish to reinforce are, upon further scrutiny, conspicuously similar across Europe. The main characteristic of these values, Joppke shows, is that they are *liberal*. Becoming a good German or British citizen, it seems, means first and foremost supporting human rights, anti-discrimination policies, the rule of law, democracy, gender equality and respect for both religious and secular views; in other words, one must become a good liberal (Joppke 2004: 253).[6]

At the same time, paradoxically, the experience of terrorism has led some of these countries, most notably the UK, to adopt what are unquestionably illiberal measures in the defence of liberal values. Only hours after the Islamist terror attacks in London in July 2005, Prime Minister Tony Blair proposed a list of certain 'exceptional measures' in response to those who used terror to prove their determination to destroy the liberal way of life in the UK (Mavelli 2013: 166). These measures included the detainment of terrorist suspects for up to three months without charges and the legal use in British courts of 'evidence extracted under torture as long as British agents were not complicit in the abuses' (Tsoukala 2008: 7). Despite their dubious liberal credentials, these measures were portrayed as necessary means of safeguarding liberalism itself (Dalgaard-Nielsen 2009).[7]

Simultaneously, political actors on the new right appropriated a distinctly liberal yet aggressive stance, portraying themselves as defenders or even martyrs of liberty and advancing an anti-Muslim agenda – not because Islam is somehow un-Dutch or un-German, but rather, they claim, because it is *illiberal*. Thus, Geert Wilders, in many ways Pim Fortuyn's successor and the leader of the strikingly named anti-immigrant *Partij voor de Vrijheid* (Freedom Party) in the Netherlands, advocates the banning of mosques and the Quran in the very name of freedom. Their German sister party, *Die Freiheit,* similarly calls for veil and minaret bans in the name of liberty (Halikiopoulou *et al.* 2013).

In the wake of this development, the more traditional representatives of liberalism have also sharpened their tone against Islam. In Sweden, it was none other than the liberal party (*Folkpartiet Liberalerna*) that in 2010 helped school principals obtain more power to ban veils and suggested mandatory language tests for new citizens. Similarly, it was a liberal MP Jeanine Hennis of the *Volkspartij voor Vrijheid en Democratie* (People's Party for Freedom and Democracy), who called for a Dutch *hijab* ban in 2011. Among UK politicians, Liberal Democrat Evan Harris, notorious for his radical support of euthanasia, soft drugs and extended abortion rights, has been the most outspoken supporter of a potential *burqa* ban (Harris 2010).

Indeed, the clearest example of this new coupling of liberalism with an exclusionary stance towards immigrants is the demand for bans on Muslim veils in the very name of liberty. In the following analysis, we shall see that liberalism has played a major role in these decisions (see Table 4.1).

Enlightening veiled women?

In a concise book entitled *Veil: Mirror of Identity* (2010), Joppke offers an intriguing treatment of the crucial role played by different understandings of liberalism in the headscarf and veil debates in France, the UK and Germany. As in his analysis of integration tests, he traces the idea of

Table 4.1 Legislation against Muslim veils in Europe

The headscarf ('hijab')

France	*L'affaire du foulard* (the 'headscarf affair') began in 1989, when several female pupils were suspended from school by their principals for refusing to remove their headscarves. In 2003, after more than a decade of heated debate, a *laïcité* commission led by Bernard Stasi and including many French intellectuals was created for the purpose of studying 'the application of the principle of secularism in the Republic'. In 2004, upon the recommendation of the commission, a law was passed that banned the wearing of conspicuous religious symbols in schools.
Germany	The German debate has concerned the headscarves of teachers and civil servants rather than those of pupils and ordinary citizens. The most influential court case took place in 2003, when the Federal Constitutional Court decided that the refusal to hire a teacher in Baden-Württemberg – on the grounds that she wore a headscarf – constituted an unwarranted restriction of the freedom of religion of teachers. In the wake of this decision, however, the matter became highly politicized. Chancellor Gerhard Schröder, for example, expressed his opposition to headscarves worn by civil servants. By the end of 2003, half of all German states had passed legislation prohibiting teachers and, in some cases, civil servants, from wearing headscarves. Whereas some states, such as Berlin, also banned all other religious symbols, other states, such as Baden-Württemberg, introduced exemptions for the wearing of Judeo-Christian symbols.
Kosovo	Headscarves were banned from public schools in 2009.

The full veil ('burqa' and 'niqab')

France	In September 2010, a law was passed 'prohibiting concealment of the face in public space', effectively banning the wearing of the *burqa* or *niqab* in public. Violations of the law lead to fines and/or mandatory citizenship education.
Belgium	In 2010, a ban on concealment of the face in public that was very similar to the French ban was accepted almost unanimously by the parliament.
Netherlands	In 2012, a Dutch minority coalition enacted a ban on face-covering clothing – with exemptions for sports, health and masquerades – popularly called the '*burqa* ban'.
Italy	In 2011, a draft law that banned face covering in public was approved by an Italian parliamentary commission. Because of the severe government crises, however, the law is still not in effect at the time of writing.
Switzerland	In September 2013, as this chapter is being written, a referendum in a predominantly Italian canton in Switzerland resulted in a ban on full-face covering.
UK	No general legislation has been passed against any type of veils, but in the autumn of 2013, while this chapter was being written, a debate on whether or not to ban the *niqab* in British schools and hospitals was initiated by Liberal Democrat and Home Office Minister Jeremy Browne.
Spain	Between 2010 and 2013, a dozen municipalities in northern Spain introduced full veil bans. In 2013, however, the Supreme Court decided that any such bans must be based on constitutional law. The court did not, however, answer the question of whether a government can ban the veil or not.

Source: author's compilation.

banning the scarf in the name of freedom back to 'enlightenment liberalism'. In contrast to a more tolerant liberalism that does not seek to enforce common values but instead prioritizes a political equilibrium that allows different lifestyles to co-exist in peace, enlightenment liberalism stands for liberalism as 'a way of life in itself – one that is conducted autonomously and rationally'. According to Joppke, the French republicanism that inspired many of the defenders of the headscarf ban in French schools can be understood as a branch of this enlightenment understanding of liberalism, according to which a good liberal must try to emancipate Muslim girls from their supposedly irrational and insufficiently autonomous desire to wear the veil (Joppke 2010: ix; also see 118).

This concern with enlightenment liberalism resonates with much of the literature on the recent veil bans. For example, in her neo-republican reading of French antagonism towards the veil, Eoin Daly interprets it in the context of the French history of open hostility towards religion, rooted in the idea that it is an obstacle 'to the advance of reason and enlightenment amongst citizens'. The veil ban, in her account, thus represents a contemporary example of a centuries-old 'teleological commitment to science, reason and epistemic positivism' in France (Daly 2012: 301–4). It is therefore yet another outlet for the 'perfectionist spirit' that, in the words of Sudhir Hazareesingh, already in the late nineteenth century 'sought to turn France away from the ignorance and servility of its past and promote a conception of the good life based on the flowering of human reason' (Hazareesingh 1994: 71).

In another account of the debate that draws on secularism, the political theorist Cécile Laborde traces French opposition to the veil back to Kantian spiritualism and 'the Enlightenment search for natural religion'. In France, she suggests, these gave rise to the influential notion of '*laïcité* as an ethic independent of religion, based on reason and conscience', an ethic that 'strongly rejected the "heteronomy" involved in subjecting political authority to religious institutions, transcendental foundations and revealed truth'. Again, opposition to the veil is portrayed as an attempt to safeguard 'autonomy', 'reason' and the heritage of the Enlightenment (Laborde 2005: 317; see also Laborde 2008: 3–4, Ch. 5).

Other scholars take a more post-colonial perspective on the whole controversy, but Enlightenment values remain central to their accounts. Liz Fekete, for example, suggests that throughout Europe veil bans are welcomed as a way for immigrants to 'cast off their "backward culture"' and 'assimilate into the modern, secular values of the Enlightenment' (Fekete 2006: 8). According to Fekete, forcing girls to unveil (and restricting their access to education and the public space if they do not) is an expression of a fundamentalist commitment to the Enlightenment value of 'personal autonomy', the natural result of which is the elitist belief that Western intellectuals can know 'the inner state and thought processes of any Muslim girl better than she does herself' (Fekete 2006: 17).

In a similar vein, Monica Mookherjee concludes that the stern opposition to the veil on the part of Elisabeth Badinter, the *doyenne* of French feminism, stems from her 'Millian view that a person cannot freely submit to slavery, nor prefer a slothful life to one of Socratic questioning'. In other words, banning the veil is defended as a means of imposing reason and reflection on the supposed laziness of uncivilized Muslims (Mookherje 2005: 33).

Finally, in one of the richest books on the French veil debate, the gender historian Joan Wallach-Scott connects French hostility to the veil to (among other themes) the old idea that by lifting the veil of Muslim women the French liberators in fact 'stripped them, as it were, of the protective power of superstition and so exposed them to the "light"' (Wallach-Scott 2007: 63). Banning the veil, she argues, was yet another attempt at the French civilizing mission, rooted in colonial ideas of Arabs as 'excessively and unacceptably sexual', even 'perverse', and thus in need of containment and control (Wallach-Scott 2007: 51–2).

In sum, the explanations for veil bans range from secularism, post–colonial arrogance, the quest to impose unity over cultural differences and the Western self-image as a beacon of female emancipation, to specifically French traditions of *laïcité*, republicanism and even sexual openness. Yet, they are strikingly similar in one crucial aspect: they all connect the ideals that the supporters of a veil ban were trying to safeguard to the values of the Enlightenment, as found in the liberal heritage of Immanuel Kant and John Stuart Mill.

What, then, is the more specific nature of this type of liberalism? In order to answer this question, we must become more closely acquainted with some of the key members of the liberal family.

Disputes among the liberal family in political theory

Post-Enlightenment liberals

Of course, there are a number of dimensions along which conceptions of liberalism may differ; for example, there are what we might call cousins of liberalism that differ in their views towards economic redistribution and the relationship between the state and the market. However, as our guiding concern here is the impasse in which contemporary European liberalism finds itself with regard to Islam, I shall limit myself to conceptions of liberalism that differ on one specific but crucial issue: the question of how to handle diversity of a cultural and religious nature.[8] In the previous section, we briefly explored the notion of 'enlightenment liberalism'. In order to make sense of this concept, we must revisit a highly influential discussion in liberal theory, namely the debate over political v. comprehensive liberalism.

Having resuscitated liberal contract theory from centuries of neglect in *A Theory of Justice* (1971), Harvard philosopher John Rawls quickly became somewhat of a messianic figure in contemporary liberal theory. When Rawls amended his original theory in the highly influential *Political Liberalism* (1993), he proposed a conception of liberalism that remains neutral with regard to citizens' comprehensive ideals. Rawls had been convinced by what he called 'the fact of pluralism': human values, it now seemed to him, would always be a matter of reasonable disagreement. Given the diversity of reasonable and yet mutually oppositional religions and moral outlooks on life that seems to arise in any free society – in other words, given the intractable pluralism that characterizes such societies – Rawls came to the conclusion that a legitimate liberal regime would have to uphold a requirement he had previously neglected: the requirement of neutrality. In order for a liberal regime to respect each citizen as a free and equal member of society, the basic structure of the regime must be presented as independent from any comprehensive views on life, since reasonable citizens disagree on these ideals. Only such a non-comprehensively justified regime would be liberal in this political sense.[9]

The main alternative to this political understanding of liberalism is, in Rawls's terminology, 'Enlightenment liberalism, that is, a comprehensive liberal and often secular doctrine founded on reason and viewed as suitable for the modern age now that the religious authority of Christian ages is said to be no longer dominant' (Rawls 1993: xl). Since this conception of liberalism takes the position that the goal of liberal institutions should be to promote 'Kant's ideal of autonomy and Mill's idea of individuality', Rawls argues that enlightenment liberalism fails to justify liberal institutions for the many citizens who do not embrace the comprehensive ideals of the Enlightenment (Rawls 1993: xlv, 98).

Rawls can be seen as one of the first philosophers to spell out what Gerald Gaus calls a 'post-Enlightenment' type of liberalism. After Rawls, other theorists have argued that we must go even further in rejecting enlightenment liberalism in favour of what they view as a more truly

tolerant and less anti-religious liberalism (Larmore 1996a; Gray 2000; Kukathas 2007). Nevertheless, the common characteristic here is that all post-Enlightenment liberals defend essentially the same kind of liberal *institutions* that were once defended by Kant and Mill, but attempt to justify this project in a very different manner, namely by the recognition that reason does not lead us to one single truth on moral matters and that a permanent feature of free societies is widespread pluralism (Gaus 2003: 18–19).

This post-Enlightenment discussion among political theorists remains too abstract for our purposes here, however. In order to identify some kind of typology that might help us navigate the more concrete empirical use of liberal arguments for citizenship tests and veil bans, let us turn instead to the theory most often invoked in the empirical literature on immigration: that of William Galston, who offers a helpful distinction between 'enlightenment liberalism' and 'reformation liberalism' (cf. Joppke 2004: 252; Rostbøll 2009: 631; Triadafilopoulos 2011: 874).

Reformation v. enlightenment liberalism

The political theorist William Galston has suggested that we should understand many of the current debates over 'education, rights of association, and the free exercise of religion' as rooted in two essentially inimical strands of liberalism. Each of these stems from a different historical impulse: the first, reformation liberalism, was born out of the experience of the religious wars that dominated Europe and the American colonies in the seventeenth century; the second, enlightenment liberalism, was steeped in the ideals of human rationality and scientific progress that characterized the eighteenth century (Galston 1995; Galston 2002: Ch. 2).

With its background in state absolutism and the constant threat of civil war, reformation liberalism conceives of liberal institutions as a means of advancing diversity, of promoting 'legitimate differences among individuals and groups over such matters as the nature of the good life, sources of moral authority, reason versus faith, and the like'. Enlightenment liberalism, by contrast, assumes the ultimate goal of the liberal project to consist of the fostering of autonomy, a specific conception of the good life. According to Galston, enlightenment liberals, unlike reformation liberals, thus tend to interfere in choices that are seen as the result of unswerving faith or tradition rather than rational self-reflection (Galston 2002: 24–6).

It is important to note here that enlightenment liberalism is not by definition anti-religious. Immanuel Kant, the enlightenment liberal *par excellence*, was certainly critical of religious institutions and, as he saw it, their focus on empty ritual; nonetheless, he was a firm believer in the Enlightenment's natural religion, and it has even been suggested that he saw his own ethical project as the completion of the Christian message that urges us to overcome the human tendency towards moral inconsistency, or pointing out the speck in our brother's eye while remaining oblivious to the log in our own (Devigne 2006: 24; Nussbaum 2012).

Nor does Galston link the ideal of autonomy to an atheist or agnostic perspective. Instead, he repeatedly equates the ideal of autonomy that enlightenment liberalism seeks to promote with the process of reflection, and often with *self*-reflection specifically (Galston 1995: 522–5; 2002: 21–4). This is a liberalism committed to Kant's and Mill's ideal of 'sustained rational examination of self, others, and social practices' (Galston 1995: 521).

But why would this seemingly innocuous notion of autonomy lead enlightenment liberals to interfere unduly with the choices that people make? Why can they not simply accept that some people, for example, freely choose to wear a religious symbol such as a veil – without drawing the problematic conclusion that such a choice cannot be autonomous?

In order to answer these questions, let us return to Galston's intellectual source of inspiration: the influential liberal thinker and historian of ideas Isaiah Berlin, who famously cautioned against the potential perversion of autonomy into tyranny.

Positive and negative liberty

In a seminal lecture presented in Oxford in 1958, Isaiah Berlin proposed a distinction between positive and negative liberty. This remains the most widely recognized, yet nevertheless heatedly debated, typology of the various ideals of freedom at the heart of liberal theory.[10]

For decades, Berlin was interpreted as defending the negatively defined concept of liberty as 'freedom from', as opposed to the positively defined concept of 'freedom to' (McCloskey 1965; Ryan 1965; Macfarlane 1966; Gray 1995; Taylor 1997; Harris 2008). This distinction, many objected, was in fact flawed; for example, Gerald MacCallum argued that freedom must be understood as a triadic idea. In other words, it is always a matter of someone or something being free from certain constraints while *also* being free to engage or not engage in certain activities (MacCallum 1967).

More recently, however, a number of Berlin scholars (Galipeau 1994: 8–9; Gray 1995: 17; Crowder 2004: 78; Edge 2013: 375) have argued convincingly that, in Berlin's view, negative and positive liberty were not concepts, but rather *conceptions* of liberty that a person might value – both, as he explicitly acknowledged, with 'an equal right to be classed among the deepest interests of mankind' (Berlin 2008a: 212). As I have elaborated upon elsewhere, this psychological rather than philosophical concern of his is precisely why his typology can be unexpectedly fruitful for understanding the contemporary political debates centred around liberalism in Europe today (Gustavsson 2012: 246; 2014b: 269).

Negative liberty, says Berlin, answers the following question: 'What is the area within which the subject . . . is or should be left to do what he is able to do or be, without interference by other persons?' (Berlin 2008a: 169). In his view, this was the true liberal creed, since it formed the basis for the liberal notion of equal individual rights, requiring some form of 'absolute barriers to the imposition of one man's will on another' (Berlin 2008a: 211). Positive liberty, by contrast, answers the question of '[w]hat, or who, is the source of control of interference that can determine someone to do, or be, this rather than that?' (Berlin 2008a: 169). The primary goal here is not to establish the outer boundaries of a man's freedom (as it is for the negative counterpart), but to attain an inner state of control. To enjoy positive liberty is to be one's own master – the very meaning of autonomy in Plato's sense of the term (Berlin 2008a: 178).

Berlin believed that this positive concept of liberty as self-mastery, valuable as it is in itself, nevertheless opens up to tyranny. For who among us is unfamiliar with the experience of failing to master oneself even though there is no outside interference? Could we not be said to be slaves to our own desires, or our fears and neuroses? Berlin worried that positive liberty, with its view of man as divided against himself, thus too easily invites us to conclude that we can force or restrain people against their explicit wishes while calling ourselves their liberators, as long as we can claim that we are simply freeing their 'true', latent self from its internal shackles (Berlin 2008a: 179–80).

This risk and its nature have been much questioned and debated. Many have pointed out that the logical link between positive liberty and tyranny is broken by several philosophical flaws (cf. Christman 1991: 359; Crowder 2004: 86). However, as Berlin clarified in the introduction he later added to his essay, his fear was not that positive liberty philosophically justified tyranny in the name of liberty, but that there was a psychological affinity between the two that has led to positive liberty often being linked to tyranny *as a matter of historical fact* (Berlin 2008b: 37; this interpretation is further elaborated in Gustavsson 2014b).

We can now recognize that Berlin's fear of the inversion of positive liberty into tyranny parallels the concern that animates much of the literature surveyed in this chapter: the worry that enlightenment liberalism is in some sense illiberal because it may end up in conflict with

the liberal values of diversity and tolerance. As Berlin suggested, the apprehension is that by placing liberty as self-mastery at the heart of the political project, enlightenment liberalism introduces the disturbing possibility that we will begin to 'liberate' those whom we consider insufficiently autonomous – by going against their explicit wishes in the name of liberalism itself.[11]

Positive liberty in public opinion

The topic of our concern here is European liberalism, which is often contrasted with the putatively more tolerant and diversity-oriented American counterpart. After all, veil bans and mandatory tests of the liberal disposition of would-be immigrants have only been propagated by European, not American, liberals (cf. Nussbaum 2012: Ch. 1; Baehr and Gordon 2013: 249). Thus, after having examined European liberalism in the realms of immigration policy and political philosophy, let us now briefly consider its role in contemporary public opinion, comparing this to the mind-set on the other side of the Atlantic.

Figure 4.1 shows the attitudes to a veil ban in four of the largest European countries and the United States, respectively, as measured by responses to the following question: 'Some countries are considering a ban on Muslim women wearing full veils that cover all of the face except the eyes in public places including schools, hospitals, and government offices. Would you approve or disapprove of such a ban in (survey country)?'

As can be seen from Figure 4.1, there is overwhelming support in all four of these large European countries for banning full Muslim veils. For Americans, however, the numbers are more or less reversed: whereas 59 per cent (Spain) to 82 per cent (France) of the European sample approve of a veil ban, as many as 65 per cent of the US sample *disapprove* of a veil ban.

This European antagonism towards veils, one might add, applies across the socio-economic spectrum. Intriguingly, in Spain and Germany the highest-income group is even slightly *more* in favour of bans than are lower-income groups (Pew Research 2010). In a German study on attitudes towards headscarves rather than full veils, Jolanda van der Noll likewise finds that higher
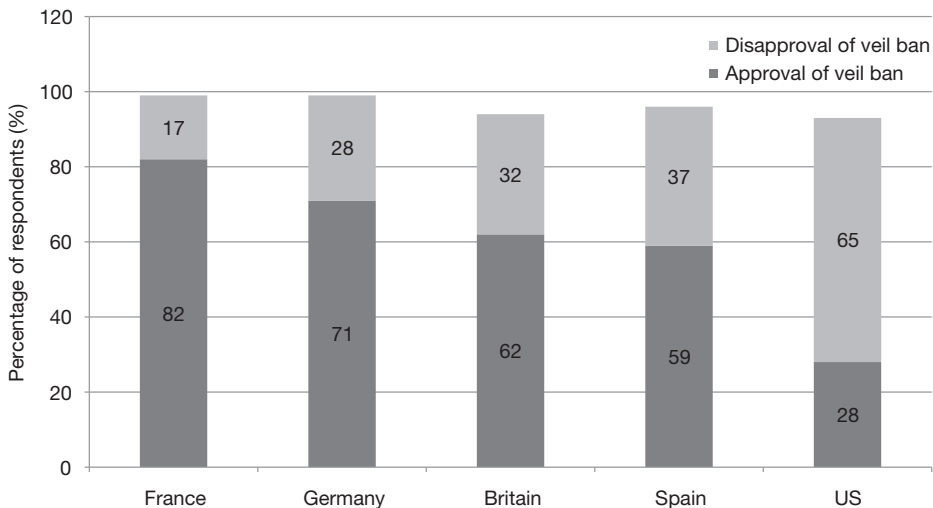
Figure 4.1 Approval of a ban on the full veil in public places (2010)
Source: Pew Research (2010).

socio-economic status is correlated with stronger opposition to headscarves (van der Noll 2013: 10). Other studies have similarly revealed that, when controlling for perceived threat, high-income groups turn out to be the most amenable to the idea that immigrants need to commit to 'our way of life' (Green 2009). Still others have shown that extremely negative attitudes towards Muslims have increased among young Swedes with a university education (Mella and Palm 2012), i.e. the very group that Ronald Inglehart and Shalom Schwartz suggest value self-expression, liberty and intellectual autonomy the most in an international comparison (Inglehart and Welzel 2005: 112–13, 220; Schwartz 2006: 152).

All this suggests that veil bans are supported not only by the typically illiberal members of society, but also by the typically *liberal*: the young, the highly educated and the economically privileged. These are the very people who tend to be the most open towards other out-groups, such as immigrants or gays (cf. Chandler and Tsai 2001). How can we make sense of the seemingly puzzling finding that those who are the most in favour of veil bans belong to the very group where we also find the highest support for liberal values such as freedom and self-expression?

According to the theories we have examined thus far, at least part of the explanation could be that the liberal Europeans who support veil bans value liberalism of a certain kind: a liberalism built around the Enlightenment ideal of autonomy (or, in Berlin's terminology, positive liberty). Although here I can do no more than scratch the surface of this theory, in the following analysis I offer a first attempt at probing its empirical relevance. To this end, I shall use the two indices of positive and negative liberty that I developed in a recent article, in which I showed that Berlin's positive and negative liberty ideals do indeed form two distinct dimensions in public opinion, and that they have divergent effects on free-riding and moral permissiveness (Gustavsson 2012).[12]

Figure 4.2 shows the levels of support for positive and negative liberty in European countries and the US, respectively. Both the positive and negative liberty indices range from 0 to 3; the columns represent the percentage of respondents who scored above 2 on each index. Since we are here interested in the most privileged socio-economic groups, the figure displays only the
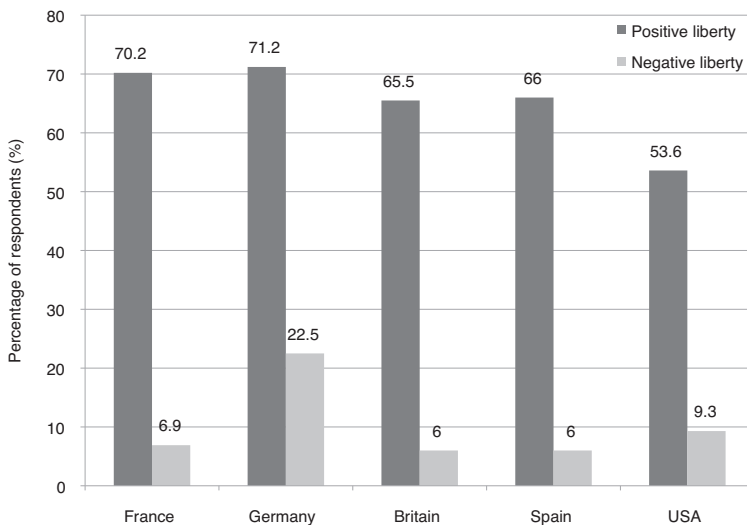
Figure 4.2 Supporters of positive and negative liberty among the highly educated (2005)
Source: World Values Survey (2005).

results for respondents who have completed at least secondary school of a university-preparatory type, including all those who have gone to university; however, the results for respondents who went to a vocational secondary school or had an incomplete education from a university-preparatory secondary school are highly similar to those of their better-educated peers. In contrast, among the respondents with no education or only primary-school education, the systematic differences between Europe and the US largely disappear.

Figure 4.2 does indeed suggest there might be something to the idea that Europeans defend veil bans because they value positive liberty. Although these measures are far from perfect, the pattern they reveal is striking. The European countries examined here exhibit a majority in favour of veil bans (as seen in Figure 4.1); among their highly educated inhabitants, positive freedom is also consistently much more popular (ranging from 12.4 percentage points more popular in Spain to 18.6 percentage points more popular in Germany) than among the highly educated in the US. At the same time, highly educated Europeans in all countries but Germany tend to value negative freedom slightly less than do highly educated Americans. Finally, looking at the variation *within* Europe, the French and German respondents have more positive views of veil bans than the British and the Spanish ones, as we saw in Figure 4.1; in addition, here we see that they are also stronger supporters of positive freedom.

Of course, a number of other country-level differences can influence the attitude towards veil bans. The data in this section only allow a speculative discussion of the causal relationship between valuing positive liberty and veil bans. In order to actually establish any causal relationship, further analyses would need to be undertaken, especially at the individual level. The main conclusion we can draw from this exercise is instead descriptive and cross-national: the data clearly show that highly educated Europeans in France, Germany, Britain and Spain are consistently more interested in positive liberty than their American counterparts.

A *romantic* liberalism in disguise?

Before concluding, the predominant picture of contemporary European liberalism as rooted in the Enlightenment requires further nuance, however. My own work suggests that 'enlightenment liberalism' is sometimes a misleading label, under which we may find ideals that actually belong to the opposing and much stormier tradition of early Romanticism (Gustavsson 2014a; 2014b: 290). As this section will briefly show, there are indeed both theoretical and empirical reasons to recognize the existence of a 'romantic liberalism'.

First of all, the dangers that Isaiah Berlin saw in positive liberty are hardly exhausted by the Enlightenment ideal of autonomy. Many scholars have erroneously concluded that Berlin was mainly or even solely concerned with ideals of liberty that emphasize the rule of reason and rationality over desire (Christman 1991: 354–5; Galipeau 1994: 101; Gray 1995: 21). In fact, Berlin found *romantic* ideals of liberation, 'abandoning reason altogether', just as disconcerting as the Enlightenment ideal of being governed by reason alone. Romantic ideals of liberty invite their proponent to conceive of himself 'as an inspired artist, who moulds men into patterns in the light of his unique vision'. Humanity thus easily becomes reduced to 'the raw material upon which I impose my creative will' (Berlin 2008a: 197; this is further developed in Gustavsson 2014b). Indeed, in the precursor to 'Two Concepts of Liberty', entitled 'Two Concepts of Freedom: Romantic and Liberal', Berlin warned against this romantic yearning to be liberated from 'too much critical reflection', since it invites us to engage in 'ruthless self-realisation of whatever burns within one, at all costs' (Berlin 2008c: 201, 197).

Second, my own empirical work suggests that self-avowed 'enlightenment liberals' often take recourse to precisely this romantic ideal of dedicated self-realization and expression, rather than

the Kantian ideal of autonomy (Gustavsson 2014a). Consider, for example, the case of the Muhammad cartoon controversy. In the autumn of 2005, *Jyllands-Posten*, one of the largest Danish newspapers, published 12 cartoons of the Muslim prophet Muhammad. In part because any images of the prophet are typically considered impermissible in Islam, and in part because some of the cartoons depicted Muhammad as a blood-thirsty villain and a suicide bomber (although other cartoons made fun of the editor who commissioned the cartoons), the publication led to both non-violent and violent protests by Muslims around the globe, as well as a heated debate concerning freedom of speech and of the press in Europe.[13]

In the ensuing debate, many self-professed liberals not only defended the editor's right to publish these cartoons, but also deemed the use of this right to be laudable. A good liberal, they seemed to suggest, has a duty to mock and encourage the ridicule of religion in general and Islam in particular (cf. Hansen 2006a, 2006b; O'Leary 2006; Rose 2010). Several scholars have interpreted this stance as yet another case of enlightenment liberalism (Modood 2006: 6; Berthaut *et al.* 2007: 59; Laegaard 2009: 319; Lentin and Titley 2012: 125–6). According to the political theorist Christian Rostbøll, for example, the goal of those defending the cartoons in this way was to challenge Muslims to become more autonomous, to 'critically assess their faith' – or, at the very least, to reveal that through their supposed lack of autonomy, Muslims 'hinder the type of public discourse that autonomous people have among themselves'. Either way, Rostbøll claims, this position was rooted in what Galston calls 'enlightenment liberalism'; the cartoons were purportedly justified because they led to a more enlightened debate involving more 'critical self-reflection' (Rostbøll 2009: 643, 629).

However, in a recent article, I took a closer look at the arguments put forward by the editor Flemming Rose in defence of his decision to commission and publish the cartoons. Contrary to what previous research has assumed, this exercise revealed that although Rose certainly invoked the *political* ideals of the Enlightenment – such as the separation of church and state – the conception of the good life in which his liberalism is rooted is not that of reflective autonomy. He therefore does not qualify as an enlightenment liberal in the sense that Galston and this chapter use the term (Gustavsson 2014a).

Instead, Rose's stance on freedom of expression builds on the romantic ideal of the authentic life, that of sincere and dedicated self-expression at any cost, even to the point of martyrdom. I have suggested we call this position 'romantic liberalism'. Romantic liberalism, I propose, is at odds both with reformation liberalism – because it prioritizes authentic self-expression over tolerance and diversity – and with enlightenment liberalism – because its emphasis on self-expression over autonomy leads it to welcome conflict and violent clashes of opinion, rather than the calm and reflective public debate that is conducive to autonomous self-questioning (Gustavsson 2014a).

Indeed, I would suggest that romantic liberalism is also likely to be at work in many of the veil debates. Consider, for example, the repeated concern among some of its most vehement opponents that the veil turns women into 'nonpersons' or even 'clones', 'invisible and erased, denied individual singularity' (Bruckner 2010b). For these commentators, the goal of unveiling Muslim women is not so much to fight non-reflection with enlightened autonomy, but rather to conquer docility (Hirsi Ali 2010: 16) by helping Muslim women to cultivate their 'still-undeveloped individuality' (Hirsi Ali 2007: 32, also see 152) and offering them 'the most fundamental right of existence – the right of recognition' (Bruckner 2010b; this is further developed in Gustavsson 2014b: 289–90).

Moreover, as we have already seen, many also welcome conflict between liberals and Muslims as an opportunity for liberal self-realization (Bruckner 2010a: 138). For example, Christopher Hitchens stated that after 9/11 he rejoiced in the recognition of a 'direct, unmistakable

Table 4.2 A theoretical framework for understanding contemporary liberal debates

	Reformation liberalism	*Enlightenment liberalism*	*Romantic liberalism*
Developed first in	Galston 1995, 2002	Galston 1995, 2002; Gray 2000; Kukathas 2007; Larmore 1996a; Rawls 1993	Gustavsson 2014a
The primary value that justifies liberal rights	Diversity	Autonomy	Self-expression
The main goal of the public debate	Tolerance	Self-reflection	Self-disclosure
Central conception of liberty in Isaiah Berlin's terminology	Negative (freedom from external obstacles to *de facto* preferences)	Positive (freedom from internal obstacles to reason)	Positive (freedom from internal obstacles to the authentic self)
Sources of philosophical inspiration	John Locke	Immanuel Kant	J. S. Mill
Empirical examples	*Wisconsin v. Yoder*, the landmark 1972 case in which the US Supreme Court ruled that the fundamental right to freedom of religion superseded compulsory education laws, thus allowing Amish parents to withdraw their children from compulsory education after the 8th grade	Resistance to the Muslim veil in the name of reason	Defence of the Muhammad cartoons in the name of authentic self-expression; resistance to the veil in the name of individuality

Source: author's compilation.

confrontation between everything I loved and everything I hated' (cited in Robin 2004: 158). Others, like the Somali–born Dutch feminist Ayaan Hirsi Ali and the French philosopher Paul Cliteur, have openly claimed to be waging a 'liberal jihad', a holy war for liberalism itself (Spruyt 2007: 325).

Although all these statements have been interpreted as examples of enlightenment liberalism, I would suggest that romantic liberalism is a more correct label for them. The concerns raised and ideals invoked by these self-professed 'enlightenment liberals' would certainly resonate with the early Romantics, but would be deemed deeply problematic by the philosophers of the Enlightenment. In conclusion, then, there are good reasons not to take the self-categorization of purported enlightenment liberals at face value. If we scratch the surface, their ideals may turn out to be more romantic than enlightened.[14] The framework presented in Table 4.2 summarizes the three strands of liberalism which I have argued help categorize current and future debates.

Conclusions

This chapter has tried to make sense of the growing concern that contemporary European liberalism has joined forces with the project of differentiating between those who belong and

those who need to be excluded. While some scholars prefer to speak in terms of a rise of 'identity liberalism' (Tebble 2006), others of 'Schmittian liberalism' (Triadafilopoulos 2011) and still others of a liberalism that is 'repressive' (Joppke 2007), 'exclusionary' (Joppke 2010) or even 'illiberal' (Adamson *et al.* 2011), we have seen that there is much agreement on one underlying observation. The recent shift from multiculturalism to a harder line towards Muslim immigrants in several European countries, it is agreed, does not simply boil down to ordinary xenophobia or nationalism; rather, there is also something distinctly liberal about it – which makes it all the more insidious.

The prime suspect, as we have seen here, is *enlightenment liberalism*, a comprehensive understanding of liberalism that justifies liberal institutions as a means of cultivating the character ideal of reflective autonomy. What is at stake here, I have argued, is ultimately the very same fear that animated Isaiah Berlin in his famous critique of positive liberty: the fear that if we place positive liberty at the heart of our political project it may lead us to force others to act against their explicit wishes in the name of their 'true' freedom. The frequent portrayal of the Muslim veil ban as an act of liberation – even of those who explicitly want to wear the veil – certainly seems to be a case of this liberal arrogance.[15]

Indeed, as the attitudinal data reveal, support for both veil bans and positive liberty is considerably and consistently higher in Europe than in the United States. Although these results do not allow more than speculative conclusions, the pattern they suggest is nevertheless in line with the suspicion that contemporary European liberals are less concerned with promoting diversity than with the fostering of liberalism as a specific lifestyle, one that is assumed to be incompatible with wearing the Muslim veil.

The more precise nature of this liberal lifestyle – or, in the language of Rawlsian political philosophy, this conception of the good – remains a question for future research to tackle. The survey measures I have used here include both Enlightenment ideals (autonomy) and Romantic values (self-realization). Indeed, as I suggested in the previous section, we must be alert to the risk that enlightenment liberalism may sometimes conceal the more conflict-prone and self-assertive stance of romantic liberalism. Future research should thus study enlightenment liberalism in practice more closely. Perhaps this will reveal that romantic liberalism is in fact also at stake in debates other than the free-speech controversy initiated by the Danish cartoons.

As has been recently noted, there is a particularly urgent need to study the positions of influential opinion-makers (Adamson *et al.* 2011: 854). Often self-avowed enlightenment liberals, opinion-makers such as Ayaan Hirsi Ali who are widely read by the educated public and praised by liberal parties, wield considerable influence over public opinion as well as the political agenda (Verkuyten and Zaremba 2005). It has even been suggested that the anti-veil policies adopted throughout Europe (and especially in France) must be understood in light of the powerful role of social theorists and intellectuals in the legislative process – a role that in the United States is often reserved for the judiciary (Baehr and Gordon 2013: 252). The behaviour of these opinion-makers is especially intriguing, as it seems to contradict the typical complaint that there is no such thing as a common European debate. For example, in 2007, when a heated controversy raged over 'Islam in Europe', European intellectuals of various liberal brands – including the aforementioned Pascal Bruckner, as well as Necla Kelek, Paul Cliteur, Ulrike Ackermann and Bassam Tibi – wrote a long series of articles in the largest national newspapers around Europe, as well as on the *Sign and Sight* forum, with the motto 'Let's talk European.'[16] Both political theorists and scholars with more empirical interests in liberalism would be well advised to keep an eye on such discussions, where the real meaning and identity of a liberal Europe are constantly negotiated and the future boundaries of the open society are put to the test.

Notes

1 For an excellent overview of the semantic history of 'liberalism' and 'liberal' as political labels and concepts in Europe, see Freeden (2004) and Leonhard (2004).

2 For an overview of this discussion and a nuanced extension of it, see Zakaras (2009: 31–4).

3 Moreover, there is much disagreement on the philosophical relationship between liberalism and multiculturalism. While Will Kymlicka (1995) claims that liberalism entails a certain measure of multiculturalism, Brian Barry (2001), for example, insists that the two are at odds with each other.

4 Scholars who have studied the unsettling historical links between liberalism and the history of colonialism and slavery would of course object that this is nothing new in the history of liberalism (cf. Mehta 1990, 1999; King 1999; Losurdo 2011).

5 An informative if somewhat biased account of these events and the Dutch context can be found in Spruyt (2007).

6 The same could be said about the much-debated French *Contrat d'Accueil et d'Intégration* of 2003 (cf. Brunstetter 2012: 110–11).

7 While this chapter was being written, British anti-terrorism laws were used in direct violation of the liberal principle of freedom of the press. The UK Terrorism Act of 2000 allows the police to detain and question any individual at a port or an airport without any grounds for suspicion in order to determine whether they are involved in terrorism. Introduced a year before 9/11, the Terrorism Act was originally directed at Irish Republican terrorists. In the summer of 2013, however, Europe was shaken by the news that the Terrorism Act had been used to detain David Miranda, the partner of *Guardian* journalist Glenn Greenwald, for more than nine hours at Heathrow Airport, eight of which without a lawyer. His laptop, mobile phone and camera were all confiscated, and he was forced to surrender the passwords to his electronic accounts. The background here involved no suspicion of terrorism whatsoever, but rather the fact that Miranda's partner, Greenwald, had exposed how British authorities record and monitor the telephone calls and electronic contacts of its entire population. This revelation was based on data from Edward Snowden, who in 2013 famously leaked information about the comprehensive surveillance of the American National Security Agency against ordinary people in the United States and Europe (Watts 2013).

8 Although it is certainly true that it is, historically speaking, difficult to separate the claims for liberal freedom of thought and conscience from those of property and market (Smith 1980: 2), as José Magone notes in Chapter 1, I strive here to keep the two analytically distinct. In more recent theories of political philosophy, most notably John Rawls's *A Theory of Justice*, it is in fact rather common to combine a liberal concern for freedom of thought with an egalitarian or even social-democratic stance on economical issues, including a far-reaching redistribution of welfare (Rawls 1971).

9 Regarding the objection that Rawls's political liberalism does not actually manage to legitimize the coercion of non-liberal persons, see Sleat (2013: 348).

10 Among the other important and related conceptions of liberty, we find Benjamin Constant's famous lecture 'De La Liberté des anciens comparée à celle des modernes' from 1819, in which the author distinguishes between ancient, participatory liberty and modern, more individualistic liberty, advocating a mixture of both (Constant 1988 [1819]). Another fruitful yet much less frequently discussed distinction is that of Steven Lukes (1973: 127–31) regarding the 'three faces of freedom': personal autonomy, lack of public interference and the power of self-development. More recently, politico-philosophical discussions on liberty have turned more towards what Quentin Skinner refers to as the neo-roman 'third concept of liberty' (Skinner 2002), or, in Philip Pettit's words, 'freedom as non-domination' (Pettit 1997). The argument here is that republicanism is better equipped than liberalism to provide us with liberty, the true meaning of which is not non-interference but rather non-domination; in other words, to be unfree in the republican account does not necessary imply interference by the law, but rather living in a state where the political power has the capacity to interfere with one's choices on an *arbitrary* basis, without reference to one's own interests.

11 For a summary of how Berlin's positive–negative liberty distinction relates to the distinction between reformation and enlightenment liberalism, see Table 4.2.

12 Positive liberty is here measured by an index consisting of these three variables: 'I decide my goals in life by myself' (agreement on a scale from 1 to 4), 'I seek to be myself rather than follow others' (agreement on a scale from 1 to 4) and it is important 'to think up new ideas and be creative; to do things one's own way' (agreement on a scale from 1 to 5). Negative liberty is measured by an index consisting of these three variables: citing 'independence' as an important quality to teach a child (a

dichotomous measure), seeing 'more respect for authority' as a bad thing (a dichotomous measure) and thinking it is not important 'to always behave properly; to avoid doing anything people would say is wrong' (agreement on a scale from 1 to 5). Unfortunately, with these survey questions, it is more likely that respondents will agree with the positive liberty measures than with those of negative liberty. Although this is a problem for comparisons between positive and negative liberty, it should not represent a problem for our main purpose here, which is comparisons across *nations*, since we can simply assume that negative liberty is consistently higher everywhere than what these measures show. For a more thorough discussion of measurement problems, see Gustavsson (2012: 249–52).

13 An informative overview of the debate can be found in Lindekilde *et al.* (2009). The cartoons can be seen at http://www.muhammadcartoons.com (accessed 28 October 2013).

14 For other accounts of the overlap between romantic and liberal ideas, cf. Rosenblum (1987); Taylor (1991); Larmore (1996b); Berlin (2001); Stolzenberg (2009).

15 I do not mean to deny that the veil is sometimes also donned involuntarily, as a result of parental or spousal demands, for example. The point is rather that there are at the same time many cases in which the veil is voluntarily chosen, and that to force a woman to remove a veil in *these* situations in the name of her liberty is an inversion of positive liberty along the lines that Berlin warned against.

16 See http://www.signandsight.com/features/1167.html (accessed 30 September 2013). See, for example, 'Enlightenment Fundamentalism or Racism of the Anti-racists?' and 'A Reply to Ian Buruma and Timothy Garton Ash' by Pascal Bruckner; 'Mr Buruma's Stereotypes' by Necla Kelek; 'Falling Prey to Relativism' by Paul Cliteur; 'In Praise of Dissidence' by Ulrike Ackermann; and 'Europeanisation, Not Islamisation' by Bassam Tibi.

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5

A historical interpretation of the process of European integration[1]

Antonio Varsori

Introduction: the historiography of European integration – numerous narratives, few interpretations

The historical literature on European integration appears to have finally reached a stage of maturity. The teleological or ideological viewpoints that had characterized many of the preliminary analyses in this field have been largely abandoned, and more recent studies seem to address the events related to the integration process in a more detached fashion (for a recent historiographical survey, see Loth 2008; Kaiser and Varsori 2010). In fact, although political scientists in particular have consistently sought to develop theoretical explanations for what has transpired in the European context since the late 1940s, historians continue to show a certain reluctance to deal with long-term dynamics or to attempt explanations that take into account the changes and ruptures that have occurred in the process of European construction (Loth 2009). The very term 'construction' seems inappropriate to the author, and it will be used in this article only for the sake of simplicity, with recognition of the fact that it entails certain serious inherent contradictions that often weaken attempts to analyse and explain the complex dynamics of the various periods of what is commonly referred to as European integration. This is not merely a matter of semantics, as the use of terms such as 'construction', 'integration', 'founding fathers', etc. introduces misunderstandings (both in the historiographical debate and in the political sphere) that certainly do not facilitate the comprehension of a process that has undergone such radical changes over the decades that it now vastly differs from its original character – to the extent that between the late 1940s and today a variety of forms of European integration can be observed. These forms have fluctuated on the basis of developments in the political, economic and social evolution of the 'Old World', as well as the transformations that have characterized international events in the global dimension. In this context, the term 'integration' or 'construction' of the European Union becomes a kind of 'container' in which it is possible to identify various and sometimes conflicting phenomena and processes. In order to offer observations or interpretations of this development, it is therefore important to refer to a periodization that will facilitate the identification of turning points and changes in what we will continue to call, for the sake of convenience, 'European integration'.

Despite the emphasis on change in these preliminary remarks, one cannot deny the existence of some elements of continuity. It is clear that today's European Union has close ties with the European Economic Community that was established in 1957 on the basis of the Treaty of Rome. The fundamental institutions are still the Commission, the Parliament, the Council of Ministers and the European Court of Justice. Indeed, one could argue that the origins of these institutions go back several years earlier to 1950–1, to the so-called Schuman Plan and the European Coal and Steel Community (ECSC), in which Monnet detected the idea of a 'functionalist approach' and the tripartite division of tasks and powers in the ECSC among the High Authority, the Common Assembly and the Council of Ministers (for an overview on institutions, see Bitsch *et al.* 1998). However, in a different context, one could ask rhetorically whether Italy in 2014 is equal to or even similar to the Italy of 1948, just because the country features a Constitution that in more than 60 years has not been subject to substantial changes. In other words, if there is a clear continuity from the perspective of the institutions, one might wonder whether it is the substance, the content, the characters or the objectives of the 'integration' that have truly undergone the relevant changes. Nevertheless, most of the histories reporting on the general character of European integration do not seem to address the question of change; instead, they appear to favour the view of continuity, or rather that of a substantial but gradual evolution, whereby they often seem to imply that the motivations, pressures and 'values' have remained the same since the original initiatives, and that these elements represent the fundamental objectives of the European Union (Du Reau 2008; Morelli 2011). This attitude is even more accentuated in the current political discourse in Brussels, Strasbourg and among almost all the leaders of the nations that form the EU. This is not to suggest that there has been a complete and decisive break (or even several breaks), but the idea of this close link to the past should be subjected to a thorough historical analysis. At least in the opinion of the author, it is enough to question the ambiguity of the term 'founding fathers' and the continuity with their 'values'. Robert Schuman was born in 1886, Konrad Adenauer in 1876 and Alcide De Gasperi in 1881. All of these figures had reached maturity before the outbreak of the 'Great War' in the Europe of the 'Belle Epoque', a continent whose great powers ruled the world and were the centres of enormous colonial empires. Of course, the 'founding fathers' had also experienced the trauma of totalitarianism, the Second World War and the early stages of the Cold War. But what exactly was the Europe that was imagined by these statesmen, the Europe that they were seeking to build? On what values did they believe it would be possible to build a European federation? The Europe of Schuman, De Gasperi and Adenauer, which included the ECSC, the European Defence Community (EDC) and part of the initial phase of the European Economic Community (EEC), was moderate in its political nature, Christian (if not Catholic) in its values – obviously not in the sense of a clerical or 'Vatican' Europe, but nonetheless profoundly influenced by Christian values and ideals[2] – definitely anti-Communist, fully integrated into the Western system and proud of its past history. This was a Europe that still controlled extensive colonial empires and believed at least in part in its civilizing mission through, for example, the 'Eurafrique' with respect to its colonial subjects in Africa and, to a limited extent, Asia (Bossuat and Bitsch 2005). Does anyone believe that the 'founding fathers' would recognize the idea of Europe, their idea of Europe, in the ongoing debates in the European Parliament, in the official publications of the EU or in the brochures available at each EU information point? Obviously, this point is not intended to praise the 'good old days', but simply to indicate how the apparent continuity in the history of the European Union is much weaker than is commonly asserted and to draw attention to the change factor, its character and its meaning.

The origins of European integration: the role of the US and the impact of the Cold War

For a long time, a branch of the historiography of European integration has identified the origins of the process in the ideological elaborations of sectors of the resistance movement and the plans outlined by some governments in exile in London. It is true that the movements and personalities of the opposition to Nazism and Fascism, especially in Italy, France and Belgium, concerned themselves with the problem of overcoming the divisions and nationalistic conflicts that, in their opinion, were among the causes of the Second World War. It is equally true that the leaders in exile of some of the nations of occupied Europe found it useful to devise forms of cooperation in order to resolve their problems of security, as seen in the project that would lead to the Benelux union and the less successful plans for a Danubian federation and a Balkan federation.[3] However, such plans and political considerations had minimal influence on the prospects for the post-war reorganization of the European continent. The determining factors in this context were the strategies of the 'big three': the policies pursued by the United States, Britain and the USSR until the end of the war in Europe did not foresee the emergence of alternative forms of strong European cooperation. Only in 1944–5 did Churchill begin to consider a Western European 'bloc' based on Franco-British cooperation, a plan to which Stalin immediately objected; the idea was quickly abandoned because London's plans did not hold much interest for de Gaulle, who was in fact looking for an alliance with Moscow in a traditional anti-German accord. In the short period between the end of the war and the full manifestation of the confrontation between Washington and Moscow, the anti-fascist ruling classes of most countries on the European continent, both in the West and in the East, reasoned and acted on the basis of the defence of traditional national interests; these actors were anxious to recover a significant role for their own countries and determined to preserve national boundaries or to modify them to their advantage, seeking to position themselves favourably in relation to the members of the 'grand alliance' (on this transition to the Cold War, see Calandri and Varsori 2002). The negotiations for the peace treaties with Nazi Germany's 'satellites' were significant in this regard; here, it is sufficient to note that two nations that would be among the future 'founders' of the European Community – Italy and France, led by politicians who would play key roles in the integration process – expended a great deal of effort and clashed bitterly over the fate of a few square kilometres, as in the case of the minute Briga and Tenda areas along Italy's northwestern border (Lorenzini 2007).

The factors leading to the emergence – or, perhaps, the re-emergence – of the European project were, first, the Cold War and, second (and closely connected), the change in US foreign policy towards the USSR. It is certainly not a new revelation – much of the historiography on European integration has identified it as a determining factor since the 1970s and 1980s – that the Marshall Plan was the element that initiated the integration process or that the Organisation for European Economic Co-operation (OEEC) was indeed the first institution that sought to achieve European cooperation in the economic field.[4] Other episodes in the policies of certain European countries seemed to signal this change as well: in particular, the signing of the Brussels Pact in 1948 and the establishment of the Council of Europe in 1949 (Varsori 1988; Bitsch 1997). These achievements were tied in with the flowering of a number of European movements within which the proponents of a federalist approach quickly gained the upper hand, as well as the spread of the European 'discourse' among pro-European intellectuals, politicians, trade unionists, etc., especially in France, Italy, the future West Germany and the three Benelux nations (Pistone 1992). In this process, there was an evident desire on the part of personalities such as Robert Schuman, Konrad Adenauer and Alcide De Gasperi (just to mention the 'founding

fathers') to find in a Europe that had almost been annihilated by two world wars a shared ideal that could facilitate the continent's recovery in economic and political dimensions, but also in the context of the values of democracy – a democracy that in continental Europe between the two world wars had proven to be prone to serious limitations, major weaknesses and, in some cases, fatal flaws in the face of totalitarianism. This early European integration process also exhibited a variety of non-trivial contradictions. For one thing, it soon limited itself to what would become the 'Europe of the Six'. This development excluded not only the states constituting the 'Socialist Bloc' and those still under the rule of fascist regimes, but also the Scandinavian democracies, Britain, some traditionally neutral countries and the weak Greek state, which was troubled by the legacy of a bloody civil war. Thus, even if the construction of Europe concerned Western Europe only, in effect it was focused on a very few states. These early attempts were also closely connected (one could argue that it was almost a reaction) to the conflict between East and West, with definite roots in the Cold War. At this stage, a considerable part of the French and Italian electorates (i.e. those represented by the French Communist Party [PCF] and the Italian Communist Party [PCI]) considered the European project to be merely a tool of US 'imperialism'. Nor should it be overlooked that the influence of the United States proved to be critical; indeed, without its support it would have been unlikely that the European construction would have blossomed from the ideas of a tiny elite into a concrete political project: the OEEC would not have arisen without the Marshall Plan, the Brussels Pact proved to be a stepping stone for the creation of the North Atlantic Treaty Organization and the Council of Europe was a compromise between France and Britain in which each party sought to define which nation would lead the western part of the 'Old World' and assume the role of primary partner of the United States.[5] The most important and lasting achievement of these early years of European integration was not a European agreement but rather the Atlantic Alliance – in other words, the Treaty of Washington in April 1949 that defined the structure of the Western system, under which (as it was hoped in Washington) a Western European subsystem would then be formed. Indeed, on the whole, the consensus on European integration was limited; the 'myths' and 'models' that were prevailing in Europe, representing the hopes and aspirations of millions of Europeans, were the 'American' model and the 'Soviet' one. Although some pro-European elites advocated a 'European' model that would be partially independent from Washington, in the view of the majority of the public, whether in favour of or hostile to the Western option, this ideal was ultimately identified as an aspect or a corollary of the American model. Besides, was not the most successful model of federal states that which was exemplified by the United States of America?[6]

The 'heroic' phase of European integration and the emergence of the enlightened elite

The ninth of May is now observed as Europe Day. The reason is obvious and well known: on 9 May 1950, French foreign minister Robert Schuman issued a declaration inspired by Jean Monnet that would give rise to the Schuman Plan, the ECSC and the 'functionalist' method that would characterize (and in part still marks) the process of European integration, apparently therefore another important element of continuity that ties the actions of the 'founding fathers' to the present European Union (on Monnet's extensive bibliography, see Roussel 1996). Indeed, the ECSC was no isolated project; it was soon joined by the Pleven Plan, the proposed EDC and, later, thanks to the initiative of Alcide De Gasperi, the proposed European Political Community (EPC) (Preda 1990, 1994; Dumoulin 2000). Up until the failure of the French National Assembly to reject the EDC in August 1954, European integration experienced one of its most

intense and 'heroic' phases, a period in which inspiration and commitment were particularly strong; in these years, not surprisingly, the actions of the federalist movement seemed to be particularly significant, and Altiero Spinelli began to emerge on the political scene (on Spinelli, see Graglia 2008). But what were the motivations of the 'founding fathers'? What was the nature of their strategies and their goals? The Schuman Plan and the Pleven Plan were certainly inspired by a clear desire for reconciliation between France and Germany, but the primary impetus behind the project of the Coal and Steel Community was the French need to ensure its supply of German coal, which was vital to the nation's economy. In a broader context, Schuman and Monnet believed that such a 'functionalist' integration would allow France to control the resurgence of West Germany, placing Paris at the head of Western Europe at the expense of London and allowing France to become the main ally of the United States. For his part, Adenauer understood that adherence to Monnetian projects would permit the Federal Republic to recover international respectability, only a few short years after the defeat of Nazism and the end of the Second World War. On this basis, Bonn would be able to fulfil its long-term strategy of full integration into the West and, in the hopes of the West German Chancellor, lay the foundations for reunification (Spierenburg and Poidevin 1993; Ranieri and Tosi 2004). An often neglected aspect here is that the negotiations on the EDC were paralleled by negotiations in Bonn between the Federal Republic and the Western victors of the Second World War over the return of West Germany's full sovereignty (on the figure of Adenauer, see Schwarz 1986/1991). Even for De Gasperi's Italy, involvement in the ECSC was primarily seen as a tool that would allow Italy to regain its international status and permit the state steel industry to strengthen its role through acceptance of the challenge of international competition (Ranieri 1988: 345–56). As for the European Political Community, it was in part a response to a project (i.e. the EDC) that was perceived as detrimental to Italian interests (Varsori 2010a: 89–102). For the Benelux countries, ever since the dramatic events related to the German invasion of 1940, their decision-makers had understood that the security and prosperity of their countries were closely bound up with forms of multilateral cooperation (if not supranational integration) under which small countries would, *inter alia*, have a greater opportunity to defend their interests (for more detail, see Dumoulin 2000; Ballini 2009). In this era of 'heroic' Europeanism, the desire for and the ideals of integration were closely connected to the preservation of national objectives and to the strengthening of the 'Western alliance' in the face of international communism, which was perceived (at least until the death of Stalin) as particularly threatening and aggressive. A significant example of this attitude can be found in Alcide De Gasperi, whose thoughts and actions were a combination (without apparent contradiction) of defence of the European model, loyalty to the Atlantic Alliance and a desire to safeguard Italy's interests (on Alcide De Gasperi, see Preda 2004). Further evidence in support of this interpretation is provided by the staunch US backing, both by the Democratic Truman administration and the Republican Eisenhower presidency, of European integration. The symbol of this strong Euro-American bond in an anti-Soviet era was Jean Monnet, the so-called *inspirateur*, a figure who (also on account of his background and his personal ties) embodied the concept of the 'bridge' between Europe and the United States – without, of course, losing sight of France's interests (on Monnet, other than Roussel 1996, see also Bossuat and Wilkens 1999).

As noted above, in the summer of 1954 the failure of the EDC seemed to imply the collapse of the entire European system based on Monnet's concepts in favour of a Euro-Atlantic connection, within which the British and French governments believed they could better defend their positions of 'great powers' in the context of traditional relations of alliance without transfers of sovereignty, although this did not exclude forms of close practical cooperation, especially in the military sector. The European project had met with a setback for various reasons: the death

of Stalin and the new 'peace policy' launched by the Soviet leadership diminished the need for unity in the defensive dimension, and there was a popular belief emerging in the 'Europe of the Six' that integration would primarily safeguard Washington's interests rather than European ones. Another important reason, however, was the top-down, elitist nature of the European project that seemed to be somehow imposed on the population. The partial transfer of sovereignty in the economic area (as in the ECSC) was perceived as a limited technical solution that could be left to the 'experts', and this came to be largely accepted; however, in the political and military contexts, Monnet's concepts clashed with traditions, values and sentiments that were rooted in the history of the European nations, making it much more difficult for the public to accept the EDC and the EPC.

The European economic dimension: the European Economic Community and the success of 'Little Europe'

Once again, the stereotypical view of European integration depicts some of the 'founding fathers' as ready to 'continue the journey' of integration. They first met in Messina to 'revive Europe' and then in Rome to sign the treaties that would give rise to the European Atomic Energy Community (EURATOM) and the EEC, which (thanks to its economic success) confirmed in the late 1950s and the 1960s the intuition of Monnet's 'pragmatic' approach; however, at least according to a certain cliché, due to the 'nationalism' of de Gaulle European integration had not made much progress in the political arena. These interpretations appear outdated; the results of empirical research on specific episodes and individual countries offer a more complex perspective on the creation of the EEC and the first decade of its existence. The initial 're-launching of Europe', to resort again to the stylistic terminology of the historiography, was once again the work of a tiny 'elite'. This is undoubtedly true, but the success of this elite was due in part to the apparently technical nature of the issues raised by the establishment of the Economic Community and the Atomic Energy Community. A rapid analysis of the press reports of that time or the political debates in the various countries of the 'Six' would be sufficient to demonstrate that the 're-launching of Europe' aroused much less interest than other processes or events such as the confrontation between East and West, decolonization, the Suez crisis, the Hungarian uprising, the war in Algeria, the struggle over Berlin and so on. At this point, one might wonder whether the EEC and EURATOM actually played an important role in the political agenda of the leaders of the countries that were most affected by the integration process – not just the 'Six', but also Britain and the United States.[7] Once again taking for granted the same ideals underlying the creation of the 'united Europe', the Treaty of Rome was the result of a compromise between national interests, as well as the intuition that the 're-launching of Europe' would serve as a useful tool, enabling the European partners to deal with certain important changes in the international environment. It is true that the positive outcome of the negotiations was primarily determined by a political agreement between Paris and Bonn brokered in the aftermath of the Suez crisis: in the EEC, France saw a means of consolidating its international role through collaboration in Europe with the Federal Republic of Germany after the disappointments of the American 'betrayal' and British 'cowardice' in Suez; Adenauer's Germany perceived it as confirming the country's 'status' as a European power and as a kind of counter-insurance against possible changes in the US position on the issue of German reunification. As a consequence of this agreement, there was an economic 'trade-off': France gave up its traditional protectionism by accepting the creation of a larger market for the revitalized German industry of the *Wirtschaftwunder* era, and, for its part, the Federal Republic agreed to financially support the modernization of French agriculture and exports. Moreover, Bonn consented to

help Paris through the Association policy, with its aim of developing sub–Saharan Africa under French rule. Finally, the German industrialists and the German economy minister Erhardt agreed to the creation of a Community that would be based on the concept of free trade within its borders, but would tend to be protectionist towards the outside world (on the Treaty of Rome, see Serra 1989; Bossuat 1996; Knipping 2004; Ballini 2010). In fact, this compromise disappointed some of the hopes of the Benelux countries, which (especially in the initial phase of the negotiations) had advocated the establishment of an economic Community open to the outside. As for Italy, despite the standard underestimation of its role by the historiography on integration, the authorities in Rome cleverly managed to obtain its goal of a Community that would contribute to the economic development of the country, especially Southern Italy, and to the resolution of certain fundamental social problems – hence the support for the recognition of a European social policy, a European regional policy, the commitment to the creation of the European Social Fund (ESF) and the European Investment Bank (EIB), and, 'last but not least', the recognition of the 'free movement of labour'. This had been one of Italy's main objectives for the European model since the late 1940s, and with the Treaty of Rome it finally secured the reopening of European labour markets to Italian emigration (Varsori 2010a: 119–58). With regard to the establishment of EURATOM, especially in view of the events that were radically changing the Middle East, the 'Six' saw an opportunity in this new Community for the exploitation of an energy source that would enable them to devise a development policy that would be less dependent on the will and the whims of oil–producing nations.

The US did not fail to understand the dangers inherent in the establishment of a Community with protectionist tendencies: the creation of a regional economic approach was in contradiction to the US globalist view, but the great American industries (such as the automotive industry) had already installed themselves in Europe and were producing locally. In Washington, there was a prevailing belief that there would be a significant political advantage in a closer Western European system, especially if it resulted in countries governed by moderate leaders who were strictly loyal to the Atlantic Alliance. The Eisenhower administration's open support of EURATOM is proof of the United States' interest in exerting a direct influence on the development of European 'know-how' in a sector perceived as sensitive due to its military implications (Varsori 2010b). As for Britain, after its initial scepticism about the ability of its partners to 're-launch Europe', it came to understand how dangerous the economic implications of the EEC would be for London: it would in fact create a powerful economic entity that would be closed to London and in which West Germany would play a central role. London reacted to this danger by trying to establish a wider free trade area within the framework of the OEEC, but these attempts only resulted in the far less effective European Free Trade Area (EFTA) formed by the countries 'peripheral' to Western Europe, an experiment whose limits were quickly demonstrated (on Britain's foreign policy in this period, see Kaiser 1996; Ludlow 1997).

The decade following the entry into force of the Treaty of Rome is seen by many historians as predominantly characterized by the negative presence of General de Gaulle, who, influenced by his ambitions of 'grandeur', sought to frustrate any attempt at achieving progress in political integration, as well as any enlargement of the Community (particularly with regard to Britain). Although I do not seek to deny the reality of the French 'veto' of Britain's application for membership (submitted in the summer of 1961), the failure of the Fouchet Plan or the significance of the 'empty chair crisis', it should first be noted that in economic terms the EEC proved to be a complete success. Or rather, it would be better to speak of the success of the only two policies that were efficiently expressed and led to relevant achievements: the creation

of a customs union for goods and the gradual establishment of a Common Agricultural Policy (CAP) (see Patel 2008). The economic growth of the 'Six' – these years represented the peak of the so-called 'Golden Age' – was largely due to the European system and the creation of an enormous market of nearly 200 million consumers. Obviously, this tumultuous growth, with all its social implications, was also the result of other concomitant factors, both domestic and international, but the 'European construction' was an essential tool in this regard. It was recognized as such by the political and economic elites of the 'Six', who, putting aside the rhetoric of political integration, adapted themselves to the will of de Gaulle but without questioning the material advantages offered by the construction of an integrated market (on the construction of Europe in this period, see Deighton and Milward 1999; Loth 2001; Ludlow 2006; the volume by Ludlow is of particular importance for its new interpretations). The Luxembourg 'compromise' was a victory, not only for France but for each of the 'Six', who accepted the primacy of the intergovernmental approach over the supranational ideal represented by the policy pursued by the Hallstein Commission. Between the 1950s and the late 1960s, Community policy became an important part of the foreign policy of the 'Six', indirectly influencing the positions of other Western European nations and the US as well (Palayret *et al.* 2006). Nevertheless, once again, we could ask whether public opinion, political parties and governments themselves regarded the Community choices as central to their foreign policies. If we exclude brief periods related to the best-known episodes concerning 'Little Europe', the Cold War and decolonization remained the fundamental reference points for what is termed 'high politics' in the international arena. During this decade, with the exception of Gaullist France, the members of the Community confirmed their alignment to the positions of the United States and their loyalty to the Atlantic Alliance, although there were cautious overtures and more or less explicit forms of dialogue with and signs of openness towards the Communist Bloc. The construction of the Berlin Wall, the Cuban Missile Crisis, *détente*, African decolonization and later the Vietnam War were the themes that caught the attention of Western European public opinion and were a source of concern for leaders and political forces (on this period, see Judt 2005: 241–59; for Europe in the international context, see Loth and Soutou 2008). Nevertheless, between Brussels, Luxembourg and Strasbourg, a complex European bureaucracy was formed, largely based on European ideals that not only justified the functions it performed, but also attributed to the same bureaucracy and the conduct of its business an ideal political value of great relevance and with strong implications for the future (Dumoulin 2007).

The turning point of the 1970s: a different European integration?

The most recent historiography of post-war Europe underlines the 1970s as a crucial moment of change in the history of the continent, also as a result of radical developments in the wider global context (Ferguson *et al.* 2010; Varsori and Migani 2010; Baroncelli *et al.* 2012). It is obvious that this decade – actually, beginning in 1968 – was characterized by major upheavals in Europe, primarily of a social and political nature: the movement of 1968 was a clear expression of a change in values, ways of life and behaviours that marked the entrance into a new world, into 'our modernity', as the French historian Chassaigne has argued (Chassaigne 2008). With regard to the political context, in the late 1960s there was a change in leadership in several major European countries that in some way also represented a generational change – just think of the arrival of Georges Pompidou in the *Elysée* and the appointment of Willy Brandt as Chancellor of Germany (Moeckli 2008). There was also a clear shift to the left among substantial segments of the electorate, and numerous themes and ideas of the radical youth movements ultimately influenced the moderate leadership that was forced to deal with these new trends in

public opinion. From the international perspective, the Vietnam War and the positions of the Nixon administration made transatlantic relations more difficult and complex, for a long time thereafter sullying the image of the United States, which had lost its standing as the 'moral' leader of the West (Gilbert 2007: 45–64). The 'Third World' ideology gained momentum in broad sectors of public opinion in Western Europe; moreover, for a certain period countries in Africa, Asia and Latin America seemed to be able to reverse the balance of power that until then had favoured the Western industrialized world. This latter aspect was also partly the result of the oil crisis of 1973–4, which triggered a phase of economic hardship that lasted for a decade. Western Europe was faced with the collapse of its illusion of unlimited growth, and for some time many gave credence to the theory of the irreversible decline of the capitalist system (Garavini 2012).

European integration (or rather, Community leaders and the EEC) was impacted by these radical changes. The process of integration was interpreted as the tool that would enable these actors to deal more effectively with the new problems and changes facing the continent. The Hague Summit Conference of December 1969, with its objectives of 'enlargement', 'completion' and 'deepening', was the first expression of this new 'integration' (Guasconi 2004; Bussière et al. 2006; Wirsching and Lazar 2011). First, the significance of the inclusion of three new countries – Britain, Ireland and Denmark – cannot be limited to mere economic aspects or the end of the Gaullist 'veto'; English and Danish accession marked the end of the concept of 'Catholic Europe', although this change had already begun a few years earlier with the transformation experienced by the Church following the Second Vatican Council. The 'Eurocentric' views of Pius XII had become anachronistic; Catholicism was turning its attention to Africa and Latin America, and some factions were propounding Third World theories and ideals. In addition, the shift towards the left of the political spectrum favoured the rise of 'Socialist' values and 'progressive' catchwords in all political circles in Europe, even in the leadership of the member states and in the European institutions themselves, in particular the Parliament and the Commission.[8] Although 'completion' resulted in the creation of a Community budget and the strengthening of the CAP, it was primarily in European 'deepening' that the transformations of a general nature were to have their greatest impact. During the first half of the 1970s, the Community launched a series of new policies, ranging from regional policy to environmental policy to energy policy. Also significant during this era was the strengthening and partial transformation of social policy, which was in part influenced by the spirit of and the problems posed by the '1968' movement (Scichilone 2008; Di Sarcina 2010; Varsori 2010b: 235–70). Nor is it possible to ignore the innovations that were included in the Lomé Conventions of 1975, some of which seemed to inspire new and more egalitarian criteria for the Community's relations with the countries of the Third World (Migani 2011). In the context of transatlantic relations, the European Community seemed to indicate a more independent European path with respect to the American alliance, although this involved contradictions and second thoughts. The first attempt at creating a European monetary system – the so-called 'snake in the tunnel' – arose from divergent interests between Washington and the Community in the field of monetary policy (Mourlon-Druol 2012). Despite the lack of successful outcomes, European attempts to initiate a dialogue with the Arab world and the growing attention directed towards the Mediterranean were also of great relevance. In this context, the Copenhagen declaration on the political 'identity' of the European Community and the establishment of the European Political Cooperation (EPC) should be noted (Varsori 2010b; Migani 2011); the latter found concrete expression in particular in the management of the negotiations of the Helsinki Agreements of 1975, even though the EPC reflected an intergovernmental cooperation that extended beyond the boundaries of the EEC.

In fact, although this 'new' European construction maintained much of its character over the course of the decade, 1974 marked a further change, largely due to the appearance of two new leaders in France and the Federal Republic of Germany (Valery Giscard d'Estaing and Helmut Schmidt, respectively), as well as the further evolution of the international context. Even though the changes that have been noted appeared to have strengthened the Community as a whole (with the exception of the EPC, which remained intergovernmental in nature), the French President and the German Chancellor seemed to consider the Community to be merely an instrument of a renewed Franco-German collaboration whose strategies and objectives often were situated outside the Community context (Romano 2008). Although it has been claimed that the Helsinki Accords marked the apex of *détente*, in fact at that time the leadership of the major Western countries began to worry about the possibility that *détente* was advantageous only to the USSR and that part of the Third World that was hostile to the West. Moreover, elements of crisis and instability involving possible moves towards resolutions that could favour the radical left and/or neutralists manifested themselves even on the continent of Europe – from Portugal to Greece, Spain and Italy. Furthermore, the situation remained critical for the capitalist system and the United States, which (especially after the Watergate scandal) did not appear capable of exerting a clear leadership role in the Western world. Consequently, Giscard and Schmidt used the Community as a means of stabilizing the wave of crisis washing over Southern Europe by strengthening the Community's image as a model of Western democracy more effective than that of the United States, a reconciliation between capitalism and the welfare state. This system was received favourably by those in Greece, Spain and Portugal who, while not desiring a return to the authoritarian regimes of the right, had no intention of replacing dictators with authoritarian regimes of the radical left (Del Pero *et al.* 2010). With regard to economic aspects, Giscard and Schmidt were the proponents of the establishment of what would become the G7: an attempt to coordinate the efforts of the major industrialized countries, including the United States, in addressing the global economic crisis. Finally, in 1978, France and Germany, in the face of the apparent ineptitude of the Carter administration, re-launched a more effective project for the establishment of a European Monetary System (EMS). This shared vision, however, did not prevent Schmidt from urging the US to address the threat of the Soviet SS-20 missiles, demonstrating that the Atlantic Alliance still appeared to be the most effective tool in the context of a resurgent Cold War.

At the end of the 1970s, the first elections to the European Parliament (EP) with direct universal suffrage were held. Although the consultations had indicated the prevalence of national issues, the EP that emerged in 1979 was perhaps most sensitive to issues of political integration, not only due to the presence of Altiero Spinelli, but also owing to the belief of many European MPs that they were the custodians of a real mandate for change towards a federal Community (on European elections, see the recent contribution by Pasquinucci 2013). These aspirations, however, were largely frustrated. We might indeed wonder about the degree of public interest in the Community during a phase in which much attention was focused on the emergence of new and serious tensions between East and West in Europe, from the Euro-missiles to the Polish crisis, let alone the development of a further serious energy crisis.

The 1980s: from apparent stalemate to the success of Maastricht

Between the late 1970s and the mid-1980s, European integration experienced a phase of stagnation. This is proof of how the events related to the Community were – and still are – profoundly influenced by both domestic factors and developments in the wider international system. The period between 1979 and 1982 witnessed radical changes in political leadership in

Britain, France, the Federal Republic of Germany and Italy. In London in 1979, the return to power of the Conservatives was marked by the arrival of Margaret Thatcher in Downing Street with her 'conservative revolution', which was, however, only fully to unfold after the British victory in the Falklands War of 1982. In Paris in 1981, for the first time, a socialist president was elected to the *Elysée* as the head of a coalition of the left, including the PCF, ushering in a brief period of increased state intervention in the economy. In Bonn in 1982, the long period of domination by the SPD came to an end with the return to the Chancellery of the leader of the CDU/CSU, Helmut Kohl. Finally, Italy seemed to emerge from the long crisis of the 1970s with the establishment of the five-party coalition (*pentapartito*), an alliance between parties that would lead the country for the next decade (on the changes in these four countries, see Favier and Martin-Roland 1990; Padgett 1994; Vinen 2009; Gervasoni 2010). In addition to these significant developments within Western Europe, the EEC was confronted with a series of major changes in the foreign policy context and in the field of international economic relations. With regard to the former, a new open conflict between East and West was set off; due to the controversial issue of the Euro-missiles, the confrontation between Washington and Moscow was again focused on Europe (Nuti 2009). During the Reagan administration, the United States managed to once again take over leadership of the West, not only in terms of politico-military force, but also on the basis of the country's renewed ability to serve as an economic and social model and to export its increasingly globalized popular culture. With respect to economic developments, the apparent success of 'neo-liberalism' was the result of both the changing climate concerning the future of capitalism and the changes brought about by technological developments in the economy and the growing weight of finance in comparison to industry. This trend included the move towards a 'post-Fordist' society and the emergence of new actors on the economic scene, from the so-called 'Asian tigers' (Hong Kong, Taiwan, South Korea) to the strengthening of the Japanese economy and the early signs of real openness towards the market system by the People's Republic of China. These developments entailed only a minor role for the Third World countries, whose needs found their last expression in the conference held in Cancun in 1981; notably, even the developing countries very quickly lost faith in the planned economy model propounded by the USSR. The member states of the European Community, in addition to undergoing experimentation and breaks in their domestic leadership, seemed to react particularly strongly to the political and military challenges posed by the new Cold War. Although in different ways (in comparison to the late 1940s), again this reaction resulted in a realignment towards the US position, with the acceptance of the installation of medium-range missiles within their borders. Even Mitterrand, despite the presence in the government of the PCF and harsh critics of all other aspects of the Reagan administration, ended up supporting Washington rather than Moscow on strategic issues (Favier and Martin-Roland 1991: 29–54; Bozo 2005: 29–54). All this was valid in a short-term perspective, but not in the medium or long term without incurring the nullification of any European autonomy in the clash between East and West. In addition to the dynamics of the new Cold War, the member states had to take into consideration and address the changes taking place in the economic context, as well as those in technological and social fields, in order to safeguard the leading role in the world economy that they had won back in the 1960s and 1970s. To this end, it was necessary to resolve the anomaly represented by Mitterrand's France, which between 1981 and 1983 seemed to have taken a path diverging from the advancing 'neo-liberalism'. However, in 1983, confronted with the country's serious and growing economic difficulties and under pressure from his own finance minister, Jacques Delors, Mitterrand decided to make a U-turn in the French economy; this decision had as its corollary the expulsion of the PCF from the governing majority and *rapproachement* with West Germany (Berstein *et al.* 2001). It is no coincidence that

these changes marked Mitterrand's decision to ensure that the European system would return to being one of the primary goals of French foreign policy. Paris and Bonn, having rediscovered their commitment to Europe, were forced to resolve the problem posed by Britain's request for a change in the EEC budget in favour of London. This obstacle was overcome on the occasion of the European Council held at Fontainebleau in 1984. Moreover, in this same period, thanks to the actions of Spinelli and the approval of his project for a European Union by the European Parliament in Strasbourg, some European political elites appeared to rediscover a sense of the Community as an international actor in a polarized world that appeared to be shaped by the clash between the USSR and the United States. European integration was therefore re-proposed as a response to the major international problems that were manifesting themselves and the radical changes that were ushering in the world economy. In this context, it was necessary to identify the path to be pursued in relation to this new opportunity offered to Europe on the basis of the 'integration' process. The paths to be followed and the goals to be achieved were elaborated, not without uncertainties and difficulties, around the middle of the decade. As in the early 1950s, it was assumed that adaptation to the international economic system was the most important objective, as well as the most easily attainable, not only because it would be managed by the politico-diplomatic and technocratic-administrative Europeanist elites, but also because if it was successful these aims would be readily (and almost automatically) accepted by European public opinion (Varsori 2013a). The first expression of this strategy was the 'White Paper' of the Delors Commission, which envisaged the creation of a single European market based on the free movement of goods, capital, services and people. This goal represented the apparent conversion to a 'neo-liberal' approach on the part of personalities whose backgrounds and experiences were not at all 'neo-liberal' (such as Mitterrand and Delors, two committed Socialists, and Chancellor Kohl, a Christian Democrat). It is not surprising that the 'White Paper' was largely the work of the British Commissioner Lord Cockfield or that Margaret Thatcher did not seem hostile to the objectives set out by the Commission (Varsori 2010a). In this context, the French 'Eureka' project in the technology sector should also be noted, as it was perceived as a means for Europe to counter the growing American supremacy in this field. For its part, Italy, repeating a frequent script, pointed out the need for greater political integration; in this way, Rome hoped to safeguard the interests of Italy as a 'junior partner' (as it was perceived to be by the other leaders of the Community) (Varsori 2010a: 331–4). Beyond these goals, the first concrete step was the reform of the 'tools' at the disposal of the Community. This need was expressed in the Single European Act, which granted greater power to the Commission; this institution became the driving force in this era of change, above all in the implementation of the 'single market'. The economic impetus of the European Community was the preparation for the challenges of incipient globalization, as well as a renewed *détente* – between 1985 and 1989, this was the vision in the West of what was happening in the East thanks to the actions of Gorbachev – but the question of the political character of the new European construction was still left open. In this context, Delors, Mitterrand, Kohl and other European leaders demonstrated their conviction that greater political integration (always driven by elites) would allow them to preserve the basic character of the European Community, in particular the ability to reconcile neo-liberalism and the welfare state. Perhaps they did not realize that the choices made in the economic sphere were progressively removing one of the aspects upon which the Community had been founded; that is, its identity as a regional economic area. In the short term, however, global events seemed to ease the decisions taken by both the leaders of the member states and the Commission. The fall of the Berlin Wall, the reunification of Germany and the end of the Cold War fostered a further significant acceleration of the integration process: The building of Europe seemed to offer the most effective tool to deal with

the rebirth of a strong German state in the centre of the continent, as well as the prospect of the merger of the two halves of Europe after more than 40 years of division (that many had believed destined to last much longer). The prospect of the 'big market' – or rather, the achievement of the Economic and Monetary Union (EMU) with its ambitious ultimate goal of creating a single currency, which in 1988 still seemed like a utopian dream – was accompanied by the design of stronger political integration with the establishment of the European Union (EU), potentially the embryo of a federal state. A relatively brief negotiation process led to the signing of the Maastricht Treaty, which, although complex, was founded on certain specific assumptions: the partners of Germany, in particular France and Italy, accepted its reunification but asked Kohl for greater political and economic integration. Specifically, Bonn would have to give up the Deutschmark, the symbol of West Germany's strength and its rebirth from the ashes of Nazism, in favour of a single currency, the euro (Padoa-Schioppa 2004). However, West German leaders won the concession that the future European currency would be inspired by the Deutschmark and that Bonn's partners would agree to comply with the precepts of economic policy that for decades had been the basis of decisions by the *Bundesbank*: rigour in public accounting, a firm hand controlling inflation and the exclusion from the EMU of those who were unable to comply with these rules through the five 'benchmarks' (a criterion that later concerned Italy in particular) (Dyson and Featherstone 1999; Geary *et al.* 2013; Varsori 2013b). In the euphoria and optimism resulting from the conclusion of the Cold War, European leaders believed that the EU could play a central role in international relations and could create tools to foster the process of homogenization of the social and political models of its members. There were, of course, certain 'grey areas' in this ambitious project: Britain's 'opting out' from the social chapter, the intergovernmental character of the two outer pillars – the Common Foreign and Security Policy (CFSP) and Justice and Home Affairs (JHA) – but the important decision on the EMU cannot be overlooked; as in the past, an economic instrument, largely created and run by technocratic elites, successfully functioned as a catalyst for political integration based on the actions of a bureaucratic Europeanist elite. At that time, the European project peaked in terms of prestige and the confidence expressed both by governments and by public opinion. The creation of the EU seemed to represent the realization of the European dream, but also a fundamental step towards the emergence of a united Europe.

From illusions to disenchantment to the crisis

Although it is not easy for a historian to confront the last 20 years of European integration and propose an interpretation, it would be appropriate, in a cautious fashion, to offer a brief assessment of the period after the creation of the EU.

During the 1990s, there was no lack of signs of difficulty in the implementation of the Maastricht Treaty and the realization of some of the most ambitious goals laid out therein. In particular, the management of German reunification was more difficult and complex than expected, and the CFSP inability to deal with the crisis in the former Yugoslavia quickly revealed its limitations (for events related to the Yugoslavia crisis, see Pirjevec 2001; Schwabe 2004; on the EU policy pursued in the Balkans, see Gori 2007); in addition, the applications for membership by nations that had been part of the Communist Bloc were met with a very conservative and cautious response in Brussels, although the EU quickly expanded from 12 to 15 members with the accession of three neutral states (Austria, Sweden and Finland). Nevertheless, these years were characterized by a basically positive attitude towards European integration, in part as a result of the commitment of the pro-European elite (in particular the Brussels bureaucracy) to establishing the EU as a model of political, social and economic success

and facilitating the proliferation of the symbols and values employed to justify a European identity, such as the flag with the 12 stars and the European anthem (Léger 1995). Certain EU programmes began to affect the daily lives of millions of citizens in the EU countries, contributing to the popular belief in an implicit form of 'European citizenship'; the most obvious example in this context is the Erasmus program (Paoli 2011). In this same period, the structuring of the EU, its increasing set of tasks and its 'propaganda' favoured the emergence of a committed pro-European 'small world'. To the traditional bureaucracy of Brussels were added the numerous and influential 'lobbies' emerging in the context of the structural funds, a European Parliament finally exercising decision-making powers and a jumble of journalists, intellectuals, academics and national and local politicians, all disciples of the 'word' of Brussels, in an almost 'neo-Enlightenment' and at times 'messianic' mood, spreading the image of a world founded on progressive, universal and democratic values in which the EU would stand out as a symbol of democracy and respect for and dissemination of human rights, in combination with capitalist prosperity tempered by a definite and traditional social sensitivity (Meyer 2008). On the economic level, the spread of the belief in the EU's ability to advance and modernize its more backward members through the 'success stories' of Spain, Ireland and (to a lesser extent) Portugal and Greece should not be neglected, nor should the case of Prodi's Italy, which was 'resurrected' after the country's economic and political crisis of 1992–3, thanks in large part to Europe. At the same time, the EU increasingly accepted its inclusion in a globalized economy, gradually dismantling most of the features of a regional economic area, with the partial exception of the CAP – perhaps not realizing that the process of economic globalization would place the EU in competition with emerging nations far more homogeneous and with greater leadership skills than a Union in which the intergovernmental machinery, with its endless and complex mediations, was strengthened at the expense of the Commission.

It has been argued that the terrorist attacks on the Twin Towers in New York and the Pentagon in Washington on 11 September 2001 represented a fundamental break in international relations. It is certain that these events were perceived in Europe as a turning point, a sort of dramatic awakening from the illusion of the post-Cold War international world order charac-terized by the presence of one superpower, the United States, benevolent and not very interested in Europe (except where the fate of the Russian Federation was concerned). The EU (or rather, some of its major states) responded to these events with a further acceleration in the integration process. The EU returned to the enlargement issue with the idea of a 'big bang', i.e. the prospect of the rapid inclusion between 2004 and 2007 of 12 new EU members, in the belief that this move would help to stabilize the European continent. This decision was certainly influenced by both the failure of the European Union in Kosovo and the concerns over the rapid decline of the Boris Yeltsin administration in Russia, as well as the fact that the EU had no wish to be outdone by the United States (which had favoured the rapid accession of several countries of the former Warsaw Pact into NATO) (Mattina 2004; Bossuat and Deighton 2007; Wassenberg *et al.* 2010; Arcidiacono 2012; Varsori 2013c: 377–88). In 2001, the new currency, the euro, was introduced, clearly an important symbol of a possible European identity. The leaders of the member states and the European elites also pointed to the creation of a treaty that would establish a European constitutional scheme; this treaty, beyond the aspects of the decision-making process, seemed to be primarily inspired by the criteria of international justice and universal rights, as if these ideals were the heritage of the EU alone and not of all liberal democracies worldwide. The elaboration of the treaty and its signature took place contem-poraneously with a major crisis in transatlantic relations, resulting from differences between some of the major European countries (notably France and Germany) and the US over the 'war on terror' and the military campaign against Saddam Hussein's Iraq. The clash with the Bush

administration, to which there was a general and open hostility across Europe, was interpreted by most pro-European elites (as well as several American pundits and scholars) as an opportunity for the EU to assert a distinct identity in opposition to the United States. It was thought that a new international player within the Western world, described in some cases as a 'European power', in others as a 'civilian power' (Telò 2004; Varsori 2011), might be on the point of emerging. Especially the latter concept strengthened the idea of a European Union that would be the standard-bearer of a vision of international relations administered by international law, the guardian of human rights and peace, open to dialogue and a 'multicultural' approach, whose motto would become the optimistic – and vague – 'unity in diversity'. Moreover, this approach allowed the reconciliation of an EU based primarily on the relationship between states (but with integrationist aspirations) with the defence – even the exaltation – of regional realities.

In fact, certain signals should have led to an understanding of how these 'leaps forward' might imply obvious contradictions and obstacles. First and foremost, this involved the reactions of those segments (in some cases, the majority) of national populations that were not convinced by or did not understand the positive aspects of European integration and that (rightly or wrongly) seemed to be afraid of or viewed in a negative light the consequences of the decisions taken in Brussels: the influence of the euro on the cost of living, the opening of national borders to uncontrolled immigration from the East (the well-known but phantom 'Polish plumbers') and the moralistic intolerance of the 'propaganda' from Brussels that sought to demonize any criticism of the EU as 'Euroscepticism' and a symptom of outdated 'conservatism'. The first consequences of this progressive gap between public opinion and EU opinion-leaders and political leadership were the outcomes of two referenda in France and the Netherlands in 2005 that led to the failure of the Constitutional Treaty. Moreover, the persistent trend of considering the United States as an adversary seemed to obscure the consideration that the EU was primarily an economic actor, and that, in this context, the fiercest competitor for Europe was not the United States but perhaps the emerging economies, with which (having accepted the logic of a globalized economy) the EU was often forced to compete from a weakened position.

The financial crisis of 2008 and its progressive intensification began to call into question the only assumption upon which the supporters of European integration had always agreed since the 1950s, that which had won popular support for the project: the effectiveness of gradual economic integration as the most useful way to strengthen the economies of Europe or to defend them in the case of economic crisis. Setting aside the ambitions of the EU as a political and social model that nations worldwide should aspire to emulate, its value as an economic model was now cast into doubt: the 'success stories' of the 1990s and early 2000s, from Spain to Ireland, were shown to have serious limitations, if not very fragile foundations; the euro came to be seen as a 'straitjacket' that prevents the resolution of some member states' problems but favours the fortunes of others; and the tools of economic regulation seemed to be ineffective or only of service to one nation, Germany (consider the still unresolved debate between policies of 'rigour' and economic 're-launch'). Moreover, some member states have been inundated with waves of strong Eurosceptic sentiment, in which calls to fight the 'democratic deficit' (often used by pro-European elites as a means of resolving the contradictions of the EU) could turn into a boomerang. There are already those who are afraid, perhaps with a little exaggeration, that the next European Parliament will be composed of a majority of Eurosceptic parties and movements.

One might be tempted to pose the question of whether European integration will in the near future become a relic like the Cold War – that is, not a matter of policy, but simply an object of history. In fact, since integration has very often been used as a tool as well as an end in itself – a means by which the European nations have sought to address and resolve their

internal contradictions and international problems, a sort of modern expression of the nineteenth century 'concert of powers' – it is in fact likely that European integration will survive the present crisis, perhaps in a different shape or form, perhaps when political leaders become capable of long-term views and give up the idea that a set of 28 countries can act on the basis of substantial unanimity of purpose and policy. But here the task of a historian is at an end.

Notes

1   This is an updated translation of an article published in Italian: Varsori, Antonio (2013), 'Per una interpretazione storica del processo d integrazione europea'. *Ventunesimo Secolo* 12(3).
2   The singular role played by Catholic values in the European construction has been investigated in a limited way, for example by Chenaux (1990) and Canavero and Durand (1998).
3   See Dumoulin (1995) and Heide (2010). The focus on this project phase was already evident in the initial period of historical studies on European integration. An ambitious collection of documents in this area was initiated, resulting in the publication of four important books (Lipgens 1985–91). The last two volumes were actually edited by Wilfried Loth after the illness and death of Lipgens.
4   See Milward (1984). We do not focus on the important role played by Milward, who offers a provocative and significant interpretation of the origins and character of European integration. In particular, see Milward (1992).
5   On the interpretation of the construction of Europe as the basis of American influence in Europe, see Lundestad (1998).
6   It is not possible to explore in detail the long and complex discussion on the process of 'Americanization' in this context; cf. the recent contribution by Ellwood (2012).
7   This basically explains how there can be well-known and important histories of post-war Europe, especially in the English language, within which the space devoted to European integration is often minimal; cf., for example, the well-known book by Judt (2005).
8   Significant in this regard is the story of the Dutch Sicco Mansholt, a Socialist politician, European Commissioner for Agriculture and for a brief time President of the Commission; see van Merrienboer (2011).

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6

The fall of the Berlin Wall and European politics

Perspectives of new Europe in the early twenty-first century

Attila Ágh

Introduction: the processes of European integration

The fall of the Berlin Wall in 1989 has become the symbol for a turning point in world history, as it signified the end of the bipolar world. This event also paved the way for fundamental transformations in European politics that can be described through five processes:

- security integration, with the disintegration of the Warsaw Pact and the full transatlantic integration of former Soviet countries into North Atlantic Treaty Organization (NATO);
- the economic integration process, whereby the dissolution of the Council for Mutual Economic Assistance (COMECON) led to the economic reintegration of the continent, above all within the EU;
- the political integration process, involving the democratization of the continent through the general acceptance of European norms via the Council of Europe, and through EU accession in Southern, Northern and Eastern Europe;
- the social integration process, which has permitted more or less free movement across the continent and the reunification of Europe through the acceptance of common socialization models, including a mass migration from East to West;
- the cultural and ideological integration process, via the promotion of European values and a European identity, a multilevel identity based on national and regional identities within the member states (MS).[1]

These processes have resulted in the reunification of Europe. Through them, Europe has been continuously updated even in geographic terms (or 'quantitatively'): The borders of a unified Europe have been radically extended due to the EU's widening policy. Potentially, widening may continue to include the western Balkan states and (much later) the Eastern partnership of six states. This process has also involved the permanent re-formulation of the European Neighbourhood Policy (ENP), which has defined the global position of this emerging continental

region among other global regions. Europe has also changed 'qualitatively' through the deepening processes of European integration, above all in the economic dimension, but increasingly in political, social and cultural dimensions as well. Standard analyses of European integration have focused on economic integration, and the global crisis provoking the Eurozone crisis has reinforced the importance of this dimension. However, in recent decades, increasing attention has been devoted to the other dimensions as well, primarily with regard to the 'politicization' of the EU into a kind of 'Political Union'. But Social Europe has also come to the fore, due to the impact of the global crisis on employment and on other drastic social trans-formations. European identity has also figured high on the agenda; in addition, the traditional meaning of European security (in terms of 'military' security) has lost significance, while a new, more comprehensive concept of security has gained importance. Due to the globalization process, and especially to the recent global crisis, sustainability has proved to be the true 'security'. Consequently, genuine 'securitization' nowadays presupposes the creation of a sustainable and resilient society within its global environment.[2]

Various views have been expressed on the question of when the global crisis will come to an end, or, rather, 'Is the Euro Crisis Over?' (Pisani-Ferry 2013). However, there has been a common understanding that there can be no return to the pre-crisis situation, as only a new, more highly integrated EU will be able to consolidate itself. This chapter presents the view that the EU has emerged from the global crisis, and thanks to intensive crisis management it has reached a stage involving a new type of crisis: a 'transformation crisis'. The global crisis has made it clear that despite the achievements of European integration up to the late 2000s, the EU is still plagued by a 'systemic crisis' that must be overcome (Barroso 2012: 3). Thus, the vital issue today is whether the EU can move ahead towards a more integrated 'federative Europe'. In the spirit of Barroso's State of the Union speech on 12 September 2012, the central message of this chapter is that after the turning point in 1989 there have been two distinctive stages in EU evolution. This paper refers to the first stage of the unified Europe as 'old Europe' and the second stage as 'new Europe'. Globalization was also in its first stage between 1989 and 2009; with the 'tsunami' of the global financial crisis, it has entered the second stage of advanced globalization.[3]

The new stage currently underway necessitates a new definition of Europe that makes a sharp contrast between the old Europe and the new Europe. Some important changes have already been made within the conceptual framework of the field of European Politics (and, accordingly, also in European Studies) to demarcate these two stages. It is clear that there can be no return to the previous primary paradigm in European Studies, either. These new challenges have been formulated in the EU's 'Beyond the GDP' programme, in recognition of the fact that a new kind of global competition has emerged between the EU and its global 'strategic partners'. This has led to heated debates about the future of the EU in the increasingly globalized world, with sharply contrasting pessimistic and optimistic approaches. The Anglo–Saxon press has repeated a mantra claiming that 'the EU is collapsing', even though time and again this prediction has proven to be false (for an overview, see Thies 2012). In contrast, the president of the World Bank issued a statement in early 2013 on Europe's (potentially) bright future, should the EU meet the new global challenge by 'pooling sovereignty for global influence'.[4]

The reunification of Europe: from old Europe to new Europe

The main driver of the transition between old Europe and new Europe has been economic integration. Although crisis management for the Eurozone crisis has been very difficult,

European integration in other fields might actually have proven to be an even more complicated and controversial process. Therefore, the contrast between old Europe and new Europe may be greater in terms of political, social and cultural dimensions than in the field of economic integration. Accordingly, this paper will focus on political integration; this also includes key processes of social and cultural integration, since all these processes are closely interwoven. The security dimension in its broadest definition has also formed part of this 'politicization'; the EU's Nobel Peace Prize in 2012 was awarded for its comprehensive, decades-long 'peace-keeping' process across a unified Europe. There is no doubt that 'the EU does represent a settled bloc of constitutional relations, and a zone of peace, in the international system' (Hill and Smith 2011: 467).[5]

World history moves in long cycles, and the major change represented by the EU's reunification and transition from old Europe to new Europe has followed the historical itinerary of the transition between Kondratieff long cycles. In mainstream thinking, the post-war long cycle supposedly ended in 1989 with the collapse of the bipolar world, which also meant the end of 'the short twentieth century' featuring a divided Europe. Thus, the present long cycle (*c*.1989–2039) has now reached its half-way point, closing the first sub-cycle of Old Europe. The second sub-cycle (*c*.2014–39) will begin around the mid-2010s with the stormy start of New Europe. The logic of the long cycles thus seems to fit well with the main stages of European reunification, since there is no doubt that both the late 1980s and the mid-2010s have been the major historical turning points in European evolution.

Obviously, the major changes characterizing these long cycles and their sub-cycles have occurred through some shorter transitional periods. In 1989, the transitional period was marked by the decline of the Soviet Empire due to its failure to maintain competitiveness with the West.

The transition between the sub-cycles of Old Europe and New Europe has been forced upon the EU by the 'tsunami' of the global economic crisis. This global crisis has made it clear that the previous GDP-based economic growth model of conflicting polities within the EU has reached its limits, resulting in a profound, structural, 'systemic crisis' (in the words of president of the European Commission José Manuel Barroso). The growth model of the first stage produced clear crisis patterns in all policy fields and in the EU-related institutions in the 2000s. The painful years of global crisis management have proven that the transition to the new growth model has become inevitable. The transitional period from Old Europe to New Europe to overcome the transformation crisis can only be completed with the creation of new European institutional architecture and a new European policy universe.

In any case, the EU's turn from global crisis management to transformation crisis management has revealed the internal nature of European developments in general. The EU has had a long history of structural crises; even its foundation created an unbalanced structure between/among policies and between the various policy fields and their corresponding institutions. Indeed, in the general road map for this 'unbalanced' situation, economic integration (with its provocative 'spill-over' effects on other policy fields) has been the main driver of integration. These effects have generally produced a lack of coherence and cohesion between/among EU policies, thereby creating serious tensions from time to time and ultimately provoking radical reforms. In addition, the asymmetry or misfit between policies' pursuits and the institutions built for them has also profoundly influenced the structural dynamics of the EU, greatly contributing to the permanent creative crisis. Policies have always been more dynamic than institutions, enabling rapid adjustments to external challenges; institutional reforms have followed these adjustments slowly and belatedly, and (thus far) never perfectly. As a result, EU documents have always had a double nature.

They are simultaneously analytical and normative because they both regulate a given situation and mobilize for an expected future situation intended to resolve the structural crisis at hand.

Thus, the entire history of the EU has been a history of the EU 'in the making', as analysed in 'crisis studies' of the continuous readjustment process and constantly revised future-oriented EU definitions. This structural crisis has indeed been permanent, as it is inherent in the very nature of the EU; consequently, there has been no historical period in the EU without a 'crisis'. However, from time to time this typical EU crisis seriously worsens, a situation that has usually been overcome in the special reform periods (e.g. by the Maastricht Treaty, which offered a temporary solution for the cumulative crisis in the pre-1989 period). The EU has always functioned in a crisis setting, and thus the creative crisis has spanned the entire history of the EU. The current transformation crisis is merely a promising sign of the functioning of the creative crisis.

The nature of EU development has been analysed by Stefano Bartolini. According to his research, European integration has entered a new phase in the European state system, emerging from the pressures exerted both from the inside 'by the unbearable costs of the rivalries of the state systems' and from the outside 'by the growing pressure deriving from the slow but significant economic peripheralisation of Europe' in the world economy after WWII (Bartolini 2005: 366). Thus, even the first stage of a unified Europe required both internal and external crisis adjustments. The 'internal' adjustment of the EU between 1985 and 1995 was exemplified by Jacques Delors's 'Relaunching Europe' project, which took place in parallel with preparations for Eastern enlargement (the 'external' adjustment). 'European politics' in the proper meaning of the term was represented by this twin turn in the integration process, which together has generated a true 'pan-European approach'.

Indeed, the Eastern enlargement was closely intertwined with internal integration. Tim Haughton has pointed out that the accessions of the countries of Central and Eastern Europe (CEE) to the EU 'have transformed not just the politics of CEE, but European politics as a whole' (Haughton 2007: 133). Thus, Eastern enlargement was a major step taken in the direction of a united Europe: 'The unification of the European continent since the fall of the Berlin Wall in 1989 and the collapse of communist regimes in central and eastern Europe has changed the nature of European politics. . . . The recent democratisation processes in central and eastern Europe were a major boost for the European integration processes' (Magone 2011: 2, 70).

However, this unified Europe after 1989 could only be an influential global actor if it was organized as a 'region'; it proved to be a dynamic regional actor in its geographical neighbourhood through the regionalization in the ENP and the continuation of the pre-accession process in the western Balkans. In fact, European integration was a pioneering element in the structural reorganization of the world. As described in many works by Mario Telò (see, e.g., Telò 2006), the EU developed into an emerging 'mega-region' because in the late twentieth century the EU became a real global unit through the ongoing globalization of Europe. Thanks to its macro-regionalization, in this prior stage of globalization Europe emerged as a well-organized region in comparison to the other continental regions among the rising global powers (e.g. the BRICs). The global world is now structured within a multilevel governance system through 'regionalization' at various levels; this multilevel system consists of (1) continent-sized mega-regions (such as the EU, the USA, and China or ASEAN), (2) macro-regions (such as the Baltic Sea Region and the Danube Region within the EU), (3) country-sized units (such as the EU member states) and (4) sub-national regions (such as the NUTS2 regions in the EU) (see Ágh 2012).

In the 2000s, the EU became a strong global actor that initiated strategic partnerships with other global actors and promoted regional cooperation elsewhere. The European Security Strategy

(2003) emphasized the concept that regional organizations could strengthen global governance: 'The EU has repeatedly tried to promote regional integration in other parts of the world' (Tsoukalis *et al.* 2010: 9). As a result of the developments in the 2000s, the EU 'is undoubtedly the most integrated regional grouping in the world and serves as a model for many other regional groupings' (Smith 2008: 77). But the cruel test of the global financial crisis has shown that there are still some 'missing links' in this fragmented Europe caught between globalization and Europeanization, and/or between regionalism and a global order. Consequently, 'a new narrative' was urgently required to describe Europe's place in the world (Mayer 2009: 6–7). Again, the central message of this paper is that the permanent EU crisis has reached its climax in the present stage of advanced globalization. The ongoing 'systemic crisis' has been produced by structural imbalances between member states' internal 'rivalries' and external global pressures; this crisis calls for a reinvention of Europe in the new century.

Reinventing Europe for the twenty-first century

The resolution of the current systemic crisis will necessitate the largest and most profound transformation thus far in EU history, deserving of the name coined by Karl Polanyi: the Great Transformation (Polanyi 1957 [1944]). The common view is that 2011 was the worst year ('*annus horribilis*') and that the following year, 2012, already represented the first step towards consolidation, indicating that the 'worst was over'. Thus, as emphasized by many analysts (e.g. Bache *et al.* 2011: 221), the 'EU at the crossroads' situation took place in 2012. The year 2011 might have been the final year of global crisis management and of the Old Europe; 2012 was already the first year of the transformation crisis and of the Great Transformation that will give rise to the New Europe. The great 'earthquake' (Hill 2012) in 2011 was followed by a break-through towards the 'Federative Europe' of the second stage: '[b]etween the summers of 2011 and 2012 the political discourse on EU integration changed dramatically. . . . Now, the old debate about a "Political Union" . . . is back' (Janning 2012: 1).

In fact, the phrase 'more Europe' was forcefully introduced into the European discourse by Angela Merkel – first in her Bundestag speech in February 2012 – although this was just the 'maiden name' of the 'Political Union'. Overall, the EU's agenda changed significantly from 2011 to 2012:

> For much of the history of European integration, the final goal of Political Union – the famous *finalité politique* – was seen as a distant one. . . . But the euro crisis has led to a massive transfer of power to the EU level and made political union a real possibility. Political initiatives by European Council President Herman Van Rompuy . . . and European Commission President José Manuel Barroso's recent call for a 'federation of nation states' have kicked off a new debate about political union.
>
> (Dullien and Torreblanca 2012: 1)

The radical shift towards New Europe was summarized in Barroso's 2012 State of the Union speech; as the attached letter to Martin Schulz describes, the aim of this address was to set out 'a clear political vision for the future of our Union'. Barroso defines the EU's current 'systemic crisis' as one in which the 'interconnected global markets are quicker and therefore more powerful than fragmented national political systems'. Therefore, Barroso concludes, 'globalisation demands more European unity', warning that '[w]e are now in a transition, in a defining moment'. There is no doubt that the EU needs the requisite 'instruments to cope with this new reality' in order to overcome the fragmentation of its member states in terms of economic governance. In his

address, Barroso presents 'a Decisive Deal for Europe' as a solution to the systemic crisis, promising a positive-sum game. Specifically, he emphasizes that '[a] political union also means doing more to fulfil our global role' and that '[s]haring sovereignty in Europe means being more sovereign in a global world' (Barroso 2012: 2, 9). This statement can be seen as the linchpin of his speech and his key message to the member states.

This political vision has been fully developed and even more thoroughly substantiated in a longer document, the 'Blueprint' of the Commission (30 November 2012), which argues that a 'genuine' (i.e. a functioning and sustainable) Economic and Monetary Union (EMU) presupposes further integration, involving coherence and coordination among the various policy fields and the integrated system of institutions, leading to some kind of Political Union (European Commission 2012: 36–41). This fundamental argument about the 'genuine' EMU has been ongoing, and the concept of further integration has been finalized in the declaration of the four presidents coordinated by Van Rompuy (2012), together with Barroso, Juncker and Draghi (4 December 2012). The key concept was ready in time for the December 2012 summit, where it was endorsed by the conclusions of the European Council (on 13/14 December 2012; see European Council 2012: 2). The basic issue presented in the conclusions concerns how the 'systemic crisis' may be overcome by creating the necessary institutional architecture to eliminate fragmentation among the member states and the misfit between the EMU and the almost nonexistent 'Political Union'.[6]

However, it is also clear that this decade in EU history completing the shift from Old Europe to New Europe consists of three shorter periods. The EU has always developed through successive crises, and this time the resolution of the recent transformation crisis may take place in two steps. At present, the EU is still focusing on its 'transition strategy' between global crisis management and transformation crisis management; in 2014 the new period can be initiated.

As Barroso indicated in his State of the Union 2012 address, '[b]efore the next European elections in 2014, the Commission will present its outlines for the shape of the future European Union' (Barroso 2012: 10). The period of 'transition strategy' will end in 2014, when both the new financial perspective and the new institutional cycle of the EU begin. This turning point will also be linked to the subsequent European Parliament (EP) elections, followed by the inauguration of a new European Commission and by the elections of the presidents of the European Commission and the European Council (EUCO). In the third period (between 2018 and 2020, following the second launching period between 2014 and 2017), the emergence of New Europe can be expected, based on the new paradigm involving principles of social progress and/or sustainable development. In official documents (first in the EU 2020 Strategy), EU leaders have pointed out several times that they have been planning for a decade-long consolidation as part of the road map (see European Council 2012; Van Rompuy 2012).

Thus, the EU has already entered the post-crisis period, tasked with the largest and most profound transformation in its history. To date, the 2010s have been a decade of 'pooled sovereignty', although the 'Brixit' (British exit) issue (on Britain's European catharsis, see, e.g., Guérot 2013) has shown that further integration as 'politicization' has been unacceptable for some Eurosceptic member states. Paradoxically, during the period of global crisis management, economic nationalism and divergence have increased. The core–periphery divide has grown, thanks to the basically successful but variable and controversial crisis management that has also resulted in growing domestic dissatisfaction in all member states: 'On both sides, an increasing national focus and a rise in populism as well as anti-EU sentiment are evident in all parts of society. The EU is more and more perceived as a problem. The weakest hold that the EU, and especially core countries in the euro zone, are imposing too much on them and asking too much from them' (Emmanouilidis 2011: 13).[7]

The new challenge of overcoming this fragmented Europe can be described in the classical terms of deepening and widening. Clearly, this turn in European politics from Old Europe to New Europe has also created new cleavages and new opportunities, both internally and externally. Due in part to the global crisis – and, paradoxically, to the crisis management in particular – the EU as a mega-region has reproduced its internal and external cleavages at a higher level. This process must be seen through the concept of the systemic crisis, in terms of the increasing tension between the global competitiveness of the EU as an emerging polity and that of its competing member states. The new internal reorganization of the EU member states must be combined with the intensive regionalization of the organization's neighbourhood, since 'foreign policy begins with the neighbours'; thus, 'coming to terms with the neighbourhood' entails revitalizing 'neighbourhood policies addressed to the south and to the east' (Tsoukalis *et al.* 2010: 6–7). Consequently, 'globalization cum regionalization' will have to be the primary 'homework' for the EU in this decade.[8]

The crisis management system has focused thus far on the competitive core of the EU; however, in the coming launching period it will have to concentrate more on the cohesive EU, since the EU as a whole cannot remain competitive 'externally' in the long term without being sufficiently cohesive and inclusive 'internally'. As is well known, the Lisbon Treaty stipulates that a cohesive Europe must be built on the Holy Trinity of economic, social and territorial cohesion; thus far, all three have suffered.

The 'Convergence Machine' of the EU, as a World Bank analysis called it (see Gill and Raiser 2011), was based on the model of Social Europe that worked rather well in the EU until the outbreak of the global crisis. But in 2009–12 the crucial stress test failed; under the pressure of the global crisis, what emerged was more of a breakdown in Social Europe than a break-through to cohesive Europe.[9]

Thus, the introductory 'crisis studies' return us to the key question concerning the principal internal and external characteristics of the developing system of New Europe. This tension between competitive core Europe and cohesive Europe is now tilting slowly but definitely in favour of the new system. After five years of global crisis management, the EU is turning step by step towards the construction of a new European architecture. The Great Transformation will be complete only when Economic Europe embraces Social Europe (see Meyer 2013).

Two stages of European politics: turning towards a global multilateral policy

European politics have changed, both in theory and practice, between the two stages of Old Europe and New Europe. In Old Europe, European foreign policy was still conceived of as the various foreign policies of the member states in accordance with their traditional concerns and national interests. Radical change has come only slowly during the advanced stage of globalization that has forced a holistic view on European foreign policy. In the emerging New Europe, the EU has begun to behave like an organized global actor embedded in global processes: 'Traditional foreign policy based on "national interest" is being replaced by a more multilateral global governance approach. The EU member states are working closely together to establish multilateral structures in order to meet the challenges of an increasingly globalised world.' In this way, advanced globalization has led to 'the rise of post-sovereign European politics' (Magone 2011: 581, 591).

Old Europe entailed the dominance of the big three (Germany, France and the UK) in EU foreign policy, which was influenced by their specific national styles and constrained by the narrow traditional definition of conventional foreign policy (concentrating on security and defence

issues). The Europeanization of national foreign policies has been the main task from the very beginning in the EU (Gross 2011), but the member states have been resistant to these developments in the field of 'high politics'. Nonetheless, between the old Europe and the new Europe there has been both continuity and change in European politics. First, in earlier decades the actual foreign policy of the EU had already embraced the enormous extent of the EU's 'external relations' as the leading world trade superpower (Smith 2010). Second, although the big states' interests still prevailed in the 2000s, after Maastricht a common, convergent foreign policy line emerged in the EU in the form of the Common Foreign and Security Policy (CFSP), which went well beyond the traditionally narrow security concerns (Copsey and Haughton 2012). Both of these trends have gained strength in New Europe, and European politics has taken a decisive turn towards the development of a more integrated foreign policy. The Europeanization of national foreign policies has only taken place through the painful realization of common global interests in recent years; for example, the EU's global multilateral policy was elaborated for the G7/8 and G20 global negotiations.[10]

The collective European actors in foreign policy at the EU level and below had already appeared globally and regionally before the global crisis (see Jopp and Schlotter 2007); however, in old Europe they still remained hostage to competing national interests in many ways. There is no doubt that the pan-European character of European foreign policy has intensified in the transition from the global crisis to the transformation crisis. This has also been a transition from 'external-financial' crisis management (in order to save the euro) to 'internal-federative' crisis management (in order to secure the long-term sustainability of the EU by means of a 'genuine' EMU moving closer towards Political Union). The most important issue nowadays is whether the EU can maintain the sustainability of its dynamism throughout the transformation crisis. This dynamism is significant across all five main fields of European integration, most of all in economic governance. However, the principal lesson of the Great Transformation thus far has been that the sustainability of Eurozone governance can only be achieved by the 'politicization' of EU institutions (Liddle *et al.* 2012); that is, by the synergy of all EU policies under the 'meta-governance' of Political Union. Metagovernance is 'the governing of governing'; that is, establishing principles and norms that shape and steer the entire governing process.

These changes towards a global multilateral policy were taken into consideration when the European Council on Foreign Relations (ECFR) initiated its 'Reinventing the EU' project, which focuses on how Europe can rethink its medium- to long-term future once the immediate crisis recedes. The latest ECFR Report (Scorecard 2013) has determined that there was a re-nationalization of European foreign policy during the global crisis management, based on the preeminent role of the Big Three; however, this trend was reversed in 2012, and therefore European politics performed better than in previous years. In this regard, they found, 2012 was 'a surprisingly good year'. The future performance of the EU will depend on whether Europeans can further improve their coordination and coherence in foreign policy (ECFR 2013: 9–10, 12, 17), namely by making progress towards the integrated institutions of Political Europe.

This new kind of integrated European politics was prepared in the 2000s by radical changes in fundamental structures of society that greatly influenced the workings of European politics. Old Europe still meant the dominance of states in European politics, with only slight advances in sub-state public diplomacy. However, step by step, the states have lost their monopoly over foreign policy as networks of social actors (NGOs) have gained influence. These processes in the 'transnational European Union' (Kaiser and Starie 2005) have indicated and predicted the actual changes in paradigms, generating developments 'towards a common political space' from different sides of social and cultural life. A coordinated pan-European approach across all walks of life was increasingly necessary due to the changes in transnational socialization and the

transnational networks (together forming a pan–European 'informal governance'). In some ways, Political Union had emerged already in the 2000s through a bottom–up Europeanization process creating a shared European identity within the societies of the member states.

Overall, this new form of European politics has been based on profound, comprehensive European social integration, no matter how much this process has been disturbed and overburdened with issues concerning migrants and minorities. This EU socialization has also included 'culturalization' by means of an EU multilevel identity formation with a common sense of a European identity, although this is still controversial and is influenced by many national prejudices. European foreign policy has always been closely connected to the EU's international image and collective identity. With the increasing global role of the EU, this collective identity has become much more relevant in New Europe than ever before. All in all, as of the early twenty-first century, the EU 'has created a regional form of international *society*'. Thus, '[t]he idea of "civilian power" has been central' in the process of Europeanization (Hill and Smith 2011: 467, 469).[11]

Research agenda for the future

The primary task now is to elaborate a new, future-oriented definition of the EU. An analysis of the birth pangs of New Europe or the 'European renewal' in the early twenty-first century indicates that the ongoing definition of European politics must take place in three dimensions:

- European architecture must focus on further institution-building for Economic and Political Union;
- European policy-making (through the EU 2020 Strategy) will face major challenges in the attempt to preserve sustainability in policy coherence/coordination and synergy;
- the European way of life must be analysed in terms of well-being (see WEF 2012a, 2012b).

The president of the World Bank, Jim Yong Kim has asserted that 'Europeans enjoy the highest quality of life': with 10 per cent of the world's population and 30 per cent of its GDP, Europe accounts for 60 per cent of global social protection spending (Kim 2013). It is high time to prove in global competition that New Europe's high level of human and social investment creates a competitive advantage.

Conclusions: alternative European futures

In recent years, it has become common in the EU to elaborate potential scenarios in strategic papers. The deep divides within the EU have been evident in the direct form of official documents, as well as in the hidden agendas of the member states, including those of the new member states (NMS). The current Great Transformation in the EU will have to overcome the primary divisions in the EU28, which are (1) good-performer MS versus laggard MS (North–South), (2) pro-integration MS versus Eurosceptic MS, (3) big MS versus small MS and (4) 'new-new' virtual MS versus EU28 MS. The Alternative European futures in the 2010s described in 'The New Political Geography of Europe' (Walton and Zielonka 2013) can be outlined based on these profound divisions:

- the 'Nordic' scenario (Europe: the world's Scandinavia);
- the 'Western' scenario (Franco-German engine);
- the 'British' scenario (weak EU reduced to the Common Market);
- the 'Turkish' scenario (featuring quasi-disintegration).

The 'Nordic' (or 'headstart') scenario, following the model of the Nordic states, and the 'Turkish' (or 'doomsday') scenario, involving the accession of Turkey in the near future, are unlikely, but they provide good orientation points. The two more realistic scenarios can be described as (competitive) core Europe (in a bumpy road leading towards political Union) and fragmented Europe (maintaining the status quo on an even rockier road). In the first case, the convergences dominate; in the second case, the divergences dominate. For NMS, these scenarios must be evaluated in terms of integrative balancing in the workings of the 'Convergence Machine'; that is, as worsening or improving core–periphery relations in the EU (see Magone 2013).[12]

The policy network's 'EU "Fit for Purpose" in the Global Age' project (in partnership with the London School of Economics) represents a good opportunity for final conclusions. Clearly, before the global crisis 'policy integration continued at a slow pace. Only modest progress was made in strengthening eurozone governance. . . . Partly as a result, "Social Europe" remained largely a rhetorical construct' (Tsoukalis *et al.* 2010: 12). In the late 2000s, the EU's stability was shaken by the global crisis and fragmented by economic nationalism; however, following its early scattered responses to the crisis, the EU has begun to move 'towards a new political economy' in the post–Lisbon policy framework. Overall, 'The EU needs to redefine its role in a rapidly changing world. . . . European integration is clearly at a crossroads' (Tsoukalis *et al.* 2010: 16, 23). To conclude on an optimistic note, as the European Policy Centre's (EPC) Chief Executive Hans Martens asserts: 'With a number of tough years behind us in Europe, we can finally detect some light at the end of the tunnel. . . . [I]t is perhaps time to go back to the 2020 plan to provide Europe with a smart, sustainable and inclusive pattern of growth' (Martens 2013: 1).

Nowadays, the odds look good for the continuation of the Great Transformation. The final word on the emerging New Europe is therefore that, 'despite the recent difficulties, the European project has been a tremendous historical success'.[13]

Notes

1 This chapter relies to a great extent on a former paper of mine (Ágh 2013a). I have developed the idea presented in an earlier edited volume (Ágh 2011a) that the global crisis would be followed by a transformation crisis. There is not enough space in this paper to include an overview of the recent debates; I have only been able to refer to the most characteristic views of the leading policy institutions, and I have focused on the mainstream literature concerning European politics over the past two decades.

2 The sustainability as the new paradigm has been reinforced by the switch from GDP to 'well-being' in the international ranking institutions. This change of paradigms was prepared and initiated by the OECD and World Bank discussions, and continued, for example, by the EPC reports (Martens 2010), see also Happy Planet (2012), Heinrich Böll Foundation (2012) and WEF (2012b). The new paradigm has also reached the big member states as the decision in the UK 'making well-being the new GDP' (see, e.g., Stratton 2010) has been followed by Germany (see Deutscher Bundestag 2013).

3 Barroso has repeatedly emphasised that 'EU states must sacrifice "sovereignty for influence"' (Barroso 2013: 1); that is, in the stage of new Europe the key task for the EU and its member states is to exchange formal (national) sovereignty for real (global) influence in order to resolve the 'systemic crisis' (Barroso's term) between a fragmented Europe and the globalized world. On the two stages of globalization and the EU's adjustment to the advanced stage of globalization, see Cramme (2010), Tsoukalis *et al.* (2010) and Fabry (2011). On rankings in the new global age, see the KOF Index of Globalization (2012) and the global dynamism index (Thornton 2012).

4 In an article in the *Wall Street Journal*, World Bank President Jim Yong Kim (2013) expressed optimism about the EU's 'structural reforms' opening a new era of development. For similarly optimistic views about the EU's future, see also Leonard (2006, 2011) and Hill (2010, 2012).

5 The continued widening has been one of the major factors involved in creating peace on the European continent. As Keukeleire and MacNaughtan indicate (2008: 261), 'Since the early 2000s, the Balkans has become the site of the EU's most comprehensive structural foreign policy and has emerged as the

main testing ground of EU leadership'. This paper tries to point out the importance of the Eastern enlargement and the 'regionalisation' of the neighbourhood in the European reintegration (see Ágh 2006, 2012). See also Ambrosetti Foundation (2009–11), Emerson *et al.* (2011) and Havlik *et al.* (2012).

6   The title of this series of documents indicated a 'genuine' Economic and Monetary Union. In Autumn 2012, there was a heated debate on the political Union (see Berggruen Institute on Governance 2012; Chopin *et al.* 2012; Cramme and Hobolt 2012; Euractiv 2012; and the summary in Kreilinger 2013). In fact, all of the big policy institutes took part in this debate; policy planning in the EU in the Competitive Europe project was sponsored primarily by Bruegel and Centre for European Policy Studies (CEPS), while the Political Union project was sponsored by Notre Europe (Paris) and the Well-being Project by the EPC. It should be noted that the MAFF decision (European Council 2013) has only half-heartedly continued this deepening approach.

7   There has been an extensive debate on differentiated integration/membership (see Emmanouilidis 2010; and, more recently, Tekin 2012); some analysts have argued for 'a positive strategy for differentiated integration' (Tsoukalis *et al.* 2010: 21). I have elaborated on this issue in Ágh (2013), principally from the side of the 'policy' and 'regional' EU memberships.

8   For widening in the 'globalization cum regionalization' project, the key issue is the carrot crisis, i.e. how to find the proper balance between sticks and carrots in the western Balkan region and in the European Neighbourhood Policy (ENP) as a whole, with special regard for the Arab Spring. As a result of the global crisis, the US has turned more towards Asia, and some claim that '[t]his long-term shift in US foreign policy will further increase the pressure on Europe to deal with its own neighbourhood' (ECFR 2013: 23).

9   There has been a renewed debate about the German role in the new Europe. The Germans have long demanded 'a club within the club' representing the strong core of the EU, and they have recently worked to initiate a 'competitive core' Europe. It is high time for Germany to recognize the need for a cohesive Europe, also in terms of cohesive European governance (see Blondel 2013).

10 In the old Europe period, the conventional foreign policy of the member states still dominated, with a structural foreign policy based on treaties and agreements. Consequently, Hay and Menon (2007: 3–148) have described European politics through an analysis of its larger countries and macro-regions. Accordingly, a new debate has sprung up between the opposing forces of northern and southern Europe (see *Economist* 2011; Magone 2013).

11 There is an extensive literature describing the new socio-economic landscape of European politics; for the analysis above, see Sedelmeier (2004: 125), Heard-Lauréote (2005), Schimmelfennig (2005), Dembinski (2007: 91–5), Best (2009), Checkel and Katzenstein (2009) and Bale (2013: 303–35).

12 I have elaborated on these four scenarios in Ágh (2013). For the NMS, the first realistic scenario is a positive scenario (decent Cinderella) featuring intensive Europeanization, while the second scenario is negative (hopeless latecomer), marked by the failure of progressive Europeanization leading to a long-lasting peripheralization. Accordingly, the orientation scenarios for the new member states are the sleeping beauty and the eternal east scenarios.

13 See Berggruen Institute on Governance (2012: 2). Over the past decade, a new kind of literature has appeared in the publications of the international ranking institutions, such as the Bertelsmann Foundation (2011, 2003–12) and the Economist Intelligence Unit (2011). These comprehensive analyses of democracy, good governance and sustainability have provided a detailed database for monitoring changes in paradigms demonstrating the shift towards New Europe in the MS.

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'Fortress Europe'

Borders and the power of information in the European Union

Juliet Lodge

Introduction

'Fortress Europe' is a misnomer. Often used pejoratively, it implies that the EU is inward-looking and protectionist in terms of trade and immigration. This chapter shows how the idea of 'Fortress Europe' has taken on a new dimension as e-governance and efforts to combat cyber- and cross-border crime have assumed prominence on the EU's agenda over the past decade. It discusses how the concepts of 'border' and 'border management' have taken on new meaning and given rise to whole new areas of policy – including those loosely termed 'e-policies' – that few dreamt of when the Single Market was in development. First, it is important to understand that the concept of 'border' has a traditional territorial, geopolitically defined meaning that permeates much of the debate about managing borders, especially with regard to the EU's common external geopolitical borders. However, 'border' can also be understood in terms of virtual borders or, more accurately, access points to online services. Because access itself is increasingly designed to be facilitated by digital tokens, the wider debate in the EU (as elsewhere) has become rather muddled and, predictably, various directorates in the EU Commission and different government departments have failed to develop a coherent, strategic overview, with the result that contradictions abound. In the EU, for example, one institution concentrated on realizing an e-payments area, whilst others focused on research, e-passports and the multiple technical and political problems associated with facilitating cross-border information exchanges, the remote management of territorial borders (for example using drones) and externalized pre-border checks (as seen at Eurostar terminals and consular offices in third states). This chapter will briefly outline the policy evolution with respect to e-borders used to manage flows of people as well as e-borders conceived as access control to online services.

Cross-border cooperation intended to combat the illegal movement of goods, persons, services and capital has stimulated institutional and constitutional changes. By the time of the Lisbon Treaty negotiations, the transformational impact of information and communication technologies on policy across the board had been recognized, but the logical consequences for joined-up decision-making at all levels of government (not just the supranational) had yet to be adequately addressed. Consequently, the EU suffered from the same truncated thinking and piecemeal approach to the adoption of technologies to realize its policy goals that bedevilled national and

local governments. Inevitably, part of the problem lay in the financial constraints arising from the banking crisis and subsequent recession across most of Europe. Another part arose from the lack of understanding among policy-makers and officials about how the concept of 'border' had shifted from a territorial focus linked to the geophysical boundaries of a state to a functionally determined conception.

The importance of mobile technology and the idea of citizens as 'transhumans' (i.e. people whose lives are facilitated and monitored, ubiquitously and incessantly by mobile phones) have begun to be recognized, but legislative responses to protect individual privacy and ensure accountability have been out of sync with the realities of online lives, both in the EU and at all levels within the member states. Paradoxically, the areas in which concern over the preservation of national sovereignty had been most acute in the past – foreign affairs, defence and internal security – were responsible for generating recognition of how cross-border inform-ation sharing, not simply by those involved in combating crime, could have far-reaching impacts on the lives of ordinary citizens. The concept of 'Fortress Europe' was reconfigured as the EU embarked on a process of seeking acceptance for measures designed to protect its citizens' digital 'identities' and 'information', wherever in the world the data was handled. The EU has attempted to set standards that commercial interests and certain countries, including the United States of America, have found challenging as all parties seek to exploit the economic advantages presumably associated with online commerce and automated cross-border information exchange.

The chapter begins by outlining and contextualizing the origins of 'Fortress Europe' and the Four Freedoms of the Single Market. It then provides an overview of how realizing the freedom of movement of goods, persons, capital and services has had an unanticipated deepening effect on European integration and how technological advances in information and communication have transformed the scope of the integrative endeavour, the understanding of the importance of EU values and rights, and the relevance and nature of territorial and virtual borders. This has been especially evident in the highly sensitive domains of justice, freedom and security. The chapter concludes with a review of the unique EU approach to border management, demonstrating that through this approach, not only has the EU invigorated the debate over the nature of privacy and security for EU citizens, but it has also increased confidence in a European approach to universal challenges. In the process, states wary of this EU approach have been forced to take Europe seriously. Dubbing the perspective 'Fortress Europe' is both misleading and unhelpful: if the EU can produce a functional European model, people everywhere stand to benefit.

From the piecemeal and truncated strategies of the various Commission DGs dealing with the Four Freedoms, a more coherent approach to the movement and handling of digital data is beginning to emerge, whether these data are used for commercial, behavioural, advertising, tracking, personal or policing and security purposes. On the inaugural European Data Protection Day in 2007, then-Commission Vice-President Frattini warned that in an era of globalization in which information can circulate around the world in a flash, 'we need to balance access to data for those protecting our security and fighting crime with protecting people's privacy rights. This is not a balance which stands still. Rather both sides are able to move forward with technological advances' (Frattini 2007). Directive 95/46 'on the protection of individuals with regard to the processing of personal data and the free movement of such data' (dubbed the Data Protection Directive) was adopted to advance the Single Market by facilitating the convergence of member states' various regimes. This Directive established core principles with regard to 'data controllers', lawful processing, the collection of data for explicit, defined and legitimate purposes, and individual consent for processing. Exceptions from general requirements were authorized for various reasons, including national security, defence and crime.

In 2013, this Directive was revised and transformed into a Regulation, in part to accommodate technological advances, bolster privacy protection and strengthen obligations regarding the processing and handling of EU citizens' data anywhere in the world, and in part to ensure more uniform, predictable and dependable implementation by the EU28+. The proposed amendments provoked sharp accusations of a new 'Fortress Europe' from third states (including the United States of America) whose conception of privacy differed significantly from that of the EU; these contrary views regarding the priority that should be attached to 'privacy' clashed dramatically with the EU's perspective, leading to a flurry of intense lobbying and amendments to the draft Regulation by third parties. By the end of 2013, the revision of this 'Single Market' legislation had acquired special importance, as the espionage scandal over US activities vis-à-vis its European allies threatened to derail the incipient transatlantic free trade agreement and compromise information-sharing practices (see Euractiv 2013a) such as the Terrorist Finance Tracking Programme (TFTP), the Passenger Name Record system (PNR) and the SWIFT banking agreement.

The diplomatic furore over Edward Snowden's allegations of US spying on allied governments, including the tapping of German Chancellor Angela Merkel's mobile (cell) phone,[1] underlined the tensions confronting these governments within and outside the EU; in the name of Western liberal democracy, these countries must seek to maximize the transparency and accountability of their governments, while simultaneously strengthening security by adopting technologies that they hope will enhance their capacity to identify, predict and avert risks and threats.

In the EU, the concept of striving for a balance between privacy and security gradually gave way to the acknowledgement that certainty is impossible and privacy and security are part of a continuum: at times, exceptions to transparency (even involving intrusions into privacy) may be warranted in order to avert disaster. The EU Commission, in its executive rather than its bureaucratic role, attempted to demonstrate its willingness to listen to what citizens wanted (including anyone responding to its requests for feedback on initiatives). With the imminent expiration of the Stockholm Programme ('An Open and Secure Europe Serving and Protecting Citizens', 2010–14), it elicited opinions about what the future focus should be for its recently divided justice and home affairs directorates. Continuing the approach of the Tampere Process (Statewatch 2003) and the Hague Programme on these matters, it stated:

> An internal security strategy should be developed in order to further improve security in the Union and thus protect the lives and safety of citizens of the Union and to tackle organised crime, terrorism and other threats. The strategy should be aimed at strengthening cooperation in law enforcement, border management, civil protection, disaster management as well as judicial cooperation in criminal matters in order to make Europe more secure. Moreover, the Union needs to base its work on solidarity between Member States and make full use of Article 222 TFEU.
>
> (OJ C 115/5, 4 May 2010) (see Box 7.1)

'Fortress Europe': origins and context

The term 'Fortress Europe' was coined in the late 1980s, just before the nine-member European Community began a process of enlargement that would double and then triple the number of member states. 'Fortress Europe' was a term used somewhat pejoratively by third states and parties worried about the European Community's internal efforts to boost its international economic competitiveness. These efforts centred on: (1) the removal of internal physical, financial

Box 7.1 The development of justice and home affairs cooperation in the European Union

Shortly after the UK referendum on remaining in the EEC, the European Council met in Rome on 1 December 1975 and agreed to enable meetings among ministers in the highly sensitive fields of justice and internal security; this was politically problematic, given the rhetoric surrounding sovereignty and the EEC's limited policy competences. The TREVI Group was named after the Roman fountain where officials first met on 29 June 1976 at the ministerial level to discuss combating terrorism (from within the EEC states as well as international terrorism) but was also an acronym for their responsibilities: Terrorism, Radicalism, Extremism and International Violence; it explored potential information exchanges on terrorist threats and complementary strategies between member states whose approaches to defining terrorism and facilitating extradition differed. The group met thereafter outside the framework of the European treaties. In 1985, the TREVI Group's remit was extended to illegal immigration and the fight against organized crime. The TREVI Group laid the foundation for the Single European Act's Justice and Home Affairs (JHA) policy and pillars, particularly in matters of counter-terrorism (TREVI I), police cooperation (TREVI II), the fight against international crime (TREVI III) and the abolition of borders (TREVI 1992). See Lodge (1981, 1988) and Council of the European Union (2005a).

The *Tampere Process* originated in Title VI of the Treaty of the European Union (TEU) and Title IV of the Treaty of Amsterdam (TA), setting new objectives for justice and home affairs on policing, customs, legal cooperation, visas, immigration and asylum. An 'Action Plan establishing an area of freedom, security and justice' listing 51 specific objectives with target dates of two and five years was then adopted at the December 1998 European Council in Vienna (sometimes called the 'Vienna Plan'). The Vienna summit at the end of the Austrian Presidency in 1998 agreed to put JHA at the centre of the EU agenda, in the same way that the original customs union, the internal market and, more recently, the common currency had previously been prioritized. Three core issues dominated the 1999 Tampere summit meeting: (1) a strategy paper on migration and asylum; (2) the Action Plan/Vienna Plan; and (3) the high-level group report and action plans on six target immigration 'producing' countries. For a critical examination of the process, see Statewatch (2003), the Hague Programme (Council of the European Union 2005b). The Hague process led to the Tampere agreement and set out priorities up to 2009, when it was succeeded by the *Stockholm Programme* (Council of the European Union 2010), with additional priorities implemented through an action plan. The Stockholm Programme began by asserting the commitment to protecting citizens' rights inside and outside the EU, as outlined in the EU Charter of Fundamental Rights (European Commission 2013b) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe 1950/1998/2010) , to which the EU acceded under the Lisbon Treaty that entered into force on 1 December 2009. It also noted that citizens' right to privacy was to be respected, especially in terms of the protection of personal data.

In October 2013, the European Commission acted to improve EU-wide prosecution of financial crime by establishing the *European Public Prosecutor's Office*, an independent institution subject to democratic oversight. It also proposed a reform of the European Union's *Agency for Criminal Justice Cooperation (Eurojust)* and presented a Communication on the governance of the EU *Anti-Fraud Office (OLAF)* (European Commission 2013c).

and fiscal borders (seen as barriers to competition) among member states to facilitate the realization of the Four Freedoms of Movement – of persons, goods, services and finance – allowing the creation of the Single European Market by 1993; and (2) the consolidation of the external border around the territory of the Single Market. The removal of internal borders was designed to minimize technical and non-trade barriers and to reduce the bureaucratic requirements arising each time goods or people crossed the member states' internal borders within the territory of the EU as a whole. Some powerful states outside the Single Market saw this as a potential threat to free trade. 'Fortress Europe' was thus used in a derogatory sense by parties anxious about: how these efforts might impact their international market share; increasing EU competitiveness; deeper European integration, including steps towards monetary union (such as the European Currency Unit (ECU) and subsequently the single currency); and the shift towards a common (but not single) foreign and defence policy, which was hinted at in the 1985 Milan summit declaration presaging the Single European Act. Ten years later, the EU had become much larger and more extensively integrated and was coming under increasing external pressure to integrate its internal security policies.

The EU's member states eventually acceded, constitutionally and operationally, to the development of a common response on the international stage. The idea that the EU should speak with a 'common voice' seemed attractive to outsiders anxious about the diverse and sometimes conflicting policy statements and goals enunciated by member state officials, the EU Commission and the burgeoning number of agencies and politicians with an interest in what were loosely regarded as 'foreign' or 'external' affairs.

The disingenuous separation between the two during the EEC's early years was clearly untenable. However, for many years, the implications for member states' sovereignty, primacy and autonomy in international affairs arising from the EU's development of its own 'foreign policy' (with the attendant personnel and remit), seemed a step too far. International events compelled a rethink of this stance. Incrementally, the EU developed a greater capacity to speak and act internationally with a 'common voice' (though not necessarily a 'single voice'). Aspects of defence, policing, border management and civilian aid resources were deployed in accordance with the EU's affirmed image as a 'civilian power' devoid of military might or territorial ambitions. Resources were marshalled to allow the EU to provide civilian disaster relief and member states to contribute to peacekeeping in line with UN decisions. In parallel with increasing capacities, a more logical and coherent approach to providing regional and international assistance and responses evolved.

In the course of these developments, a bevy of border management units and EU agencies emerged. Bodies such as Europol, the European Border Surveillance System (Eurosur) and Frontex (the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union) were the result of early steps towards cross-border cooperation with the purpose of combating international terrorism and organized crime (especially drugs, illicit goods and human trafficking). Operationally, this led to cooperation among the relevant member-state authorities (internal security, migration, customs, tax and police) to shore up the 'leaky' weak points in the EU's ever-expanding external borders, especially to the east (see Box 7.2).

The Customs Information System (CIS) (European Commission 1992) and the European fingerprint database (Eurodac) were created relatively early on. Changes in their remits are regularly reviewed; most recently, the proposal to allow police access to Eurodac was condemned by the European Data Protection Supervisor (EDPS) in 2012 as mission creep, since this would overstep the purpose limitation principle. However, it should be noted that close cooperation on a bi- or multilateral basis among core EU states (reminiscent of the Kangaroo Group that

Box 7.2 Border management bodies in the European Union

The Convention establishing *Europol* under Article K3 of the Maastricht Treaty was agreed upon in 1995; after ratification by the member states, it came into force on 1 October 1998. In 1997, the Treaty of Amsterdam was signed, amending the 1992 Maastricht Treaty on the European Union. In the new Treaty, the EU's 'third pillar', justice and home affairs, was pared down to focus on police and judicial cooperation in criminal matters. Its overall aim was to create 'an area of freedom, security and justice'. The Treaty of Amsterdam incorporated the Schengen Agreements into EU law. The two Schengen Agreements of 1985 and 1990 became part of the EU's *acquis communautaire* and were signed by all EU-15 countries except the UK and Ireland, and by two non-EU states (Iceland and Norway), with the aim of facilitating police cooperation in order to apprehend criminals fleeing across borders to avoid prosecution. The European Council in Tampere, Finland, in October 1999 progressed this. As a first step, the Council's conclusions called for *joint investigative teams* (JITs) to be set up without delay to combat trafficking in drugs and people, as well as terrorism. JITs later became pivotal in Europol's activities. The Tampere European Council strengthened Europol, established Eurojust to improve judicial cooperation and created the European police chiefs task force to coordinate policing at the operational level. Europol became fully operational on 1 July 1999 and evolved thereafter to deal with ever more serious threats; these developments included the Hague Programme's intelligence-led law enforcement efforts at the EU level through the new *Organised Crime Threat Assessment (OCTA)*. The Europol Convention, which came into force on 1 October 1998, provided the legal basis for Europol. Europol is not a 'classic' EU agency, as it was founded as an international organization with its own legal *acquis*, funded directly by contributions from EU member states. The Convention was amended three times by protocols, all of which entered into force in 2007. The Council then decided that the organization should be EU funded; after legislative changes were approved, this change came into force on 1 January 2010, when Europol became an EU agency and moved to new premises in The Hague (for more detailed information, see Europol 2014).

On 2 December 2013, the *European Border Surveillance System* (EUROSUR) became operational. This system is designed to enhance the capacity of member states to coordinate actions to detect, prevent and respond to illegal immigration using appropriate technology; it also seeks to improve inter-agency cooperation among the relevant states. Eventually, EUROSUR will be operational in 30 countries in total. In the initial phase, it became operational in 19 countries (the 18 EU member states at the southern and eastern external borders and the Schengen-associated country Norway). On 1 December 2014, the remaining 8 EU member states and 3 additional Schengen-associated countries will join EUROSUR. Ireland and the United Kingdom are not full members of the Schengen cooperation and therefore will not participate in EUROSUR. The EUROSUR Regulation states that all parties must comply with the principles of non-refoulement and human dignity when dealing with persons in need of international protection. EUROSUR is restricted to operational information, such as the location of incidents and patrols, and only very limited exchange of personal data was envisaged.

The origins of the *European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex)* lie in the advances in border management cooperation of the 1990s, particularly the creation of the External Border Practitioners Common Unit – a group composed of members of the Strategic Committee on

Immigration, Frontiers and Asylum (SCIFA) and the heads of national border control services. This unit coordinated national projects on border control through Ad-Hoc Centres (Risk Analysis Centre, Helsinki, Finland; Centre for Land Borders, Berlin, Germany; Air Borders Centre, Rome, Italy; Western Sea Borders Centre, Madrid, Spain; the Ad-hoc Training Centre, Traiskirchen, Austria; Centre of Excellence, Dover, UK; and Eastern Sea Borders Centre, Piraeus, Greece). Two years later, in October 2004, the European Council created Frontex with Council Regulation (EC) 2007/2004 (Frontex 2014).

spurred the Single Market forward in the late 1970s and 1980s) continues apace. These efforts have laid the foundation for further supranational action, such as the Prum Treaty (which enables mutual access to DNA databases), Eurojust and the European Public Prosecutor's Office (see Box 7.3).

Box 7.3 Information systems in the Schengen Area

The Schengen Information System (SIS) was established as an intergovernmental initiative in parallel with the push to realize the Single Market. The 1985 Schengen Agreement to facilitate freedom of movement was limited to seven member states. This was superseded by the wider 1994 *Schengen Convention*, which is now integrated into the EU framework. SIS may be accessed by law enforcement, customs and tax authorities for the purposes of combating crime and illegal entry to the EU. It also coordinates alerts on missing persons (in particular children) and lost or potentially stolen property, including weapons and identity documents. National authorities enter information into SIS. SIS II, one of the world's largest IT systems in the field, consists of three components: a Central System, member states' national systems and a communication infrastructure (network) between the central and national systems. The so-called SIRENE Manual lays down the procedures for member states' exchanges of supplementary information on alerts stored in SIS. Further details are available at European Commission (2013a).

Since October 2011, the Visa Information System has allowed Schengen states to access visa information with a view to combating visa-shopping, fraud and related crime. Details are available at European Commission (2013a).

Members of the Schengen Area include the non-EU states Iceland, Liechtenstein, Norway and Switzerland, as well as most EU members, except Croatia, Cyprus, Bulgaria and Romania (whose domestic arrangements are not yet sufficiently robust against corruption, according to EU Commission reports) and Ireland and the United Kingdom (who opted out but have special provisions) (European Commission 2013a).

Passenger Name Record (PNR) data refers to information collected during the reservation and booking of aeroplane tickets and when passengers check in for flights, as well as that collected by air carriers for their own commercial purposes. It includes several different types of information, such as travel dates, travel itinerary, ticket information, contact details, the travel agent through which the flight was booked, the means of payment used, seat number and baggage information. The data is stored in the airlines' reservation system and departure control databases. For details, see European Commission (2014a).

Even before the push to consolidate and reinforce a common external border around the EU, member governments had recognized their inability, both individually and as a group, to devise and implement appropriate and timely policies to ensure their territorial security and the safety of European citizens in the face of international organized crime and, increasingly, cybercrime. However, mutual mistrust, the legacy of communist and totalitarian practices, and differences in the understanding of the Western concepts of democracy and the 'rule of law' meant that the rhetoric of cooperation and information-sharing was repeatedly tested as the integration of border management and policing progressed. Successive Commission reports as late as 2012 stated that the deficiencies of Romanian and Bulgarian judiciaries and law enforcement were so extensive that the countries' exclusion from full participation in information-sharing arrangements related to judicial cooperation and internal security was warranted (European Commission 2014b).

One of the most intriguing facets of integration has been the pace of EU cooperation in judicial and internal security matters. In this arena, the concept of borders was first reconfigured politically, as the realities of policy-making and operational successes struck home, and then again as technology transformed the capacity of those implementing the policy to work together in real time. The reasons behind this development are briefly explained below.

Issues

Both external and internal security were traditionally seen as *bêtes noires* by member governments; as the cornerstones of national sovereignty, they were initially excluded from integration. However, even the profoundly intergovernmentalist, Eurosceptic Thatcher administration in the UK advocated 'cooperation' in these fields, whilst vigorously opposing supranational economic integration, the single currency, the extension of the European Parliament's legislative power and any expansion of the policy scope of the EU (Thatcher 1988). Cooperation on the intergovernmental model favoured by the British became a stepping stone to broadening the scope of integration, persuading other states keen on retaining national autonomy of the need for greater cooperation, if only to ensure that Europe's relative political power on the world stage did not sharply decline. This marked a profound change in approach that led to 'soft law' measures expanding the scope of integration in ways few would have previously imagined possible. The Single Market's soft diplomacy (creating a form of civic identification with the European project) was slowly realized through the People's Europe agenda of 1985 (Adonnino 1985). This step had been alluded to in the references to the creation of a human union that were made when Denmark acceded to the European Community in 1973. This was transformed into the concept of active EU citizenship, reminiscent of the functionalist theory of socio-psychological community formation (identity and self-identification with Europe). Originally, it was designed to complement and reinforce national citizenship by means of common socio-economic and political rights, including the right to contest and vote in European Parliament elections. This right was first set out in the 1957 Treaty of Rome that founded the European Economic Community, but it was only realized in 1979 after intense squabbling over its implications for national sovereignty and the position of national governments at the apex of European political structures following the direct election by universal suffrage of Members of the European Parliament (Herman and Lodge 1978; Corbett 1993).

During the 1990s, the Commission set up a High Level Panel on the free movement of persons in order to map practical, legal and administrative barriers; its conclusion was that obstacles resulted from indirect discrimination.[2] By the turn of the century, EU citizenship guaranteed

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Box 7.4 The European Citizen Action Service

The *European Citizen Action Service* hotline is a tool designed to demonstrate to EU citizens that the EU is responsive to their needs, notably with respect to the exercise of the Four Freedoms. Similar initiatives include Europe Direct, which was established to answer citizens' questions about the EU, and the European Judicial Network (EJN) for civil and commercial matters; the European Commission manages the EJN website at EJN (2014). This system was designed 'to make access to justice easier for all Europe's citizens', according to the Commission's statement in 2003. See its publications *Civil Law at Your Fingertips* (2003) and *Practice Guide for the Application of the New Brussels II Regulation* (on the courts responsible in divorce-related matters) (2005) at European Commission (2014b).

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the right to consular protection outside the EU (European Commission 2006), and some shared embassies had been established; in addition, a common foreign and security policy had evolved, complete with a diplomatic structure and staff through the European External Action Service (see Box 7.4).

A decade ago, the prevailing idea that internal and external security could (and should) be separate domains was challenged by the freedom of movement enjoyed by international organized crime, rising illegal immigration, human trafficking, international terrorism and cybercrime. Those charged with operationally combating threats to internal and external security had engaged in bi- and multilateral cooperative efforts in order to detect, apprehend and prosecute criminals across domestic, regional and local borders as well as international borders. However, the absence of uniform arrangements meant that intra-EU differences could be exploited to the EU's disadvantage. Around the turn of the century, initiatives seeking to overcome this deficiency were given additional impetus by third states (especially the US) and the increased risks arising from regional wars in Africa, the Middle East and Afghanistan (Hill and Smith 2000; European Commission 2001).

Internally, earlier efforts at cross-border cooperation to combat international crime had led to advances in policing, customs, immigration and judicial cooperation, including the cross-border exchange and sharing of information. The European Drugs Monitoring Unit evolved into Europol, and within a decade several new agencies had been established to deal with cross-border issues and manage (predominantly territorial) borders. These included Frontex and the European Fundamental Rights Agency (FRA), as well as the plethora of EU committees working to develop policy initiatives on asylum, immigration, racism and civil defence. In 2010, a special cybercrime unit was belatedly established. By 2013, following the Prism surveillance revelations and special enquiries launched by the European Parliament and European Commission[3] (echoing earlier debate over the Echelon Interception System in the European Parliament's Temporary Committee on the interception of private and commercial communications in 2000), some governments had begun to advocate a coherent approach to the management of domestic and commercial digital services, including the imposition of a common digital tax to fund development.

Theories: from securitization and surveillance to the primacy of ethics

The dominant theories related to 'border' management can be divided into the categories of surveillance and securitization, both of which are nested in theories of international relations – for example the diverse security-related theories such as those of the Copenhagen School (critical security) and the Welsh School (emancipatory realism). Surveillance is dominant among criminologists interested in policing and profiling, and among sociologists focusing on the organization of society; however, the literature is too extensive to review here. By contrast, EU theories of integration[4] suggest that federalism is signalled by shifts towards common policies in defence, security, foreign affairs, currency and finance (Cameron 1999; Burgess 2000; Hill and Smith 2000). With the 2000 Treaty of Nice, the federal spectre began to worry member states, especially after the 2002 Convention on the Future of Europe and the European Council meeting in June 2003 in Thessaloniki advocated establishing a *constitution for Europe*.

EU theories of integration are helpful in conceptualizing the gradual steps in the development of the EU's competences in certain aspects of internal and external security. Equally, however, EU law reflects the problems of edging towards common rules at a time when the union was swiftly expanding to encompass regimes with sometimes contradictory laws, traditions and values.

In general, the primary tensions in EU deliberations identified by research on its 'homeland security' and 'security pillars' are due to operational disagreements over the nature of the ideal balance between privacy and safety and between liberty and security, respectively (Guild 2004; Balzacq and Carrera 2007). The notion of exceptionalism – that is, making exceptions to the general democratic principles of governmental accountability, openness and transparency – has been used to track creeping infringements on privacy and liberty in the name of security (Bigo *et al.* 2010). Deviations signal an erosion of democratic legitimacy. Security is the one area in which exceptions (secrecy, and all that is implied to maintain secrecy) to the general principle of openness have been traditionally justifiable on the grounds of national security interests.

Over recent years, the fear that new technologies deployed in what are regarded as public spaces (such as shopping districts, public parks, streets, railway stations, hospitals, schools, public transport systems, etc.) are progressively invading and compromising the individual's capacity to remain anonymous and 'private' has grown. Governments and private companies have employed CCTV, face-recognition analytics and real-time monitoring of public spaces, thereby exploiting and commercializing data – unpicking, analysing, linking and decoupling it from the original purposes for which it may have been provided or gathered. The innovations facilitated by new technological applications have raised particular concerns with respect to their use by state authorities. The greater 'informational power' arising from technologies that could be used or exploited for surveillance and monitoring, under all manner of pretexts by all manner of bodies, has provoked a degree of disquiet with regard to their purpose. This was most evident in the public sector when governments extended the number of policy areas subject to 'exceptional' rules allowing them to avoid the usual transparency and accountability provisions associated with parliamentary and public scrutiny of government on the grounds of 'security'. This had been the norm where threats to national security were concerned, and it was typical in foreign affairs, but it became problematic as 'exceptionalism' crept into domestic politics. Theorists refer to this expansion as 'securitization'. Justified by governments largely on the basis of the growing threat of international terrorism, such measures have proliferated, leading to the concern that new technologies will allow a Panopticon Big-Brother state to evolve, eroding

personal privacy and legitimating pervasive surveillance. Theories of surveillance have proliferated. Lyon has defined surveillance as 'any collection and processing of personal data, whether identifiable or not, for the purposes of influencing or managing those whose data have been garnered' (Lyon 2001: 2). Brey notes that 'Surveillance frequently undermines privacy because its very purpose is to retrieve information about persons and use it to exert some amount of control over them, and surveillance often takes place without informed consent' (Brey 2005).

The transformative impact on society of digital traces that allow citizens to be trackable any time and anywhere has been probed by social scientists and criminologists alike. Here, the digital persona is viewed as an algorithm that can be used to classify, profile, distinguish and categorize people; it can predict and perhaps forestall, reward or prescribe certain behaviours and categories of people in defined spaces. Lodge refers to this idea as 'quantum surveillance' (Lodge 2010b) and has shown how this raises numerous issues of accountability, control, transparency, legitimacy and ethics (Lodge 2012c). The permeability of spaces and the invisibility of the people and computers handling personal data and making automated decisions based on predefined criteria and manipulable mathematical formulae have raised acute concerns with regard to European values, the nature and meaning of identity, responsibility, fundamental rights, autonomy, human dignity, what it means to be human, the role and rights of machines, and how governments and authorities entrusted with protecting citizens and their rights can fulfil this task as boundaries become reconfigured and infinitely malleable (Lodge 2011, 2013a).

A growing interest in the impact of information and communication technologies across all realms of activity in society has led to a focus on the ethical dimensions of the use and purposes for which such technologies could be employed (van Steendam 2005; Lodge 2010a, 2010b, 2012c, 2012d, 2013a, 2013b). The transformative impact and relevance of the guiding principles of medical ethical codes are mirrored in contemporary EU data protection and privacy deliberations. These include: the precautionary principle, purpose minimization, purpose specification, purpose limitation, proportionality, necessity, informed consent, data integrity, legitimate use and the slippery concept of a duty of care. The increasing use of biometrics for identity management has precipitated an exchange on ethical issues between social scientists, computer engineers and industry that goes beyond the concerns over secure and robust data-handling practices (many of which remain woefully lax, as national data supervisory authorities confirm), the costs of redress and the commercialization of 'security technologies' for domestic use, such as automated facial recognition, near-field communication and other tracking and robot-based technologies. The principles of 'privacy enhancing technologies' and 'privacy by design', intended to ensure that safeguarding the security and privacy of a citizen using an information and communication (ICT) device would be 'baked in' *ab initio*, finally began to gain currency after over a decade of academic research, briefings to and from the Civil Liberties Committee of the European Parliament and strongly worded opinions from the European Data Protection Supervisor's Office (Lodge 2012a, 2012b; Mordini and Tzovaras 2012; Rommetveit and Gunnarsdóttir 2013; Warwick 2013).

Beginning in 1991, the EU's high-level European Group on Ethics in Science and New Technologies (EGE), one of the first such ethics committees in the world, stressed the need for vigilance in the face of risks arising from the instrumentalization and merchandizing of the human body, all of which were reflected in the EU Charter of Fundamental Rights. This coincided with the Delors White Paper (European Commission 1993), which emphasized the need to develop infrastructure to respond to globalization. The significant big-business influence on the Bangemann Report and the Commission Action Plan in 1994 (European Commission 1994) culminated in the eEurope 2002 targets, which were designed to facilitate the introduction

of a knowledge-based (computer-driven and ultimately) online information society, first recognized by the Commission in 1979 (Gomez-Barroso *et al.* 2008: 797).

The European strategy promoting the information society, known as the eEurope programme, ended in 2005 with the launch of the i2010 programme (Gomez-Barroso *et al.* 2008). Significantly, in 2005 the EGE's new mandate underscored the need for its independent polymath members to advise the Commission on the ethical aspects of new science and technologies. As society was transformed and digital personae came to be seen as multiple, distributed systems transmitting and receiving information and as an inexhaustible source of new information (Rodata 2005: 41), norms and values (such as respect for pluralism and diversity) that had been taken for granted as the basis of an EU founded on the Four Freedoms, the rule of law, justice, tolerance, dignity and equality were challenged. Capurro has identified a new principle of freedom in the twenty-first century, asserting that 'freedom of access becomes a key ethical issue of the so-called information society' (Capurro 2005: 22). Balancing that access in the evolving landscape of sometimes very sensitive personal information flows and changing human capacities remains problematic, as does ensuring the ethical use of information.

The Treaty of Lisbon entered into force in 2009. It set out a Europe of rights and values: human dignity, freedom, democracy, equality, the rule of law and respect for human rights. It also guaranteed the enforcement of the 2001 Charter of Fundamental Rights (European Commission 2013b). Both the first President of the European Council Herman Van Rompuy (in his first speech on 19 November 2009) and Commission President Barroso (in his February 2010 speech to the European Parliament) emphasized the entrenchment of these rights and values in the EU's core design (EGE 2010: 18–19).

Among these hard-won freedoms and rights, privacy achieved new prominence and currency in an unexpected way in 2013, at a time when the old idea of 'Fortress Europe' was receding with the increasing consolidation of the transatlantic region. It was the European concept of 'privacy' that shook this, once again leading to accusations that Europe was acting as a 'fortress' by isolating itself with restrictive practices (in this case, strong adherence to making privacy a personal reality rather than a commercializable commodity). These practices were denounced by more 'liberal' state and private bodies with different views about the priority and interpretation of moral values, ethical data-handling procedures and ensuring and maintaining the right to privacy in the hierarchy of rights. Underpinning this perspective, however, was a growing conviction that the EU's freedoms and fundamental rights were more than merely rhetoric. The EDPS (a post established in 2001),[5] Peter Hustinx, succinctly expressed the complementarity – as opposed to the contradictions – between protecting data privacy and promoting the Single Market's Four Freedoms: 'Arrangements for data protection must as far as possible actively support rather than hamper other legitimate interests (such as European economy, the security of individuals and accountability of governments) . . . A fundamental right aims to protect citizens under all circumstances' (Hustinx 2012: 33).

Rhetoric and reality: deeper and newly contested integration

Missing from this debate was an appreciation of the intensification and deepening of European integration that were precipitated by common actions to manage territorial and virtual 'borders'. Even before the turn of the century, EU governments had introduced measures to facilitate information exchange for operational purposes connected to policing and the related sensitive justice and home affairs areas. This quickly progressed to policies building on intra-EU bi- and multilateral cooperation, the Trevi agreements (the foundations of what later became Europol) to promote cooperation in the effort to combat terrorism (Council of the European

Union 2005a: 7), mutual legal assistance conventions, the Council of Europe conventions and international agreements with third parties. Security, asylum and immigration concerns in early 2001 presaged greater intra-EU cooperation via the EU's high-level Committee on Immigration, Frontiers and Asylum (SCIFA) and increased collaboration with the United States, notably in terms of the definition of terrorism. At its extraordinary meeting on 20 September 2001, the EU Council agreed to expedite the creation of an area of freedom, security and justice (in subsequent elaborations this was known as the Tampere Programme, the Hague Programme and the Stockholm Programme) and to bolster cooperation with its partners, especially the United States, in order to improve and formalize (and rectify the often *ad-hoc* nature of) EU–US judicial cooperation in criminal matters, including the sharing of lost passport data and access to the VIS database (which had been established to allow Schengen states to exchange visa information) (European Commission 2013a)[6] for the purposes of combating terrorism and other serious criminal offences (Bigo *et al.* 2010; see Boxes 7.1 and 7.3). In addition, there were changes made in the remits and resources of Eurojust and Europol. In 2005, the Prum Treaty, designed to improve police cooperation, including access to files for forensic purposes (e.g. the automated exchange of DNA and biometric data), was signed. Further developments in this area have included the European Police Records Index System (European Commission 2012), the Visa Information Exchange System (VIS, the most extensive cross-border system in the EU, covering applications for Schengen visas) and Eurodac (containing the personal and biometric information of all asylum seekers and illegal immigrants). The Schengen Information System (SIS I and SIS II, operational since April 2013) is intended to complement other relevant databases such as VIS, and can be revised in response to changing security needs. In reference to Schengen visa applicants, the EDPS cautioned in 2006 that 'it is of utmost importance that data protection is taken seriously for these, a priori, innocent people'. He took a robust line vis-à-vis all proposed changes to the remits of EU agencies, including Europol (Hustinx 2006), and to EU–US information sharing. Governments have used a growing range of 'soft law' instruments, such as framework decisions (2008) – initially escaping public parliamentary control – to intensify this. These have included bilateral agreements setting minimal data protection guarantees by Europol (in 2001) and Eurojust, and the US (in 2006) with respect to the Passenger Name Record (PNR) agreements (in 2007), terrorist financing (in 2007) and the SWIFT system (which led to an exchange of letters between the EU and the US); in addition, there were agreements reached between the EU and Australia on the processing and transfer of EU-sourced PNR data to the Australian customs authority by air carriers.

The Passenger Name Record programme allowing US access to PNR data under the information exchange system proved highly controversial (see, for example, the criticisms of the British House of Commons Home Affairs Committee 2007); however, it had been foreshadowed by the informal US–EU Commission agreement in 2003 (authorized on 23 February 2003 by the Council), under which many EU air carriers allowed the US Customs and Border Protection department access to 40 data fields from the Amadeus database. This informed the later deliberations of the EU–US High Level Contact Group (HLCG) on information-sharing, privacy and personal data protection (2008). The EU Article 29 Working Party on Data Protection was highly critical of both Amadeus and the PNR system (2002). The EDPS heavily criticized these developments (2006), condemning the existence of data warehouses where information about non-suspected individuals would be stored with an eye to potential future needs. The EDPS took issue with the HLCG over exceptions that weakened the prohibition on the processing of sensitive data (EDPS 2008), and over the adequacy of the benchmarks ensuring sufficient protection of personal data (EDPS 2008: para. 41–4) proposed for future instruments. In particular, he insisted on compliance with international and European

legal frameworks and with the commonly agreed–upon safeguards enshrined in the UN Guidelines, Convention 108 of the Council of Europe and its additional protocol, the OECD guidelines and Directive 95/46/EC. The EDPS stressed that adequacy was protected under the first pillar through Article 25 of the Directive 95/46 but was not explicitly set out under the third pillar. In short, the impact of this transatlantic instrument on data protection was likely to include changes in the existing legal framework, fundamental rights, independent audits and oversight, transparency, redress, the accountability of law enforcement authorities and data retention justifications, with direct ramifications for citizens. As Hustinx noted, 'The scope of public security remains unclear, and the extension of transfers in case of breach of ethics or regulated professions appears unjustified and excessive in a context of law enforcement' (EDPS 2008: para. 80). Concerns over information exchange for 'security' and policing purposes (arising from efforts to prevent and combat terrorism as well as international crime) grew. Where direct issues could be addressed and disproportionate exchanges limited, action by legislators had some success. The European Parliament challenged the PNR arrangement before the European Court of Justice in 2004 and secured certain amendments after a bitter fight. In May 2010, Parliament postponed its vote on a PNR agreement with the US that had been applied provisionally since 2007, mainly due to data protection concerns. The European Commission, at the behest of MEPs, negotiated a new deal in 2011 that was subsequently approved without further reference to the Court. This agreement, which came into force following formal approval by justice and home affairs ministers, expires in 2014. PNR agreements with other countries, notably Australia and Canada, have also been negotiated.

Other important steps have included the informal agreement in 2007 to explore and later transpose the Prum Treaty into EU legislation, and the exchange of personal data (including biometrics, such as DNA and fingerprints, and motor vehicle data [Eucaris]) enabling the creation of a cross-border police information network to enhance activities combating cross-border crime. These measures were complemented by the introduction of automated border controls (such as the automated passport gates at various airports), biometric passports and common standards for security features and biometrics in travel documents (EC 2252/2004, Council of the European Union 2004a), pre-border checks (such as those at Eurostar terminals, procedurally modelled on the US CAPPS II and US-VISIT schemes) and out-sourced visa checks across the world.

National governments have jointly resourced and managed policies related to the information society, including: the creation of a supranational cybercrime unit and an EU cyber 'tsar' to unify and enhance EU responses to money laundering (later using the SWIFT agreement) and international crime; the strengthening of border management agencies (including Frontex and Eurosur); and the use of remotely controlled drones to help manage sovereign states' borders (at times employing robots and technology also used for military and disaster purposes beyond the EU's borders). However, the extent of mutual collaboration in the fields of internal (homeland) and external (foreign) security – traditionally viewed as uniquely the preserve of sovereign, autonomous governments – has been far from obvious, even though the European Security Strategy (2003) predicted intensified action in security and defence over ten years ago (European Commission 2004c). The terminology used is especially striking. Less than 20 years earlier, the idea of common security and defence was anathema to most governments, even as the Single European Act (1985) took shape, later evolving into the three pillars of the Maastricht and Amsterdam Treaties. Before 2001, the European Parliament had had to fight to gain access to the draft documents that formed the basis of legislative proposals. As its position changed, it obtained access to sensitive security information (2002). With co-decision now the norm, MEPs

have genuine legislative power and responsibilities vis–à–vis their electorates. All these significant developments were precipitated by the Single Market (see Chapters 10, 11, 13).

As the EU has expanded, older states facing increasing right-wing extremism and Euro-scepticism on the eve of the 2014 European Parliament elections have looked for ways to 'roll back' supranational 'red tape' and 'federalism' of the most centralized variety. The institutional and constitutional changes entrenched in treaties following the 2000 European Convention (changes related to the Charter and especially the 2002 Convention on the Future of Europe), culminating in semantic wrangles over the terminology used in what eventually became the Constitutional Treaty, were significant indicators of deeper integration (and federalism). The same can be said of the cross-border responses of political movements in the face of grow-ing public disenchantment with the EU (exemplified by rising support for Eurosceptic and extremist elements) (Seoane Perez 2013) and with national governments in the wake of the financial crisis.

Social networking, crowd-sourcing and viral campaigning have facilitated these movements; the EU Commission, national governments and MPs and MEPs have joined in as part of an effort to 'communicate Europe' (Lodge and Sarikakis 2013). In practice, technology has transformed the original concept of 'border' as a barrier in the minds of those using these new applications. This applies to citizens voluntarily sharing all manner of personal information online (thereby arguably shrinking their private space) as well as to data miners, ad trackers, online behavioural monitors and governments eager to plough through and commercialize data. However, legal regulation has not kept and cannot keep pace with these developments (Nagel 2013). What is instructive in this regard is the EU Commission's attempt to update the directive on data protection, as well as third parties' vigorous campaigns to thwart the evolution of a *single regulation* in its place. For the latter group, this draft regulation in 2013 epitomized 'Fortress Europe'. For the EU's member governments dealing with the media fallout from the revelations of Prism surveillance, a more robust commitment to upholding and implementing the EU's fundamental rights and freedoms on behalf of citizens was imperative.

There has been mounting evidence of the insecurity of online transactions, cybercrime, sloppy data-handling practices, cavalier disregard for privacy and the endangerment of vulnerable people and children as digital data is spliced, reconfigured, sold and re-sold, and used outside the original jurisdictions without the explicit consent of the individual concerned. At the very least, the EU and its member governments must give a strong legislative signal that they are on the side of citizens and the implementation of the law.

Conclusion

The concept of 'Fortress Europe' is seriously misleading in terms of the actual complexities of decision-making in highly sensitive policy fields in which there are numerous actors that include observers and participants from third states. Although outlining these structures is outside the remit of the chapter, it is important to note that the EU's relative openness to third-state involvement challenges the notion that its internal decision-making is an impenetrable 'fortress'. In times of crisis, the need for international cooperation has resulted in concerted efforts to work within and outside existing structures to mitigate problems. This applies most obviously to the struggles against terrorism, illegal immigration, goods and human trafficking, and core aspects of international organized crime. National governments' commitment to maintaining their values, norms and politico-economic and socio-legal practices within their territorial borders have been challenged by the new technology of e-borders and the associated demands (from society and from the EU) to uphold the liberal democracy, representative accountability and

rule of law its citizens take for granted. The challenges for the future will entail reconciling these demands with accelerating technological advances that combine with and are integrated into the person and can be used for good or ill. This requires open-mindedness on all sides as well as a continuation of Monnet's approach, enabling each generation to put its own considered stamp on European integration.

Notes

1   At the 24–25 October EU summit, Merkel demanded that the United States sign a 'no-spying' agreement with Berlin and Paris by the end of the year, stating that the alleged espionage against two of Washington's closest EU allies had to be stopped. For details, see the dossier Euractiv (2013b).
2   Indirect discrimination means that a member government does not treat non-nationals with EU citizenship and its own nationals equally.
3   In July 2013, the European Commission said that it would report to the European Parliament and Council in October 2013 to discuss the findings of an expert group set up by the EU and the US following dialogue between Viviane Reding, the Commissioner for Justice, Fundamental Rights and Citizenship, and US Attorney-General Eric Holder. See Euractiv (2013c).
4   For a succinct summary of key theories relevant to functionalism and its successors, see Lodge (1993) and Burgess (2000).
5   The EDPS is entrusted with ensuring that all EU institutions and bodies respect citizens' right to privacy when processing their personal data. Details about the role and remit are available at http://europa.eu/about-eu/institutions-bodies/edps/.
6   For details, see http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/index_en.htm.

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8

The Americanization of the European legal space

Mary L. Volcansek

The legal style found in the United States has been characterized as unique, differing from the styles observed in other parts of the world and even from that of the United Kingdom, whose system of common law was inherited by the US. Robert Kagan (2001) has labelled this style of adjudicating disputes 'adversarial legalism'. However, according to Keleman (2011), this peculiarly American style has been transported to Europe as a consequence of the development of the European Union (EU), creating what he calls 'Eurolegalism'. I argue that aspects of law in Europe have indeed taken on some salient features of the American legal style, but not solely because of the EU. Rather, the increasing emergence of transnational regimes that regulate trade, environmental concerns and human rights in and among the nations that are signatories to various treaties and conventions – indeed, the phenomenon of globalization itself – has introduced what I refer to as a 'cosmopolitan legalism' that exhibits some characteristics that reflect the law and judicial processes found in the US. A similar trend towards a cosmopolitan law that 'circumscribes and delimits the political power of independent states' (Held and McGrew 2001: 326) has been identified; a form of cosmopolitan legalism would seem to be a natural outgrowth of this development. Interestingly, the transposition of American adversarial legalism is most evident in Europe. This essay explores how cosmopolitan legalism has manifested itself in Europe, introducing features that were once uniquely American and thereby, in certain significant ways, 'Americanizing' elements of European legal traditions.

The forces of globalization undoubtedly explain much of the recent change in how relationships between and even within nation-states are governed. Perhaps one of the most notable features of globalization has been the decision to regulate its impact through law, a form of law that includes significant elements of American-style adversarial legalism (Goldstein *et al.* 2000). Slaughter (2004) identifies a shift toward 'judicial globalization'; similarly, Snider, in tracing commodity chains, finds many points of governance that depend on national law, transnational law, industry codes of conduct and international customs measures, which he calls 'global legal pluralism' (Snider 2001: 44–7). Thus, the local and the global are becoming progressively interconnected, a feature Rosenau (2003) refers to as 'distant proximities'. This trend is also characterized by reciprocity: not only does transnational law influence national law, but national laws can also serve to restrain transnational actors (Ip 2010). The process whereby national and transnational laws blend into each other alters both the substance and the style of how laws are enacted and adjudicated, thus transforming the legal sphere with respect to both traditions and judiciaries.

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Adversarial legalism and Eurolegalism

The terms 'adversarial legalism' and 'Eurolegalism' are largely synonymous, with 'Eurolegalism' simply representing a variant of adversarial legalism that has emerged on the European continent (see Box 8.1). In Kagan's view, legal style refers to 'implementing public policies, crafting and enforcing laws and regulations, conducting litigation, adjudicating disputes, and empowering courts' (Kagan 2008: 22). 'Adversarial legalism', more commonly known as American–style legalism (as described by Kagan [2001]), hinges on two characteristics: formal legal contestation and litigant activism. The former refers to the 'discovery of law', or any resolution of a case in which disputants rely on 'legal rights, duties and procedural requirements, backed by recourse to formal law enforcement, strong legal penalties, litigation and/or judicial review' (Kagan 2001: 9). Litigant activism, on the other hand, involves a form of contestation in which claims, legal arguments and the production of evidence are the responsibility of the litigants, not judges or government officials (Kagan 2001), a process Frank (1949: 80–1) refers to as the 'fight theory'. According to Kagan (2001), litigant activism can lead to costly litigation and legal uncertainty, as it combines vigorous legal advocacy with relatively non-hierarchical decisional authority, rendering legal norms unpredictable. Kagan contrasts this style with what he calls European–style 'bureaucratic legalism', which is characterized by 'uniform implementation of centrally devised rules, vertical accountability and official responsibility for fact-finding' (Kagan 2001: 11), although he notes that this ideal judicial bureaucracy has softened. Indeed, this ideal type is increasingly difficult to find in contemporary democracies, since at least an interstitial evaluation forms part of any judicial interpretation (Guarnieri and Pederzoli 2002). The key distinction concerns who directs the gathering of evidence and decision-making: judges or litigants' attorneys (Kagan 2001).

Keleman views Eurolegalism as a more muted version of adversarial legalism in which 'policymaking, policy implementation and dispute resolution' take place by means of 'lawyer-dominated litigation' (Keleman 2011: 3). Eurolegalism involves complex legal regulations, formal adversarial procedural rules, expensive litigation, strong, punitive legal sanctions, judicial review of and intervention in administrative decisions, political controversy over rules, fragmented decision-making systems and an unstable and uncertain legal environment (Keleman 2011). In this process, private actors enforce regulations though litigation. Thus, adversarial legalism represents a method of governance as well as of dispute resolution (Kagan 2001). Keleman (2011) demonstrates the existence of this trend in European securities regulation, competition policy and disability rights. Strünck (2008) identifies Eurolegalism in the arena of consumer protection, but Bignami (2011) finds no evidence of it in the field of data privacy.

Box 8.1 Adversarial legalism and Eurolegalism

Adversarial legalism is characterized by (1) formal legal contestation, whereby the resolution of any case hinges on duties and procedural requirements, and (2) litigant activism, in which the litigants (rather than judges or public officials) present the legal arguments and produce the evidence.

Eurolegalism is a more subtle form of adversarial legalism in which policymaking, dispute resolution and policy implementation occur through lawyer-instigated and lawyer-dominated litigation. Private actors enforce the rules throughout the litigation process.

Adversarial legalism in the US is readily evident in the criminal justice system, in particular because of its non-hierarchical judicial structure. However, a more exaggerated form can be observed in the American civil judicial process, in which a 'large, entrepreneurial, and politically assertive legal profession' rather than the government actively serves as the regulator for a variety of civil actions (Kagan 2001: 100). Especially in the area of torts, adversarial legalism shapes both the law and the penalties. Elsewhere, according to Kagan (2001), governments provide alternatives to litigation to resolve many forms of disputes; in contrast, in the US, particularly since the 1960s, Americans have asserted their rights and sought to create new rights through litigation.

Sources of cosmopolitan legalism in Europe

Where I diverge from Keleman's (2011) analysis is my assertion that the EU is not the sole vehicle by which certain sectors or aspects of European legal space have been altered; rather, the membership of all EU member states in the Council of Europe (CoE), which administers the European Convention on Human Rights (ECHR) adjudicated by the European Court of Human Rights (ECHR), and in the World Trade Organization (WTO), with its Dispute Settlement Understanding, has also grafted aspects of American-style legal adversarialism onto European legal traditions.

Numerous transnational legal regimes and regulatory bodies have altered how rights are claimed and enforcement is achieved, and many if not all of these rely on litigant enforcement in an adversarial, lawyer-dominated forum. At the end of 2004, the Project on International Courts and Tribunals counted 19 international or transnational judicial bodies, 37 quasi-judicial control and dispute settlement boards, 7 non-compliance or monitoring bodies (all dealing with environmental concerns) and a number of international claims and compensation bodies (PICT 2004); many of these relied to some extent on formal legal contestation and litigant activism. Although many transnational treaties reflect standard international relations through which national governments can veto or influence agendas, adjudication and enforcement, a significant number of other fora for dispute resolution operate independently of national governments (Keohane *et al.* 2000). Political fragmentation and the absence of a hierarchical decision-making authority have led to multi-level governance in a variety of sectors, often relying on litigation to enforce compliance. Progressively, the enforcement of international agreements has shifted from the hands of diplomats and international bureaucrats to legal advocates and courtrooms.

Transnational courts were created to enforce agreements between nations and to preclude defection by signatories (Carrubba 2005), thereby (at least in theory) reducing transaction costs by completing gaps in treaties and monitoring compliance (Alter 2006b: 28). The 'old' international courts, such as the International Court of Justice, did not embrace a multi-level system of governance, nor did they foster rights or enforce policies; they lacked compulsory jurisdiction and sought only to resolve disputes. The 'newer' international courts and tribunals, on the other hand, feature compulsory jurisdiction, enforcement jurisdiction and access for non-state litigants (Alter 2006b: 23–5). A survey in 2006 indicated that some 26 truly transnational courts were in existence; these bodies had been responsible for more than 15,000 decisions, 69 per cent of which were issued after 1990 (Alter 2006a: 34).

Many of these transnational regimes rely on what has been termed 'legalism' to implement regulation and enforcement (Abbott and Snidal 2000; Abbott *et al.* 2000; Smith 2000), allowing nations to attempt to achieve a balance between treaty compliance and domestic policy discretion (Smith 2000: 138). James McCall Smith (2000) has proposed a method of describing different varieties of transnational law along a continuum from 'soft' to 'hard' legalism. According

to Smith, 'hard' legalism uses precise, binding legal obligations and the delegation of authority to interpret and apply the law, whereas 'soft' legalism lacks these attributes. Hard legalism includes the automatic right of review, based on directly binding obligations enforced by a standing tribunal of judges, and rulings have a direct impact on domestic law (Smith 2000: 143). Soft legalism reflects more a traditional system of international relations based on diplomacy and weak enforcement; hard legalism, in contrast, emphasizes transnational politics and third-party adjudication. The element of third-party adjudication opens the door to adversarial legalism. The seeming advantages of the legalist approach to transnational regulation stem from the ability of tribunals to resolve disputes more credibly than the parties themselves; in addition, these rulings stigmatize any retaliatory actions by the losing party (Kono 2007: 749). Naturally, any given transnational agreement will fall somewhere between the extremes of soft and hard legalism; for example, the EU system would be ranked as relatively hard, while the Australia–New Zealand Closer Economic Trade Agreement of 1983 is closer to the soft pole (Kono 2007: 748).

However, with regard to both commercial transnational legalism and human rights concerns, another force is clearly at work behind the progressive proliferation of transnational legalism. This force is globalization – the increasing interconnection of the world through markets, communication and the movement of people, information and ideas. As nations, businesses and individuals are forced to react to this enhanced interconnectivity, rules must be agreed upon and mechanisms designed to ensure compliance. The result has been a growth in multi-level and fragmented governance and a turn towards public and private litigation for enforcement. At least at the transnational level, a rise in adversarial legalism has followed. To what extent have these forces altered legal traditions and judiciaries in Europe?

The European Union has undoubtedly been a source of change, not only for European economic systems but also in terms of legal traditions and judiciaries. Economic competition, neo-liberalism and cross-border transactions have shifted the economic system of Europe closer to that of the United States; even Kagan (2008) concedes that as other countries begin to emulate the American political economy, incentives to imitate American legal practices will also emerge. Indeed, the EU has already succeeded in blending six related but divergent legal traditions (Lenz 1996), and convergence in the private law sector was significant even in the early decades of the EU (Werro 1996). More importantly, as Keleman (2011) demonstrates, in at least three fields of law the EU has altered how disputes are adjudicated in the courts of its member states. Although some scholars have treated law as a dependent variable in the process of integration, Dehousse (1994) describes the dynamics of the development of EU law as largely independent of extra-legal factors.

Because membership in the EU requires that member states surrender their authority to act autonomously in a number of important sectors, a body of law delineating the powers and responsibilities of all national parties and the transnational institutions of the EU is essential. In the case of the EU, 'the law does provide the basic setting in which decisions are made' (Nugent 2006: 281). At least in theory, EU law is definitively interpreted by the European Court of Justice (ECJ) in Luxembourg, but national courts can have a strong influence, a role that they have used strategically (Hix 2005). Thus, even though some hierarchical judicial authority theoretically resides with the ECJ, how EU law will be applied by national courts lacks predictability and certainty. Some scholars claim that national courts have adopted a strategy for self-empowerment within national political contexts (e.g. Weiler 1991, 1994), while others argue that these courts have employed EU law to enhance their own power and prestige (Alter 2001). Notably, as part of the accession process of the newest members of the EU from Central and Eastern Europe, the EU has established judicial and legal training programmes for the new member states, including healthy doses of EU law. The theory behind this approach is that

'a legal culture is more the effect of judicial training and legal education than the cultural background in which judicial training . . . [is] shaped' (Piana 2010: 176).

The EU has also empowered private litigants through the doctrine of direct effect, invoking and thereby enforcing EU law through private litigation in national courts. This has encouraged entrepreneurial lawyers to use litigation as an enforcement mechanism in member-state courts (Hix 2005). One mechanism for enforcing EU rights in national courts is the preliminary reference procedure. When an EU norm and its interpretation are material to a case before a national judge, the judge may ask the ECJ for a definitive interpretation of the law; preliminary references are obligatory for national courts of last resort (Stone Sweet 2000). Although no statistics are available to show how often EU law has been claimed in domestic courts (successfully or unsuccessfully), preliminary reference requests from national judges provide an indicator of the frequency with which these judges have determined that an interpretation of EU law is central to the resolution of a case, and of the extent to which adversarial legalism has permeated national judiciaries.

The World Trade Organization (WTO), which has been characterized as one of the 'deepest' international agreements (Carrubba 2005: 670), and its Dispute Settlement Understanding grew out of the 1947 General Agreement on Tariffs and Trade (GATT). The core principle of the GATT regime was non-discrimination, whereby each member nation granted every other member nation most-favoured trade status. The GATT was replaced by the WTO at the conclusion of the Uruguay round of negotiations in 1995, but the same basic principles have been maintained. Under the GATT, from 1948 to 1989, only 88 disputes between nations were decided by the GATT's panels of diplomats. In the 1980s alone, 47 panel decisions were issued, but full compliance by the offending nation was achieved in only 40 per cent of these cases (Barton *et al.* 2006).

The replacement of the GATT with the WTO constituted an institutional shift towards hard, adversarial legalism as a method of enforcement. A new panel system relying on lawyers rather than diplomats created enforcement mechanisms and established an Appellate Body to which the decisions of panels could be appealed. The creation of the Appellate Body has allowed the development of a consistent jurisprudence in trade law, as well as the potential opportunity to 'constitutionalize' the treaty (Cass 2005). The WTO Dispute Settlement Understanding, unlike its predecessor, is 'obligatory, automatic and apolitical' (Barton *et al.* 2006: 71); in addition, whereas the implementation of GATT panel reports required consensus, now consensus must be achieved to block the issuance of a report. Thus, the WTO Dispute Settlement Understanding has created national rights that are judicially enforceable, using litigation as a means of enforcement. Even stronger incentives for compliance with decisions resulting from the Dispute Settlement Understanding system were also put into place. A winning complainant nation may legally retaliate by raising tariffs on imports from the losing country to levels that will make these imports undesirable; however, such retaliation must be proportionate (Barton *et al.* 2006).

The objective of the Dispute Settlement Understanding is the promotion of trade cooperation by means of the threat of a definitive settlement by a third party in an adversarial legal process. Consequently, when new nations apply for membership the WTO member nations prefer to admit only those with a history of cooperation. For example, the admission of Russia met with considerable resistance, not because of 'any particular Russian misdeed but from a broader perception that Russia is an unreliable trading partner' (Kono 2007: 748). This history of compliance is important for the WTO because – as is frequently the case with treaties – there is a certain degree of ambiguity in the language regarding, for example, what is considered to be an illegal export subsidy or the appropriate use of an escape clause. Without the WTO dispute settlement system, disagreements would have to be resolved through bilateral negotiations that

might or might not be successful. Decisions reached through the Dispute Settlement Understanding legitimize retaliation, stigmatize unwarranted retaliation and increase the reputational costs of non-compliance (Kono 2007: 757).

One unusual aspect of the WTO Dispute Settlement Understanding is the fact that only nation-states may sue; in the judicial apparatus of the EU and the ECHR, individuals, commercial parties and nations may all petition the courts. Under the WTO, commercial interests that are being damaged by the trade policies of other nations must lobby their executive branch to take legal action. In this fashion, legal adversarialism becomes a part of national governance, opening the door to entrepreneurial lawyers pressing their industry's case with the national executive.

The World Trade Organization has thus resorted to a system of adversarial legalism in order to enforce its rules among the 160 member nations. Judicially enforceable rights have been created to prevent discrimination and protectionism in trade, and these rights are upheld through state-to-state, lawyer-dominated litigation. The WTO has also introduced another layer of multi-level governance, particularly for EU nations (which are all individually members of the WTO, as is the EU as a legal entity). Indeed, the EU has participated in 86 cases before the Dispute Settlement system as the complainant, 70 cases as the respondent and 104 as a third party; Belgium, the Czech Republic, Denmark, France, Germany, Hungary, Ireland, Poland, Portugal, Romania, Slovakia, Spain and Sweden have each been involved in WTO litigation independent from or in partnership with the EU (WTO 2012).

Transnational human rights regimes seem to have evolved from a different convergence of forces than trade arrangements. The ECHR is the adjudicatory body charged with deciding cases under the European Convention on Human Rights, which came into force in 1953. Initially, the Convention provided for a two-stage process: petitions alleging violations were lodged with a commission, which screened complaints and attempted to achieve informal resolutions. When petitions were found to be valid and beyond the commission's ability to resolve, they were forwarded to the European Court of Human Rights, which became operational in 1959. In 1998, the part-time commission was eliminated, and the ECHR began operating on a full-time basis. The Convention was overhauled to convert the ECHR into a permanent professional body with compulsory jurisdiction over all individual petitions against the signatory states, without any special declaration required (Caflisch 2006: 403). The European Convention is weaker in some respects than EU law, as states are not required to uphold Convention-guaranteed rights in national courts. This represents less of a problem in states that embrace legal 'monism' (minimizing the divergence between national and international law) than in those that apply 'dualist' approaches that separate domestic and international law (Janis *et al.* 2008). Currently, 47 nations are signatories to the Convention, including all EU member states.

The ECHR is widely regarded as one of the most effective transnational adjudicative bodies in existence (Helfer and Slaughter 1997; Moravcsik 2000; Posner and Yoo 2005; Hawkins and Jacoby 2010). Some attribute this effectiveness to its extensive political integration within Europe (Posner and Yoo 2005), but only slightly more than half of the 47 nations comprising the Council of Europe (signatories to the Convention) are full members of the European Union. Compliance with the decisions of the ECHR, although sometimes only partial, is high (Hawkins and Jacoby 2010: 38), and about half of the nations that are signatories to the Convention have incorporated it into their domestic codes of law (Helfer and Slaughter 1997), including the United Kingdom and Denmark (Volcansek 2010). A more cynical explanation of the high rate of compliance would be that, at least in the human rights arena, adjudication has been most effective in countries that arguably need it least (Helfer and Slaughter 1997: 329); in addition, although no geopolitical bias is evident in the court's decisions, the judges display inclinations toward policy rather than formalistic applications of Convention requirements (Voeten 2008: 431).

Like the European Union, the European Convention creates judicially enforceable rights and relies on adversarial litigation for the private enforcement of its norms. Because litigants must first exhaust the legal remedies available within their own domestic courts (Janis *et al.* 2008; Keller and Stone Sweet 2008), the European human rights regime also employs a system of multi-level governance and represents another example of political fragmentation. This fragmentation can extend beyond the national and transnational levels of governance, depending on the degree of law-making and judicial autonomy that a country grants its political subdivisions. Moreover, just as the caseloads of the EU's judicial bodies, the European Court of Justice and the General Court, have steadily (almost exponentially) grown, so too has the number of disputes decided by the ECHR. To expedite the management of this increased caseload (some 116,250 cases were pending at the end of May 2013) (ECHR 2013), a new protocol was proposed in 2004 that would allow individual judges to act in certain specified areas. This proposal prescribed the use of three-judge panels in some cases, seven judges for others and 17 for sessions of the Grand Chamber (CETS 2009).

The extent of adversarial legalism in Europe

How, then, might the WTO's Dispute Settlement Understanding, the EU's Court of Justice and the European Court of Human Rights be complicit in proliferating a form of adversarial legalism, and how might activities stemming from each of these transnational organizations form part of a larger phenomenon that has shaped Eurolegalism in Europe? Table 8.1 presents the annual numbers of preliminary rulings from national courts that have reached the ECJ, the number of judgments issued by the ECHR and the number of cases in which the EU or a member state has been a party in the World Trade Organization's Dispute Settlement Understanding. The sheer quantity of litigation – all pursued in the American style of legal adversarialism – is substantial. More significantly, the numbers of these cases are generally increasing.

The ECJ's early decisions on the supremacy of EU law over national law and the doctrine of direct effect (allowing individuals to enforce EU law through litigation in national courts) have obviously had some transformative effect, as Keleman (2011) contends. These developments have forced national judges and litigants and their advocates to devise new approaches and new remedies and to adopt more intrusive forms of judicial review. Thus, European economic integration through the EU not only introduced adversarial legalism but also paved the way for the reactions of national legal traditions and judiciaries to the jurisprudence of the European Court of Human Rights. The reception of European human rights law has been dependent on how Convention norms constrain and bind public authorities, the status granted to the Convention vis-à-vis national law and whether or not national judiciaries allow individuals to directly assert Convention rights. National judges play a pivotal role, since they have the last word on domestic remedies before a case proceeds to the ECHR. Moreover, national courts are also the bodies that harmonize national law with the jurisprudence of the ECHR after a violation has been identified. As a result, litigants, their lawyers and national judges have been key figures in the reception of the European Convention on Human Rights in national legal traditions and judiciaries (Keller and Stone Sweet 2008).

The World Trade Organization's impact on the rise of adversarial legalism in Europe has been more tangential. Individual industries and other commercial interests cannot directly petition the WTO and may not be directly involved in the litigation of cases under the Dispute Settlement Understanding, since adjudication in this forum is exclusively state-to-state. However, the engagement of industry representatives in persuading national executives to file claims with the

Table 8.1 Comparison of involvement in adversarial litigation by year for 27 EU member states (1990–2011)

Year	ECJ preliminary rulings*	ECHR judgements**	WTO dispute party***
1990	142	1958–98 = 758	GATT regime
1991	186		
1992	162		
1993	204		
1994	203		
1995	251		8
1996	256		10
1997	235		19
1998	204		25
1999	180	153	9
2000	268	640	9
2001	182	647	3
2002	241	708	8
2003	233	550	8
2004	262	362	9
2005	221	560	4
2006	251	901	8
2007	265	702	2
2008	268	816	6
2009	302	948	5
2010	385	1396	4
2011	402	704	3

Source: * From European Court of Justice (2012), 'Annual Reports'. ** From European Court of Human Rights (2012), 'Country Statistics'. (Only judgments for the 27 EU member nations are included.) *** From WTO (2012), 'Dispute Settlement'. WTO Dispute Settlement Understanding came into force in 1995.

WTO reflects the adversarial system of entrepreneurial lawyers acting on behalf of their clients to pursue the punishment of violations.

Have the EU, the European Convention and the WTO altered how law is practised and how judicial decisions are rendered in Europe? Yes, but only in certain sectors. Keleman (2008) cites six areas of law that he anticipates will not be affected by any adversarial influence: judicial selection, the regulatory process, torts, social regulations, the tax code and criminal justice. I agree that these realms of law are so distinct and culturally determined that adversarial legalism is unlikely to influence them, particularly in the case of criminal justice – nor would American-izing these sectors necessarily benefit the European legal system. In fact, the Americanization of European law, to the extent that it has occurred, may not prove to be a beneficial development for any tradition or judicial body.

Conclusions

American-style adversarial legalism, a system that relies on lawyer-dominated litigation to enforce laws, rules and regulations, has invaded European legal space. Keleman (2008) refers to this phenomenon as 'Eurolegalism' and attributes its proliferation to the mechanisms of the European

Union. I argue that a larger trend can be identified: a cosmopolitan legalism that has been transferred to European courtrooms not only through the EU, but also via the European Court of Human Rights and the World Trade Organization. All 28 EU member states are also subject to the dictates of the ECHR, as well as those of the WTO Dispute Settlement Understanding. All of these arrangements rely on similar systems of litigant enforcement and lawyer-dominated proceedings that are quite distinct from traditional European bureaucratic legalism. Except in the case of the WTO, private litigants rather than states sue to enforce the organizations' rules.

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The political system and institutions of the European Union

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9

Multilevel governance in Europe

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Introduction

In EU Studies, the term 'multilevel governance' signifies a move away from classical International Relations (IR) understandings of European integration. Gary Marks (1993) coined the term in his analysis of the European Community's structural funds policy in the early 1990s, and it has since become a buzzword. It is no coincidence that the concept first gained prominence within the multilayered EU institutional context, as the EU is often considered to be 'the most active and innovative producer of new types of decision-making arrangements' worldwide (Bartolini 2011: 5). The concept is also tied into wider developments in the social sciences that drew attention to the increasing complexity of national and international governance arrangements. It is now common practice to characterize the EU as a multilevel system; however, the multilevel governance concept, which encompasses broad understandings of two universal elements in politics (i.e. territorial relations and the ways in which collective courses of action are taken), has also gained currency in a great variety of other contexts. Zürn, Wälti and Enderlein (2010: 5) claim that multilevel governance research has prompted 'innovation in at least three main subfields of political science: European integration, comparative federalism and international relations'. Renate Mayntz (2008: 46) locates it within a general shift from an actor-based 'steering theory' to the institutional analysis of 'global governance'. More generally, it forms part of the contemporary scholarly effort to move from 'simple systems' towards 'more complex frameworks, theories, and models to understand the diversity of puzzles and problems facing humans interacting in contemporary societies' (Ostrom 2010: 408).

   This chapter analyses the usage of the multilevel governance theory as it has evolved in EU Studies. First, it elaborates the concept of multilevel governance, situating it among competing perspectives on European Union politics such as liberal intergovernmentalism and neighbouring concepts such as federalism, poly-centric governance, network governance and new modes of governance. Following the reasoning of Hooghe and Marks (2003), two types of multilevel governance will be discussed: one focusing on monopolistic general-purpose jurisdictions, the other on overlapping functional jurisdictions. The second part concentrates on efforts to conceptualize the politics of multilevel governance. It outlines basic models of multilevel decision-making, beginning with Fritz W. Scharpf's joint-decision trap (Scharpf 1988) and potential escape

routes from the institutional logic of the decision-making trap. Thereafter, multilevel governance is linked to the variety of governance modes that are in use in the EU. Finally, the relationship between multilevel governance and organized interests is discussed, as the governance concept emphasizes the horizontal interactions among state and private actors as a fundamental aspect of governance in comparison to the hierarchical understanding of government. The conclusion evaluates the analytical usefulness of the concept in EU Studies and its impact in other fields.

The concept of multilevel governance

The concept of multilevel governance emerged from the empirical study of structural policy-making (Marks 1993). In order to elaborate the elements of multilevel governance, Gary Marks, Liesbet Hooghe and Kermit Blank (1996) juxtaposed this concept to the liberal-inter-governmental understanding of EU politics (Moravcsik 1991, 1998), which they labelled 'state-centric'. In their view, the core claim of this earlier model was that 'policy-making in the EU is determined primarily by state executives constrained by political interests within autonomous state arenas that connect subnational groups to European affairs' (Marks *et al*. 1996: 345). The scholars took issue with the idea that member state executives control the European integration process and act as gatekeepers between the national arenas and the EU institutions, emphasizing instead the multilayered nature of EU politics. Rejecting a view of the world that reified the Westphalian state system and separated the sphere of European/international politics from that of national politics, they developed multilevel governance as a model based on the assumption that the state as an aggregate concept must be disaggregated into different sets of actors (ibid.: 347–8). The authors put forward three propositions. First, 'decision-making competences are shared by actors at different levels rather than monopolized by state executives' (ibid.: 346), emphasizing the autonomous political role of EU-level institutions such as the European Commission, the Court of Justice and the European Parliament. Second, collective decision-making in the EU 'involves a significant loss of control for individual state executives' (ibid.: 346), implying losses or gains for individual member states. Third, it would seem that 'political arenas are interconnected rather than nested' (ibid.: 346), including the variety of direct interactions between sub-national and private actors and EU institutions, as well as the formation of transnational associations at the EU level by national groups (ibid.: 346–7). On the basis of these propositions, and drawing on insights from the study of political delegation and historical institutionalism, the authors highlighted the loss of both individual and collective member state control of EU agenda-setting, decision-making and policy implementation. EU decision-making was depicted as characterized by 'multiple, intermeshing competences, complementary policy functions, and variable lines of authority' among levels of government and political institutions (ibid.: 366). '[C]ontending, but interlocked institutions' and shifting policy agendas (ibid.: 372) were seen as conducive to the emergence of direct interactions between the European Commission and sub-national actors, interest groups and national experts that could 'bypass member states and challenge their traditional role as sole intermediary between subnational and supranational levels of government' (Marks 1993: 402). In short, the initial research interest was the transformation of statehood in Europe through European integration and the loss of member state sovereignty. Multilevel governance as a concept was intended to repudiate the neat distinction between external relations and national politics that prevails in liberal intergovernmentalism, highlighting the manifold transnational relations that have developed between sub-national actors and the EU institutions. It should also be noted that multilevel governance was in part directed against neofunctional expectations that a European political

centre would evolve 'whose institutions possess or demand jurisdiction over the pre-existing national states' (Haas 2004 [1958]: 16), even though Ernst Haas (1975) had long ago given up on this idea.

The concept found immediate resonance beyond the field of EU Studies because it addressed not only research lacunae in EU Studies but also broader developments in the social sciences. In EU Studies, the reinvigoration of European integration in the 1980s and the growing scholarly awareness of the role of the European Court of Justice in legal integration had made it clear that the EC/EU was becoming increasingly responsible for the authoritative allocation of values in Western Europe. Prominent commentators came to regard it as a 'new' kind of institution (Keohane and Hoffmann 1991; Sbragia 1992), observing that the architecture of territorial rule in Western Europe had substantially changed (Grande 1994). At the same time, there was widespread agreement that the EU did not qualify as a state, as it does not enjoy a monopoly on the legitimate use of force or significant taxation rights. Nor could it be reduced to an international organization or confederation, since its rules take precedence over domestic laws and it operates in far more than a single policy area (see Jachtenfuchs 2010). However, the panoply of terms used to describe the EU in the field of EU Studies clearly demonstrated that there was much less agreement on what the EU actually was. In the context of this conceptual ambiguity, characterizing the EU as a multilevel governance system offered more than just another terminological distinction. The theory provided conceptual leverage, shifting EU Studies away from the *sui generis* notion inherent in many EU analyses and connecting EU Studies to wider social science developments. Similar to Marks' claims about the EU, Rosenau had argued with respect to international politics:

> activity in the global community today is the result not only of nation-states striving for goals, but also of a number of varied transnational collectivities – from multinational corporations to professional societies to international organizations to terrorists, and so on . . . – engaging in pursuits that are not confined by national boundaries. . . . Increasingly, it is clear that the breakdown of the old inter-state system is necessitating reformulation of how domestic and international processes sustain each other.
>
> (Rosenau 1993: 5)

Although Marks, Hooghe and Blank (1996) did not specify exactly what they understood as 'governance' in multilevel governance, beyond the emergence of multilayered interactions and the complex intertwining of competences across different levels, their analysis is related to the 'governance turn' in Policy Studies and Comparative Politics (CP). Multilevel governance thus became part of a converging research agenda in International Relations and Comparative Politics. In the latter field, the governance concept represented a response to the growing segmentation of both society and state resulting from socio-economic dynamics and institutional evolution. The increasing complexity of actor constellations gave rise to a broad literature on the policy networks, sub-governments and negotiation systems that have supposedly deprived the state of its authoritative position (Rhodes 1997). Despite their different roots and emphases, both the IR and the CP literatures emphasize above all the absence of a central authority and the emergence of new processes and means of governing (see Eising and Kohler-Koch 1999a: 4). In that respect, the initial wording of the multilevel governance concept primarily highlighted the emergence of direct interactions among EU political authorities and sub-national entities, as well as the political mobilization of these entities, positing centrifugal tendencies 'in which decisionmaking is spun away from member states in two directions: up to supranational institutions, and down to diverse units of subnational government' (Marks 1993: 402).

Subsequent work on the multilevel governance concept was more overtly connected to the general social science debate on governance and the study of federalism: Hooghe and Marks (2003) juxtaposed two ideal types of governance, maintaining their emphasis on the territorial dimension that many other governance studies exclude. Drawing on empirical economics research on the optimal allocation of jurisdictions in competitive federalism, the authors sought to conceptualize 'logically coherent types that capture alternative jurisdictional arrangements' (ibid.: 236). Although competences and resources are distributed and shared across territorial units in both types, these two systems represent different ways of organizing political authority. *Type I governance* features a system-wide architecture and is based on territorial federalism and its methods of allocating political authority. Its institutions are durable and sticky. Political authority is distributed across general-purpose jurisdictions that exist at a limited number of levels, from the local to the global. Each jurisdiction is responsible for an extensive bundle of tasks, and there 'is one and only one relevant jurisdiction at any particular level' (ibid.: 236). Membership tends to be territorial; the 'membership boundaries' of these jurisdictions 'do not intersect' (ibid.: 236). As Hooghe and Marks (2003: 236) describe it, 'every citizen is located in a Russian Doll set of nested jurisdictions'. Democratic Type I jurisdictions usually consist of an elected legislature, an executive and a court system. These general-purpose jurisdictions tend to foster common identities and voice strategies of their members (ibid.: 240), as they form stable and comprehensive governance arrangements with clearly drawn boundaries. In contrast, *Type II governance* consists of a set of special-purpose jurisdictions that carry out specific tasks, such as regulating telecommunications or setting toy safety standards. There are potentially a vast number of such jurisdictions, and these can operate at various territorial scales across a large number of levels. They are more flexible than Type I governance arrangements, in that they last as long there is demand for their services (Hooghe and Marks 2003: 236) and as long as they are able to compete with alternative providers of their governance functions. Because they are established to remedy specific policy problems, their membership depends on utilitarian considerations, such that these jurisdictions prompt exit strategies of their members rather than voice strategies in which members express their dissatisfaction with these jurisdictions. Frey and Eichenberger (1996) have labelled such Type II governance units 'FOCJ' – functional, overlapping, competing jurisdictions – and view them as operating within a system of competitive, functional federalism. Real-life examples include the numerous Swiss *Zweckverbände*, US special districts and, in International Relations, international regimes and treaties. According to Hooghe and Marks (2003: 238), Type I governance is the predominant government type, while Type II arrangements are 'generally embedded in Type I governance'. Their flexible scope can help exploit economies of scale as well as take into account local preferences for public goods; however, an excessive number of these arrangements may also trigger substantial inter-jurisdictional coordination costs. Although the combination of general-purpose and special-purpose jurisdictions is said to balance centralization and decentralization costs (see Benz 2009a: 29), there are no universal rules regarding where to draw boundaries between the special jurisdictions and how to adjudicate among them (Piattoni 2009: 171). Principles that are intended to guide the allocation of competences to different jurisdictions (such as subsidiarity or proportionality) usually fail to provide clear operating standards from which the allocation can be unequivocally derived. Nonetheless, advocates of competitive federalism and Type II arrangements suggest that the coordination costs are offset because these units are designed in ways that 'minimize interjurisdictional spillovers' (Frey and Eichenberger 1996: 319).

In the more comprehensive Type I governance (within which Type II arrangements are embedded), multilevel governance has a statist and institutional core (see Eising 2004: 215). Public actors from at least two levels of government share political authority in formal

institutional arrangements. Public actors at the upper level are to some extent autonomous, but lower-level units 'are not subordinate' (Mayntz 1999: 101). The EU is usually considered to be a general-purpose jurisdiction, not just a special-purpose jurisdiction (see Jachtenfuchs 2010: 204–5). Notwithstanding its lack of statehood, the EU has a much broader institutional remit than international regimes, and it exerts governing functions within a clearly delineated territory, namely within the borders of its 28 member states. In the EU, several institutions with autonomous powers have been established at the upper (supranational) level: the European Commission, the European Parliament and the European Court of Justice. Its constituent lower-level units, the EU member states, have very strong participatory and decision-making rights, notably through their representation in the Council of the EU and the European Council, and election rights with respect to the College of Commissioners and the judges of the European Court of Justice. The EU Council shares executive functions with the Commission and legislative functions with the European Parliament. In general, a qualified majority (if not all of the member states) must agree to legislative decisions taken at the EU level. In comparison to most national federal systems, EU multilevel governance is very dynamic and has undergone continuous evolution. After 60 years of European integration, it now covers an enormous range of policy areas, largely relying on regulatory policies to create, police and correct the common market. In several of these issue areas, the member states can no longer take autonomous decisions, either on legal or factual grounds. Hence, there is a pronounced need for cooperation and coordination among the EU institutions and national institutions in the EU multilevel system.

However, the EU also incorporates important elements of Type II governance. At the most general level, the EU's authority varies significantly across and also within policy areas, as well as along the policy-making cycle. Although the EU has significant policy-making capacities, it depends to a large extent on the implementation capacities of its member states. More specifically, the EU displays some elements of flexible integration. Some member states have opted out of specific EU policies (see Jachtenfuchs 2010). For example, a subgroup of member states in the Eurozone has adopted a common currency and common institutions (such as the European Central Bank), whereas other member states have kept their own currencies and regimes of monetary policy. In a similar vein, the Schengen system unites those 21 EU member states that have abolished border controls among themselves as well as Switzerland, Norway, Iceland and Liechtenstein; however, the United Kingdom and Ireland have decided not to participate in this system. With the Amsterdam Treaty, the EU introduced provisions to enforce the cooperation of EU member states, although they have been infrequently invoked. These provisions, which presuppose the failure of EU member states to reach unanimous agreement on legislation beforehand, were first used in 2010 when 14 EU member states supported the adoption of a Council Regulation in the area of law applicable to divorce and legal separation. In 2012, this method was used to establish a unitary patent protection system. In February 2013, the Commission suggested the implementation of a financial transactions tax to reduce speculative trading and force the financial sector to contribute to the cost of the financial crisis. This proposal was supported by a group of 11 countries. As these examples illustrate, European governance consists mostly of Type I governance, but includes important elements of Type II governance.

Initially employed to study territorial political dynamics in the European Union, the multilevel governance concept has been extended to the general analysis of the territorial structuring of polities. Its understanding of levels is predominantly territorial but also encompasses functional jurisdictions with varying territorial scales. The study of Type I arrangements focuses scholarly attention on the vertical interactions among levels, whereas the analysis of Type II arrangements necessitates the study of horizontal interactions among different jurisdictions. The typology is abstract and versatile enough to allow not only the study of national federal orders,

global governance arrangements and European governance, but also that of sub-national entities and their territorial and functional structures. However, the former are clearly a minority among national modes of governance – Watts (2008: Table 2) identifies 25 functioning federations – and the latter are not the focus of attention in the multilevel governance literature. As a concept, multilevel governance is primarily a response to the increasing internationalization of political competences and the ever more complex combinations of (national) territorial and (international) functional jurisdictions. In this sense, the concept represents a response to the paradigmatic limitations of the predominantly single-level models of politics within both IR and CP (Scharpf 2010). Over time, the explanatory focus has shifted from the study of power struggles between institutional actors in the EU multilevel system to a more or less functional account of governance structures: 'Multi-level governance allows jurisdictions to be custom-designed in response to externalities, economies of scale, ecological niches and preferences' (Hooghe and Marks 2010: 29). In this perspective, multilevel governance is a response to the exigencies of functional problem-solving.

The typology of general-purpose and functional jurisdictions highlights the structural ensemble of public institutions and actors involved in governance arrangements as the core of the multilevel governance concept, an aspect that sets it apart from neighbouring concepts and allows it to occupy an important niche in the study of contemporary governance. Its emphasis on the territorial dimension of governance arrangements distinguishes it from understandings of 'poly-centric governance' that describe how several formally independent centres of decision-making can perform important governance functions in the same area (e.g. Ostrom 2010). The focus on public actors operating in a multilayered state apparatus differentiates it from notions of 'network governance' (see Kohler-Koch 1999; Kohler-Koch and Eising 1999) that stress the role of private actors and the interactions among private and public actors in these arrangements. The attention devoted to the roles and the interactions of different jurisdictional units separates it from the study of 'new modes of governance' that investigate the political shift away from the 'parliament–executive nexus' and the growing recourse to non-hierarchical policy instruments such as self-regulation, benchmarking and private dispute resolution (Héritier and Lehmkuhl 2011: 51). Hence, in a broad understanding, it may well be that multilevel governance can imply the study of 'political mobilization, policy-making, *and* state-restructuring', as Simona Piattoni (2009: 175; my emphasis) suggests; however, its more specific connotation differentiates it from other theories and concepts in the study of governance.

Theorizing multilevel governance (in the EU)

Marks and Hooghe's typology focuses on governance structures, outlining the structural characteristics of multilevel governance, but devotes less attention to the dominant interaction mechanisms and governance patterns within multilevel systems. The authors' work has been criticized on the grounds that 'it provides a "thick" though compelling, description of contemporary changes in European governance but, in contrast, to standard theories, lacks a causal motor of integration or a set of testable hypotheses' (Jordan 2001: 201). This section discusses some efforts to theorize multilevel governance, focusing on German contributions. Fritz W. Scharpf was one of the first scholars to develop theoretical propositions regarding why and how multilevel governance works and under what conditions it fails (see also Benz 2010: 215). Building on his earlier work on intergovernmental relations in German federalism, he identified a structural resemblance to the EU multilevel system (Scharpf 1988) – *inter alia*, with comparisons to the representation of *Länder* governments in the German Federal Council and its high decision-making hurdles – and has analysed the 'institutional capacity and the institutional

legitimacy' of the EU multilevel system in several subsequent contributions (Scharpf 2010: 66). In the following analysis, I will consider only aspects of institutional capacity.

Beginning with his seminal work on intergovernmental negotiations and the joint-decision trap in EC agricultural policy (Scharpf 1988), Scharpf has persistently emphasized the status of national governments within the EU multilevel system, arguing that the EC/EU systematically generates suboptimal policy outcomes. One important background condition of his joint-decision trap (JDT) model is that competences are shared between EU institutions and the member states in such a way that a unilateral change in the status quo is not available to the member states. Hence, these actors must participate in a 'compulsory negotiation system' in order to resolve the problems they face. Furthermore, it is significant that member states' self-interests enter negotiations in the EU Council basically unfiltered (because the national governments are directly represented in these negotiations). Third, decisions in the EU Council must be taken unanimously or almost unanimously. According to Scharpf, not only does this constellation preclude unilateral action by the member states and impede policy innovation at the EU level, it is also not amenable to institutional change, since this would involve major distributive conflicts to the detriment of the self-interests of many member states. Even though fully fledged policy blockades are rare, the expectation is that the JDT will systematically generate suboptimal policy outcomes.

Connecting these initial ideas on EU decision-making with his analysis of governance modes in policy-making (Scharpf 1997), Scharpf (2001: 4) came to analyse the 'vertical interactions' of EU member state governments in terms of four major interaction modes: mutual adjustment, intergovernmental negotiations, hierarchical direction and joint decision-making. *Mutual adjustment* means that national governments make their own policy choices but take into account the policies that other governments have adopted or are likely to adopt. Policies and international order then emerge from the sequence of moves and counter-moves that governments make without direct communication. These actors enter into *intergovernmental negotiations* when they feel the need to coordinate or centralize their policies in order to control border-crossing effects but still want to maintain veto rights for themselves and exclude other actors from decision-making. *Hierarchical direction* centralizes competences under the control of supranational institutions – notably the European Court of Justice and the European Commission – without any further involvement of the member states. Finally, *joint decision-making* implies the sharing of decision-making powers by supranational institutions and national governments.

According to Scharpf (2010: 69–75), a specific combination of these modes prevails in the EU: mutual adjustment is the default mode, but in order to control border-crossing effects and mitigate the cost of regulatory competition, the member states also enter into intergovernmental negotiations that grant them full control over the collective decision-making process. This mode was important during the integration crisis following the Empty Chair Crisis and also prevailed in the area of freedom, security and justice during the three-pillar regime after the Maastricht Treaty; currently, it is still predominant in EU foreign and security policy. According to Scharpf, hierarchical direction is most important in EU market-making (so-called negative integration), which forms the backbone of the European integration project. It is here that member states fully delegate decision-making powers to EU institutions and subject themselves to the hierarchical decisions taken by the European Central Bank (in monetary policy), the European Court of Justice (in legal integration) and the European Commission (in competition policy). This enables the Commission and the Court to unilaterally advance European integration and eliminate national barriers to the free mobility of goods, services, capital and people, as well as other distortions of free competition. In contrast, when market-correcting (positive integration) measures are needed, member states must take joint decisions in enacting EU legislation.

When the collective of member states opposes Commission proposals or when national interests diverge widely and are highly salient, reaching agreement in the EU's joint-decision mode can be difficult, even where qualified majority voting applies in the EU Council. The governance hurdles in positive integration are thus significantly higher than those in negative integration (which is more firmly supported by the EU's primary law). As a consequence, the EU's multilevel system suffers from substantial governance asymmetries: 'the market-making policies on which Europe can agree (or which can be imposed through hierarchical direction) will damage the capacity of national governments to adopt those "market-correcting" policies on which the Union cannot agree' (Scharpf 2010: 75). According to Scharpf, this problem-solving gap tends to arise exactly in those policy areas 'where national governing functions are most vulnerable to systems competition' (ibid.), increasing the existing problems in these areas. Nonetheless, the joint decision-making mode is crucial because 'its potential to create effective European solutions and binding rules is significantly greater than that of stand-alone intergovernmental negotiations, let alone of mutual adjustment' (Scharpf 2011: 220). Moreover, it seems more susceptible to democratic self-determination than the other modes.

Scharpf's analysis specifies the predominant interaction patterns within the EU's multilevel systems and connects them to distinct pathologies of EU multilevel governance. Among the most pertinent problems are those resulting from joint decision-making: suboptimal policy solutions and non-decisions (although these are rare, especially in comparison to the legislative process in the United States), the lock-in of prior decisions and the impossibility of policy reversals for elected politicians (Falkner 2011b: 10). In short, joint decision-making makes major policy innovations unlikely. At the same time, it renders major institutional reforms changing the conditions of the compulsory negotiation system almost impossible, as such reforms would involve the substantial redistribution of competences and resources among the member states.

Subsequent studies have taken issue with this assessment of decision-making pathologies in EU governance. Several contributions in a systematic analysis of joint decision-making in different EU policy areas (Falkner 2011a) have identified important exit and consensus-building mechanisms that are employed to facilitate policy agreement in the EU (Falkner 2011c): the selection of treaty bases that require a less demanding decision rule than unanimity, the shifting of policy arenas to introduce different actors that may counteract the politicization of an issue (experts, bureaucrats), as well as the selective inclusion or exclusion of private actors to promote, support or hamper opposition, the strategic use of information, the pressurization of national governments via strategic partners or public discourse, the unsettling of the member states through the reinterpretation of the legal status quo, and the 'hardening' of soft law. Among the consensus-building mechanisms allowing an escape from the JDT are the redefinition of issues in terms of their scope (downsizing) or quality (downgrading), issue linkages and side payments, exemptions from EU requirements on a temporary or permanent basis, socialization effects on the basis of long-term cooperation and anticipation effects of future cooperation in a policy area. Although these mechanisms are well known to students of EU decision-making (e.g. see Peters 1997; Héritier 1999; Eising 2002), systematically connecting them to the practices and pitfalls of multilevel governance as they are conceived in the JDT model contributes to theory formation in multilevel governance. To this end, Scharpf has suggested that the original JDT model should be extended to include the impact of judgments by the European Court of Justice on the policy status quo and member states' preferences, as well as the strategic role played by the European Commission in EU policy-making (Scharpf 2011: 232). Accordingly, the evolution of governance modes in the EU is now viewed as the outcome of the interactions and the preference constellations of both supranational institutions and member states.

Scharpf's joint-decision trap accounts particularly well for the stagnation of European integration from the Empty Chair Crisis in the mid-1960s until the late 1970s. However, it was published at a time when the EC was entering a phase of major institutional innovations that reformed EU decision-making – the treaty reforms (beginning with the Single European Act and continuing through the Lisbon Treaty) that moved more and more policy areas from unanimity decisions to qualified majority voting in the Council and enhanced the decision-making rights of the European Parliament, changing the very conditions of the JDT and indicating the limits of the argument. Nonetheless, Scharpf's coherent theory systematically connects multilevel structures to decision-making practices, policy outcomes and normative evaluations, highlighting the fact that actors adapt their strategies and interaction modes to the institutional conditions of multilevel governance.

Building on this insight, Arthur Benz (2009a) has developed a theoretical understanding of the EU's multilevel governance system that devotes considerable attention to the strategies the actors employ to prevent policy impasse in the EU. In this perspective, the types of linkages that exist between the institutions and processes at each level (intra-governmental arena) as well as between these levels (intergovernmental arena) influence the strategies that actors employ in multilevel systems. In this respect, Benz differentiates between loosely coupled multilevel systems and tightly coupled systems. He claims that tightly coupled systems (such as German federalism) tend to reduce reform capacities, whereas loosely coupled systems (such as the European Union) allow more effective governance in comparison to the former, since they grant veto players greater leeway to cope with the conflicting demands they are exposed to at each level (Benz 2009a: 82–5). Drawing on Putnam's (1988: 434) notion of two-level games in international politics, Benz suggests that national governments need to take into account will-formation in national parliaments, parties and constituencies, while also bearing in mind the interests of the other member state governments in EU Council negotiations. Policy solutions that might be agreed upon at the EU level may not find domestic support and, *vice versa*, policy solutions that might be acceptable within a member state may not be supported by other member states. Likewise, the representatives of interest groups in EU-level associations or EU-level expert committees may agree to positions formulated in these bodies but face resistance from their members. The overarching idea is that multilevel systems are prone to such dilemmas, and actors search for ways to escape them when addressing policy problems.

Benz discusses several institutional conditions facilitating the loose coupling of the EU and the national arenas (Benz 2009a: 140–2). First, there are the agenda-setting rights of the European Commission, which relies heavily on policy experts when developing its proposals, separating the search for innovative policy solutions from member state bargaining. Second, there is the mediating role of the Council presidency in EU Council negotiations. Third, the institutional differentiation of the EU Council's machinery, ranging from its expert groups to the Committee of Permanent Representatives (COREPER) of the member states at ambassador level to the level of ministers, allows for level-shifting in the search for policy solutions. Fourth, there is the mutual adjustment of the EU Council and the European Parliament in EU legislation, particularly during the so-called trilogue with the European Commission. And finally, there is the decoupling of EU politics from the vagaries of national party politics and party competition. Important strategies employed in multilevel interactions include issue linkages, side payments, budget increases, reliance on fairness criteria and level- and arena-shifting (Benz 2009a: 143–4; Eising 2002). Moreover, in the member states parliamentary or semi-presidential democracies, parliaments usually refrain from exerting their veto rights vis-à-vis their national governments, instead granting them a flexible negotiation mandate or restricting themselves to the *ex-post* control of their government's negotiation

behaviour, allowing them to hold the respective minister in charge of negotiations accountable (Benz 2009a: 145–7).

The work of Scharpf and Benz constitutes important theoretical contributions to the study of multilevel politics in the European Union. Rather than developing holistic theories or concepts of EU multilevel governance, they draw on established theoretical frameworks (such as neo-institutionalism, rational choice, systems and negotiation theories), integrate interaction mechanisms and mid-range theorems into these theories (hierarchy, joint decision-making, loose and tight coupling of levels, etc.) and link them to the institutional configuration of multilevel settings. These theories of multilevel governance identify specific coordination problems inherent in multilevel decision-making systems as well as ways to escape these problems. Throughout, emphasis is placed on the interactions between institutional structures, interaction strategies and policy outcomes.

Varieties of EU governance

Further work on multilevel governance in the EU reflects the variety of governance modes now present in the European Union. These studies vary in terms of how the governance modes are defined and what actors are involved. For instance, while Scharpf limits his analysis to the interaction modes of national governments (and the supranational EU institutions), other studies have examined various EU governance structures or governance instruments across the divide of public and private actors. Several researchers have found that governance modes differ not just across market-making and market-correcting policies, but also in different policy areas within each of these fields (see Wallace 2005). It has frequently been observed that the number of governance modes and the mix of these modes within individual policy areas have increased over time in the EU system, although specific governance modes may continue to dominate in some policy areas, such as voluntary forms of cooperation in education policy and the Bologna process (Tömmel and Verdun 2009: 295).

In short, the predominant constellation of EU governance modes is unclear. In the subsequent analysis, I will focus on three governance modes that are frequently referred to in EU governance (and elsewhere): hierarchy, competition and networks. Tanja Börzel (2007) suggests that EU governance modes generally operate under the shadow of hierarchy. Her assessment is based on a very broad understanding of hierarchy that subsumes even majority voting in the EU Council's joint decision-making under the term (Börzel 2007: 70). Nonetheless, several authors agree that hierarchy, even when more narrowly defined as unilateral direction, is not limited to the EU's market-making policies; rather, it extends into a far greater array of EU policy areas. Gerda Falkner (2011c: 254) argues that 'a policy's quality of specification on the level of EU primary law . . . is crucial' when accounting for hierarchical decisions by the Commission or Court: 'Often, that happens to go hand in hand with market making, but not always and not exclusively' (ibid.). Moreover, policy implementation in the EU multilevel system relies heavily on hierarchical governance instruments: directives, regulations and decisions (Eising and Lenschow 2008: 263). An examination of the use of these governance instruments between 1975 and 2012 demonstrates that the EU now employs regulations less than in the mid-1980s and early 1990s (when it implemented the bulk of the Single Market Programme) but continues to produce a steady flow of directives; its use of decisions increased in the mid-1990s (see Figure 9.1).

Héritier and Rhodes (2011: 163) point out that 'the shadow of hierarchy . . . looms large' over the new modes of governance. The 'credible threat of legislation . . . usually prompts their emergence as alternatives to traditional forms of decision-making' as well as securing their
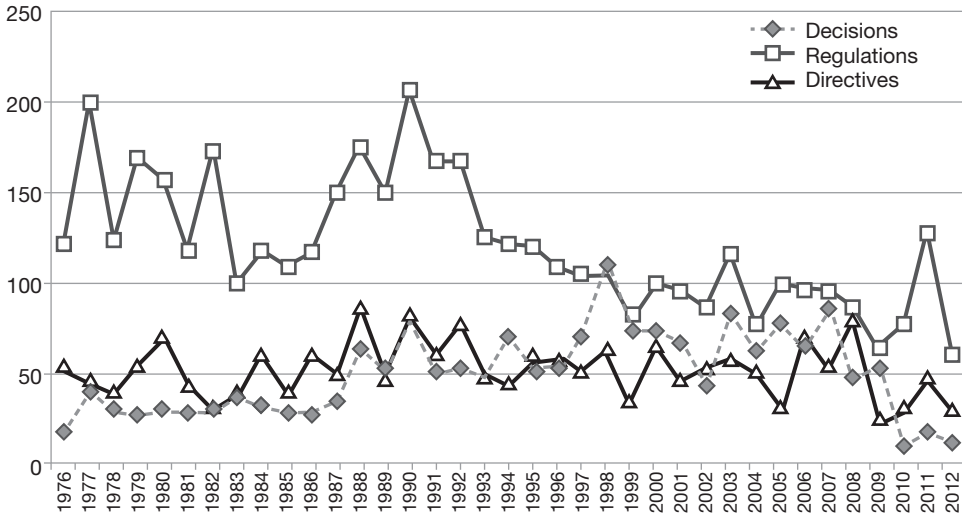
Figure 9.1 The annual number of EU legislative proposals (1975–2012)

Source: Häge (2011); European Union Policy-Making Dataset (EUPOL) v04 (1975–2012) (accessed 10 August 2013).

effectiveness. However, a caveat is in order: Ingeborg Tömmel (2009: 16) argues that, in comparison to national states, the mode of hierarchy is important but is not as widely used and its influence is also weakened in the EU system, the reason being 'the multilevel and multi-actor structure of the Union. The EU has not only to establish common rules but also to accommodate diversity among the member states.' Thus, the implementation of EU directives allows some degree of discretion on the part of the member states, and competition policy decisions are frequently compromises formed with the addressees of these decisions rather than top-down rules.

The competition mode is more important in the EU than it is in the member states. Not only is it the primary instrument used to govern the common market and foster competitive relations between economic actors, but it is also increasingly employed to foster policy competition and 'policy convergence among member states' (Tömmel 2009: 15). However, competition is not the only means to establish the common market; until the mid-1970s, the European Union relied on hierarchical standard-setting to establish the common market. When it became evident that this mode was not suited to the task of harmonizing standards throughout Europe, the European Union resorted to two alternative mechanisms to advance the common market project. First, the integration of the common market and the interdependence of member states' economies have been accelerated by the provisions for mutual recognition that were introduced by the Single Market programme in the mid-1980s, obliging member states to accept one another's regulatory standards as equivalent. Mutual recognition avoids the negotiation and implementation costs of new regulations (Schmidt 2009: 124) and is a substitute for harmonization. It has the potential to trigger *regulatory competition* among the member states that may, in principle, result in lower or higher regulatory standards. To avoid a 'race to the bottom', mutual recognition is embedded within a regime of minimum harmonization at the EU level and allows for exceptions, should member states have good reasons to stipulate mandatory requirements of domestic specifications that foreign goods must comply with and that conform to the proportionality principle. Whenever a minimum harmonization of technical standards is deemed necessary under the so-called New Approach to standard-setting, member states only

formulate essential requirements; the task of translating these into specific standards is delegated to private standard-setting bodies that are umbrella organizations for national private or para-public standards organizations (see Egan 2009). Moreover, in order to assess the equivalence of national standards under mutual recognition, extensive patterns of transgovernmental cooperation have emerged for both goods and services. In contrast, *policy competition* is intended to foster both mutual learning through communication and benchmarking in order to increase the member states' policy performance and trigger a race towards best policy practices. The most important example here is the Open Method of Coordination (OMC), which has been introduced in a variety of policy areas concerning public welfare and services (Benz 2009b: 36) as part of the Lisbon strategy to develop Europe 'into the most competitive and dynamic knowledge-based economy in the world' (European Council 2000: 2). In the EU multilevel system, the OMC systematically connects non-binding European guidelines and benchmarks with national action plans and policy reforms (Eising and Lenschow 2008: 268). For the member states, this allows policy problems to be addressed without the surrender of formal competences to the EU (Héritier and Lehmkuhl 2011: 56). The Commission settles for this second-best solution of EU governance from its viewpoint because it anticipates the resistance of the member states to joint decision-making and because it lacks hierarchical governance instruments. Several contributions have emphasized the importance of the mechanisms for negotiations among multiple private and public actors (beyond purely intergovernmental negotiations or the joint decision-making of the EU institutions).

Some early studies of European governance stressed the significance of network governance in the EU (Kohler-Koch and Eising 1999), highlighting the fact that governance in the European Union relies on uniting the relevant state and societal actors and building issue-specific constituencies. Accordingly, in network governance, state actors and a variety of interest organizations, institutions and experts discuss and negotiate the allocation of specific values. Given that the EU develops policies for 28 member states, the territorial and functional representatives of national interests come from widely differing political, social and economic systems. Network governance asserts that the functional segmentation of specialized Councils and the Commission's directorates, regulatory agencies and advisory committees gives rise to specialized sub-structures within Type I governance that develop their own rationality criteria and operating procedures (see Eising and Kohler-Koch 1999b: 269). The actors involved are autonomous and inter-dependent. This concept underscores the fact that the Commission proposes EU legislation and that the Council and the Parliament take joint decisions only after discussion and negotiation with a multitude of private or regional actors: in August 2013, the EU transparency register listed 5,872 interest organizations that seek to influence EU policies; in comparison, the German *Bundestag* currently registers 2,034 interest organizations that seek to influence German legislation. These actors are consulted and provide information in online consultations; they are also heard in informal meetings and are represented in expert committees. A few of them, notably the social partners, are accorded rights to participate in the formulation and implementation of EU policies. Depending on their representativeness and their influence over their members, they may generate support among the target population for the policy measures in question. They can further contribute to EU governance when the EU institutions delegate powers of self-regulation to them (as in the case of the voluntary agreements of the European paper and PVC industries in environmental policy), when they are authorized to fill in the details of framework directives or standards (as seen in health and safety regulations) or when they act as co-regulators with public institutions (such as the EU's standard-setting bodies) (Héritier and Lehmkuhl 2011: 60). Some of these actors are also involved in the working groups administering the implementation of EU law. The density of these networks and the amount of trust they

generate among the actors involved may be lower than in national politics (because the EU is more active in policy formulation than in policy implementation), but in some cases they can stabilize interaction patterns and contribute to solving EU policy problems. However, it goes without saying that policy networks can also stand in the way of policy changes. Hence, network governance may not be the predominant mode of EU governance (although it is embedded within the EU's institutional setting), but it is important in the preparation of joint decisions by the EU institutions and also in the implementation of these joint decisions and the resolution of coordination problems during the implementation of EU policies. It purportedly has the potential to strengthen democratic control 'by involving stakeholders in policy-making and by mobilizing their commitment to specific policies, thereby increasing output legitimacy' (Héritier and Rhodes 2011: 164).

Private actors and multilevel governance

Many studies of the European Union emphasize the fact that multilevel governance is also multi-actor governance. Private actors are assigned an important role in the governance of the European Union; in fact, the move from hierarchical direction towards more horizontal relationships among state and private actors is often considered to be the defining characteristic of the shift from government to governance. The concept of network governance reflects this development, and the patterns of private-actor participation in EU politics underscore their relevance to EU governance. Given the significance attached to private actors in modern governance, this section more closely examines the impact of multilevel governance systems on interest mediation.

In this respect, a major puzzle involves how interest organizations adjust to the opportunities and constraints imposed by multilevel political systems (see Beyers *et al.* 2008). Adjustment can refer to the ability to adapt the organizational format, the adoption of specific political strategies, the search for new allies or the modification of the policy agenda. Importantly, an organization's embeddedness within institutional contexts or its privileged consultation by a national or international institution can ease or stimulate adjustment. Some groups find it easier to take advantage of multilevel politics than others (Eising 2004).

Multilevel systems have important consequences for interest groups. The fundamental institutional characteristic of Type I governance arrangements is the distribution and sharing of power between the upper level and its constituent units. I limit my discussion to these arrangements because they apply to the EU and because many characteristics of network governance correspond to interest representation in Type II governance. While the specific form and distribution of authority across and within levels varies significantly across multilevel systems (see Watts 2008: 83 on territorial federations), in general, Type I multilevel settings tend to offer interest groups a variety of points of access and options for 'venue shopping'. In multilevel governance, 'interest groups at any territorial level are free to lobby government at any number of levels' (Constantelos 1996: 30). Political representation is no longer confined to a single jurisdiction. Therefore, David Coen (2007: 339) suggests that 'it is logical and responsible' for interest organizations 'to develop a mix of political channels to influence policy' in the EU multilevel system. However, interest representation at different levels is costly. Even if interest representation is the *raison d'être* that forces them to respond to changes in the political environment, many interest organizations are tied to their members and constituencies, as well as to the national or regional contexts in which they emerged. They are embedded in social relationships (see Granovetter 1992) and are dependent on routine exchanges with established partners (see Wilson 1973). Their specific location in the EU multilevel system shapes their political activities as well as their access to the political institutions. An important response to

the formation of political multilevel systems is organizational isomorphism, in the sense that interest group systems are also structured in several layers, with the territorial scope of each interest group layer corresponding to the boundaries of the political units at that level. Accordingly, in the EU's multilevel system a large number of EU-level interest organizations are federations of national interest organizations whose organizational costs can be shared by their members. The presumption, then, is that in European Union governance national associations concentrate their activities on domestic institutions, whereas EU associations focus their political activities on EU institutions. Similarly, in German federalism it is mostly nationwide interest organizations that enter into political exchanges with federal institutions, whereas their *Länder* organizations are in charge of relations with *Länder* governments and parliaments. However, there are various reasons why national groups may not limit themselves to representing interests through their EU-level federations, instead becoming active themselves vis-à-vis the EU institutions: when EU regulation has a major impact on these groups or on their members, when the division of labour among them and the EU associations that are supposed to represent them vis-à-vis EU institutions are unsatisfactory, or when the terms of EU policy implementation must be worked out at the EU level, it is likely that these groups will extend their activities to the EU level.

It is generally accepted that interest organizations require substantial governance capacities to represent their interests at different levels in the EU multilevel setting. The abilities to recognize the needs of state actors in decision-making processes, to mediate between the competing demands of state institutions and their own members, and to contribute to compliance with and implementation of public policies (by means of interest group self-regulation or co-regulation) are crucial (see Schmitter and Streeck 1981). In part, these abilities hinge on an organization's type. Empirical studies indicate that, in line with Mancur Olson's logic of collective action, specific interest organizations are more heavily involved in EU policy-making than diffuse interests, even though various channels are open to diffuse interest organizations. Diffuse interest groups 'lack a well-delineated and concentrated constituency'; they defend 'interests that are linked to broad and general segments of society' that are not necessarily identical to the self-interests of their members (Hassel 2010: 161). In contrast, specific interest organizations have a well-delineated and concentrated constituency. They defend the material interests of their members, which tend to have clear-cut commercial or professional concerns. Moreover, in part, the governance capacities of groups are shaped by the ways in which they are incorporated in public policy-making and implementation. The study of national interest group systems differentiates between two major types of interest group systems featuring groups with rather different governance capacities: pluralism and corporatism. In pluralist settings, a multitude of interest organizations compete in the same domains and strive for political influence, without any public authority for self-regulation or co-regulation. In corporatist settings, a limited number of centralized interest organizations that are highly representative of their domains also compete for influence, but are authorized to formulate public policies and/or implement these measures. In exchange, state institutions expect them to moderate their demands on public policies (Hassel 2010). In sum, interest organizations in corporatist settings are likely to have broader governance capacities than those rooted in pluralistic settings.

What type of interest-group system and what governance capacities of interest groups can we expect in multilevel systems? Studies on the relationship between federal systems and interest-group systems suggest three reasons why multilevel systems should be more conducive to the formation of interest groups than unitary systems (see Armingeon 2001: 214). First, multilevel systems allow greater disparities across regions in interest-group organization than unitary states. Second, cultural, social and economic differences are more pronounced in multilevel systems

than in unitary states, giving rise to a greater variety of interest organizations. Finally, the dispersion of political authority in multilevel systems results in greater differentiation within the associational landscape than the centralization of political authority in centralized political systems does.

The expectation for Type I multilevel systems is thus that the greater dispersion of political authority across different levels will result in greater interest-group pluralism. Figure 9.2 displays the bivariate association between the extent of federalism and interest-group pluralism in 36 established democracies. Data are taken from Arendt Lijphart's (2012) revised and updated study on patterns of democracy in 36 countries for the period from 1945 to 2010. The graph includes two regression lines. The negative association between federalism and interest-group plural-ism is based on the analysis of all 36 democracies, including those that cannot be regarded as multilevel systems in the strict sense, as they display only a very limited dispersion of political authority across the different levels. These highly centralized countries exhibit great variation in terms of interest-group systems, ranging from strong corporatism in Luxembourg to pronounced pluralism in Greece. Evidently, in highly centralized countries the structure of the interest-group systems strongly depends, *inter alia*, on the ways in which groups are incorporated into public policy-making and implementation. Although this is also true in multilevel systems, of course, the greater dispersion of political authority and the larger number of access points in these countries should nonetheless give rise to greater interest-group pluralism than is the case in unitary states.

When we exclude unitary countries from the analysis and focus only on those countries that display at least some competence dispersion and sharing across different levels (i.e. countries with a value greater than 1.5 on the federalism index), the relationship between state structures and interest-group systems changes: the more political authority is dispersed (and shared) across different layers of government, the more pluralistic the national systems of interest representation
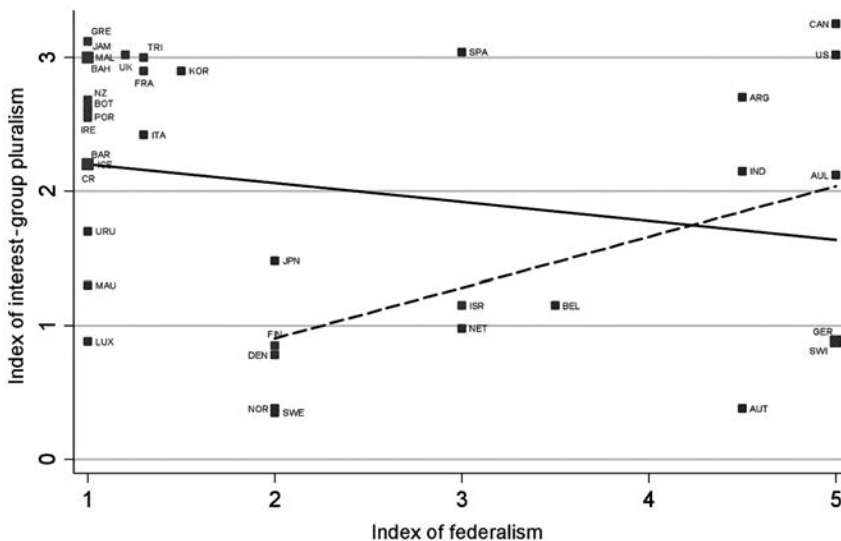

Figure 9.2 Multilevel governance and interest-group pluralism in 36 democracies (1945–2010)

Source: Author's calculation, data based on Lijphart (2012).

Note: Regression 1 Intercept 2.337 – 0.151 index of federalism (SE 0.92, *F* 2.215 on 1 and 34 *df, p* 0.146, adj. r^2 0.034).
Regression 2 Intercept 0.009 + 0.400 index of federalism (SE 0.81, *F* 6.435 on 1 and 15 *df, p* 0.023, adj. r^2 0.254).

turn out to be. Germany, Austria and Switzerland represent important exceptions to this pattern. Not much research has been done on this question, but one underlying reason might be that particularly the former two represent an 'extreme form' of cooperative or interlocking federalism, 'reducing the opportunities for flexibility and variety of policy through autonomous decision-making by different governments' (Watts 2008: 84). Hence, tight coupling in multilevel systems with policy-making authority allocated to the upper level and policy-implementation authority to the constituent units may promote greater interest group centralization. In itself, this is insufficient to account for the emergence of interest-group corporatism. From Streeck and Schmitter's (1991) seminal study of interest representation in the European Union, further requirements can be inferred: upper-level control of (financial) policy instruments, the channelling of access to the central institutions, a power balance between the different interest groups involved in corporatist arrangements, high salience of the policy area in which corporatist arrangements are formulated and a manageable divergence of interests based on more or less homogeneous policy contexts in the constituent units.

Conclusions

The concept of multilevel governance is a response to the internationalization of politics and the increasing interactions of territorial and functional jurisdictions. It highlights the structural ensemble of the public institutions and actors involved in the governance arrangements at the core of the multilevel governance concept. This focus sets it apart from neighbouring concepts and allows it to occupy an important niche in the study of contemporary governance. Multilevel governance must not be equated with a specific mode of governance. The governance literature has identified a variety of governance modes – e.g. hierarchy, networks, competition, negotiations – that are now combined in the EU multilevel system. Theories of multilevel governance draw on well-established theoretical frameworks, integrating causal mechanisms into them that stress the operating logic and institutional configuration of multilevel settings. As such, they are far more general than *sui generis* theories of European integration. Emphasis is placed on the interactions between institutional structures, interaction strategies and policy outcomes. Finally, multilevel governance tends to promote interest-group pluralism and works to the advantage of groups with substantial governance capacities.

Note

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10

The EU as a citizens' joint venture

Multilevel constitutionalism and open democracy in Europe

Ingolf Pernice

Introduction

The year 2014 is the fifth year of operation under the Treaty of Lisbon, and the Union thus reformed has gone through a difficult period. The financial crisis has led to an economic depression, but also to new trends of scepticism and even nationalism, both in the southern countries that were so dramatically affected by the crisis and the austerity policies imposed upon them and in the northern countries whose citizens have found it difficult to accept the demands of solidarity (Pernice 2013b: 25–56). With a view to the embarassing results of the European elections, this seems to be reason enough for a re-theorization of Europe – a contemplation and explanation of what Europe is and what basically constitutes the European Union. Is it a Union of states alone, or is it a Union of citizens? Further developing the concept of 'multilevel constitutionalism', the present contribution seeks to raise awareness of the role of the citizen as the real source of power and legitimacy in the European Union.

A Union of states and citizens

In terms of political philosophy, the EU is commonly described as an international or supranational organization (Pollack 2005: 357–98; Risse-Kappen 1996: 53–80; Stone Sweet and Sandholz 1998: 1–26), an organization *sui generis*, if not a federal state (Mancini 1998: 29–42; Sack 2005: 67–98) or an unidentified beast – a *monstro simile* (Pufendorf 1994 [1667]: 198–9) impossible to define, eluding any attempt at description.[1] Some degree of common understanding is required to describe the type of venture the citizens of the European Union are engaging in ever more deeply as European politics become increasing relevant for their daily life.

However, this is not the place to rehash all the attempts to qualify or categorize this specific type of political organization that have failed to clarify what we observe taking shape step by step: a federation of states, a compound of states, an association of sovereign states (*Staatenverbund*)

or a supranational union (Wiener and Diez 2009). Most of these terms make reference to states. But is the European Union really only a matter of states? At least legally, ever since the very early case law of the European Court of Justice (ECJ) (ECJ case 26/62 – Van Gend & Loos 1963 ECR 1; case 4/64 – Costa/ENEL, 1964 ECR 585), individuals seem to play a significant role in the process of European integration. This role is hidden behind all the state-oriented concepts, but debates on the proper protection of fundamental rights, democratic legitimacy and the principles of subsidiarity and solidarity in the EU clearly demonstrate that this organization differs in nature from all other traditional forms of transnational cooperation.

Multilevel constitutionalism

Here is where the concept of 'multilevel constitutionalism' can serve a beneficial purpose. The term is not used to describe the European Union, nor is it intended to give this political system a categorial name. The issue is, rather, to develop an underlying concept for theorizing the European Union in a constitutional perspective. Since its inception, the concept of multilevel constitutionalism has undergone many attempts by various authors to determine its scope and interpret its meaning, receiving both acclaim and criticism (for a survey of both affirmative and critical assessments of the concept of multilevel constitutionalism, see Pernice 2009: 352). It is primarily the proponents of the traditional theory of the state (*Staatslehre*) who critically target the underlying functional concept of the constitution and its application or extension beyond the state (Kirchhof 2006: 768–76). Others (Bogdandy and Schill 2010: 702–7) view this as part of the federal tradition, but criticize its 'uncertain attitude toward sovereignty' (Walker 2003: 14). On an analytical note, the conceptual terminology (i.e. the use of 'levels' and 'multilevel') has been criticized as evoking a hierarchical structure or remaining ambiguous, which diminishes its descriptive value (Cananea 2010: 83–317). In this vein, the author further submits that the concept regrettably overemphasizes the vertical dimension (see, however, Pernice 2006).

In a recent publication, René Barents (2012: 159–83) has harshly criticized the four pivotal premises upon which the concept of multilevel constitutionalism rests (for a first reply, see Pernice 2013a): first, the 'unity in substance' thesis, which holds that the EU constitution and the national constitutions of the member states form a coherent and substantive whole; second, the 'European citizenship' thesis, which argues that the EU's legitimacy can and must be traced back to the collective will of its citizens (voiced, mediated and executed through their respective national governments); third, the 'autonomy' thesis, which presents the EU's legal order as autonomous with regard to the national legal orders, a concept that lies at the very heart of the idea of a non-hierarchical constitutional composite in a pluralistic setting; and, finally, the 'divided sovereignty' thesis, which states that the EU and the member states jointly bear and exercise sovereign public power. While some commentators (Mayer and Wendel 2012: 127) underscore and expound the fundamental link between multilevel constitutionalism and constitutional pluralism, others (Jestaedt 2004: 638, 662, 664), in the Kelsenian tradition of legal theory, question the possibility of a pluralistic framework in general. More specifically, Neil Walker properly distinguishes between 'narrower' and 'wider' notions of multilevel constitutionalism. As a 'narrower' concept, it focuses on the EU context and the vertical relationship between the Union and its member states (understood as non-hierarchical) as well as the latter's horizontal relationships; in addition, it substitutes the concept of the constitution for the concept of the state, a notion that is more concerned with abstract quality (constitutionalism) than concrete entities and presents itself as centred on the citizens rather than the polity. This narrower notion, however, may well be (and, in fact, has been) explored in a 'wider' sense, as Walker does,

expanding multilevel constitutionalism beyond the confines of the EU setting to investigate the application of constitutional ideals, institutions and practices beyond the state at large (Pernice 2006b: 973–1005; Walker 2010: 143–68).

Developing the citizen's perspective

On the basis of 'multilevel constitutionalism', the present proposition is to submit and further develop a comprehensive understanding of the progressive construction of the Union as a divided power system – or, better, as a process of 'constituting' the EU multilevel structure in the original sense of the term 'constitution', a word derived from the Latin *constituere*, meaning 'putting together, constructing, establishing', and giving this process a name.

Who are the authors and actors in this process? Who is at the origin of the EU? And who is able – and has the legitimacy – to drive this process forward? In terms of multilevel constitutionalism, the answer is: ideally the citizens alone, the citizens of the EU member states acting through their national governments, thereby – directly by referendum or indirectly via representation in their parliaments – effectuating the Treaties establishing the European Union. Could there be anybody else in any democratic system equipped to do this?

To be absolutely clear: in modern democracies, nothing 'earthly divine' (Buchwalter 2008: 495–509) or absolute remains in the state. Given the interdependence of states in the age of globalization (or in the 'postnational constellation', as Habermas [2001: 58 et seq.] puts it), there is similarly no room left for ideas such as absolutism of states or sovereignty. If there is any sovereignty at all, it is the sovereignty of the people. 'People' here does not refer to an abstract entity, a *Volk* or nation; rather, it has a political meaning as the individuals who have decided to unite and constitute themselves as the subjects of a legitimate power by organizing themselves in the form of a political community that we typically call a 'state' and assuming citizenship in the resulting body. The instrument used to accomplish this is the constitution of that state.

We should consider the process of the constituting of Europe in the same fashion. The same people, citizens of their respective member states, through their national governments and parliaments, have commonly agreed upon treaties by means of which they have constituted the EU as a supranational political entity to serve their common purposes and interests through common institutions acting on their common behalf. Thus, these citizens of the member states are mutually granting each other a new additional identity by establishing through the EU Treaties a complementary legal status: citizenship in the European Union.

The constitution of the European Union and its further development can therefore be called a citizens' joint venture (Pernice 1999: 727; 2001: 166–8).[2]

Here, emphasis is placed on the citizens as the true authors and owners of the EU, no less than they are authors and owners of their respective national legal-political orders. Both the member states and the EU are serving the citizens' interests, according to the competences conferred to each level of action. In this regard, reference can be made to the famous description of the federal system provided by James Madison in the 'Federalist No. 46':

> The federal and state governments are in fact but different agents and trustees of the people, instituted with different powers, and designated for different purposes.
>
> (Hamilton *et al.* 1787/88: No. 46)

Article 10 of the Treaty of European Union (TEU), which sets out the principle of representative democracy in the Union, refers to the dual character of legitimacy, underlining

its two different strands of accountability: to the European Parliament and to the national parliaments – or to the citizens directly. The provisions on democratic principles in the Treaty clearly indicate that the citizens are the source of legitimacy: Article 9 TEU requires the Union to 'observe the principle of equality of its citizens', Article 10(4) TEU acknowledges the role of political parties at the Union level to 'contribute to . . . expressing the will of citizens of the Union' and Article 11 TEU defines the participatory rights of citizens, including the citizens' initiative. Conceptualizing the European Union from the citizens' perspective allows us to detect and correct certain misunderstandings underlying arguments that question the democratic legitimacy (regarding the alleged democratic deficit of the EU, see, for instance, Moravcsik 2002) and even the desirability of the Union as such:

1   The conferral of competences upon the European Union will progressively extract powers from national parliaments, to the point that general elections at the national level will become meaningless.
2   Further European integration will place the national sovereignty of member states at risk, as the national parliaments and their governments will be compelled to implement policies *in concreto*, occasionally even without their prior consent.
3   Democracy and collective political self-determination are endangered in the member states due to the remoteness of European institutions from the citizens and a lack of democratic accountability at the European level.

If we understand the citizens to be the source of any legitimate attribution and exercise of public authority in a political system, answers to these challenges can be summarized by three principles: the principle of additionality, the principle of voluntary participation and the principle of open democracy. The first principle concerns powers and shared sovereignty, the second is about exercising sovereignty and the third focuses on legitimacy. All three address (from their respective perspective) the issue of the 'democratic deficit' in the Union. These principles shall first be explained before some conclusions are drawn regarding the upcoming reform of the EU.

Powers: the principle of additionality

To illustrate what is meant by this principle, the metaphor of a troubled apartment house may help. Having experienced several conflicts among the families living in the house, some tenants felt the need to convene regularly to discuss and resolve issues of common interest. However, there was no room big enough for such a meeting. So the tenants came up with the idea of constructing a meeting room in an upper floor for these purposes. The room and the meetings would be open to all the other families to join, subject to their acceptance of common rules. The joint venture proved to be successful. The tenants found that it was beneficial for each of them when issues were commonly discussed and decided under their established rules. This immediate success encouraged other families to join.

We could further develop this metaphor to mirror the European Union. What it suggests is that there are matters of importance for the peoples of the member states of the European Union that can be solved in common, at a *supra*national level, more effectively than by each state individually. *Supra* – that is, the meeting on the upper floor – does not necessitate hierarchy,[3] although we are talking about a multilevel structure. Peaceful coexistence in Europe was the first focus of European integration, as countries had proven themselves incapable of ensuring this on their own. Other issues followed.

Matters beyond national reach and democratic self-determination

The principle of additionality means that the supranational structure adds to the member states and their respective power. The European Union was designed to address challenges that the individual member states could not handle on their own. In effect, the powers conferred upon the EU are not powers that the member states previously possessed; rather, they represent new competences added to those of the member states in the form of collective action through common institutions. States would not give away their power voluntarily. Instead, their citizens, by common agreement, have found it useful to establish new institutions with powers that are additional to those of their member states. If it is true that in democratic societies people confer powers upon institutions by means of their constitutions, the origin of the new powers conferred to the European Union cannot be states, but instead only citizens. The citizens of the European member states, through the European Treaties, have constituted and further developed a new instrument, in addition and complementary to their respective nation-states, in order to attain the objectives the several states in isolation were themselves unable to achieve.

Would people or politicians accept the idea that certain issues will be decided

- at the regional level, when they can be dealt with efficiently by local authorities;
- or at the national level, when they can easily be settled by regional authorities;
- or at the European level, when member states could take care of them as effectively as the EU?

Clearly, the answer must be: no, they would not. This refusal reflects the desire to ensure that decisions are taken as closely as possible to those affected by them. It is a question of optimizing democratic self-determination, cognizant of the differences in responsiveness of the various levels of authority. The relative influence of each citizen on what is finally decided diminishes as the number of participants increases. Thus, if democracy signifies self-determination, the level of relative self-determination decreases with the increase in the size of the group – that is, with the level of political organization: local, regional, national, European.

On the other hand, matters decided on a level of authority that is closer to the citizen may well engender profound external effects, impacting citizens in other polities who did not have a say in the matter, such that a democratic chasm gapes open, as Jürgen Neyer recently explained:

> Under conditions of interdependence, and in the absence of a supranational regulatory body, all democratic nation-states suffer from the structural problem that the policies of one nation impinge on the policies of others, with no country having the ability to systematically internalize these repercussions.
>
> (Neyer 2012: 4 et seq.)[4]

This relates to the complementary nature of the EU system of dual legitimacy as the flip side of the principle of additionality. At the Union level, the structural democratic deficit emerging at the member state level can be addressed and at least partially remedied as other constituencies gain a voice in the decision-making process in order to internalize pertinent negative externalities, such that the EU is best understood as a corrective mechanism enhancing the democratic legitimacy of governance in Europe as a whole (Neyer 2012: 68–70).

The democratic meaning of the principle of subsidiarity

The principle of subsidiarity reflects this fundamental insight. In conjunction with the principle of proportionality in Article 5(4) TEU, it is not only a criterion for the legitimate use of competences conferred upon the Union (Article 5(3) TEU), but also the guiding principle of the architecture of competences within the European Union (on the idea of subsidiarity in the constitutional context of the EU, see Pernice 1996d). This is what citizens as the authors of the Treaties (should) consider when deciding upon the conferral of powers to the Union. This principle has been included in the integration clauses of national constitutions, such as Article 23(1) of the German Basic Law; it corresponds to the principle stated in Article 1(2) TEU that 'decisions are taken as closely as possible to the citizen' (for a comprehensive and comparative legal analysis of integration clauses of both the member states and the EU, see Wendel 2011: 144 et seq., 525 et seq.).

Thus, from the perspective of the citizens, the principle of subsidiarity can be understood as a general rule ensuring the highest possible degree of political self-determination in a multilevel political system (Barber 2005: 305–25). If, as the German Federal Constitutional Court (GFCC) recognized in the Lisbon Judgement, democratic self-determination is related to human dignity (GFCC 2009: para. 211), it therefore obtains a prestigious position among the founding values of the European Union enshrined in Article 2 TEU and in Article 1 of the EU Charter of Fundamental Rights (for a comparative legal analysis of the two conceptions of human dignity pursuant to Art. 1 of the Basic Law and Art. 1 of the EU Charter, see Schwarz 2011).

Sovereignty lost – or new powers gained?

If the principle of subsidiarity is faithfully applied, the claim that member states or national parliaments have lost and continue to lose their powers is ill founded. Clearly, the ban on barriers to trade, the prohibition of discrimination on grounds of nationality, the requirement to respect the common principles and values of the Union and many other rules agreed upon in the Treaties restrain political options at the national level and even the constitutional autonomy of the member states. In turn, however, citizens gain freedoms and rights they never had before and that a member state could not grant individually. This benefit could not be secured and the Union could not function properly without functioning national democratic institutions, administrative bodies and judiciaries based upon the rule of law implementing and ensuring the proper application of European law. All this means that national authorities are now subject to new constraints and loyalty obligations, and that they have – at least in part – altered their function (Hufeld 2011: 118, 121–3).[5] This, however, does not necessarily take away powers from national institutions. It is the flip side of the newly established possibility of actively participating in collective decision-making that reaches far beyond national borders, an increasingly important opportunity to effectively extend rights and secure adequate living conditions to all European citizens in the age of globalization.

A constitutional system designed for a multilevel political entity

Thus, the proposal is to understand the European Union as a political entity that is not separate from the member states but instead comprises them, an organization that is composed of the member states and the supranational institutions. The constitution of the Union, consequently, does not challenge the national constitutions; rather, it is based upon and can be considered a

complementary part of them. It is a sort of extension, adding new capacities for action of common interest to the benefit of the citizens – even overcoming democratic deficits at the national level. This is why citizenship in the Union can be said to be 'additional to national citizenship', as Articles 9 TEU and 20(1) TFEU emphasize. Clearly, this does not mean that Europe's citizens are schizophrenic. Rather, to paraphrase Goethe, two souls are dwelling in their chests, as a second legal status has been added to the status that citizens of the member states already had (Habermas 2012: 28–36).

Union citizenship reflects a specific belonging or constitutional relationship to the European Union and its institutions. It means ownership of and adherence to the Union, in the same sense that national citizenship is the expression of ownership of and adherence to the respective member state, the component and basis of the Union.

Participation: the principle of voluntariness

The preceding argument has shown that it would be difficult to understand European integration as posing a real threat to sovereignty. In fact, the opposite is true: from the perspective of the citizens, it is an expression of their voluntary and sovereign decision that creates new opportunities for self-determination at the supranational level. The principle of voluntariness applies to both membership in the Union and the implementation of its legislation.

Membership in the European Union

No country or people is forced to accede to the Union, nor were any of the original member states forced to participate in this joint venture. Likewise, none of the existing member states is legally bound to stay. The new provisions of Article 50 TEU introduced by the Treaty of Lisbon make this voluntary nature explicit by stating the option for unilateral withdrawal from the Union – an option unknown to federal states. Politically, though, any withdrawal of a member state would be contrary to the idea of European integration and the common objective 'of creating an ever closer union among the peoples of Europe' (Art. 1(2) TEU). It is particularly difficult to imagine Germany withdrawing from the Union,[6] for historical and political reasons, in particular due to its existential interest in being embedded in a political union that offers its citizens a hospitable environment, an enduring peace, economic and social welfare, and the opportunity to maintain influence at the global level.

Implementation and the rule of law

Membership in the European Union is thus a voluntary decision taken by the people of each member state, beginning with a state's accession and extending to its continued membership. However, the 'principle of voluntariness' has a broader meaning that gives the European Union a unique character, distinct from any other model of political organization. The Union is founded upon the binding force of law instead of physical coercion. There is no European army, nor does the EU dispose of troops or deploy police forces to enforce obligations under the Treaties or secondary legislation. It is based on the rule of law only, as well as the common consensus that the Union serves the common interest of all its citizens best when the commonly established rules are observed. Union law is not imposed from the outside, but rather built into the national systems as it works 'from the inside' through the national authorities that enforce it.

Voluntariness and disobedience

Voluntariness includes the option of disobedience and exit. However, empirical evidence has shown that the system, based upon the rule of law, generally functions well. It is by conviction and the force of law, not by physical coercion or the threat of force, that member states (including their judges and administrative bodies) obey the law of the Union and give it preference even over national constitutional law. The worst cases of disobedience seen thus far arose in an area in which the 'Community Method' (including the jurisdiction of the Court of Justice of the European Union, CJEU) does not apply: economic and fiscal policies. Under the Treaties, these policies still remain 'Member States' economic policies' (Art. 119(1) of Treaty on the Functioning of the European Union [TFEU]). The damage done by breaches of fiscal discipline under the Treaty – in particular by France and Germany, unfortunately followed by others – cannot yet be measured. From a legal point of view, the present crisis must be attributed not to the absence of physical enforcement of the rules, but rather to an unrealistic trust in cooperation among states and the lack of effective mechanisms for judicial decisions identifying breaches of law and requiring correction.

Limits of primacy and the role of the courts in a pluralist system

The rule of law and the characteristic of the European Union as a union based upon the rule of law instead of physical force are often what convince prospective member states and their citizens to join the EU as a civilized political entity. This implies limits to submission, as even obedience to Union law remains voluntary. *In concreto*, as national constitutional courts have already made clear, cases may arise where a Union measure clearly violates the national identity of a member state as described in Article 4(2) TEU (ECJ 2009), is evidently *ultra vires* (Article 5(2) TEU) or otherwise violates the substance of the fundamental rights of the individual (Article 6 TEU) to an extent that the values common to the Union and its member states (Article 2 TEU) are called into question, thereby threatening the very basis of the EU legal order. For a national court to deny the application of such a measure to the citizens of a member state is not in contradiction with the principles of primacy and direct effect, as established by the ECJ, but rather the expression of a common responsibility typical of a non-hierarchical, pluralist system such as the EU (Mayer and Wendel 2012: 105–27; Pernice 2014a; Walker 2002: 317–59). Safeguarding respect for these common values – in particular human dignity and the fundamental rights of the individual – is a shared responsibility of European and national authorities, specifically the CJEU and the national constitutional courts, for the benefit of the citizens of the Union (Pernice 2006; Voßkuhle 2010a: 108; 2010b: 175–98).

Mutual constitutional stabilization

This respect and the shared responsibility of the courts at both levels ensures it can be understood as a condition for the citizens of each of the member states to agree upon the common exercise of sovereign rights by Union institutions at a supranational level and to accept the binding force of their actions. Article 23(1) of the Basic Law clearly expresses this conditionality with regard to the operation of European Union institutions as a basic requirement for German participation. However, it reflects also the conditions for accession and continued membership to the Union. Article 2 TEU summarizes the common values, Article 49(1) TEU states that only a European state that respects the values referred to in Article 2 TEU 'and is committed to promoting them' may be accepted as a new member state, and Articles 7 TEU and 354

TFEU set up a procedure of supervision and sanctioning in cases of 'serious and persistent breach by a Member State of the values referred to in Article 2'[7] (see also Chapter 1). Respect for these values is not only a condition for the proper functioning of the Union;[8] the corresponding provisions at national and European levels also play an important role in the protection of the rights of individuals. They form a system of mutual constitutional stabilization (Pernice 1995: 225–64) established by the citizens of the member states with a view to ensuring the respect of their fundamental rights, in parallel with the European Convention of Human Rights, for all cases in which a member state might fail to observe its duties towards the individual.

Voluntariness and national sovereignty

The principle of voluntariness is thus supported by a vested interest of the citizens, as the state may be enjoined to protect these rights and values in the case of a serious violation. Arguing that this represents a threat to national sovereignty would mean that the state is sovereign, not the people. The same holds for other provisions on powers conferred to the Union for purposes beyond the reach of national authority. These provisions may subject national authority to rules and limits, but it would be a misconception of democratic sovereignty if such constraints resulting from the common exercise of sovereign rights by supranational institutions were understood as a limit on the self-determination of the citizens in each of the member states. In fact, the opposite is true.

Legitimacy: the principle of open democracy

Democracy means collective self-government: those who are affected by the actions of the public authority must have equal rights to participate in the process of determining its policies in order to accept them as legitimate. Practice has illustrated many ways in which democracy can be organized, but one common denominator seems to be that the system ought to be self-referential, insofar as democracy seems to be equivalent to popular sovereignty (Grimm 2010: 35–41). Democratic legitimacy, or the recognition and acceptance of decisions by those affected by them, thus depends on the perception that the decisions are in some way one's own choice, a concept related to the Rousseauean ideal of self-authorship. As there are varying views and interests in each society, the decisions taken by a majority are accepted as legitimate, but only when the competent institutions observe certain conditions, procedures and fundamental rights guaranteed in the constitution.

The democratic deficit and special EU standards of democracy

All this seems to be the case for the European Union as much as it applies – ideally – in the member states. Nevertheless, there is a general complaint that the EU suffers from a democratic deficit. People seem to feel that Brussels is 'remote' or unresponsive, that people do not have any influence on politics in Brussels and that nobody can be held accountable for the decisions taken there (Weiler 2013: 111, 116). Public opinion on the issue is still split among member states – there is no common language and basically no European-wide public sphere (Grimm 1995: 590).

On the other hand, it is important to note that this political analysis is not reflected in the legal analysis of the German Federal Constitutional Court. The Court has accepted that the EU system of governance meets the requirements of democracy, at least those laid down in the German Basic Law. However, this view is based upon the assumption that democratic legitimacy

for European policies ultimately relies upon the national parliaments, as the European Parliament is not considered sufficiently democratic to assume this role; rather, it plays a supplementary part. The reason for this statement is the institution's lack of equality resulting from the principle of degressive proportionality (Article 14(2) TEU). The weight of a vote of a citizen of Malta or Cyprus counts 12 times as much as that of a German citizen. As long as legitimacy can be considered to be derived from the national parliaments, however, and as long as the Union is not a federal state to which the criteria traditionally applicable to states would apply, the GFCC does not see any reason to consider the EU to be undemocratic (GFCC 2009: paras. 263–72, 278–97; for the circularity of the argument, see Halberstam and Möllers 2009: 1241 et seq.).

This judgement effectively claims that the European Parliament would not be a democratic body capable of providing legitimacy to the Union's policies. The GFCC has confirmed its critical attitude in its judgement on the 5 per cent threshold for parties competing in federal German elections (GFCC 2011: para. 118). However, the Court's denial of the parliamentary quality of this institution has been widely criticized (Schönberger 2009: 535–58; Thym 2009: 559–68).

This is not the place for further comment on the jurisprudence regarding the specific democratic powers of the European Parliament (Nettesheim 2010: 119). As correctly stated by the German Constitutional Court, the European Union is not a state (GFCC 2009: para. 277). Consequently, European legislation and policies may follow functionally equivalent democratic principles that correspond to its specific structure. Democracy within the member states would not be affected, because even if the principles applied at the European level did not meet the standards for national policies, it is not possible to argue a democratic deficit as long as the purposes of the decisions taken could not effectively be achieved at the national level.

As intimated above, this is guaranteed by the principle of subsidiarity. If the principle of subsidiarity is systematically applied, the matters that are decided at the European level are only those that cannot (or cannot effectively) be dealt with at the member state level. If a matter is beyond the scope of national measures – and dealing with such issues is precisely what the EU was established to do – other rules for democratic legitimacy must be accepted if non-action is not the desired outcome.

Enhancing democracy in the European Union

The question is therefore how to organize the institutional framework and the decision-making processes at the Union level in order to meet the fundamental democratic requirement of self-government to the greatest possible extent.

To determine the requirements of democracy at the Union level, multilevel constitutionalism comes into play again, and again it seems appropriate to take the perspective of the citizens. If they have chosen not to copy the model of a federal or centralized state in the organization of their common interests at the European level, instead establishing a new kind of supranational structure of public authority based upon, complementary to and – for the implementation of its policies – dependent upon their national institutions, then democratic processes for European policies cannot be conceptualized in isolation from national democratic processes. Rather, in some way, these processes are a part of the operations of the Union, and their extension towards a supranational convergence and integration finally leads to the expression of a European political will. The complexity of such processes cannot be overlooked, in particular where the logic of democratic equality – one person, one vote – must be balanced against the logic of federal diversity and the national identity of the member states. Both the equality of the member states

guaranteed under Article 4(2) TEU and the equality of the citizens guaranteed under Article 9 TEU are mutually restrictive in a Union of citizens and states. As long as the states are considered to be a primary factor and the structural basis of the European Union – and there is no reason to depart from this assumption – innovative ways must be found to ensure that the virtues of democratic principles are manifested in practice.

Taking citizens seriously: democratic empowerment in the EU

At this juncture, it is time to return to what has been said above with regard to dual citizenship in the constitutional architecture of the Union. Each person is both a national citizen and a citizen of the Union, a subject of his or her state and a subject of the Union. This duality of political status and identity manifests itself in the dual path for democratic legitimacy and control defined in Article 10 TEU: the citizens of the Union are represented in the European Parliament and – as national citizens – 'in the Council by their national governments, themselves democratically accountable either to their national Parliaments, or to their citizens' (Article 10(2) subpara. 2 TEU). Read together with Article 11 TEU (dealing with participative democracy in the Union), this provision underscores that the Union is not (only) a matter of states and governments, but clearly and above all a matter of the citizens. A closer examination of the details of these provisions would seem to be warranted.

First, it is important to note that Article 10(3) TEU guarantees citizens the 'right to participate in the democratic life of the Union'. This provision also requires that decisions of the Union 'shall be taken as openly and as closely as possible to the citizen', in the democratic spirit of the subsidiarity principle and responsive governance. These are fundamental conditions for the effective participation of citizens at the European level and, thus, for their right to control European policies in general in two ways: by means of their national parliaments (to which their governments are accountable), and directly through the European Parliament (to which the European Commission is accountable).

Second, openness in the political process means transparency in the sense of Article 15 TFEU, as underlined by the fundamental right of access to documents in Article 42 of the EU Charter of Fundamental Rights. However, it also includes the idea that the opinions of the citizens will be heard and taken seriously, which is further spelled out in Article 11 TEU. This provision not only establishes the citizens' initiative (para. 4) but, more importantly, it also sets out the general obligation of the institutions of the Union to 'give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of the Union' (para. 1), as well as to 'maintain an open, transparent and regular dialogue with representative associations and civil society' (para. 2).

Openness and closeness: the potential for citizen participation

The democratic potential of these provisions has yet to be explored. They were designed to permit and encourage citizens to engage in public discourse, to increase awareness of policies developed by the Union's institutions and to thereby facilitate substantial impact on these policies. They offer opportunities for individuals to participate in the policy process, to make their personal views known and ultimately to make a difference. If, as already quoted from Article 10(3) TEU, 'decisions shall be taken as openly and as closely as possible to the citizens', the Treaty thus not only enshrines the principle of open democracy but also, as intimated above, the principle of subsidiarity as a democratic principle. However, in this chapter on the democratic principles of the Union, closeness may be understood in another sense as well: where people have full access

to information, where decision-making is a transparent process and people have a real say – could we not conclude that they may feel close to, or even part of, the political process? Read in conjunction with the provision on the equality of citizens of the Union (Article 9 TEU), this open democracy in the Union could even qualify as the basic requirement that the German Constitutional Court found to be lacking in the composition of the European Parliament.

Except for Sweden, where freedom of information, transparency and access to official documents have been constitutionally recognized since 1766, the EU's acknowledgement of these rights seems to be a step ahead of its member states and, arguably, countries worldwide. The idea is not a new one: the statement 'Information is the currency of democracy' is attributed to Thomas Jefferson. As early as 1990, with its Directive 90/313 on the freedom of access to information on the environment (OJEC 1990: 56–8), the European Union introduced provisions on open access at that point unknown in many member states. At the Earth Summit in 1992, this concept was adopted worldwide, upon a European initiative, in Principle 10 of the Rio Declaration[9] and was later concretized as pillar one of the Aarhus Convention of 1998.

Access to information successfully became binding law for the European institutions under the 'transparency' regulation 1049/2001 (OJEU 2001; Regulation (EC): 43–8). It was also recognized as a general principle by the Council of Europe Convention on Access to Official Documents of 2011 (Council of Europe 2009), as well as (at the international level) by the international Open Government Declaration of 2011 (Open Government Initiative 2011). Moreover, it finally made its way into German law in the Freedom of Information Act of 2006 (Bundesgesetzblatt 2005).

Freedom of information and the internet: open democracy in Europe

This remarkable revitalization of an old concept, substituting the *arcana imperii* with principles of open democracy, has caused a real 'change of paradigm', at least in Germany (Schoch 2012: 23, 24). From their origins in the EU, the principles of freedom of information and transparency are now widely recognized as essential requirements of democracy (Calliess and Ruffert 2011: Art. 1, No 75 et seq.), and their recognition seems to have had an impact on the relationship between citizens and public authorities as well as on the concept of the state in general (Pernice 2014b).[10]

For the European Union, the adoption of the principles of open democracy went hand in hand with the extensive use of the opportunities offered by the internet. Thanks to these technologies, an active information policy and enhanced public dialogue have been established for legislative proposals and even in processes of a constitutional nature involving civil society and all interested citizens, as practised for the first time on the 'futurum' website of the European Constitutional Convention from 2001 to 2004. An increasing amount of information on the activities of the EU institutions is being published online, including the prospective publication of all relevant documents concerning legislative processes though the 'PreLex' website (PreLex 2014). The new Regulation 211/2011 on the European Citizens' Initiative (OJEU 2011), adopted under Article 11(2) TEU, provides for the electronic collection of signatures through software offered free of charge by the Commission (for practical information, see ECI 2014).

There is a potential for new political influence and increased active participation of citizens in European policies, both through national channels and directly in an open dialogue with the Union institutions. In light of these circumstances, and to the extent that these new opportunities for involvement are being taken advantage of, it hardly seems credible that democracy and political self-determination in the member states are endangered due to the remoteness of European institutions from EU citizens and the absence of democratic accountability at the European level.

Conclusions: for a more democratic European Union

A constitutional system designed to incorporate a multilevel structure, the principles of additionality, voluntariness and open democracy, and the assumption of the multiple political identity of its citizens – is this sufficient to describe the European Union as a democratic organization of public authority? (On the following discussion, see the more exhaustive study in Pernice *et al.* 2012.)

Joseph Weiler (2013: 25) recently pointed out to the European Parliament that EU democracy is a democracy without people, given the institution's lack of representation and lack of accountability. Representation requires a real political choice, among not only potential representatives but also political programmes for the electorate. Accountability means that if there is a real failure of a policy at the EU level there must be somebody identifiable to take responsibility. The democratic right of EU citizens 'to throw the scoundrels out' is thus not well developed (Weiler 2013: 116). If citizens are not given this option for a bad government, why would they have a reason to participate in European elections? Is the European Union democratic? This question cannot be dealt with exhaustively here, except for some aspects.

Does the inequality of the votes of citizens in various member states preclude the idea that the European Parliament is a democratically elected body that provides (in accordance with Article 10(2) TEU, as one pillar of democratic representation in a system of dual legitimacy) European policies with democractic legitimacy? Jürgen Neyer (2012: 6) suggests that the Union is built 'on the principle of difference, not of equality, among citizens' and that it is 'not undemocratic by mistake and it is not a democracy in the making', but, 'rather, it is a deliberately different entity that intentionally violates one of the constituting principles of democracy'. For Neyer, 'the concept of democracy emphasizes attributes of a polity that are irreconcilable with supranationalism' (Neyer 2012: 56).

Although the tension with the democratic principle in classical terms seems to be clear, it is questionable whether it can or should be abandoned in a supranational setting like the EU. This would be contrary to the conditions set for the participation of Germany in the development of the European Union in Article 23(1) of the Constitution. The question is then whether the inequality of the weight of votes under the principle of degressive proportionality is not perhaps compensated by the additional power that the larger groups of deputies representing the more populous member states in the European Parliament can actually exercise. In light of the reservations expressed with regard to the unequal weight of votes from small and large member states, it would therefore be a task for political scientists to determine the real power structure within the European Parliament in relation to the principle of degressive proportionality. If national representation plays any role in the intraparliamentary processes, what does it mean to have only 6 Members of Parliament from one member state with regard to its representation in the diverse committees, in contrast to 96 Members from Germany spread over all the committees? The members of the German group – if national groups are a valid criterion at all – have strong political influence and good chances of being elected to leading positions in all of the committees. Despite the fact that each German MEP represents about one million citizens rather than – like a MEP from Malta – one-tenth of this number or less, to what extent, under such conditions, does Germany's greater group power (if it is admitted and exercised) outweigh in real terms the country's smaller relative representation and therefore enhance the influence of each German citizen?

The point that resonates in these arguments is that the European Union is unique, and so is its interpretation and implementation of democracy. The real functioning of its political processes needs far more study. As is evident, transparency, openness and participative elements

play a more important role in the Union than in the member states. These principles must also be taken into account when considering apparent deficiencies in equal voting and imbalances in parliamentary powers. The need for these attributes is different from what democracy requires at the national level; the lack of coercive powers at the EU level, the principle of implementation by national authorities and the decisive role of the national governments in the legislative processes are guarantees of effective control over the exercise of public authority by national institutions, the legitimacy of which is not at stake. There is a very effective vertical separation of powers ensuring that individual freedoms are not at risk. What the German Federal Constitutional Court understands as 'overfederalisation' (GFCC 2009: paras. 290, 292) may amount to a necessary safeguard for the citizens of smaller member states in the multilevel system of governance that is the European Union.

To improve representation and accountability, however, a first step towards a solution can be seen in the merger of the office of the President of the European Council with that of the President of the European Commission. Such a double-hatted President is not excluded under the terms of the existing Treaties; Article 15(6), subpara. 3 TEU was expressly formulated with an open wording to allow for this merger of functions. Such a President would have an important political role; in particular, the officeholder's election and political control by the European Parliament would enhance the position's political accountability and provide the European Union with a more political and personal face (Pernice 2003: 57–84; see also my proposals in Pernice 2003 and in Beneyto and Pernice 2004).

If political parties at the European level nominate their respective candidates for this office, in combination with a specific political programme, the citizens of the Union might be incentivized by this choice to participate in elections. Political party groups have actually made this happen for the first time with the European elections of 2014, although a double-hatted President of the European Council is not yet in sight. The top candidate of the party-group that won the elections was elected as the president of the Commission. He will necessarily be accountable to the electorate for the policies of the Commission.

However, such a development would not amount to a system of parliamentary democracy with a government elected by and dependent on a majority (coalition?) in the European Parliament. The present division of powers among the European institutions does not permit the President – even a 'double-hatted' President – to implement policies without compromises in cases in which the majority of the member states' governments do not have the same political couleur. It would, nevertheless, provide this President greater visibility and political weight, thus enhancing the accountability and legitimacy of Union policies.

Complementary and more participatory forms of open democracy based upon the effective involvement of the citizens of the Union taking ownership of their European 'joint venture', as envisaged by the provisions of Article 11 TEU, are key for strengthening democracy in the European Union and will become an important additional pillar of the democratic system. On the basis of an 'informed', open, public debate over diverse political programmes presented in the electoral campaigns for European elections, the citizens of the Union would be given real political choices and their votes could have greater impact, both on the policies of the Union and on the democratic legitimacy of these policies.

Notes

1 'Supranational federalism', the term used by Bogdandy (1999), seems to most aptly describe the form the Union has taken, although this term has not (yet) received the acceptance it deserves (English version: Bogdandy 2000: 27 et seq.). See also Koslowski (2001) and the contributions in Nicolaïdis and Howse (2001).

2 In reference to Jacques Delors, see also Limbach (2012): 'Jacques Delors hat die europäische Integration als ein "kollektives Abenteuer" bezeichnet. Das Beiwort "kollektiv" zielt nicht nur auf die Eliten, sondern schließt die Bürger mit ein. Der Begriff "Abenteuer" hat weniger das Spielerische als vielmehr das Experimentelle im Sinn und weist auf die Ungewissheit des Ausgangs hin.'

3 The Latin term *supra* may also convey the meaning of 'beyond', 'transcendent' or 'over and above'.

4 Neyer (2012: 4) states outright that 'Europe's democratic deficit originates first of all in the Member States, not in its supranational layer'.

5 With special regard to the ESM; for the author, even the modification of Article 136 TFEU and the establishment of the ESM have had an impact on national constitutions.

6 This option is mentioned, however, in the final paragraph of the judgement of the German Constitutional Court on 12 September 2012 regarding the binding nature of the Fiscal Compact (GFCC 2012, BVerfG, 2 BvR 1390/12 – ESM, para. 319), available at http://www.bverfg.de/entscheidungen/rs20120912_2bvr139012.html.

7 Since 2010, Hungary under the leadership of Victor Orbán has made many legal reforms that affect the country's parliament, media, judiciary, constitutional court and data protection authority. Various European actors have criticized this development, perceiving threats of a serious breach of the founding principles of the Union. The European Commission finally initiated several infringement procedures under Art. 258 TFEU but rejected any activation of Art. 7 TEU. For more details, see Coman (2013) and Scheppele (2013).

8 Democratic political processes at the national level are the basis for the legitimacy of representation in the European Parliament and the Council; respect for the rule of law at the national level is a condition for proper implementation of Union law and the exercise by individuals of the rights conferred to them under the Treaties as well as secondary legislation.

9 Rio Declaration on Environment and Development (1992), Principle 10: 'Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available' (UNDP 1992).

10 A similar development started much earlier in the United States, starting with the Freedom of Information Act (online(of 1966 (for an application, see http://www.state.gov/m/a/ips/) and continuing with the new Open Government Initiative of the Obama administration that began in 2009 with the Memorandum on Transparency and Open Government; for further developments, see http://www.whitehouse.gov/open/about.

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11

The political system of the European Union

Desmond Dinan

The European Union (EU) has a singular political system, reflecting the singularity of the EU itself (Hix and Hoyland 2011). Nowhere else in the world have countries agreed to transfer so much sovereignty in such a wide range of policy fields to a level of governance above that of the nation-state. Nowhere else is the supranational level so highly developed and sophisticated. Nowhere else is there a system of multi-level governance that ties the sub-national, national and supranational levels inextricably together.

Superficially, the political system at the supranational level resembles that at the national level, with which most people are familiar. The EU features a Commission (often referred to as the executive), a Parliament (legislature) and a Court (judiciary). But the EU also has a European Council and a Council of Ministers (formally the Council of the EU). Moreover, the Commission also plays a legislative role – it has the exclusive right (in most cases) to initiate legislation and participates in the ensuing decision-making process – and the European Parliament (EP) is a co-legislator with the Council of Ministers, not the sole legislative body. The European Council does not play a legislative role, but it reaches political agreements that shape the legislative agenda and (occasionally) specific legislative outcomes. In addition, the European Council makes key decisions of a quasi-constitutional nature – for example on the size of the EU (i.e. when to accept new members) and on reform of the treaties upon which the EU is based.

Perhaps the most distinctive feature of the EU as a political system is that it does not have a government, only a means of governance. It is easy to identify the government of Spain, Germany, Ireland or any other EU member state. The national executive consists of a ministerial cabinet and a head of government, chancellor or prime minister. Depending on the national political system, the head of state may have governmental responsibilities (as in France). The EU differs from familiar national systems precisely because it is not a state, although it has state-like characteristics and is organized along federal lines.

The EU was founded more than 60 years ago as an international organization of a highly unusual kind. The founding member states understood that establishing and operating a common market in coal and steel (the purpose of the original European Community) required putting in place a novel institutional arrangement at the supranational level. They did not attempt to establish a European federation or a superstate – an unrealistic objective, then and now. Although European integration has deepened dramatically since that time, the institutional

architecture of the original endeavour remains largely unchanged, despite fundamental transformations in the composition, roles and responsibilities of the institutions themselves.

The EU has a plethora of heads of government, heads of state and presidents. Because it is a system of multi-level governance, the heads of national governments and the national heads of state (where constitutionally appropriate) operate at the EU level. Indeed, the politically most important national leaders constitute the European Council, which has its own president, who is elected by the national leaders in the European Council for a two-and-a-half-year period, renewable once. The European Union also features another EU-level president: the President of the European Commission. There is even a third EU-level president – the President of the European Parliament – who plays a decisive role in the EU political system but is not a member of the European Council.

The presidents of the European Council, European Commission and European Parliament represent the EU, but they do not lead or govern the EU. The President of the European Council is a chairman, not a chief. The President of the European Commission is the head of that institution, but not of the EU as a whole. Presidents of the European Parliament have traditionally played a ceremonial role, though Martin Schulz, the current incumbent, is recasting the position in an overtly political way. Nevertheless, his potential power is limited to leading only that institution. Who, then, leads the EU?

The European Council

The European Council is the foremost governing institution of the EU (Puetter 2012). It was not part of the original institutional architecture. Instead, the European Council emerged in the mid-1970s when the leaders of France and Germany, concerned about the sorry state of European integration, decided that the European Community (the forerunner of today's EU) needed new direction at the highest political level. The existence of the European Council facilitated decision-making on major initiatives to rejuvenate economic and political integration, beginning with the launch of the European Monetary System (EMS) in 1979. The European Council was instrumental in bringing about the Single European Act (SEA) of 1987, which helped accelerate the pace of European integration and symbolized the European Community's resurgence. The European Council played a decisive part in every major initiative thereafter, from the conclusion of the Maastricht Treaty in 1991 to the launch of the third stage of economic and monetary union (EMU) in 1999, to the historic expansion of the EU in 2004 and 2007 into Central and Eastern Europe, to the management of the Eurozone crisis since 2009.

The duration and severity of the Eurozone crisis has demonstrated the importance but also the limits of the European Council as the EU's foremost governing institution. Only the member states' top political leaders had the authority to take the decisions necessary to manage and ultimately resolve the crisis. Accordingly, during the crisis the European Council met more often than ever before in regular and extraordinary sessions. In addition, the Euro Summit, a sub-set of the European Council consisting of the leaders of Eurozone members, came into existence during the crisis; this group has met almost as frequently as the European Council proper.

Despite the frequency of European Council and Euro Summit meetings, the crisis seemed insoluble. This was due in part to the nature of the crisis itself. As European Council President Herman Van Rompuy observed, 'markets have the luxury of moving with the speed of the click of a mouse; political processes . . . cannot deliver so quickly' (*Agence Europe* 2011). In addition, the fact that so many people shared responsibility for managing the Eurozone inevitably made matters worse. 'There are 17 governments sitting at the table in the Eurogroup [the finance ministers of the Eurozone members], representing a total of more than 40 political parties',

Eurogroup president Jean-Claude Juncker pointed out in early 2011; 'it's no wonder that there are occasional difficulties with coordinating things' (*Spiegel Online International* 2011). At the highest political level, the European Council and the Euro Summit faced similar constraints. Given the EU's political character and institutional architecture, EU leaders were simply unable to respond rapidly, no matter how urgent the situation became.

In principle, the national leaders in the European Council are equals. (The Commission president also participates in Council meetings but, by virtue of not being a national leader and therefore lacking the right to vote on or veto measures in the Council, has less standing). In practice, however, some national leaders are more equal than others. The leaders of France and Germany predominate, as they have since the institution's creation (Krotz and Schild 2013). This is due in part to the nature of international relations. France and Germany are the EU's economically largest and politically most influential member states. They have a special position within the EU because of the history of Franco-German rapprochement that underlies the development of European integration. Britain, the only other member state with the economic and political weight to join France and Germany at the top of the EU power pyramid, has effectively marginalized itself, first by abstaining from the early stages of European integration and then by not participating fully or enthusiastically in key EU policy developments, notably the EMU.

Given the nature of the institution, the political dynamics of the European Council are highly personal. France and Germany may be the most influential member states, but their leaders have not always liked or respected each other. Nor do France and Germany necessarily share the same institutional and policy preferences on EU issues. In view of their history and overriding desire for further integration, however, French and German leaders have generally overcome their national differences (as well as their personal differences) to forge common positions or broker agreements at decisive stages of the EU's development. This has particularly been the case when the leaders have had a good rapport with each other. Examples include President Valéry Giscard d'Estaing and Chancellor Helmut Schmidt (agreement on the EMS), and President François Mitterrand and Chancellor Helmut Kohl (agreement on the Maastricht Treaty and the EMU).

Inevitably, the Franco-German duopoly has engendered the resentment of the other member states. This has tended to manifest itself when Franco-German relations are tense (and therefore the countries' joint leadership is weak) or when the EU is going through a difficult patch. For instance, other national leaders chafed at the high-handedness of President Jacques Chirac and Chancellor Gerhard Schröder at the time of the Iraq War, and many were critical of the behaviour of President Nicolas Sarkozy and Chancellor Angela Merkel during the early years of the Eurozone crisis. In both cases, the French and German leaders advocated positions and pushed policies through the European Council that were controversial and not widely supported.

Just as France and Germany are more equal than the other member states in practice, Germany is more equal than France within the Franco-German tandem. This became abundantly clear during the recent crisis, when Germany emerged as the EU's undisputed, albeit reluctant, hegemon (Paterson 2011). Angela Merkel, chancellor since 2005, became the most powerful politician in the EU. Though criticized for her tentative leadership style, Merkel insisted on a policy of austerity for the Eurozone, especially for countries receiving EU assistance. The severity, dubious economic benefit and high social costs of national austerity programmes generated a backlash against Germany. François Hollande won the French presidential election in May 2012 in part because of his opposition to austerity and his open criticism of Merkel.

The frosty personal relationship between Hollande and Merkel reflects a growing and seemingly irreversible divergence in French and German perceptions of the EU. France and

Germany have always had different institutional and policy preferences that they somehow managed to reconcile. However, the EU increasingly suited France less and Germany more. The 2004 and 2007 enlargements, which shifted the EU's centre of gravity further to the east, and the Eurozone crisis, which highlighted French economic weakness and German economic strength, exposed stark differences in the two countries' fundamental bond with Brussels.

For Britain, the EU seems an alien place. David Cameron, who became prime minister in May 2010, responded to pressure from the strongly Eurosceptical wing of his Conservative Party and concern over the rise of the ultra-nationalist United Kingdom Independence Party by promising to hold a referendum on continued EU membership if he was re-elected. Britain's non-membership in the Eurozone, semi-detachment from other policy areas and flirtation with exiting the EU have greatly diminished Cameron's potential influence in the European Council.

Apart from Britain's situation, the Franco-German dominance of the European Council crowds out opportunities for other leaders to cultivate influence. The leaders of small countries are at a disadvantage; however, they are not insignificant players. The degree to which they can shape deliberations and decisions in the European Council depends on a range of factors, including a leader's personal charisma, experience with EU-level governance, diplomatic skill and political acumen. Their influence also depends on the validity of the arguments and the soundness of the ideas being put forward, the member state's image and reputation within the EU, and prevailing political and economic circumstances.

Jean-Claude Juncker is an interesting case in point. He was president of the Eurogroup by virtue of being his country's finance minister, but he served at the same time as Luxembourg's prime minister. As one of the longest-serving prime ministers in the EU, Juncker was also one of the most senior members of the European Council, where, despite coming from one of the EU's smallest member states, he was unusually influential. Juncker's influence was derived not only from his familiarity with the European Council and with other EU leaders, but also from his personal qualities, political skills and understanding of policy issues – especially with regard to the EMU. In addition, Juncker spoke French and German, which facilitated communication with the European Council's top decision-makers.

Arguably, the demise of the rotating European Council presidency robbed the leaders of small member states of an opportunity to be more influential in the EU, albeit for only six months (the duration of the presidency). While holding the rotating European Council presidency under the old, pre-Lisbon Treaty regime, the leaders of small member states were more visible on the EU stage but were not necessarily more influential in EU decision-making. Indeed, respect for the norm of neutrality – the expectation that presidents will act as an honest broker rather than an advocate for national preferences – generally characterized the presidential performance of small member states. The loss that many national leaders have felt since the end of the rotating European Council presidency is primarily a loss of prestige and publicity, not power.

In place of the rotating presidency, the European Council now has its own full-time president (Charléty and Mangenot 2012; Dinan 2013). During the Constitutional Convention of 2002–3, which produced what eventually became the Lisbon Treaty, there was speculation that the first incumbent would be an EU heavyweight, a former leader of a big member state. However, Sarkozy and Merkel, the potential king-makers, decided that the inaugural office-holder should be a less forceful and less famous person. They opted for Herman Van Rompuy, the little-known, unassuming prime minister of Belgium, who was duly elected by the European Council (Barber 2010). He took up the position in December 2009, when the Lisbon Treaty came into effect, and was elected for a second term in mid-2012.

Van Rompuy had no intention of turning the European Council presidency into a platform for forceful EU leadership, even if he could have. He focused squarely on improving the European Council procedurally by tightening its agenda, restricting participation in its meetings to the principals (inviting government ministers only on an ad-hoc basis), shortening and sharpening summit conclusions and ensuring better follow-through (Dinan 2013). The national leaders set a precedent by electing someone of Van Rompuy' calibre as the first standing European Council president, and the Belgian's low-key efficiency set a precedent for future incumbents. More than likely, national leaders will continue to keep political power in their own hands, and the leaders of France and Germany will remain more powerful than the others.

Apart from the European Council president, the Commission president is the only non-leader of a member state to participate in the European Council (the High Representative for Foreign Affairs and Security Policy attends but is not a member of the European Council). As noted above, the Commission president's potential power in the European Council is institutionally limited, but that does not mean that a Commission president cannot be influential. Indeed, Jacques Delors, the most powerful Commission president in EU history, owed his success in large part to the influence that he wielded within the European Council (Endo 1999). The reasons for Delors's success were both personal (ability, acumen and ambition) and political (experience and skill). The fact that he was French and was rumoured to be a potential future prime minister or even president helped as well. As a result, he operated almost as an equal with Mitterrand and Kohl, thereby broadening the Franco-German axis into a Franco-German–Commission axis within the European Council.

In addition, Delors had the luck to become Commission president at a time when the then-European Community was about to take off. Delors was exceptional, as were the European Community's circumstances at the time of his presidency. Partly in response to Delors's ascendancy, national leaders decided to clip the Commission's wings, resolving not to appoint successors in the Delors mould. The potential influence of subsequent presidents was also weakened by the Commission's internal disorganization in the post-Delors period, as well as by the Commission's enforced resignation in 1999 following an epic confrontation with the EP (see p. 214). Although the Commission remains central to the EU's political system, the political influence of the Commission president is strictly limited, especially in the European Council.

Though central to the EU system of supranational governance, the European Council is largely an intergovernmental body; after all, its principal members are the heads of national governments. Ideally, the European Council acts in the interest of the EU, even if its deliberations are primarily informed by national perspectives. The European Council functions best when there is a consensus among national leaders on what constitutes the European interest, and when there is little or no conflict between the presumed European interest and the various national interests. National and European interests are unlikely to be congruent when the political stakes are high – for instance at a time of crisis.

In recognition of the centrality of the European Council in the EU system, recent treaty changes have included provisions for the use of qualified majority voting (QMV), a defining characteristic of supranational governance, in European Council decision-making (Goebel 2011: 1259–62). The issues on which the European Council may vote are largely limited to high-level appointments (such as the presidents of the Commission and the European Council). The European Council has thus far refrained from formally taking votes, preferring to reach consensus even when national leaders disagree on the desired outcome. This reflects the prevailing culture of consensus within the European Council, as well as a realization on the part of other member states that when France and Germany promote a particular preference, opposition – even if successful – can be counterproductive.

The increasing prominence of the European Council is altering the nature of the EU political system. National leaders are more involved than ever before in EU decision-making and are more inclined than ever to push national interests more forcefully and unselfconsciously. Recently, the seemingly endless round of summits, each followed by a grandiose declaration that appeared to do little to stem the Eurozone crisis, fuelled intense criticism of the European Council and the Euro Summit and deepened concerns about the direction of EU governance. Schulz was among the most vociferous critics, denouncing the excessive role of the European Council in the crisis, which (he claimed) accentuated intergovernmentalism, undermined parliamentary scrutiny and weakened the legitimacy of EU governance (see Schulz 2012a). Restricted as EP president to delivering a speech to the national leaders immediately before the official opening of each European Council, Schulz demanded full membership in the EU's most exclusive club. At issue was not only Schulz's eagerness to be at the centre of EU decision-making, but also a growing rivalry between the European Council and the EP, thanks in part to the Lisbon Treaty, which elevated the importance of both institutions.

The Commission–Council–Parliament triangle

Although the European Council sits at the top of the EU political system, the Commission, the Council and the EP regularly interact with each other at a lower level in order to enact legislation and take other important decisions. The purpose and process of their interaction has changed over time, due to formal treaty revision, inter-institutional agreements and practices developed in the course of everyday dealings among the institutions. Regardless of how they transpired, these changes in inter-institutional relations reflect the changing nature of the EU, especially in view of its widening policy and geographical scope.

The Commission

The Commission epitomizes the EU and its political system. The Commission's ethos is supranational: although commissioners come from the member states, they do not – or should not – take instructions from national governments. Nevertheless, they are cognizant of national opinion and act as a conduit for the flow of information between the national and European levels of governance.

The Lisbon Treaty included a formula for constituting the Commission with fewer members than there are member states, which would have ended the practice (in effect since the beginning of the European Community) whereby each member state appointed at least one commissioner. Following the rejection of the Lisbon Treaty by Irish voters in June 2008, the Irish government asked the other national governments to retain the formula of one commissioner per member state. This was a point that Irish citizens felt strongly about, and which the government needed to happen in order to be able to hold, and win, a second referendum on the treaty. The European Council acquiesced in Ireland's request; a second referendum took place; the government duly won; and the Commission did not change from having one member per member state.

Tying the Commission's size to the size of the EU seems like a formula for inefficiency. The more member states, the larger the Commission; the more commissioners, the less cohesive and effective the institution becomes. With an EU of 28 member states, the problem of the Commission's inherent inefficiency would seem to be acute. In practice, however, successive Commission presidents have been adept at managing the supposedly unwieldy institution. Jacques Delors complained about the size of the Commission following Portuguese and Spanish

accession in 1986, yet the Delors Commission of the mid-1980s was one of the most effective in EU history. José Manuel Barroso is often caricatured as a weak Commission president, but he has effectively managed the largest Commission in EU history (28 members).

In fact, a Commission tied to the size of the EU is not only manageable, but also more legitimate than it would otherwise be. Weak legitimacy is the most serious political problem plaguing the EU. Because its members are appointed and not elected, the Commission is particularly vulnerable to claims that it lacks legitimacy. Weak though it may be, the Commission's legitimacy derives in part from the fact that its membership is congruent with the EU's membership. The citizens of small member states are particularly sensitive to this point, as Irish voters clearly demonstrated at the time of the Lisbon Treaty referendums.

Concern about the Commission's legitimacy would not matter if the Commission were unimportant in the EU system; it is precisely because of its importance that concern about its legitimacy is so widespread. The Commission has always been at the centre of the EU system. With the dramatic broadening of the EU's policy scope following the SEA, the Commission became more essential than ever to the conduct of EU affairs, even though some new areas of EU activity (such as foreign policy and security) were avowedly intergovernmental. As the Commission's importance increased over time, so too did complaints about the so-called 'democratic deficit' – the gap between the governed and the governing in the EU (Føllesdal and Hix 2006; Habermas 2012; Hobolt 2012; Moravcsik 2002).

Nowhere is the Commission's growing importance more evident than in economic policy, especially since the onset of the Eurozone crisis. Although the Commission has been involved for many years in efforts to coordinate macro-economic policy among Eurozone members, the reforms undertaken in response to the crisis, especially with regard to the Stability and Growth Pact, have strengthened the Commission's role. Olli Rehn, Commissioner for Economic and Monetary Affairs and the Euro, became the closest thing in the EU to the public face of the crisis-management effort.

Paradoxically, the rise in the Commission's political importance has coincided with a decline in the president's political influence. Barroso may be a good manager of a large and potentially fractious Commission, but his influence outside the institution is limited. As noted earlier, national leaders decided after the Delors era to limit the Commission president's potential power. In an effort to reassert the Commission president's broader authority, in 2010 Barroso inaugurated an annual 'State of the Union' address, to be delivered to the EP in Strasbourg every September. Far from enhancing Barroso's political stature, the annual address has become a ritualistic call for 'more Europe' and a return to the traditional 'Community method' of EU decision-making in which the Commission, the Council and the EP dominated and the role of the European Council was severely limited.

The Council of the EU

Just as the Commission has a supranational ethos, the Council, populated by national ministers, has an intergovernmental ethos. Although there is only one Council, there are many Council configurations, covering the full range of EU activities (the Foreign Affairs Council, the Environment Council, the Agriculture Council, etc.). Ministers reside in national capitals and come to Brussels for Council meetings, usually once a month. The Council's operations are reliant on an extensive foundation of preparatory committees and working groups, including the Committee of Permanent Representatives, one of the most powerful bodies in the EU political system. The Permanent Representatives are high-level officials based in Brussels who represent the national governments. The Committee of Permanent Representatives prepares

the meetings of the Council and marshals the work of lower-level committees and working groups of national ministerial officials. It often takes decisions that the Council merely rubberstamps.

The presidency of the Council is one of the EU's most distinctive institutional features. Except for the Foreign Affairs Council, over which the High Representative for Foreign Affairs and Security Policy presides, the Council presidency continues to rotate among member states every six months. This rotation is designed such that member states of different kinds – big and small, old and new – succeed each other. To provide continuity and improve consistency, member states form presidency trios, although coordination within each trio and between the trios varies considerably.

Even though the country in the presidency no longer presides over the European Council and the Foreign Affairs Council, the job is still demanding. Having fewer resources, small member states often have difficulty chairing all the sub-committees and working groups in the Council apparatus. For that reason, small member states are more likely to rely on the assistance of the Council Secretariat, the Council's permanent, Brussels-based civil service. Perhaps because of the pressure but also the prestige of presiding over the Council, small member states generally make a huge effort to succeed. Being seen to have run a good presidency is a point of pride for these states, especially when they are new members of the EU. Big member states, particularly France and Germany, tend to take being in the Council presidency for granted.

Running a good presidency means managing Council business well. Each Council has a busy agenda, organized by the presidency. Countries in the presidency often seek to close particular agenda items, especially contentious ones, during their six months in office. There is an expectation that countries will act as honest brokers and will not pursue their own interests while in the Council presidency. Some member states – again, usually the small ones – are better at this than others. Managing a good presidency often means eschewing national advantage for the sake of an otherwise unobtainable Council agreement.

Over the years, qualified majority voting has become the norm for decision-making in the Council. This did not happen by chance; in fact, the gradual extension of QMV to more and more policy areas was one of the most hard-fought battles in the political history of the EU. As noted above, QMV is a defining characteristic of supranational governance. The willingness of national governments to be outvoted on a wide range of policy issues and to nonetheless abide by all decisions sets the EU apart from other international organizations. It has not been easy for sovereignty-conscious governments to give up the national veto and accept the practice (let alone the principle) of Council voting, even though minority positions are privileged by the need to form a supermajority.

The empty chair crisis of 1965–6, the greatest constitutional crisis in the history of European integration, was sparked by a treaty-mandated move towards greater use of QMV. French President Charles de Gaulle, a traditional nationalist who opposed supranationalism, attempted to block the move by withdrawing French representation from the Council, thus bringing Community decision-making to a halt. The crisis ended with the Luxembourg Compromise, an agreement whereby a government could prevent a Council decision from being taken by claiming that a very important national interest was at stake. Frequent invocations of the Luxembourg Compromise, whether implicit or explicit, hampered decision-making in the Council until a backlash in the early 1980s led governments to use QMV more frequently. An important breakthrough came with the SEA, which allowed for the use of QMV for most of the legislative measures necessary to complete the single market programme by the target date of 1992. Successive treaty changes increased the scope of QMV to cover most policy areas subject to legislative decision-making.

The long battle over QMV involved not only its use and scope, but also its modalities. Originally, each country had a certain number of votes, allocated approximately according to its population size. Although no two countries had exactly the same population, similar countries – such as France and Germany, or Belgium and the Netherlands – were grouped together and given the same number of votes each. With the acceleration of European integration in the late 1980s and the increasing domestic salience of EU policy-making, governments began to pay closer attention to the rules of the game. By the time of the negotiations in 2000 for what became the Nice Treaty, the big member states were pressing for more votes. As the biggest member state, especially after reunification, Germany felt entitled to more votes than any other member state, but agreed to maintain parity with France. Not being historically beholden to Belgium, the Netherlands accepted more votes than its less populous neighbour.

The modalities of QMV became one of the most heated issues in the Constitutional Convention of 2002–3. Keenly aware of their relative loss of power as a result of enlargement, which had brought and would bring into the EU many additional small member states, France and Germany pressed for a new system based on the double majority principle. Under this rule, half the number of member states representing at least 60 per cent of the EU's total population would constitute a qualified majority. Using their considerable powers of persuasion, France and Germany succeeded in including this new voting formula in the convention's Draft Constitutional Treaty.

The ensuing intergovernmental conference to conclude the Constitutional Treaty began in late 2003. For Spain and Poland, this was an opportunity to try to preserve the Nice agreement on voting weights, which was extremely advantageous to them. For their part, France and Germany were determined to scrap the Nice arrangement in favour of the proposed double majority system. The intensity of the disagreement over QMV caused a breakdown of negotiations in December 2003. Changes of government in Spain and Poland (for reasons unrelated to the negotiations) improved the new rule's chances of success. Seeking to signal a more accommodating attitude towards the EU, the two countries' new governments were willing to compromise on the proposed voting system. The new double majority was set at 55 per cent of the member states and 65 per cent of the population, making it easier for countries to form a blocking minority but without allowing the three biggest member states to do so by themselves. Agreement on the Constitutional Treaty was finally reached in June 2004.

Following its rejection by French and Dutch voters in mid-2005, national leaders decided to salvage as much as possible of the Constitutional Treaty in a new 'Reform Treaty'. That necessitated another intergovernmental conference, which gave Poland's then-Eurosceptical government another chance to reopen negotiations on the double majority formula for QMV. This became a major sticking point at the June 2007 summit, where EU leaders had hoped to reach agreement on key changes to the treaty. Under intense pressure from almost every other national leader, the Eurosceptical Polish government finally dropped its opposition to the double majority system in return for an agreement to delay its entry into force until 2014. Although it seemed that all the difficulties had been resolved, a summit held in October 2007 to formally conclude the intergovernmental conference was not without drama. A number of sensitive issues had arisen since the previous summit. Foremost among them was yet another Polish demand for clarification of the provisions on majority voting. Eventually, the European Council found a formulation that everyone could live with, thereby paving the way for what became the Lisbon Treaty (*EurActiv* 2007).

The protracted struggle over the double majority system demonstrates the depth of feeling among national leaders on the question of QMV. It also shows how deeply ingrained the big–small

country divide is in the EU. Even though voting does not always take place in the Council, the fact that votes may be called casts a long shadow over Council deliberations. The possibility of being outvoted, even if it never comes to pass, has a powerful effect on governments' behaviour. The implementation in 2014 of the Lisbon Treaty formula for QMV is a highly significant development for the EU political system.

The Parliament

Of the EU's three everyday decision-making institutions, the EP has experienced the greatest change over time. Originally the Parliament had no power, apart from moral suasion (the EP has always cast itself as the conscience of the EU), nor were its members directly elected. Instead, national parliaments nominated their own members to sit in the EP. The size of each national delegation was (and still is) set out in the founding treaties – frequently amended – and the accession treaties of the EU.

The Rome Treaty of 1957, which established the European Community, called for direct elections to the EP but left it up to national governments to decide when and how these elections would take place. Governments' various positions on direct elections reflected national preferences for deeper integration along supranational lines – the EP being seen as a supranational institution and elections being perceived as a way to strengthen the body's legitimacy and possibly its power as well. Accordingly, Germany and Italy (countries more comfortable with supranationality) strongly supported direct elections, whereas Britain and France (more comfortable with intergovernmental cooperation) opposed the switch to direct elections, in practice if not in principle. It was only in the mid-1970s that the European Council agreed on a system of direct elections, partly in response to the launch of the European Council itself, which strengthened intergovernmentalism. The first direct elections took place in 1979; elections have taken place every five years since then.

Even before the advent of direct elections, governments had given the EP a certain degree of power over the annual budget. Following a transitional period, when it was funded by national contributions, the European Community acquired its 'own resources', consisting of duties from agricultural and industrial imports that, under the terms of the treaties, flowed directly to the EC budget rather than to national budgets. With the advent of its own resources, it seemed reasonable to transfer budgetary authority from national parliaments to the EP in order to complement the transfer of funds from national budgets to the Community's budget. These changes took place in two treaty reforms in 1970 and 1975 (Knudsen 2012).

Emboldened by the advent of direct elections, the EP, with the support of sympathetic governments, pressed for additional power, especially in legislative decision-making. Already, the EP played a perfunctory role through a procedure that required the Council to consult it on legislative proposals from the Commission. The EP wanted nothing less than to become an equal partner of the Council by means of legislative co-decision. From the first direct elections in 1979 to the Amsterdam Treaty in 1997, it took 20 years for the EP to achieve its goal of establishing a truly equitable co-decision procedure; in the process, it managed to abolish (except in a few exceptional cases) the old consultation procedure and an intermediary cooperation procedure that had been introduced by the SEA.

The EP's success was due to determined leadership on the part of successive presidents and vice-presidents, committee chairs and heads of political groups. Whereas the EP as a whole is a large, diverse and cumbersome body, its leadership is small, cohesive and institutionally ambitious. The EP also had logic on its side: the logic of representative democracy. As the only

directly elected institution at the European level, the EP exploited widespread concern about the EU's democratic deficit to push relentlessly for more power. Only by giving more power to the directly elected EP, its leadership argued, could the EU hope to assuage public complaints about lack of political legitimacy at the European level.

With the support of genuinely enthusiastic or at least conscious-stricken national governments, the EP has succeeded during successive rounds of treaty change (beginning with the SEA and continuing through the Lisbon Treaty) in greatly expanding its role and responsibilities. Moreover, the EP has been adept at exploiting opportunities provided in the treaties to maximize its political power. Having budgetary authority allows the EP to influence outcomes in policy areas and on institutional issues in which it is not directly involved or has only limited involvement. For instance, the Lisbon Treaty required the Council to consult the EP about the establishment of the European External Action Service. In this case, the EP had considerable leverage because the budget for the service was subject to its approval. The Council viewed the budget as a mere technicality, but the EP was determined to influence the shape and structure of the new service, which it did in a number of ways.

Members of the European Parliament (MEPs) differ in terms of nationality, ideology and political affiliation, but apart from a small minority of Eurosceptics who oppose the EP and the political system of which it is a part, they share a commitment to the institution and a desire to increase its formal and informal power. This is the case not only for budgetary and legislative decision-making, but also for oversight and scrutiny, core responsibilities of most democratic legislatures. The way in which the EP asserted its right to scrutinize the Commission and the consequences of the EP–Commission battle over accountability are discussed on pp. 213–215.

MEPs sit not according to nationality, but according to their political group membership. The political groups, most of which are affiliated with pan-European political parties, represent the spectrum of opinion in the EU. The two largest groups are the centre-right European People's Party (EPP) and the centre-left Progressive Alliance of Socialists and Democrats (S&D), with the EPP in the ascendant group after the 2009 elections. Just as there is no EU government, there is no EU governing party or coalition of parties. Although the majority of European Council members currently belong to the EPP, and the EPP forms the largest group in the EP, the EPP does not govern the EU, although under the circumstances EU policies tend to reflect EPP preferences. (Coming mostly from national political backgrounds, members of the Commission also have European-level political affiliations, but they are not as engaged politically as are members of the European Council and MEPs.)

The size of the EP has changed considerably over time, reflecting successive EU enlargements. The Lisbon Treaty limits the EP to 751 members. The allocation of seats follows the principle of degressive proportionality, with a minimum threshold of 6 (Malta) and a maximum threshold of 96 (Germany) seats per member state. Paradoxically, small member states are relatively over-represented in the EP, but have few MEPs. Although the big–small member state divide is not as prevalent in the EP as it is in other institutions, not least because MEPs sit in transnational political groups and not according to nationality, small member states tend to have less of an affinity with the EP than large member states with substantial national delegations.

Inter-institutional dynamics

EU institutions engage with each other in a number of formal and informal ways. Corridor conversations among officials and politicians are often just as important as what takes place during meetings and summits. Outside the narrow confines of the institutions themselves, a supporting cast of national officials and parliamentarians, lobbyists, journalists, academics and others flesh

out the EU political system. Although Brussels is the situational centre of the EU system, Luxembourg and Strasbourg – the two other centres of the EU's constitutional geography – and the national capitals are key locations as well.

The fact that national leaders and their immediate subordinates (national ministers) constitute the European Council and the Council, respectively, means that there is an organic link between the two institutions. National leaders and their ministers liaise continuously in national capitals on agenda items coming before the Council and the European Council. In addition, the European Council president works closely with the General Affairs Council, the Council formation charged with coordinating the work of most of the other formations. The Council Secretariat, which serves both the European Council and the Council, forms another bond between the two bodies.

The presence of the Commission president in the European Council provides an organic link between the Commission and the European Council (Fernández Pasarin 2011). Despite the inherent institutional tension in their relationship over who exactly represents the EU, Van Rompuy and Barroso work well together. Individual commissioners attend meetings of the various Council formations, and Commission officials participate in Council preparatory and working groups, thereby ensuring close Council–Commission communication throughout the legislative and other decision-making processes.

Oversight, accountability and scrutiny

As noted above, the EP president does not attend meetings of the European Council, but the President of the European Council and the leader and other ministers of the country in the rotating Council presidency deliver regular reports to the EP. These occasions provide an opportunity to elicit more information than is otherwise available about the conduct of the European Council and the Council; they also allow the EP to assert its self-proclaimed right to parliamentary oversight of the two bodies. The EP and its political groups have been sharply critical of Van Rompuy for what they see as his acquiescence in Franco-German or sole German dominance of the European Council – except for the EPP, to which the current German chancellor and the European Council president belong.

The EP has stronger and highly formal powers of scrutiny over the Commission, including holding hearings and taking votes on commissioners-designate. Governments have withdrawn commissioners-designate following critical hearings and votes in the EP. At the same time, the EP has focused increasing attention on the selection of the Commission president.

Barroso, who became Commission president in 2004, was reappointed while the Lisbon Treaty was being ratified in 2009. In an effort to strengthen the Commission (and the Commission president's) weak legitimacy, the Lisbon Treaty required the European Council to take 'into account' the outcome of European Parliament elections and to hold 'appropriate consultations' with the EP before designating the candidate for Commission president. Although the treaty was not yet in force when it was time to appoint a new Commission president, the ever-assertive EP pressed the European Council to abide by the Lisbon Treaty rules. Given that the EPP, to which Barroso belongs, had won the largest number of seats in the June 2009 elections, the European Council could fairly claim to have taken into account the outcome of the elections.

That did not satisfy some MEPs, especially those from the S&D and Green groups, who opposed Barroso for his liberal economic philosophy and his alleged cosiness with big business. They claimed that pushing through Barroso's candidacy without due consultation with the EP was a violation of democratic principles. In any case, Barroso convincingly won the vote on his reappointment in September 2009, although by a smaller margin than in 2004.

The Commission president and the other commissioners appear regularly before EP plenary sessions and committee meetings, where they often face withering criticism from MEPs. As in the case of EP encounters with the European Council president and the Council presidency, exchanges between commissioners and MEPs are often politically charged. Because he is also a member of the EPP, Barroso tends to face tougher questioning from the rival S&D, Liberal and other political groups.

The Commission as a whole is accountable to the EP, which may vote the college out of office by a two-thirds majority of the total number of MEPs. This high threshold reflects the seriousness of the censure procedure, long known as the 'nuclear option' in Commission–EP relations. In keeping with the doctrine of mutually assured destruction, the Commission had long presumed that the EP would never press the button. That changed dramatically in March 1999, when a bitter struggle between the Commission and the EP recast the relationship between the two institutions (Dinan 2000; Priestley 2008).

The conflict erupted following a series of skirmishes over the previous 12 months in which the EP became increasingly critical of the Commission's management of the budget. At one point in 1998, the EP threatened the Commission with censure. The EP held its fire, but MEPs became angrier over the course of the year as additional allegations emerged of fraud and financial mismanagement in the Commission. Commission President Jacques Santer was never accused of financial impropriety, but he failed to act decisively against the commissioners who were. The most conspicuous was Edith Cresson, a former prime minister of France who allegedly awarded a contract to a friend who was unqualified to carry out the work. The EP demanded Cresson's resignation. Cresson refused to step down; the French government backed her to the end, and Santer lacked the authority to dismiss her.

The prospect of a Commission–EP showdown kept Brussels in a tizzy. There was little public sympathy for either side, although the EP held the moral high ground against an apparently feckless and wasteful Commission. Lacking flair and largely unknown outside Brussels, Santer was an easy target for media and public scorn. Eager to avoid an inter-institutional confrontation, some national politicians urged MEPs to drop the matter. EPP politicians were especially concerned about the vulnerability of Santer, a Christian Democrat, to partisan attacks from the Socialist group. By late 1998, however, the issue had transcended party politics. Regardless of their party affiliation, most MEPs were too incensed to back down; they wanted to put the Commission in its place.

Nevertheless, the Commission escaped censure in January 1999 when the EP failed to muster the necessary two-thirds majority. The EP decided instead, with the Commission's agreement, to establish a committee of independent experts to investigate the allegations. The committee's report, published in March 1999, was damning (Committee of Independent Experts 1999). Once the EP had made it clear that the Commission would not survive another censure motion, Santer accepted the inevitable, and the Commission resigned as a body.

Far from being the result of a calculated parliamentary manoeuvre, the Commission's collapse was the culmination of a series of mistakes and misjudgements on both sides. However, the widespread perception was that the EP, acting strategically, had finally come of age and asserted its authority over the incompetent Commission. As perception shapes political reality, the events of early 1999 represented a major advance for the EP. In principle, the Commission had always been accountable to the Parliament; now it had to behave accordingly in practice.

The confrontation between the Commission and the EP strengthened the EU political system by striking a new institutional balance and forcing the Commission to undertake serious

internal reform, but it weakened public support for the EU as a whole. However entertaining, inter-institutional squabbles in Brussels and Strasbourg seemed irrelevant to the real concerns of most Europeans. In the end, the EP did not reap the reward for its victory that it most coveted: a large turnout in the June 1999 elections (the turnout in direct elections has been in steady decline since 1979).

Legislative decision-making

The pedestrian-sounding ordinary legislative procedure – the mechanism for legislative co-decision between the Council and the EP – is the main venue for interaction among the Commission, the Council and the EP. The legislative process begins well before the Commission submits a formal proposal, with consultation among Commission, Council and EP representatives as well as intense lobbying for and against the putative proposal by interest groups. If and when a proposal emerges from the Commission, it is sent to the Council and the EP. Following the implementation of the Lisbon Treaty, it is also forwarded to the national parliaments of the member states (see p. 216).

As in any liberal-democratic system, the objective of legislative decision-making in the EU is to balance efficiency and democracy in the pursuit of sound public policy. The inherent complexity of the EU system, a fusion of 28 national political cultures that uses 24 official languages, would suggest that legislative decision-making could not possibly be efficient. Indeed, the EU is caricatured by Eurosceptics as a confusion of tongues and a maze of rules and procedures where decision-making is inordinately time-consuming and decisions are invariably sub-standard.

In fact, EU decision-making is surprisingly efficient and intelligent, not least because of the organization's efforts to counter pervasive criticism (Dinan 2012). The EP, the butt of many jokes about the EU's ineffectiveness and the object of searing media attacks, has made impressive efforts to move proposals quickly and competently through the labyrinthine legislative procedure. The submission of a Commission proposal to the Council and the EP triggers the procedure, which can involve three readings, culminating in a conciliation committee to reconcile divergent Council and EP positions. Both institutions must approve the ensuing compromise text (if any) in order for the legislation to be enacted.

Legislative proposals rarely reach the third reading stage, and the Council and the EP seldom reject a draft text that comes out of the conciliation committee. Instead, the Council and EP increasingly reach agreement at the end of the first-reading stage, thereby greatly enhancing the efficiency of legislative decision-making. Pressure on the EP, the larger and intrinsically more fractious of the two legislative bodies, is particularly intense.

Martin Schulz made an intriguing reference to the ordinary legislative procedure during his inaugural speech as EP president in January 2012: 'If our Parliament is to become more visible, if greater attention is to be paid to its views, a rethink of the issue of first-reading agreements is also essential' (Schulz 2012b). Schulz was referring to the fact that the number of first-reading agreements on legislative proposals from the Commission stood at 80 per cent of all cases (Europolitics 2012). He was also acknowledging that the proliferation of first-reading agreements (which involve intense negotiations among representatives of the Commission, the Council presidency and the EP in so-called 'trilogies') came at a political cost. Many MEPs resented what they saw as the exclusive involvement of a small number of their colleagues in the decision-making process, as well as the lack of opportunity for the EP as a whole to have a meaningful say in important public policy issues. An academic assessment of first-reading or 'early' agreements refers to the phenomenon as 'secluded decision-making' (Reh *et al.* 2013). In 2012,

dissatisfaction among MEPs over the prevalence and conduct of first-reading agreements resulted in a potentially significant change in the EP's rules of procedure, aimed at making such agreements more transparent and participatory (European Parliament 2012).

The extent of the EP's involvement in the informal pre-proposal stage of legislative decision-making is an important factor in the discussion about inclusiveness and deliberation. The EP's pre-legislative work includes own-initiative reports, expert studies, hearings and consultations. Extensive EP involvement in the pre-proposal stage depends to a great extent on the policy field in question. The nature of the Eurozone crisis, which required rapid decision-making, precluded the possibility of leisurely Commission–Council–EP legislative planning. This, in turn, fuelled the frustration of many MEPs (including Schulz) over what looked like *diktats* from the European Council to enact legislation as quickly as possible in response to the escalating crisis. In particular, such frustration emerged during the enactment in 2011 of the 'Six Pack' of legislative proposals to strengthen the Stability and Growth Pact. Extreme pressure on the EP to reach an early agreement accelerated moves to revise the rules of procedure on secluded decision-making. Whether the new rules will allay MEPs' concerns, improve transparency and participation, and strengthen the quality of legislative outcomes remains to be seen.

National parliaments

No discussion of the EU political system would be complete without mention of the role of national parliaments. Sensitive to citizen concerns about the democratic deficit, EU leaders have long grappled with the declining power of national parliaments in the EU system, an inevitable result of more and more legislation being enacted by the Council and the EP rather than by national governments and national parliaments. As long ago as 1997, national leaders included in the Amsterdam Treaty provisions to augment the involvement of national parliaments in EU affairs. Going far beyond that, the Lisbon Treaty gave national parliaments a voice in EU-level legislative decision-making by making them the gatekeepers of the subsidiarity principle. Specifically, if a significant number of national parliaments object to a legislative proposal on the grounds that action is not warranted at the EU level, the Commission is obliged to withdraw the proposal in question.

National parliaments across the EU differ greatly in terms of their interest in EU affairs and their ability to evaluate the Commission's legislative proposals. Inevitably, some national parliaments are far more active and resourceful than others. Although national parliaments have a liaison office in Brussels, they do not yet collaborate closely or effectively. Nevertheless, the potential for national parliaments to play a larger role in the EU legislative process is considerable.

Apart from legislative decision-making, national parliaments have always been involved in EU affairs, as in most cases they are responsible for ratifying changes to the existing treaties (as well as accession treaties) in each member state. National parliaments are also required to ratify other international agreements pertaining to the EU. For instance, the European Financial Stability Facility (the temporary Eurozone bailout fund) was an intergovernmental instrument whose establishment and modification required parliamentary approval in all member states. In October 2011, popular opposition in Slovakia to participation in the fund, in combination with political opportunism, resulted in the Slovak parliament's rejection of the EU agreement to bolster the rescue fund, which the other member states had already approved. The government won the second vote with the help of the main opposition party, whose support was conditional on the general election being brought forward to March 2012. The Slovak saga was a colourful example of the interplay of EU and national-level politics during the Eurozone crisis.

The Slovak case illustrates the increasing prominence of national parliaments in EU governance, The influence of these institutions now extends far beyond subsidiarity enforcement, due in large part to the unfolding Eurozone crisis. The impact of the crisis on national political and parliamentary life has been wide-ranging. The composition of national parliaments, and therefore of national governments, has changed in several member states because of elections whose outcome depended to some extent on the crisis. Governments have changed in other member states, not following elections, but because of the fallout from the crisis. As Van Rompuy remarked, '[t]hese are all signs of how European and national politics are now woven together ever more tightly' in the EU political system (Council 2012: 5).

Conclusion

The political system of the EU is complex and multifaceted, involving national and EU-level institutions, as well as the participation of non-governmental actors. The EU political system envelops and supports a unique model of governance that nonetheless lacks a definable government. National, sub-national and supranational entities work together to produce legislation and regulation in a wide variety of policy fields, collectively comprising EU governance. The system owes its origin and development to grand bargains among member states at key constitutive moments in EU history, inter-institutional agreements and precedents in everyday policy-making. The successive enlargement of the EU has introduced many more actors into the system, raising concerns about institutional sclerosis that internal institutional reforms and treaty changes from Amsterdam to Lisbon have attempted to address. Despite these measures, the EU political system remains complicated and difficult to understand. Most national political systems are complicated as well, but citizens are more familiar with them – and less frightened of them. It is the uniqueness rather than the complexity of the EU that generates citizens' concerns and fuels exaggerated but politically consequential claims about the existence of a debilitating democratic deficit in the EU political system.

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12

The Council of the European Union and the European Council

Jeffrey Lewis

Introduction

The European Council and Council of the European Union (ECC) constitute the executive–legislative core of EU politics. By design, these institutional arenas represent national interests in a networked, club-like model of interstate bargaining. They have also evolved an intricate organizational structure of collective governance across a wide range of sovereignty-sensitive policy areas, from macroeconomic policy to internal security. In most (but not all) policy areas, there is now the possibility of applying the qualified majority voting (QMV) rule;[1] however, one of the more remarkable traits of the ECC, is the high proportion of legislative decisions taken by consensus, without recourse to any formal vote at all. Overall, the ECC is an unparalleled international example of what Anne-Marie Slaughter has suggestively termed 'networks of networks' (Slaughter 2004: 132). As a system of networked governance, the ECC's operations now cover an all-inclusive range of public policies involving thousands of national officials at all levels of technical specialization and political seniority. In 2011, this included just under 4,600 official 'institutional' meetings (see Table 12.1) with an operating budget of over 500 million euros.

Even when we attempt to simplify its complex operations, it is not easy to succinctly describe the Council system. In the past, the blanket term 'Council of Ministers' captured the bulk of the mechanisms involved, however technically inaccurate the term may have been. Since the advent of the EU in the 1990s, the common practice is to differentiate between the Council of the European Union and the European Council. Some choose to refer to these in the plural as the 'Council' or the 'EU Council', while others still adhere to the old nomenclature 'Council of Ministers'. The Council's small but influential bureaucracy, the General Secretariat of the Council (GSC), has recently adopted the shorthand phrase 'European Council and Council' (ECC) to briefly describe these separate but interdependent bodies. My preferred terminology refers to the ECC as the 'Council system', although some may object that this imparts more systemic-level coherence to the constant cycle of independent meetings than actually exists.

The chapter is structured as follows. The next section provides a brief overview of significant changes to the ECC following the passage of the Lisbon Treaty. We then examine the

Table 12.1 Total European Council and Council meetings (2004–11)

	2004	2005	2006	2007	2008	2009	2010	2011
European Council summits	5	3	3	3	5	7	7	9
Council meetings	76	80	76	68	81	74	78	82
Committee of Permanent Representatives (COREPER)	128	123	120	106	144	130	122	135
Working groups	3,971	3,918	4,037	4,183	4,480	4,272	4,127	4,373
Total	4,180	4,124	4,236	4,360	4,710	4,483	4,334	4,599
Other meetings*	2,392	2,791	2,713	1,735	2,051	2,021	1,996	2,075
Grand total	6,572	6,915	6,949	6,095	6,761	6,504	6,330	6,674

Source: Council Financial Activity Report 2011: Section II, European Council and Council. 2012/C 272, 8 September 2012.

Note: * Other meetings include internal meetings, training sessions, seminars, information sessions and briefings, and meetings with third countries.

evolution of the ECC's executive and legislative functions and consider the difficulties involved in finding the right label for the type of institutional authority this system represents. Building on this, the following section assesses the ECC from the perspective of networked governance and infranationalism in order to better account for its hybrid intergovernmental/supranational qualities. A separate section will explore voting patterns and contemplate a range of potential explanations for the Council's ingrained consensus practices. We then turn our attention to the historical roots of this decision-making 'culture' and the patterns of socialization necessary to sustain it. A brief concluding section will follow to link the Council's culture of decision-making to transformative effects in how national agents network in the EU legislative process.

The 2009 Lisbon Treaty and ECC reform

As the EU continues to expand, the ECC 'system' has evolved into a more layered and complex amalgam. The 2009 Lisbon Treaty (LT) is a good illustration of the incremental engineering of the ECC's formal institutional structures. The most significant change is the designation of the European Council as an official, free-standing EU institution in which summitry involving heads of state and government can 'define the general political directions and priorities' of the Union. The LT strips the leadership of the European Council from the rotating presidency (which changes hands every six months), vesting it instead in a new full-time president. This president is selected by the European Council (QMV applies) for a two-and-a-half-year term (renewable once) and cannot simultaneously hold a national office. The president is expected to chair all meetings of the European Council (and the newer Euro summits) as well as 'drive forward its work' and 'endeavor to facilitate cohesion and consensus'.[2] However, the formal LT upgrade of the European Council's role was pre-dated by a more incremental development dating back to at least the Maastricht Treaty era of the early 1990s. The accretion of overall strategic leadership in European Council summits reflects an institutional adaptation to the perceived pressures of the democratic deficit associated with the heightened politicization of EU affairs since the early 1990s (De Wilde and Zürn 2012). In addition, the Eurozone crisis has led to the further institutionalization of two annual summits of the Euro-area heads of state and government, extending the obligations of high-stakes summitry into new territory. Some interpret these top-down centralizing trends as a new tendency towards 'executive federalism'

in the EU.[3] Regardless of the underlying rationale, the regular practice of European Council leaders vetting the EU's most important decisions now represents a safety-valve that modulates the Union's evolving democratic deficit. The several dozen European Council summits spanning the period from 2008 to 2013 attest to how significantly the resolution of the Eurozone's problems has hinged on the 'output legitimacy' conferred by the heads of government. Even prior to the LT changes, it was not uncommon for scholars to observe that the European Council was 'operating increasingly as the senior branch' of the Council system (Hayes-Renshaw and Wallace 2006a: 2).

The other major LT change for the ECC was the upgrading of the position of its Foreign Policy chief, now dubbed the High Representative of the Union for Foreign Affairs and Security Policy. In addition to the important external representation functions that the High Representative role entails, the job also includes chairing the Foreign Policy Council (made up of EU foreign ministers) and serving as vice-president of the Commission in charge of the External Relations DG. The position is appointed by the European Council (QMV applies) with the approval of the Commission president for a five-year term.[4] The High Representative is also tasked with the establishment and administration of an EU-level diplomatic corps, known as the European External Action Service (EEAS). The EEAS was primarily created by transferring existing foreign policy specialists attached to the Council's internal bureaucracy (GSC), along with experts from the Commission and the national diplomatic services. The purpose of the EEAS is to assist the High Representative and ensure the consistency of the Union's external relations, including the management of some 130 delegations overseas.

Other LT changes include a revision of majority voting rules to phase out voting 'weights' and introduce a new double majority model based on minimum thresholds of 55 per cent of EU member states representing at least 65 per cent of the EU population (see note 1). In addition, the EP's co-decision is extended into 40 or so new fields, including justice and home affairs (the LT considers co-decision to be the Union's 'ordinary legislative procedure').

What does the Council system do? What *kind* of institution is it?

Ever since the original creation of the Special Council of Ministers under the European Coal and Steel Community (ECSC), the institution's basic design has reflected member states' desire for the representation of national interests in a setting of pooled sovereignty. The Council system that has since evolved has become considerably more complex in both its 'scope' and 'level' of decision-making (Lindberg and Scheingold's terms; see Börzel 2005 for a more recent interpretation), but its basic institutional purpose has remained the same. Thus, despite major changes in the EU, such as the expanding co-decision powers of the European Parliament (EP) (see Chapter 11), the ECC has retained a basic, centralized gate-keeping function in the EU's legislative process. The authority to take decisions at the EU level and the legitimacy behind the EU's *acquis communautaire* fundamentally rests on the Council system's role in articulating and representing national interests.

That said, from a different vantage point, the ECC also appears to be in a state of continual adaptation and change, with a healthy degree of creative experimentation built into the system. Historical institutionalists would stress the path-dependent sequence of building tight-knit clubs of like-minded officials who engage in repeated, face-to-face negotiations, facilitated by *in camera* settings that allow frankness and mutual responsiveness based on interpersonal relations, trust and what Robert Keohane terms 'diffuse reciprocity' (Keohane 1986). Even the most jealously guarded realms of national sovereignty (what IR used to call 'high politics') now feature Council-level networks of officials who operate in a pooled sovereignty mode. Many of these 'networks'

began modestly or with very limited competencies, such as the Trevi Group, which was formed in the 1970s to discuss terrorism (JHA), or the European Political Cooperation (EPC) process, which took 20 years to morph into the Common Foreign and Security Policy/European Security and Defence Policy (CFSP/ESDP). Another leading example of evolutionary change is European Council summitry, which began as an *ad-hoc* arrangement (e.g. Hague summit of 1969); by the mid-1970s, it had become an extralegal Community institution, but was not mentioned in the Treaties until the 1986 Single European Act. Now, post-Lisbon, this summitry is a full-blown independent EU institution with its own Chair. The 'soft law' policy coordination methods associated with the 1997 European Employment Strategy (EES) and the 2000 Open Method of Coordination (OMC) point to another pattern of experimentation. This type of policy coordination focuses on benchmarking and monitoring national employment and welfare policies; it is dependent on peer review and the exchange of best practices without the more intrusive and legally binding commitments found in the traditional 'Community Method' (Wallace 2010: 98–100).

Thus, in design and evolution, the ECC is the Union's primary interface for networked governance in arrangements of 'pooled sovereignty'. However, serious differences in interpretation emerge when we attempt to characterize the kind of institution it represents and the implications of 'pooling' among sovereign states. Analytical dissonance over the concept of 'pooling' dates back to the influential volume edited by Robert Keohane and Stanley Hoffmann in which the term was introduced. Specifically, the authors define the concept of 'pooled sovereignty' as 'sharing the capability to make decisions among governments, through a process of qualified majority rule', with an observable loss of national autonomy in the pooled issue areas (Keohane and Hoffmann 1991: 7–8). However, they go on to state that 'pooling' does not produce supranational outcomes, since 'authority is not transferred to a supranational body'; rather, the 'crucial decision-making role is taken by an interstate body', the ECC.[5] Another contributor to this project, Wolfgang Wessels, made a pointed effort to contest this interpretation, as the Keohane and Hoffmann formulation 'only implies close horizontal cooperation and common management of competencies and instruments still in the hands of the national states' (Wessels 1991: 137). In Wessels' view, the important implication of pooled sovereignty is the 'amalgamation' of the 'national system into a new common system with its own competencies, institutions, and procedures', and thus the Council system 'is not an "interstate body" as Keohane and Hoffmann perceive it . . . but a body at the supranational level' (ibid.: 149, 137). The semantic difference between the 'supranational' and 'interstate' labels is not only an academic concern, but would seem to matter to EU practitioners as well. One Council veteran, Philippe de Schoutheete, recalls a telling anecdote:

> Ambassador Van der Meulen, who was Belgium's permanent representative for a quarter of a century and a veritable pillar of COREPER, used to explain that one should never talk about the Ministers Council, which would describe an intergovernmental meeting, but about a Council of Ministers, in other words a Community institution comprising cabinet ministers.
>
> (de Schoutheete 2011: 1)

In one of the pioneering texts in EU Studies, Ernst Haas expresses a view of the Council that is much closer to Wessels' formulation than that of Keohane and Hoffmann. In his interpretation, rather than 'the traditional principle of a diplomatic conference', the Council is based on 'the principle of a novel community-type organ' (Haas 1958: 491). A conceptualization of pooled sovereignty that emphasizes the continued, ultimate authority of the nation-states that choose

to allow it (and, by implication, could revoke it at will) would potentially neglect the far-reaching implications that pooling has on the meaning of sovereignty (MacCormick 1993; Sbragia 1994; Waever 1995; Laffan 1998; Weiler 1999; Lewis 2009). Pooled sovereignty in the ECC seeks to enhance the collective action capabilities of European states, but this involves more than simply 'changing the price of cooperation for self-interested actors'; it also entails 'a process of creating new definitions of the self' (Wendt 1996: 54; Gourevitch 1999: 159–60). In other words, the transformation of classical Westphalian sovereignty has been a key feature of the EU since its earliest days, and the Council system, despite all the disagreements over how to label it, is at the epicentre of that process.[6]

The ECC as a locus of 'networks' and infranational power

The ECC is a highly advanced institutional structure with hybrid properties, capable of both defending national interests and taking binding collective decisions. In practice, the ECC closely resembles Anne-Marie Slaughter's prescient work on contemporary interstate patterns of 'disaggregated, networked' relationships (Slaughter 2004). From this perspective, the EU's ECC is a 'network of networks' with both horizontal and vertical components that create transnational clubs of national officials across a wide range of policy-making fields. The ECC's networks also clearly satisfy her definition of 'genuinely supranational', since 'they constitute an entity distinct from national governments that has a separate identity and loyalty and which exercises some measure of genuine autonomous power' (ibid.: 22). A variety of micro-level studies have shown how ECC networks (such as the permanent committees that prepare ministerial meetings and pave the way for agreements) can promulgate a collective responsibility to 'find solutions' (Hanny and Wessels 1998; Laffan 2004; Lewis 2005; Howorth 2011). They may also create club-like stakeholder dynamics among policy specialists or ministers who may have more in common with one another than with their cabinet counterparts back home. Uwe Puetter's research-based description of the Eurogroup and EU finance ministers as an 'independently minded group, often at odds with cabinet colleagues in the national capitals' corroborates this tendency (Puetter 2006, 2007). The EU's rotating presidency is yet another pattern of EU-level agency and influence; it is not only a 'duty' but a 'badge of responsibility and honour' for each country to deliver a wide array of collective achievements, creating a 'sense of ownership' in the process (Metcalfe 1998; Elgström and Tallberg 2003; Westlake and Galloway 2004: 335; Tallberg 2006; Niemann and Mak 2010).

What negotiation theorists call 'process' and 'relationship' interests can be seen as empirical indicators of these intangible networking effects in the ECC: obtaining a stake in the ongoing process and maintaining a credible reputation among one's colleagues become global, generic elements of what is perceived as the national interest in this social setting.[7] The 'network' image is useful precisely because it spotlights the Council system as the EU's infrastructure for pooled sovereignty and collective decision-making among interdependent 'clubs' of policy specialists at widely disparate levels of political seniority. The European Council and its full-time president now form the apex of this infrastructure, followed by senior ministerial formations such as ECOFIN and the Eurogroup (overlapping networks of EU and Eurozone finance and economy ministers) and Foreign Affairs (foreign ministers). There are a number of additional inter-dependent components, including the GSC, senior preparatory bodies (such as the Committee of Permanent Representatives [COREPER I and II], the Economic and Finance Committee [EFC] and the Political and Security Committee [PSC]), an array of policy-specific coordinating committees and a vast contingent of specialized working groups.

The added value of the 'network' imagery is that it allows us to move beyond binary thinking in which everything must be labelled as either intergovernmental or supranational. The simple fact is that the old intergovernmental–supranational distinction does not capture the essential qualities of the ECC all that well. For instance, this dichotomy cannot incorporate J. H. H. Weiler's concept of 'infranational' power. According to Weiler, the infranational dimension of European integration has an 'underlying ethos' that is 'managerial and technocratic' and serves to dilute a purely 'national element' in the joint decision-making process (Weiler 1999: 283, 272). In describing EU infranationalism, Weiler finds intriguing parallels to generalizable patterns found in the field of Comparative Politics, such as the inclusiveness of the viewpoints hardwired into consociational polities and the accommodation style found in neo-corporatist settings that seek to avoid a confrontational mode of politics (ibid.: 282–5). Infranationalism denotes a logic of action based on professional expertise, infused with what neofunctionalists call *l'engrenage* (rough translation: getting caught up in the gears) and fortified by Helen Wallace's 'intensive transgovernmentalism'. Connecting the dots between general IR theories of cooperation (such as Slaughter's model of networked governance) and institutional design features that promote club-like settings (*à la* Weiler's notion of infranationalism) allows us to better appreciate the intentions behind the Council system: ensuring the capacity to produce a high volume of collectively legitimated and compromise-driven agreements in a networked setting of pooled sovereignty. As the following section will explain, the pattern of infranational-rich networking within the Council's 'intergovernmental' decision-making machinery is not new, fleeting or issue or context specific. Rather, it is a venerable trait of the ECC, one that neo-functionalists have identified as a distinctive 'procedural code' that was institutionalized into the Council's social fabric as early as the 1960s.[8]

Voting patterns and consensus-seeking habits

One of the most striking features of the Council system is how the formal recourse to voting is offset by a durable informal commitment to consensus. There are three crucial points that should be emphasized here. First, actual voting is relatively rare. Historically, rates of contestation (either as 'no' votes or abstentions) are consistently low, approximately 20 per cent of all legislative acts. Second, contested voting tends to be clustered in a relatively small number of policy areas, such as agriculture and the internal market. In a pioneering analysis of Council voting patterns, Hayes-Renshaw *et al.* (2006) show that nearly half of all contested votes occur in AGFISH (Agriculture and Fisheries Council) cases, and another quarter stem from the Single Market. And third, despite the nuances, the systemic practice of consensus-seeking has survived all Treaty reforms, as well as the expanded scope for QMV, inter-institutional shifts in power and the rounds of enlargement. Indeed, one longitudinal study of Council voting between 1995 and 2010 stresses the 'remarkable stability of Council legislative and roll call activity against the background of profound institutional change' (Van Aken 2012: 10).[9] Taken together, these three observations suggest that the practices of consensus-seeking have become durably internalized in the Council's organizational culture.

Although the picture seems clear thus far, explanations of the ECC's penchant for consensus remain steeped in controversy (see the irreconcilable differences in interpretation between Heisenberg [2008] and Schneider [2008], for example); however, recent research has illuminated this puzzle from a variety of theoretical angles. There are a number of convincing arguments related to the underlying strategic logic behind consensus patterns. First, the formal recourse to voting has a powerful orienting effect on outlier positions, helps to identify emerging majority

views and generally serves as a self-enforced limit on acts of opportunism and the parameters of instrumentalism. This strategic logic is so deeply ingrained that it is a veritable cliché among Council actors that the surest way to reach consensus is under the shadow of the vote. Dorothee Heisenberg (2007: 72) even asserts that 'the role of QMV is more a deterrent to obstructive behavior than an actual shadow decision-making device'. Second, consensus-seeking is also consistent with a basic, instrumental 'do unto others' philosophy discouraging member states from driving hard bargains to the edge of the Pareto frontier, or, worse still, pressing for a vote that excludes or marginalizes a delegation experiencing domestic difficulties, since everyone knows they may find themselves in similar circumstances one day. An even more subtle dimension of this attitude can be discerned from a principal–agent perspective. In effect, the member states deliberately promote 'Janus-faced' negotiators because of their superior ability to deliver collective, consensual results (Neyer 2004; Lewis 2011). Third, consensus practices are reinforced because consensual outcomes help mask the winners and losers in the EU decision-making process. In the current highly politicized integration context, the veil of consensus effectively conceals this distinction, whereas public voting would broadcast it (Scharpf 2006). In this way, consensus patterns are driven less by 'general agreement' or the absence of opposition than by strategies of 'blame-avoidance' when a national delegation finds itself isolated (Novak 2013). Fourth, rational choice institutionalism tells us that consensus-seeking is also a valuable negotiation mechanism, employed to 'create value' through expanded time horizons and the gains in diffuse reciprocity that come with the knowledge that one's member state will experience a steady distribution of benefits over the long run that otherwise might be more tenuous or difficult to secure on a narrow quid-pro-quo basis. Heisenberg (2007: 73) makes a similar inference: 'In contrast to the outvoted minority under QMV decision-making, consensus decisions generated a steady stream of IOU's which expanded exponentially with the expansion of the EU. Thus, the forward momentum of the EU almost demands the continuation of consensus as the dominant decision-making mode.' Finally, there is growing support for the view that consensus-seeking is directly linked to social influence and social context. To get what you want, you must play by the rules, which include the mutual responsiveness and attempts at accommodation that consensus-seeking is dependent upon (Meyer 2006; Naurin 2007; Adler–Nissen 2008, 2009; Lewis 2008, 2010; Howorth 2011). This social context argument ties back into Weiler's theory about the 'infranational' dimension of EU politics and its often underappreciated contribution to the EU's collective decision-making capabilities. The idea of social influence differs from the first four explanations; in this case, consensus practices become internalized by actors as the 'right thing to do' in a given institutional context. The concept of social influence used here is borrowed from Iain Johnston's constructivist model of IR socialization, which involves the internalization of group standards; in this model, 'behavior is judged by the in-group and rewarded with backpatting or status markers or punished by opprobrium and status devaluation' (Johnston 2008: 24). Even obstinate members such as the British instinctively comprehend this concept, as numerous attempts to 'repair' reputations have followed deviant behaviour (for example the infamous 'noncooperation' policy of 1996). Again, it is worth stressing that this explanation is not merely strategic or calculative but delves into the realm of standards of appropriateness and collectively legitimated group norms within a specific international 'society'. In this view, consensus practices are consistent with pro-norm behaviour – which, in turn, is rewarded with greater social influence in ongoing Council deliberations. The key here, as Johnston explains, is that 'the rewards and punishments are social because only groups can provide them, and only groups whose approval an actor values will have this influence' (ibid.: 25). Violating consensus practices (e.g. 'pushing' for a vote, simply reading out instructions

or national positions) can lead to shaming or opprobrium at the group level, as occurred during Sweden's first year of EU membership in 1995, when the country was routinely sidelined from ECC deliberations and outvoted (for details, see Lewis 2008: 176–8). The durability of consensus in ECC networks is partly attributable to national actors internalizing this organizational culture in their conceptions of the self and identity. Consensus-seeking in this view is less a conscious, calculated 'choice' than a constitutive rule of the game and part of a 'habitus' of cooperation. In the social influence explanation of consensus-seeking, 'normative conformity' is the heavy lifter. To be sure, there are gradations of conformity and hypocrisy as well (e.g. invoking 'solidarity' when hopelessly isolated), but social influence functions as a powerful behavioural incentive because participants 'need to appear to accept and adhere to the rules, standards, and values of their society' (Gulliver, cited in Lax and Sebenius 1986: 256).

The Council's preparatory networks here serve as an important early warning device for pro-norm behaviour, alerting the community that 'implicit voting' (a kind of straw poll) might occur and allowing pressure to be placed on minority views to justify their positions or request special understanding. Another empirical indicator of how social influence dynamics work can be seen in the behavioural effects that legal 'opt-outs' have on delegations that find themselves part of an out-group. Rebecca Adler-Nissen offers finely grained evidence to show how British and Danish officials in Council settings perceived a real loss of social influence and even psychological dissonance due to their Maastricht-era opt-outs in the policy fields of EMU and JHA. Most revealing from a social influence perspective is her documentation of how national officials engaged in 'compensatory strategies' to offset (or hide) their loss of influence, such as saving up extra goodwill or paradoxically being active and constructive in group discussions despite their legal 'outsider' status (Adler-Nissen 2008: 674–5, 678).

Origins and evolution of the ECC consensus 'culture'

Thus far, the discussion has focused on the systemic, institutionalized qualities of consensus-seeking. However, the literature offers far fewer accounts of how these consensus practices became routinized and durable in the first place. Two points are worth singling out. First, Council consensus practices within these networked forums follow an acculturation process that builds up over time. Consensus-seeking is less a conscious 'choice' than part of the organizational 'culture' of how things are done. Nonetheless, internalizing and maintaining this culture involves norm socialization and requires continuous positive reinforcement. And second, consensus patterns evolve over time and can differ across various Council settings. In other words, consensus practices are nuanced and subject to change.

The 'culture' of consensus is internalized through a learning and socialization process. This culture has deep roots in the ECC's institutional environments. Actor socialization to this culture follows a historical institutionalist sequence of path-dependence and lock-in effects. Neofunctionalists have identified a norm-based 'procedural code' for reaching collective decisions that was observable very early on in the system's development (Haas 1958: 490–2; Lindberg 1963: 77–86, 280; Lindberg and Scheingold 1970: 87–98). Some attribute the origins of the culture to the work of the 1955 Spaak Committee, which was also (both in spirit and personnel) a precursor to the establishment of a permanent Brussels-based committee of high-ranking preparatory agents (Noël 1966, 1967; Lewis 2012: 318). According to Lindberg and Scheingold, the Spaak Committee 'were men who had developed . . . a "system attitude" − a willingness to behave according to an accepted bargaining code keyed primarily to a determination to succeed' (Lindberg and Scheingold 1970: 242).

Other studies emphasize the critical juncture of the July 1965 empty chair crisis. Following a disagreement over integration, the French boycotted Council meetings until January 1966, when they were given procedural reassurances with respect to the right to continue discussions when 'very important interests are at stake' in what is known as the 'Luxembourg compromise'. Here, clear self-reinforcing properties of consensus-seeking stem from the very ambiguity of invoking (and successfully selling to the group) a Luxembourg Compromise claim (Palayret *et al.* 2006; Heisenberg 2007; Aus 2008: 102; Lewis 2008).[10] Hayes-Renshaw and Wallace (1996a: 268) assert that the Luxembourg compromise 'was one of the conditioning factors that helped to embed habits of consensus-building rather than majoritarian voting'. Reflecting on the impact of the Luxembourg compromise, one active participant at the time recalls that afterwards 'the very fact of asking for a vote to be taken became an unusual step and endowed the calling of a vote with a solemn political significance' (Davignon 2006: 18). In this reading, the irony of viewing the Luxembourg compromise as a classic intergovernmental moment of safeguarding national sovereignty is that it actually represented an upgrade to the deliberative, supranational footprint of the Council's system. It also served as a key test of whether the insulated, *in camera* settings – club-like venues such as COREPER – could quietly resolve seemingly intractable issues. As Ludlow recalls,

> the crisis confirmed the importance of Coreper at times of Community difficulty. For the permanent representatives knew each other well, were well versed in the legal and other niceties of Community diplomacy, and were sufficiently low-profile to be able to meet discreetly without generating the type of publicity or expectation of results that surrounded most ministerial meetings.
>
> (Ludlow 2006: 93)

Resolving the empty chair crisis was in effect a crucial confidence-building measure, promoting consensus-seeking among these club-like networks of negotiators. In this light, the so-called 'reintroduction' of QMV with the Single European Act in 1986 was more of a 'breakthrough', enabling QMV to be 'reinterpreted' as 'no longer a big issue of principle but rather a matter of pragmatic practice, with the comfort of the knowledge that in those intervening twenty years actually the habits of the Council had become predominantly consensus-oriented rather than confrontational or majoritarian' (Hayes-Renshaw and Wallace 1996b: 314).

Council research has also emphasized the importance of background or scope conditions that enable cooperative practices to emerge and become routinized. One condition already mentioned is relative autonomy for ECC negotiations and insulation from external pressures (Heisenberg 2007; Lewis 2011). In effect, the public 'frontstage' and the private 'backstage' are governed by different logics of action (Naurin 2007). Eschewing transparency entails the benefit of lowering incentives for public posturing and pandering, offering 'little political payoff for obstruction' (Stasavage 2004; Heisenberg 2005: 68). In other words, without the precondition of club-like settings for *in camera* negotiation, one might question whether the consensus culture could function. In a general survey of consensus patterns in multilateral negotiations, Lindell concludes that 'the less publicity during international negotiations, the less a tendency on behalf of negotiators to address public opinion rather than each other' (Lindell 1988: 79). The clear implication is that to understand why the ECC has produced a consensus-seeking culture we need to delve deeper into the social environments in which negotiations take place.

To some extent, the internalization of the rules of the game by actors accounts for the durability of this culture over time; after a certain point, playing by the rules becomes part of the habitus

about how things are done. To the surprise of many, including veteran Council insiders, the newest members from Central and Eastern Europe have rapidly acclimated to Council norms and consensus-seeking habits (Mattila 2008, 2009; Hertz 2010; Leuffen 2010).[11] While there is still considerable debate over how durable such internalized standards can be, there is significant evidence that internalization patterns vary by member state. As Thomas Risse explains, 'Europeanized identities still come in national colors and resonate with the various national symbols and historical and cultural memories in different ways. The Europeanization of national identities has been consensual in Germany and Spain for quite some time and is contested in France and Poland, while the dominant discourse in Great Britain remains focused on the nation–state' (Risse 2010: 10). Drawing on an empirically rich social psychology literature, Risse explains how individuals can hold a multiplicity of social identities in different types of admixtures (how the many 'we's' relate to one another): identities can be separate, cross-cutting, nested or even blended in 'marble cake' fashion (ibid.: 22–5).

Consensus practices are also subject to ongoing adaptation and change. Stéphanie Novak argues that consensus-seeking evolved in the context of completing the Single Market Project and the 'reintroduction' of QMV during the late 1980s. By her account, 'the vote was used in an abrupt way in the early years, without any real diplomatic niceties, like a "procedural guillotine" to use the words of one representative' but gradually became more 'sophisticated' (Novak 2011: 15). A more commonplace trend now is the reliance on a 'presidency compromise' to encourage consensus once a formal blocking minority has been ruled out.[12] This practice may account in part for the post-enlargement trend of larger minorities in contested votes. New data shows that after May 2004 the proportion of single-state objections fell from approximately half of all contested voting instances to 35 per cent, while the percentage of contested cases with a minority of more than three member states increased to more than 25 per cent of all cases (Dehousse and Deloche-Gaudez 2009: 25). Some correlate this pattern to functional necessity following the enlargement from the EU15 to EU25+ and the growing heterogeneity of viewpoints around the negotiation table. Another trend in the ECC is a greater dependency on reading 'formal statements' into the minutes of a legislative act, which has been interpreted as a new outlet for signalling dissent without a publicly contested vote (Hagemann and De Clerck-Sachsse 2007; Hagemann 2008). It has also been argued that consensus-seeking generally 'masks a permanent "counting practice"' that relies less on trying to bring everyone on board than on rapidly identifying majority win sets (Deloche-Gaudez and Beaudonnet 2010: 4). Calculating votes and gauging the threat of blocking minorities is a kind of 'implicit voting' practice from which one could safely infer that ECC consensus-seeking is never really 'taken for granted' in thick sociological institutionalist terms; rather, it is continuously subject to complex signalling and accommodation standards that operate at the group level.

It is also useful to contemplate what patterns of behaviour might signify 'deconditioning' acts undermining consensus-seeking and the pro-norm organizational culture described above. In the first place, we would expect to find evidence of currently rare or nonexistent activities: explicit logrolling and vote-trading, conditional acts of reciprocity, pushing for votes in the absence of group attempts to accommodate isolated or minority positions and/or permanent voting blocs and coalitions. If voting patterns ran roughshod over members' interests with regularity, we might expect to see growing reliance on formal procedural guarantees, such as the rarely invoked 'Ioannina Compromise'[13] or an increase in 'very important interest' claims under the still technically extant Luxembourg Compromise. Such practices would be likely to corrode the more basic preconditions that enable the kind of thick cooperation generated by the ECC's networked, pooled sovereignty, namely trust and trustworthy reputations for mutual responsiveness. My own thinking here is influenced by Elinor Ostrom's research on how trust,

reputation and reciprocity represent a tightly coupled and positively reinforcing dynamic in collective action situations. Over the course of the ongoing Eurozone crisis, there have been some signs that bargaining breakdowns can have caustic effects on ECC cooperation. One scholar recently notes how 'the financial crisis has fundamentally distorted the balance of trust among eurozone elites' (Crum 2013: 621). The us–them divide that appears increasingly ingrained between creditor and debtor countries within the Eurozone is not a gap that the ECC's consensus culture can easily bridge. As Waltraud Schelkle observes, 'the Union must avoid to be seen as a hard-nosed club that is run by whoever pays most' (Schelkle 2012: 286). Britain's truculence over Eurozone reform is adding to the problem, making the legal-institutional coherence between the 'ins' and 'outs' more difficult to manage. In particular, David Cameron's December 2011 veto of the 'fiscal compact' on Eurozone budget discipline and the subsequent effort by 25 of the EU27 to sign an intergovernmental agreement outside the EU framework speaks volumes regarding the current UK role as the 'awkward partner'. New strains between the 'ins' and 'outs' over issues such as the budget, banking union and even the EU's *finalité politique* may signal constitutive changes in the established rules of the game.

Conclusion

The ECC's functional design, consisting of specialized cohorts of tightly knit 'clubs' of decision-makers who meet *in camera* and over long-time horizons, was routinized early in the European integration process and continues to be the basic template. As this chapter has outlined, the ECC represents an advanced example of 'disaggregated, networked' relations among nation-states that have pooled sovereignty. Its most distinctive feature is its deeply ingrained culture of taking joint decisions by consensus. The consensus culture spans the entire hierarchy of national negotiators, from the heads of state and government who meet at European Council summits down to the preparatory committees and working groups. Historically and across all issue-areas, over 80 per cent of legislative outcomes are reached by consensus (Heisenberg 2005; Hayes-Renshaw and Wallace 2006a; Hayes-Renshaw *et al.* 2006; Mattila 2008, 2009). The long-term durability of this consensus culture is a striking characteristic of the European integration process. Formal Treaty changes that have expanded the scope for QMV and empowered the European Parliament through co-decision have not diminished consensus-seeking patterns; nor has the addition of new members, who consistently demonstrate their adaptation to the existing norms and rules of the game (Lempp 2006; Juncos and Pomorska 2007; Leuffen 2010; Hosli *et al.* 2011). Rather than moving towards a 'veto culture' in which voting (and voting blocs) would become regularized, the member states share a principled interest in working by consensus. Of course, this does not mean that formal voting rules have no impact on the legislative process; one's 'willingness to compromise' is partly a function of whether there is recourse to the veto in those important circumstances in which unanimity still applies. Also surprisingly, at least from a traditional International Organization perspective on voting and power, we see scant evidence of voting blocs or even stable coalitions that cross issue-specific clusters (Heisenberg 2005: 77; Hayes-Renshaw *et al.* 2006: 175, 177). There are nuances, to be sure, such as the more confrontational voting style found in the AGFISH sector. There are also definite signs that the internalization of this culture is not uniform across all members, but instead reflects more macro-level variation in patterns of 'Europeanized' national identities. And while there is no reason to assume that the ECC's style of networked governance is immutable, it has had transformative effects on the basic social identities and practices of the national officials who are enmeshed in its networks.

Jeffrey Lewis

Notes

1 The Lisbon Treaty extends majority voting to approximately 40 new areas, many of which involve justice and home affairs. Some of the policy areas that remain subject to unanimity (i.e. veto rights are maintained) include: foreign policy, defence, fiscal policy, social security, and judicial and police cooperation in criminal matters.

2 The inaugural president was Herman Van Rompuy, then the incumbent Belgian prime minister, a politician known for his compromise-building skills; he was reappointed by the European Council to serve until November 2014. See Lewis (2013: 156) for more details.

3 For an analysis of this trend, see Crum (2013) and Puetter (2012). On the significance of Euro summits, see Hodson and Puetter (2013: 373–4).

4 The new High Representative post was filled by Baroness Catherine Ashton, who was previously a replacement British Commissioner in charge of External Trade. For more details, see Lewis (2013: 156–67).

5 In a more recent publication, Keohane (2002: 748) explores a broader interpretation of Europe's pattern of 'pooling' sovereignty, including the recognition that 'states' legal authority over internal and external affairs is transferred to the Community as a whole, authorizing action through procedures not involving state vetoes'.

6 For a discussion of the EU's transformative element, see Murray (2009). For more on how 'pooling' can lead to redefined notions of self and interest, see Lewis (2009).

7 In their seminal treatise on negotiation, Lax and Sebenius (1986: 71–2) define 'process interests' as 'intrinsic interests in the character of the negotiation process itself' and 'relationship interests' as 'the value of . . . relationships' with counterparts that 'sometimes achieves an almost transcendent status'.

8 Consider the early observation by Haas (1958: 488): 'There has evolved a common consciousness of the role of the Council in the ECSC system, a procedural code of which the compromise pattern which prevails forms an important part.'

9 For a similar overall finding, see Hayes-Renshaw *et al.* (2006: 164).

10 Golub (2006: 280) refers to the Luxembourg compromise as more of a 'cryptic plan' than compromise, since the latter 'must involve mutual concessions, and here there were no evident concessions by anyone'. On the ambiguity of invoking a 'very important interests' claim, see Swinbank (1989) for a number of suggestive examples from CAP (Common Agricultural Policy) negotiations in which the Luxembourg Compromise was invoked by a member state but rejected by the group.

11 The 'active observer' tradition that encourages new member states to attend ECC meetings for one year prior to the formal accession date is a built-in mechanism for normative socialization.

12 The Lisbon Treaty revises QMV by dropping the controversial voting 'weights' that kept countries such as France and Germany at parity votes despite the latter's much larger population. The new QMV system is based on a 'double majority' calculation: approval of at least 55 per cent of the member states representing at least 65 per cent of the total EU population is required. An added safeguard sets a four member-state minimum to constitute a blocking minority, since any three of the big four (Germany, France, the UK, Italy) would represent more than 35 per cent of the EU's population. In an illustrative example of the use of consensus practice, the Lisbon voting reforms will only be phased in after 1 November 2014, and even then any member state can request that the old 'weighted' voting system be applied instead until March 2017.

13 The Ioannina Compromise was a voting safeguard innovated at an informal meeting of the foreign ministers in 1994; it was designed to raise the comfort level of a near-blocking minority to avoid being ignored/outvoted by invoking a request for extra time to consider alternatives first. It has rarely been requested, although a similar formal 'emergency brake' safeguard will apply to the new QMV provisions in the Lisbon Treaty, especially those related to justice and home affairs.

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13

The European Commission after the reform

Michelle Cini

Introduction

The European Commission has been undergoing a series of rapid changes since the early 2000s. This has come as a shock for an institution that for much of its existence has been characterized by organizational evolution of a more incremental nature. To the extent that we can understand the forces at work upon and within the Commission, both external pressures and internal responses have had important impacts. Three drivers of change are identified in this chapter: the post-2000 administrative reform of the Commission; the large-scale, primarily Central/East European enlargements of 2004 and 2007; and the post-2007 financial/economic crisis and its implications for the Eurozone and the EU in general.

The administrative reform of the European Commission came about as a consequence of the events culminating in the resignation of the College of Commissioners in March 1999 (Macmullen 1999). After accusations of fraud and nepotism were directed at Commission staff, and with Commissioners accused of failing to take political responsibility for problems within the institution, the College of Commissioners, led by Jacques Santer, took the unprecedented step of resigning *en masse*. This paved the way for a reformist president, Romano Prodi, to take charge and created an opportunity for internal administrative reform to become a top priority for the Commission in the years that followed. The ramifications of the reforms were dramatic; for many officials in the Commission, they were also extremely 'traumatic' (Peterson 2008: 762).

The enlargements of 2004 and 2007 were also challenging events for the Commission. The 2004 enlargement in particular was unprecedented in its scale, with ten new member states entering the Union on 1 May of that year. These new member states had undergone a long period of adaptation in their relations with the EU, but their participation in the everyday work of the Union also had significant implications for the Commission. The EU was conscious of the fact that enlargement would affect its institutional environment, and it had taken steps to prepare for the likely effects. Some of these effects were direct, as in the case of the impact on and implications for staffing in the Commission; others were more indirect, such as the changes in the cultural and political environment in which the EU (and the Commission) operated after the mid-2000s.

This political environment would change even more towards the end of the decade. The financial crisis that hit the US and then Europe in 2007 was followed by a crisis in the real economy that led many EU member states to voice a growing ambivalence towards the European integration project. For members of the Eurozone, the highly integrated framework within which they operated meant that individual solutions to the crisis were more difficult to implement for them than for non-euro states, and it was clear to all parties that the crisis challenged the very existence of the European Union. The Commission found itself at the centre of debates over the future of Europe, whilst at the same time facing severe criticism for its failure to adequately deal with crisis situations in individual member countries.

This chapter reviews these three drivers of change in the Commission and considers the extent to which each has led to a weakening of the institution. The chapter begins by introducing the European Commission and by reviewing the relevant academic literature. It then examines the impact of each of the three drivers of change in turn – administrative reform, enlargement and economic crisis. It concludes by arguing that the Commission is likely to emerge from this period of change a very different and (in some senses) weaker institution.

The European Commission prior to 2000

The European Commission's first incarnation was in the form of the High Authority of the European Coal and Steel Community (ECSC) in 1952; only later, after the European Economic Community had been formed, was the Commission of the European Community created. These institutions were merged in the late 1960s into what is now generally called 'the European Commission' or simply 'the Commission'. The institutional framework in the early years of the Community reflected the technocratic ambitions of the Community's founders, including Jean Monnet (Featherstone 1994). This framework changed only incrementally over the decades as the Community and later the European Union expanded to 9 countries in 1973, 12 countries by 1986 and then 15 in 1995. Naturally, the number of European Commissioners leading the Commission increased with the number of member states, and new administrative departments (DGs) were added as the competences of the European polity grew (see Table 13.1). However, the structure of the Commission in 1999 was much as it had been in the early 1960s.

The structure of the Commission is characterized by its division into executive (political) and administrative wings. From a hierarchical perspective, the political leadership is positioned above the administrative body. The former comprises the 28 Commissioners acting collectively in the College of Commissioners, along with their cabinets of political advisors; the latter is composed of administrative departments or services and the directorates-general (DGs), each of which has specific functional responsibilities (see Table 13.2).

Commissioners are political appointees, nominated by the member states (through the European Council) and confirmed by the European Parliament. They are expected to provide political leadership both within the Commission and more broadly within the Union, working closely on specific portfolios with their counterparts in the other EU institutions and national capitals. They are supported by personal offices (cabinets) of six people. These cabinets must each include at least two women, and not more than three people of the same nationality. The cabinets are the eyes and ears of the Commissioners and advise them on a broad range of policy and political matters.

DGs inhabit a more administrative and less political world, although their heads, the directors-general, represent a bridge between these two arenas. DGs are the Commission's ministries, staffed by permanent EU officials as well as temporary personnel, many of whom come to the Commission on secondment from national administrations and agencies. They vary

Table 13.1 Commission presidents and the size of the College of the Commission (1958–2014)

President	Term of office	Number of Commissioners
Walter Hallstein	1958–62	9
	1962–7	9
Jean Rey	1967–70	14
Franco Maria Malfatti	1970–2	9
Sicco Mansholt	1972–3	9
François-Xavier Ortoli	1973–7	13
Roy Jenkins	1977–81	13
Gaston Thorn	1981–5	14
Jacques Delors	1985–8	14, later 17
	1989–91	17
	1991–5	17
Jacques Santer	1995–9	20
Romano Prodi	1999–2004	20, later 30
José Manuel Barroso	2004–9	25, later 27
	2009–14	27, later 28

greatly in size, ranging from around 200 to over 600 staff members, and perform a variety of functions reflecting the various competences of the Commission. DGs are supported in their work by the Commission's services, such as the Legal Service. The Secretariat-General (officially a DG rather than a 'service') serves a coordinating function across the Commission's administration. Its head, the Secretary-General, leads the administration of the Commission, works closely with the Commission president's cabinet and is an extremely powerful figure within the organization. The number of Commission DGs has fluctuated over time; the Commission website currently lists 33. New competences have recently led to the establishment of new departments, including DG Climate Action; other DGs, such as DG Competition, have been in existence since the 1960s and remain highly relevant, although their internal organigrammes have changed substantially since that time.

The Commission performs various political and administrative functions, from the management of EU programmes to the initiation of EU legislation. It also acts as a mediator for the EU institutions and the member states and represents the EU externally. These functions vary from policy to policy and from department to department; they have also fluctuated in importance over different periods in the Commission's history. During periods in which the Commission has played more of a leadership role in the EC/EU, this assertiveness has emphasized its political functions; at other times, it has adopted (or has been forced to adopt) a more cautious stance in keeping with a focus on its administrative and managerial functions. The Commission's varying levels of activism reflect not only the external environment in which it operates but also the political leadership qualities of the Commission president. For example, it is often claimed that the most activist periods in the Commission's history were the Hallstein years (1958–67) and Jacques Delors' tenure (1985–94) (see Table 13.1); by all accounts, it played a more cautious role during the presidencies of Sicco Mansholt (1972–3) and Jacques Santer (1995–9). Since 1999, many have argued that the Commission is in decline; both the Prodi and the Barroso Commissions have been labelled as weak, though in different ways. In general, however, the

Table 13.2 The Commission's directorates-general and services (2013)

Body	Acronym
Directorates-General	
Agriculture and Rural Development	AGRI
Budget	BUDG
Climate Action	CLIMA
Communication	COMM
Communications Networks, Content and Technology	CNECT
Competition	COMP
Economic and Financial Affairs	ECFIN
Education and Culture	EAC
Employment, Social Affairs and Inclusion	EMPL
Energy	ENER
Enlargement	ELARG
Enterprise and Industry	ENTR
Environment	ENV
EuropeAid Development & Cooperation	DEVCO
EUROSTAT	ESTAT
Health and Consumers	SANCO
Home Affairs	HOME
Humanitarian Aid	ECHO
Human Resources and Security	HR
Informatics	DIGIT
Internal Market and Services	MARKT
Interpretation	SCIC
Joint Research Centre	JRC
Justice	JUST
Maritime Affairs and Fisheries	MARE
Mobility and Transport	MOVE
Regional Policy	REGIO
Research and Innovation	RTD
Secretariat-General	SG
Service for Foreign Policy Instruments	FPI
Taxation and Customs Union	TAXUD
Trade	TRADE
Translation	DGT
Services	
Bureau of European Policy Advisers	BEPA
Central Library	
European Anti-Fraud Office	OLAF
European Commission Data Protection Officer	
Historical Archives	
Infrastructures and Logistics – Brussels (OIB)	OIB
Infrastructures and Logistics – Luxembourg (OIL)	OIL
Internal Audit Service	IAS
Legal Service	SJ
Office for Administration and Payment of Individual Entitlements	PMO
Publications Office	PO

Source: European Commission website, at http://ec.europa.eu/about/ds_en.htm (accessed 12 September 2013).

Commission has tended to associate itself with its more political or agenda-setting functions, envisioning its role as the driver of the European integration process and the representative of European interests. This has often led to clashes with national leaders who have argued that the Commission is deluding itself with regard to the extent of its importance. There are some signs that the Commission's priorities have changed under the Barroso Commissions.

It is difficult to make an evidence-based assessment of the performance of the Commission on a general level. At the policy level, the Commission is now obliged to publish Annual Activity Reports for each of its DGs. These are internal reports that highlight the achievements of each department over the previous year (measured against management plans produced at the start of the year). External evaluations are conducted by the European Court of Auditors and the relevant European Parliament Committees, which keep a close watch on the work of the Commission. In the first Barroso Commission, the Commission's policy successes (and half-successes) included the climate change package, its work on energy security and – unsurprisingly – enlargement policy. Its failures were primarily related to the Commission's limited role in the early years of the financial and economic crisis, and perhaps also to its role in promoting the Services Directive (although whether this was a success or a failure seems to be a matter of opinion).

Researching the European Commission

Research on the European Commission has delved into the history, organization and functions of the institution, as summarized in the section above. In the period before the resignation of the Commission, however, the only historical accounts of the Commission appeared contemporaneously. When it was studied at all, the Commission was analysed discretely as an organization. The first and seminal text of this kind was Coombes' classic account of the EEC bureaucracy (Coombes 1970), a study that, although now over 40 years old, provides a still-relevant snapshot of the institution as it was a decade or so after its formation. The continued usefulness of this text up to the late 1990s demonstrates how much continuity there had been in the institution until this point. Later studies of the Commission adopted a similar organizational approach, providing an overview of the institution in an attempt to understand it (Edwards and Spence 1994; Cini 1996; Nugent 2001). The Delors presidencies (1985–90, 1990–5) encouraged the proliferation of research that viewed the Commission through the lens of political leadership and more specifically through the character and qualities of its charismatic president, Jacques Delors (Grant 1994; Ross 1994; Endo 1999; Drake 2000; for a later account, see also Cini 2008). The end of the final Delors presidency and the appointment of Delors' successor, Jacques Santer, decreased academic interest in the Commission, with the exception of a small number of scholars who eagerly investigated Santer's escalating reform agenda (Cram 1999; Peterson 1999).

However, this type of analysis is not the only way to study the European Commission. Empirical research on the Commission has been increasingly used as evidence in theoretical accounts of the evolution of the European Community/Union (see, for example, Pollack 2003). Moreover, much of the research produced on the Commission in the pre-1999 period was primarily policy oriented; it sought to examine the European policy process, within which the Commission was generally an active player.

In the period after 1999, the emphasis shifted to the public administration dimension of the Commission's evolution, with a focus on institutional reform/adaptation (Cini 2007; Kassim 2008; Stevens and Stevens 2001). Commentators reviewed and assessed the Commission's administrative reform plans, tracking their progress between 1999 and 2004 and their subsequent

implementation and implications. A number of articles examined these reforms in the context of the resignation of the Commission in 1999, an event that was also thoroughly analysed in the academic literature (e.g. Macmullen 1999; Ringe 2005; Tomkins 1999). A focus on agency within the Commission also characterized this period. Hooghe's now classic study of Commission officials (Hooghe 2001) contributed to a debate that also inspired the work of Egeberg (1986) and, more recently, Suvarierol (2008). A wave of research in the late 2000s led to a publication boom concentrating on the Commission around 2012–13, with notable projects conducted by Ellinas and Suleiman (2012), Carolyn Ban (2013), Anchrit Wille (2013), Kassim *et al.* (2013) and Hartlapp *et al.* (2012) all being completed at around the same time. Other studies have examined the role of the College of Commissioners (e.g. Egeberg and Heskestad 2010), the impact of EU enlargement on the Commission (Ban 2013; Lass-Lennecke and Werner 2009; Peterson and Birdsall 2008) and the Commission's changing role in the EU policy process (e.g. Borrás 2009). Surprisingly little has thus far been published on the role of the Commission in the context of the economic/Eurozone crisis.

The administrative reform of the Commission

Administrative reform that was both 'comprehensive and controversial' (Bauer 2012: 489) became the predominant issue on the Commission's agenda between 2000 and 2004. The repercussions of this reform are still being felt. Referred to internally as the 'Kinnock Reforms' (after Neil Kinnock, the Commission vice-president who oversaw their development and implementation), they have left a legacy for the institution that is only now being uncovered by researchers (for example Bauer 2012; Ongaro 2013). The Commission president appointed by the European Council in July 1999, Romano Prodi, was instructed to overhaul the Commission's administration following the resignation crisis of the previous March (European Council 1999). The framework within which the reforms took place was set out in a White Paper published in March 2000 (European Commission 2000). This framework demonstrated the far-reaching and historic nature of the intended reform process: it was planned to encompass all the systems involved in the allocation of tasks in the Commission, as well as human resources policy and financial systems (European Commission 2000; see also Box 13.1). A fourth element concerned the establishment of new ethical standards for officials and Commissioners (Cini 2004, 2013).

The process by which the administrative reform was rolled out had been based on lessons learned in the period prior to the Commission resignation. The previous Commission president, Jacques Santer, who was discredited as a consequence of his involvement in the resignation crisis, had initiated a reform of the Commission during the 1995–2000 term, after taking over the presidency from Jacques Delors. His approach was unambitious, but it antagonized Commission staff (and the unions representing them), as it was perceived as highly top-down in its proposed manner of enforcement. There was little involvement of ordinary Commission officials, and the changes were poorly communicated (Cram 1999; Peterson 1999). These reform attempts provoked strikes by officials in 1998, and the changes became increasingly difficult to implement; ultimately, by the time Santer resigned in March 1999, the minor reforms had made little impact on Commission operations.

The approach adopted after 1999 was very different, and not only because of the holistic nature of the planned reform. While remaining sensitive to the specificities of the Commission context, the approach developed by Prodi and Kinnock drew on the principles of New Public Management (NPM), ideas that had been informing public administration reform across the developed world since the 1980s (Pollitt and Bouckaert 2011). Although the Commission reform

Box 13.1 The Kinnock Reforms

A major administrative reform of the European Commission was spelled out in a White Paper entitled *Reforming the Commission*, which was released in March 2000. This Paper consisted of two elements: the strategy to be pursued and an action plan, focusing more specifically on the implementation stage of the administrative reform process. The objectives of the reforms were to create a strong, independent and effective Commission that would be able to fulfil the tasks set out in the Treaties and improve structures and systems to that effect. It was also stated that the reforms were intended to help the Commission to better perform its institutional role as the motor of European integration. Five themes were emphasized, framing the more specific elements of the reform: independence, responsibility, accountability, efficiency and transparency. The first of the reform elements, which fell under the heading 'the means to match our ambitions', sought to improve strategic planning by more systematically matching Commission functions to resources, enabling the Commission to prioritize its most important tasks. The second involved a major reform of human resources (personnel) policy, including a revision of career structures. The third focused on financial management and controlling and auditing systems, entailing a complete overhaul of the existing framework to create a more effective internal control system that stressed the responsibility of all actors involved in financial decision-making; in addition, a more thorough system of internal audits was established. The ethics dimension of the reforms cut across these three areas, but also involved revisions to the EU's Staff Regulations and a new Code of Conduct for Commissioners (revised in 1999 and then again in 2004 and 2010), as well as an emphasis on training and consciousness-raising initiatives for all Commission staff.

agenda did not seek to impose NPM as a package on the Commission, some major themes of NPM can certainly be identified in parts of the Commission reform endeavours (Levy 2003, 2006). This is instructive, as NPM is often associated with a neo-liberal, deregulatory agenda; inside the Commission, this bolstered the argument that the reform was politically motivated, its *raison d'être* being the undermining of the Commission's political role within the EU (Peterson 2008: 775).

It is also important to understand the impact and implications of the reform within the Commission, and to situate these implications in the specific historical, institutional and political context in which the Commission operates. What has been identified to date is the extent to which the focus of Commission activity has shifted away from its traditional policy/political functions towards management and administrative tasks (Bauer 2012). This is largely congruent with the more general literature on NPM reforms; however, as already noted, this shift must be understood in the context of the European Commission, an institution that had long had an explicitly stated political function within the European integration process. In practical terms, there is some evidence suggesting that junior and mid-level managers have been the most affected by the changes in the organizational context, whereas organizational elites have seemed to weather the reform more easily (Bauer 2012). Some have accepted the reforms as necessary; others have become disaffected and demoralized because they have been forced to spend more time on what are often considered routine process issues, allowing less reflection and practice related to policy-relevant questions. To the extent that policy-related activities continue to enjoy a higher status in the Commission, this has undermined their roles. Even when managerial skills are rewarded, the 'old guard' has found it hard to adapt to the changed

organizational environment. However, the passing of time has eased the concerns over the reform, resulting in a 'kind of normalisation' (Bauer 2012: 499) of the changes introduced a decade earlier.

How the Commission has been affected by the reform more generally is difficult to judge. For example, there has been insufficient research on whether the external perceptions of the Commission have improved as a consequence of the administrative changes implemented since 2000. It would be difficult, though perhaps not impossible, to unravel the effects of the range of variables (including the reform) affecting attitudes towards the Commission in the post-reform period, not least given the disruptive effect of the Eurozone crisis. Similarly, it is not easy to judge whether the administrative reform has made the Commission more efficient or effective in any 'real' organizational or managerial sense, although we might expect that it has, at least to some degree. Staff responses to reforms during the period of transition or just afterwards are likely to be negative; the broader and more profound implications of reform require more time to identify.

Enlargement and the Commission

The European Commission is heavily involved in managing the preparation and implementation of the enlargement of the EU (Lass-Lennecke and Werner 2009: 271). This has meant that the Commission has been engaged in functions such as the assessment and monitoring of prospective member states and the reporting of its findings to current EU members. The Commission has been the main point of contact for applicant/candidate countries and has even been responsible for establishing the criteria against which potential members are judged.

The flip-side of the Commission's active involvement in enlargement policy is the manner in which it – as a European institution – has been affected by enlargement. Lass-Lennecke and Werner (2009) have shown how enlargement policy impacted the administrative structures and procedures used to manage the process in the period prior to the accession. Their work suggests that these adaptations were not connected to the Kinnock Reforms, but were instead the product of a kind of 'functional adaptation' (Lass-Lennecke and Werner 2009: 281) specific to the effects of enlargement.

Other scholars have also examined the post-accession enlargement effects. The most obvious and direct impact of enlargement on the Commission concerns the integration of a large number of staff from new member states into the organization. This took place at the same time as the administrative reform process discussed above, and as such is clearly 'bound up' with it (Ban 2013: Ch. 3; Peterson and Birdsall 2008: 63). While integrating staff from new member states into the Commission has always been problematic, the 2004 enlargement was unprecedented because of the extremely large number of member states (ten) entering the EU at the same time.

There are two dimensions to this process: recruitment and integration/socialization. Regarding the former, the process by which officials from the new member states were recruited into the Commission was far from smooth. It was extremely difficult to appoint staff at anything other than the lowest of levels. By 2007, only 12 per cent of Commission staff came from the new member states, and relatively few of these were employed in high-ranking posts. Indeed, only 9 out of the Commission's 75 top officials were from the EU-12, that is the 10 Central and Eastern European accession countries, plus Malta and Cyprus, and there were none all at the deputy director-general level (Peterson 2008: 768; Peterson and Birdsall 2008: 58). This led to concerns both within the Commission and in the new member states that there was inadequate representation of the new states in the Commission services (Peterson and Birdsall 2008: 58).

The difficulties facing the Commission did not end with recruitment, however. Despite the shortfalls in recruitment, integrating such a large number of staff into the organization posed several challenges. New staff entering the Commission at a senior grade who had not been acculturated into the Commission found it hard to gain the respect of their colleagues, as well as that of the more junior staff, who felt they were having to 'teach' their new bosses their jobs (Ban 2013). At least some new junior staff members found it hard to gain the respect of their peers; and sensed that they were not taken as seriously as staff from existing member states. Experiences were also mixed at the senior level (Ban 2013: 146–7), and even amongst the Commissioners (Peterson 2008: 765). It did not help that the terms under which new staff entered the Commission from 1 May 2004 differed drastically from those of existing staff: their promotion tracks would be slower and their pay scales lower (Peterson 2008: 769).

Problems such as these are to be expected during a difficult period of transition; however, if not addressed, they can lead to longer-term dysfunctions within the organization. This influx of new staff into the organization brought with it new expectations, experiences and cultural characteristics, including new working cultures. Legitimate research questions might examine the extent to which new officials have become socialized into the 'Commission culture' – that is, into the pre-existing shared assumptions that underlie the everyday working practices of the organization – or perhaps determine whether the new staff have contributed to the emergence of a hybrid Commission culture that reflects certain elements of the old guard, together with aspects associated with the flood of incoming staff. From Ban's instructive research, it seems that the experience of most new officials was positive; only a minority reported negative experiences (Ban 2013: 120–1). The fact that existing officials can also feel disoriented by new officials entering their institutions and potentially interfering with their expected career trajectory may additionally be of relevance. Peterson and Birdsall (2008: 56) provide some evidence that established officials found the institution 'less cosy' after enlargement, reflecting the sense of institutional change effected by the influx of new officials. However, other research suggests that the Commission has been left relatively unchanged by the process of enlargement (Peterson 2008: 774).

The implications of enlargement for the Commission stretch far beyond the internal administrative concerns of the officials working within the Commission's services. The increase in member states to 28 has had a dramatic impact on the functioning of the Union, and this has affected the Commission as well. The larger number of member states increases the diversity of actors within the EU, making it more difficult for the Commission to build bridges between these states' interests and expectations; this places substantial pressure on both the Commission's capacity to serve as an honest broker and its ability to set an EU agenda that is likely to gain acceptance across the EU as a whole. Although the Commission needs to be aware of national interests (as it always has been) if it wants to shape European issues, it also must recognize that the increased number of member states strengthens the position of the EU Council and the European Council. In a more diffuse European Union, these organizations seem better placed to forge compromises and build consensus *intergovernmentally* than the European Commission, no matter how conscious and reflective of member state interests it strives to be. This inter-governmental trend has been further strengthened as a consequence of the economic/ Eurozone crisis.

The economic crisis and the Commission

The economic/Eurozone crisis and its effects imply both threats and potential opportunities for the European Commission. The opportunities are related to the enhanced role of the

Commission in economic governance, as well as the broader transformative potential of the crisis as a driver of change and more specifically as a motor of the European integration process. There is a precedent for this: in the past, when European integration has stalled and crises have shaken the foundations of the European institution, by some undefined process – perhaps neo-functionalist in character, although that is open to debate – the European Community (and later the European Union) has always managed to muddle through, and the European Commission has often emerged as one of the main beneficiaries. However, this gain in power has not come without costs, not least in the form of popular distrust of the Commission. It should be noted that past experience may not help us to predict the future, nor even to analyse the meanings and implications of ongoing changes in the European Union. In the post-2007 period, along with heated debate over whether the European Union – and the Euro experiment – can survive, the crisis has also provoked discussions about the limits of European integration and the potential integrative responses to crisis. This has not involved the emergence of a pro-federalist agenda, although it has opened the door to more imaginative Europeanized solutions to the crisis that generally involve a central role for the Commission. Amongst the many proposals floated, the European Semester (which provides targets for national budgets) and the so-called 'Six Pack' legislation (which came into force in December 2011, strengthening the Stability and Growth Pact) offer the Commission new opportunities to wield power within the Eurozone, if not in the wider EU. Like the Treaty on Coordination, Stability and Governance signed by 25 EU member states in March 2012, the 'Six Pack' introduces a procedural change: reversed qualified majority voting. In situations where this applies, a Commission proposal can only be overturned if opposed by a qualified majority of member states, substantially strengthening the agenda-setting capacity of the Commission.

Even so, the European Commission has more often been depicted as part of the problem rather than as a source of European-level solutions in the Eurozone crisis. In the early stages of the financial and economic crisis in Europe, the Commission seemed to be paralysed, leaving national leaders to resolve their problems largely through intergovernmental mechanisms; when the Commission finally intervened, it frequently misjudged and sometimes exacerbated the situation. This was certainly the case when it sought in March 2013 to seize money from Cypriot bank depositors whose deposits were less than the guaranteed sum of €100,000.

Since the crisis began, the Commission has faced attacks from national, European and international media. This is not a new phenomenon, and there is evidence that Euroscepticism, with its concomitant critique of the European Commission, was on the rise well before the onset of the crisis. However, public opinion polls also suggest that the Commission's reputation has suffered as a consequence of the crisis. However, it is the marginalization of the Commission by national governments that may well be the most long-lasting effect of the crisis. The wrangling over the EU budget during the negotiations of the Multiannual Financial Framework (MFF) in 2013 saw the Commission take the brunt of the criticism. The UK government was particularly vociferous in its condemnation, with Prime Minister David Cameron claiming to be outraged at the Commission's proposal to increase the EU budget by 5 per cent while national budgetary expenditures were being cut.

By contrast, there seems to be a general consensus that the European institutions that have benefited most from the crisis are the European Council, which consists of heads of government (and some heads of state), and the European Central Bank. The Commission is generally perceived as the loser, despite the new powers it has gained as a consequence of the post-2010 reforms in European economic governance. Indeed, even in the sphere of economic governance, the evidence indicates that although the institution has gained some enhanced status from the new economic governance initiatives introduced since the start of the crisis, the Commission's role

(and particularly its traditional legislative role) is being undermined by the reform process (Dawson and de Witte 2013).

Conclusion

The primary impact on the European Commission of the administrative reform of the early 2000s, the enlargement of the mid-2000s and the economic/Eurozone crisis of the late 2000s (stretching into the following decade) has been a reduction in the capacity of the Commission to perform its original function as a *political* player in the EU system. Although this process actually began prior to the resignation of the Commission in 1999, it has intensified since that time (Peterson 2008). The Commission has become more intergovernmental, certainly, but it has also become more modern and professional. Its administrative and management capacities have been enhanced and are now to some extent prioritized above its more traditional functions as an agenda-setter and policy initiator. Of course, this is not to say that the Commission no longer performs political functions; however, it has become more difficult for the Commission to play a leading role in the EU.

An inter-institutional perspective can facilitate an analysis of the changing role of the European Commission. This is particularly the case when our focus is what legal scholars generally refer to as 'institutional balance'. The question here is the extent to which the Commission has become weaker within the EU's inter-institutional framework, and whether the EU itself has become more intergovernmental as a consequence of the changes identified above. There is some evidence supporting an intergovernmental trend in the EU and a weakening of the European Commission. However, the danger of making such generalizations is that they can mask the complexity of the position of the Commission (and other institutions) on the ground. Further research on inter-institutional relations in the EU is needed to confirm the effects that the combination of administrative reform, enlargement and crisis have had on the Commission, especially given some indications that the Commission may in fact be strengthening its role in economic governance in the aftermath of the Eurozone crisis. Avid Commission-watchers have often pointed out how the Commission takes advantage of crises to bolster its inter-institutional position, even though (given current circumstances) this hypothesis might be counterintuitive.

It is therefore difficult to predict how the Commission's role will develop in the future. At the time of writing, its position remains in a state of flux, with the future and fate of the Commission inextricably tied to the future and fate of the Euro and that of the EU as a whole. This also makes it more complex, if not impossible, to discuss the challenges facing the Commission in the coming years without considering them in the context of broader changes in the European Union. Given that the future of the European Union is still in question and that the effects of the 2008 economic crisis are yet to be fully understood, we must conclude that on all of these issues the jury is still out.

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14

The European Parliament

Tapio Raunio

Introduction

Among the various institutions of the European Union (EU), the European Parliament (EP) is undoubtedly the one that has changed most over the decades (Hix and Scully 2003; Rittberger 2005; Judge and Earnshaw 2008; Corbett *et al.* 2011). Initially a purely consultative body with members seconded from national parliaments, the European Parliament is now vested with significant legislative, control and budgetary powers. The Parliament shapes EU laws, particularly through the co-decision procedure, is involved in the appointment of Commission members (and can force them to resign) and decides on the EU's budget in cooperation with the Council.

The Parliament has been directly elected since 1979, and 751 members of the European Parliament (MEPs) are scheduled to be elected in the eighth round of elections in 2014. However, at least in terms of voter turnout, the Parliament has failed to connect with Europeans: Euroelections are almost universally described as a disappointment by both the media and political scientists. Turnout has steadily fallen since the first elections, with only 43 per cent of eligible voters participating in the 2009 elections. Although the initial expectations regarding turnout were probably unrealistic, the main concern for the EP is that turnout has declined despite the Parliament's empowerment.

These two themes – the increase in the Parliament's powers and the failings of Euroelections – have been widely explored in the literature. In addition, there is an important body of work on party politics and committees in the Parliament. Many scholars would argue that the EP is one of the most researched parliaments in the world; it is certainly the EU institution we know the most about.[1] This chapter examines the state of scholarly understanding of the EP. The first section focuses on direct elections; we then turn our attention to the European Parliament's party groups before exploring committees and the Parliament's inter-institutional relationships with the Council and the Commission. The concluding discussion suggests some avenues for further research.

Elections

The literature on European Parliament elections has largely been based on the theory of 'second-order' elections, a model first developed by Reif and Schmitt (1980) in their article on the first Euroelections in 1979. According to this analytical framework, second-order elections are less

important than first-order elections, with the latter referring primarily to domestic parliamentary and/or presidential elections. Research on this topic can be divided into two areas: studies focusing on citizens' attitudes and preferences toward voting and the European Parliament/EU, and research explaining party strategies and performance in the elections. Much of this research has utilized data generated by the European Election Studies (EES) project, which has conducted citizen surveys (in all elections except 1984) and candidate surveys (in 1994 and 2009) in connection with the elections.[2]

The second-order election model draws on the premise that citizens' behaviour in second-order elections is more significantly affected by the national first-order context than by factors related to the European Parliament elections themselves. The model is based on the following three main hypotheses: (1) turnout is lower in European Parliament elections than in national elections; (2) government parties suffer losses in Euroelections; and (3) larger parties do worse and smaller parties perform better in EP elections. Regarding the first hypothesis, turnout is on average substantially lower than in national parliamentary elections – and has indeed declined consistently, from 63 per cent in 1979 to 43 per cent in the 2009 elections. Turnout has thus fallen despite the considerable empowerment of the Parliament. This finding contradicts the second-order theory, in that turnout should have increased when there was 'more at stake' in European Parliament elections (Mattila 2003).

The timing of European Parliament elections plays a crucial part in the second-order model. The performance of government parties suffers when EP elections take place halfway through the national parliamentary electoral cycle. But when European Parliament elections are scheduled just before or after national first-order elections, then governing parties do better. The poor results of government or large parties can also be explained by the 'less at stake' argument. Voters may experiment with new parties in EP elections, since they know that the elections will not result in major societal changes – at least, not in their home country. Consequently, citizens may vote for parties that are a closer match to their own preferences; alternatively, they might use European Parliament elections to protest against governing or mainstream parties (see, for example, van der Eijk and Franklin 1996; Koepke and Ringe 2006; Hix and Marsh 2007; van der Brug and van der Eijk 2007; Weber 2007; Hobolt et al. 2009; Hobolt and Spoon 2012). The outcome of these second-order effects is that the composition of the European Parliament is biased in favour of parties that fare worse in national first-order elections, with national governing parties being consistently punished in Euro-elections (Manow and Döring 2008; Hix and Marsh 2011). However, as in national legislatures, highly educated, politically knowledgeable and pro-European voters are better represented in the chamber (Stockemer 2012; Walczak and van der Brug 2013).

As the second-order model suggests, voting decisions in Euroelections are heavily influenced by the domestic party-political environment. The primacy of domestic factors results in part from the strategies of the national parties that control candidate selection and conduct the electoral campaigns. Most national parties wage European Parliament campaigns based on domestic issues. These parties are mainly positioned around the traditional social cleavages recognized in political science literature, and because the anti/pro-integration dimension tends to cut across these cleavages, parties often experience internal fragmentation on EU questions (Hix and Lord 1997; Hix 1999; Marks and Wilson 2000; Marks and Steenbergen 2004; Szczerbiak and Taggart 2008; Almeida 2012). Moreover, survey data shows that parties are on average more representative of their voters on traditional left–right matters than on issues related to European integration, with the political elite more supportive of integration than the electorate (Mattila and Raunio 2006, 2012; Arnold and Franklin 2012). Thus, established parties have an incentive to contest elections along the familiar left–right dimension, downplaying integration issues.

Elections to the Parliament are held during the same week in all member states, and the candidates are all competing for seats in the same EU institution, but there is no common electoral system, and campaigning is conducted by national parties on the basis of largely domestic agendas. However, Europe as an issue has become increasingly politicized and salient. This has also become apparent in Euroelections, as demonstrated by the increasing importance of the EU as an issue in explaining citizens' voting behaviour:

> governing parties may lose votes because of the disconnect between major governing parties and their voters on the issue of EU integration, and the fact that EP elections make this issue, and therefore this disconnect, more prominent. On both the contextual and individual levels, it appears that Europe can matter when voters go to the polls. Governing-party voters who are more sceptical about further integration are more likely to defect or abstain in EP elections.
>
> (Hobolt *et al.* 2009: 111; see also Clark and Rohrschneider 2009; de Vries *et al.* 2011; Hobolt and Spoon 2012)

Research thus indicates that national parties that are out of tune with their electorates over European integration are punished in Euroelections.

Party groups and coalitions

The Common Assembly of the European Coal and Steel Community (ECSC), the predecessor of the European Parliament, held its inaugural session in September 1952. In the very first important vote held in the Assembly, for the purpose of electing its president, the members split along group lines instead of voting as national blocs. The decision to form party groups crossing national lines must be understood in the light of developments in the early 1950s. First, the creation of the High Authority (the predecessor of the Commission) and the Assembly marked the emergence of truly supranational institutions, in contrast to those of the intergovernmental Council of Europe (and its Consultative Assembly in particular). Second, the national interests in the ECSC were already represented in the Council of Ministers; the Assembly sought to counterbalance this through its ideologically based group structure.

A comparison with parties in European national legislatures reveals that European Parliament party groups operate in a very different institutional environment. The political and social heterogeneity of the EU is reflected within these groups, with around 170 parties from 27 member states winning seats in the 2009 elections.[3] However, EP party groups have gradually consolidated their positions in the Parliament. Kreppel (2002b) shows how the increase in the legislative powers of the Parliament has contributed to the centralization of power in the hands of two large party groups – the centre-right European People's Party (EPP), which unites Christian Democrats and Conservatives, and the centre-left Party of European Socialists (PES; became the Group of the Progressive Alliance of Socialists and Democrats (S&D) after the 2009 elections) – and to more pragmatic cooperation between these groups in order to influence the EU policy process. Kreppel also describes how the two main party groups have introduced changes to the Parliament's rules of procedure that have further marginalized the smaller party groups.

The EP's Rules of Procedure set out numerical criteria for group formation. Following the 2009 elections, a political group must include at least 25 MEPs from at least one-quarter of the member states (groups consisting of MEPs from only one country have not been permitted since the 1999 elections). In addition to ideological ties, the availability of considerable financial,

material and procedural benefits has provided further incentives for group formation and party group switching (Maurer *et al.* 2008; McElroy 2009; McElroy and Benoit 2010; Bressanelli 2012). Although the financial support from the Parliament may seem inconsequential in absolute terms, it has nevertheless been crucial for certain smaller parties – such as regionalist and green parties – that often do not have access to comparable resources at the national level. With regard to procedural rights, appointments to committees and intra-parliamentary leadership positions and the allocation of reports and plenary speaking time are all based on the rule of proportionality between groups. Certain plenary actions, such as tabling amendments and presenting oral questions, require the backing of a committee, a party group or at least 40 MEPs. Non-attached representatives are thus procedurally marginalized in the chamber.

Much of the research on EP party groups is based on roll-call data, with vote data often supplemented by MEP surveys.[4] Following the 'first generation' of studies, which examined data on relatively limited numbers of votes (Attinà 1990; Raunio 1997), subsequent research by Hix and others on more extensive data sets has been far more ambitious and methodologically more sophisticated. This research has produced two main findings. First, the party groups achieve relatively high levels of cohesion, between 85 and 90 per cent, and sometimes even above 90 per cent. Probably the principal reason for MEPs and national parties to vote with their group most of the time is policy influence. Cohesive action is essential for the achievement of a group's objectives, and cooperative behaviour within groups helps individual MEPs to pursue their own goals. Moreover, given the enormous number of amendments and final resolutions voted upon in plenary sessions, the voting cues provided by groups and particularly by group members in the responsible European Parliament committee are an essential source of guidance for MEPs (Ringe 2010).[5] Second, the main cleavage structuring competition in the Parliament is the familiar left–right dimension, with the anti/pro-integration dimension constituting the secondary axis of competition (e.g. Hix *et al.* 2005, 2007).[6] Studies based on EES survey data and on expert surveys have produced largely similar results with respect to both the dimensionality of the political space in the chamber and the levels of group cohesion (Thomassen *et al.* 2004; McElroy and Benoit 2007, 2012; Schmitt and Thomassen 2009).

Although the primary voting decision rule in the chamber is simple majority, on certain issues (mainly budget amendments and second-reading legislative amendments adopted under the co-decision procedure) the European Parliament must achieve an absolute majority (50 per cent of MEPs + 1). This absolute majority requirement facilitates cooperation between the two main groups, the EPP and the S&D, which between them control around two-thirds of the seats. Cooperation between the EPP and the S&D has also been influenced by inter-institutional considerations, as the Parliament must moderate its resolutions in order for its legislative amendments and other policies to be accepted by the Council and the Commission (Kreppel 2002b; Rose and Borz 2013). Competition on the left–right cleavage has benefited the smaller groups, particularly the liberals (the Alliance of Liberals and Democrats for Europe [ALDE]). Situated ideologically between the EPP and the S&D, the liberals have often played a pivotal role in the formation of winning coalitions.

The eastern enlargements have not significantly changed cohesion levels or coalition patterns in the chamber; after an initial period of adjustment, the voting behaviour of MEPs from new member states converged with that of the incumbents (Lindstädt *et al.* 2012). Party cohesion remained stable, and the EPP and the PES voted together at almost exactly the same rate in the 2004–9 Parliament (68 per cent) as in the previous electoral period – and this cooperation between the two large groups and the building of 'super-majorities' continued after the 2009 elections (Rose and Borz 2013). However, in the 2004–9 Parliament there was a more clearly defined centre-right majority bloc (EPP, ALDE and Union for Europe of the Nations), while

the three less united leftist groups (PES, Greens/European Free Alliance and European United Left/Nordic Green Left) were often in a minority position (Hix and Noury 2009; see also Voeten 2009). In fact, this shift to the right began in the 1999 elections, when the EPP emerged as the largest group (Warntjen *et al.* 2008).

National parties are crucial to understanding how the EP party groups work. MEPs can be seen as agents serving multiple masters: voters, national parties and European Parliament party groups (Thiem 2009). Arguably, national parties represent the most powerful principals, as they control candidate selection, especially in countries that use closed lists. Although the links between national parties and their MEPs have traditionally been fairly loose, recent research indicates that these ties are gradually becoming stronger. There has been more policy coordination between MEPs and their parties in recent years, as case studies on British and German parties have confirmed (Ovey 2002; Messner 2003), but national parties nonetheless generally refrain from 'mandating' their MEPs (Raunio 2000; Blomgren 2003; Bailer 2009). It is also interesting to note that overall the preferences of national MPs and MEPs concerning integration are quite similar; in addition, contrary to much accepted wisdom, there is no evidence that MEPs 'go native' in Brussels, becoming considerably more pro-European than their party comrades back home (Scully 2005).

Voting behaviour in the Parliament provides further evidence of the influence of national parties. Research indicates that when MEPs receive conflicting voting instructions from national parties and their EP party groups, they are more likely to side with their national party, particularly in parties in which the leadership has considerable power to punish and reward its MEPs (e.g. through centralized candidate selection or closed lists):

> Despite the fact that the parliamentary principals in the EP control important benefits – such as committee assignments and speaking time – it is the principals that control candidate selection (the national parties) who ultimately determine how MEPs behave. When the national parties in the same parliamentary group decide to vote together, the EP parties look highly cohesive. But when these parties take opposing policy positions, the cohesion of the EP parties breaks down.
>
> (Hix 2002: 696; see also Faas 2003; Hix 2004; Hix *et al.* 2007; Coman 2009; Mühlböck 2012; Arnold and Sapir 2013)

Thus, we can expect that MEPs who are seeking re-election will be particularly reluctant to ignore national party guidelines, and that this attentiveness to national party positions will be more evident in the run-up to the Euroelections (Lindstädt *et al.* 2011); in addition, MEPs seeking to return to domestic politics will defect from group positions more often (Meserve *et al.* 2009).

But can European Parliament party groups and the Parliament influence EU politics? This question is addressed in the next section, which first examines the committees that function as key actors in shaping supranational laws and forming the European Parliament's positions; it then focuses on the legislative and control powers of the Parliament vis-à-vis the Council and the Commission.

Committees and policy influence

Unlike many national constitutions, the EU Treaties allow the Parliament to design its internal rules. The EP has structured and reformed its internal organization to make the most of its

hard-won powers in the EU political system (Kreppel 2002b, 2003). In line with the similar empowerment of committees in national parliaments, as the European Parliament has gained new powers the full chamber has delegated greater authority to parliamentary committees. The substance of legislative work is accomplished in committees where individual rapporteurs draft reports that form the basis of parliamentary resolutions. Committees are also key forums for holding institutions such as the Commission and the European Central Bank (ECB) to account, as well as for shaping the EU's budget and monitoring its implementation. The 2009–14 Parliament features 20 committees.

European Parliament committees have only recently attracted scholarly attention. This research has largely been driven by the debate between informational, distributional and partisan models of legislative politics derived from literature on the US Congress. The studies on EP committees have found support for all three perspectives with regard to the distribution of committee seats and rapporteurships; the latter are distributed among the groups on the basis of an auction-like points system. Because the point total of each party group is proportional to its share of seats in the chamber, the most expensive reports, such as those on the EU budget or on important pieces of co-decision legislation, are generally controlled by the larger groups (Bowler and Farrell 1995; Whitaker 2001, 2005, 2011; Mamadouh and Raunio 2003; Kaeding 2004, 2005; Benedetto 2005; Hausemer 2006; Hoyland 2006; McElroy 2006; Yordanova 2009, 2011a, 2013; Yoshinaka *et al.* 2010; Hurka and Kaeding 2012).[7]

Committees enjoy extensive procedural rights within the Parliament (and, by extension, within the entire EU legislative process), and thus it is in the interests of both the party groups and the national parties to influence committee work. Party groups monitor committee proceedings, appointing group working parties and coordinators in key roles. The procedures for allocating committee chairs, seats and reports, all roughly based on proportionality, can also be seen as mechanisms allowing the party groups to control the committees. Moreover, national parties are key players in the allocation of committee seats and reports, and there are signs that these parties are increasingly using committee assignments to achieve their policy goals. Committees hence clearly serve the policy goals of both national parties and the EP party groups, with the legislative empowerment of the Parliament as a whole providing incentives for parties to more closely monitor committee proceedings (Whitaker 2011; Yordanova 2013). However, more research is needed on decision-making in committees. For example, although committees may act consensually (Settembri and Neuhold 2009), future research should more carefully address the balance of power between rapporteurs, committee chairs and group coordinators. Existing evidence suggests that the rapporteurs, whose reports are the basis of first committee and plenary deliberations, are the crucial actors in committee and parliamentary decision-making, particularly under the co-decision procedure (Benedetto 2005; Costello and Thomson 2010; Finke 2012; Jensen and Winzen 2012).

But can the Parliament influence EU politics? More specifically, has the EP managed to parlay its constitutional powers into legislative success? Research on the European Parliament's policy influence can be divided into two categories: theoretical modelling and empirical analyses. The former branch of research was initiated by the article by Tsebelis (1994) on the cooperation procedure. Subsequent publications have generated useful insights regarding the impact of the Parliament under the various legislative procedures, with the debate largely focusing on the respective powers of the Commission, the Council and the European Parliament under the co-decision procedure. Interestingly, practitioners and academics have not always agreed on the extent to which the co-decision procedure has actually empowered the Parliament (Crombez *et al.* 2000). Empirical analyses have likewise attempted to measure and explain the

influence of the Parliament under alternative law-making procedures (e.g. Kreppel 2002a; Kardasheva 2009), in specific issue areas such as economic policy or foreign and security policy (e.g. Lord 2003, 2011; Burns 2005; Peters *et al.* 2008, 2010) and in relation to the control of regulatory agencies (Trauner 2012); other scholars have examined how inter-institutional relations and particularly the co-decision procedure have impacted coalition politics and power distribution within the Parliament (Hagemann and Høyland 2010; Naurin and Rasmussen 2011; Héritier and Reh 2012; Rasmussen 2012; Rasmussen *et al.* 2013).[8]

As the co-decision procedure – officially referred to in the Lisbon Treaty as the 'ordinary legislative procedure' – has gradually become the standard mode of adopting EU laws, scholars have turned their attention to the political dynamics of this procedure (Rasmussen 2012; Rasmussen *et al.* 2013). The co-decision procedure has resulted in a dramatic increase in interactions between the European Parliament and the Council. These repeated interactions, together with concerns over legislative delays, have contributed to the higher rate of early agreements in co-decision procedures. Essentially, this means that laws are adopted behind closed doors in informal trilogues. This reduction in inter-institutional rivalry has arguably been a factor in the lack of public debates and the technocratization (or de-politicization) of EU decision-making, trends that have made it more difficult to observe the decisions being made and how the different actors involved in the game participate (Shackleton and Raunio 2003; but see Toshkov and Rasmussen 2012); this concern is shared by many backbench MEPs who are dissatisfied with the resulting power shifts inside the chamber (Héritier and Reh 2012). Currently, an overwhelming majority of co-decision processes are concluded at first reading, signalling a need to study the political profiles and policy influence of the MEPs (in particular the rapporteurs) who bargain on behalf of the Parliament in trilogues, instead of focusing on the conciliation committees (Rasmussen 2008; Franchino and Mariotto 2013), as these groups are now rarely convened (Farrell and Héritier 2004; Häge and Kaeding 2007; Costello and Thomson 2010; Rasmussen 2011).

The Parliament has also gradually gained new competences that enable stronger control over the Commission. This applies in particular to the institution's appointment powers, as the link between European Parliament elections and the composition of the Commission has become more direct since the early 1990s (Moury 2007). Because both the Commission and its president must be approved by the Parliament before they can take office (and can also be voted out of office by the MEPs), the Parliament has explicitly demanded that the voice of the voters not be ignored in the make-up of the Commission. The basic outcome is that party politics have become more significant in EU policy-making as a whole, not just within the Parliament. For example, since the 2004 elections there has been a kind of government–opposition divide in the Parliament. Because the EPP is the largest group and centre-right groups control the majority of the Parliament (and centre-right cabinets dominate the Council), the partisan composition of the 2004–9 and 2009–14 Commissions has leaned toward the centre-right, with a clear majority of the Commissioners and the president representing either EPP or ALDE member parties. Not surprisingly, there has consequently been a firm 'centre-right' grip on EU politics that has unquestionably left its mark on legislation.

In fact, quite a lively debate has emerged over whether the European Parliament should become a fully fledged 'federal' parliament, with the composition of the Commission determined by the results of Euroelections. The defenders of such a parliamentary model, or of stronger supranational democracy in general, argue that since the EU already possesses significant authority over a broad range of policy areas the choice of who exercises this authority should be based on competition between political forces – in this scenario, essentially Europarties

competing in the EP elections (Føllesdal and Hix 2006; Hix 2008). More cautious voices contend that this is not the appropriate way to address the democratic deficit, due in part to the lack of a common European identity, and also because the issues that are most salient to voters are still decided nationally (Moravcsik 2002). Others have pointed out that installing party government at the EU level may not be a good solution in an era in which political parties are facing serious difficulties in the context of national democracies (Mair and Thomassen 2010).

Conclusion

The European Parliament has undergone tremendous changes since the 1950s, evolving from a non-elected consultative 'talking shop' into a directly elected legislature vested with significant law-making powers. At the same time, scholarly understanding of the Parliament has taken major strides forward, to the extent that the EP is arguably one of the most researched legislatures in the world. Much of this research (in particular, studies on plenary voting and seat and report allocation in committees) has certainly been systematic, and its methodological diversity has increased; however, in many ways, the majority of scholars have eschewed broader longitudinal analyses that would make it possible to establish causal mechanisms between reforms inside the Parliament and alterations in its external environment. It is hard to argue with Yordanova (2011b: 598), who argues that existing research 'has so far been based on snapshot views offered by studies on specific organizational aspects covering narrowly delimited time periods'. Notable exceptions are recent studies on the development of the co-decision procedure examining how changing inter-institutional relations have shaped the EP's internal organization and power structures.

Interestingly, the increase in the powers of the institution and the improved state of academic research have coincided with a growing distance between the Parliament and its electorate. Turnout has declined consistently since the first elections in 1979, and Europeans seem to know very little about the Parliament. Future research should thus focus more on the links between citizens and the Parliament. For example, studies indicate that the design of the electoral system impacts MEPs' campaigns and contact with their electorates, with MEPs from more 'open' systems paying more attention to individual voters and constituency interests (Bowler and Farrell 1993, 2011; Farrell and Scully 2005, 2007, 2010). Overall, however, the constituency activities of MEPs – and how these might differ from the constituency work of national MPs – have thus far largely been neglected by scholars.

The literature on Euroelections has perhaps been too closely tied to the second-order model. Although it represents a relatively powerful tool for understanding European Parliament elections, the dominance of the second-order paradigm has perhaps unintentionally resulted in somewhat one-sided research on elections. There is clearly scope for comparative studies of European Parliament elections and national elections (e.g. Caramani 2006; Franklin and Hobolt 2011; Söderlund et al. 2011), or of EP elections and other second-order elections. More research is also needed on public perceptions of the Parliament. Who are the 'supporters' of the European Parliament, and how have voters' views on the Parliament changed over time? Do people see the Parliament as an important and trustworthy institution (Scully 2000; Gabel 2003)? Does the European Parliament receive regular media coverage and does such media attention affect public opinion about the institution (Gattermann 2013)? Concerns over the democratic deficit have been one of the key factors behind the gradual empowerment of the Parliament (e.g. Rittberger 2005, 2012; Benedetto and Hix 2007), but whether the EP can actually reduce this deficit will depend at least in part on the institution's ability to connect with the people it represents.

Although there is already a substantial body of work on the European Parliament party groups, particularly on their cohesion and coalition formations, future research should focus on the internal dynamics and decision-making of party groups; the same applies to committees. Future research could also devote more attention to the smaller party groups (and the more Eurosceptical MEPs) to determine whether their organization and behaviour differ from those of the larger party groups (Jensen and Spoon 2010; Brack 2012, 2013). Researchers should also focus on explaining the variation between the activities of individual MEPs beyond roll-call voting – for example how often and why they act as rapporteurs, make speeches or ask questions.[9] Proksch and Slapin show how MEPs use legislative tools such as parliamentary questions and plenary speeches to pursue their re-election purposes and to advance the policy goals of their national parties (Slapin and Proksch 2010; Proksch and Slapin 2011; see also Sigalas 2011); plenary speeches can also be employed to study party positions and the dimensions of contestation in the chamber (Proksch and Slapin 2010) – or to examine the nature of supranational deliberation (Lord and Tamvaki 2013). Such research could be linked to a longitudinal study of the political careers of MEPs (Scarrow 1997), especially as recent studies have demonstrated how re-election considerations shape the voting behaviour and other legislative activities of Europarliamentarians.

Finally, much of the research on inter-institutional relations has been in the form of either theoretical modelling or empirical analyses of the legislative performance of the various EU institutions. Future research could intensify the focus on the 'partyness' of EU politics. Although scholars have been investigating the role of parties and party preferences in EU decision-making since the late 1990s, this line of research is still relatively underdeveloped, with respect both to theory and to empirical measurements and explanations of partisan links between the EU institutions (Lindberg *et al.* 2008; Plechanovová 2013). As a result, political science still cannot give a satisfactory answer to a question that is central to EU studies: are EU laws and policies more significantly affected by party preferences or by national interests?

Notes

1   This is in large part explained by the openness of the European Parliament, which enables scholars to gather data on various aspects of the Parliament's work. In contrast, the other EU organs are much less transparent, and thus less empirical research has been conducted on these institutions.
2   The main publications of the EES project are the volumes and special issues edited by van der Eijk and Franklin (1996), Katz and Wessels (1999), Schmitt and Thomassen (1999), van der Brug and van der Eijk (2007), Schmitt (2009), Thomassen (2009) and Hobolt and Franklin (2011).
3   The largest group, the EPP, consisted of 41 national party delegations after the 2009 elections. Interestingly, the larger groups in particular often contain more than one party per member state, and therefore these parties compete against each other in elections.
4   In addition to the EES candidate surveys, the European Parliament Research Group (EPRG 2014) has carried out three MEP surveys (in 2000, 2006 and 2010) that have been utilized in several of the publications referred to in this chapter (Scully *et al.* 2012).
5   The busy agendas of the plenaries and the committees together with the often quite technical nature of EU legislation suggest that MEPs' assistants and committee and party group staff perform an important role in the Parliament (Busby and Belkacem 2013; Dobbels and Neuhold 2013).
6   There is also some debate over the validity of the roll-call data. Because recorded votes represent only a sample of the totality of votes in the Parliament, the representativeness of the sample is of crucial concern, especially for the investigation of conflict dimensions in the Parliament (Carrubba *et al.* 2006).
7   Yordanova (2011b, 2013) provides an excellent overview of studies on EP committees.
8   The website of the European Legislative Politics Research Group (ELPRG 2014) provides a variety of data sets and other information on research on the European Parliament and EU legislation.
9   Most of this data is available online at the websites of the European Parliament and VoteWatch Europe (2014).

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15

The European Courts

Robert Harmsen and Karen McAuliffe

Introduction

The 'judicialization' of politics has been one of the most important structural shifts on the European political landscape in the decades since the end of the Second World War (Conant 2007; Kühn 2006). Courts have overcome a historically subordinate role to become important political actors. This has most obviously taken the shape of direct judicial interventions in policy-making processes, with courts generally assuming the role of 'veto players', variably influencing both the form and the substance of policy decisions. The effects of this 'judicialization', however, also manifest themselves in more subtle or indirect ways, rebalancing the relationship between law and politics. Litigation may thus emerge as a central instrument in the making of public policy, displacing more traditional modes of regulation and governance (Keleman 2011; see also Chapter 8). More generally, political actors may themselves adapt to this shifting balance between law and politics, internalizing a more legally attuned mode of decision-making as an anticipatory strategy to minimize the possibility of subsequent negative judicial intervention. As Alec Stone Sweet (2000: 204) appositely concludes his widely cited survey of the judicialization phenomenon, '[i]n the end, governing with judges also means governing like judges'.

The general trend towards judicialization may be seen across different levels of governance. At the national level, as Britta Rehder details in Chapter 22, there has notably been a diffusion of a distinctive (Kelsenian) model of constitutional court. Such courts first took root in Western Europe before subsequently emerging as a generalized feature of post-transition democratic systems in Central and Eastern Europe. There have also, of course, been comparably dramatic developments at the European level, as two distinctive and distinctively effective bodies of supranational law have taken shape. The Luxembourg-based Court of Justice of the European Union (CJEU) has emerged as a major driver of the European integration process, crafting an innovative constitutional architecture and system of regulation. The Strasbourg-based European Court of Human Rights (ECtHR) has played a similarly pioneering role, fashioning a uniquely effective system of regional human rights protection on the basis of the Council of Europe's European Convention on Human Rights (ECHR).

In broad terms, these developments at different levels have been mutually reinforcing, sustaining a generalized legitimation of judicial power in relation to the executive and the legislature. At the same time, however, this generalized logic of empowerment has been tempered

by the different relative positions of courts. Judicial actors are conscious not only of their general position in relation to the other branches of government, but also of their specific position within formal judicial hierarchies and wider networks of influence. As such, differing institutional strategies and patterns of jurisprudential development may be expected (cf. Alter 2009).

It is thus against the background of this wider judicialization phenomenon that the present chapter focuses on the 'European Courts'. The chapter is divided into two main sections in which the patterns of institutional development of the European Court of Justice and the European Court of Human Rights are examined. Drawing on the relevant political science and critical legal studies literatures, particular attention is paid both to questions of institutional legitimacy and to the roles assumed by the respective Courts in relation to wider political processes. This is complemented, in the conclusion, by an examination of the relationship between the two Courts, situated relative to the wider European (and international) trends towards judicial-ization discussed above.

The Court of Justice of the European Union

Enunciating a vision of Europe

Although it was always intended that the European Coal and Steel Community (ECSC) and the European Economic Community (EEC) should have a supreme court, the jurisdiction of this institution established in the Treaty of Rome was limited: it was an administrative court, based in international law, with the jurisdiction to rule on the misuse of powers by the institutions of the ECSC/EEC. Furthermore, the Treaty made no mention of the type of legal system or principles that it might adopt in ensuring that the law was observed. Thus, through its case law, the Court was able to enunciate a vision of Europe that allowed it to develop and extend its jurisdiction under the Treaties. In effect, the Court has 'constitutionalized' the EU legal order; by so doing, it has transformed the Union from a traditional international organization (albeit with supranational elements) into a new type of legal order that binds not only member states but also individuals. In the seminal case of *Van Gend en Loos* in 1963, the Court declared that the EEC was not governed by traditional international law, but rather that it was a 'new legal order'.[1] In *Costa* v *ENEL* in 1964, the Court reaffirmed that this new legal order was distinct from traditional international law and set out the principle that EU law should be supreme over member states' national laws.[2] There then followed a series of cases throughout the 1960s and 1970s in which the Court embedded the principle of supremacy in the EU legal order, in particular in its *Internationale Handelsgesellschaft* and *Simmenthal* rulings.[3] The principle of supremacy has been termed 'the most important constitutional issue of the [EU] legal order' (Eleftheriadis 1998: 257), providing for its extensive reach into the national legal orders of member states on terms well beyond those of traditional international law.

Hand in hand with the principle of supremacy, the Court also developed the principle of direct effect. Direct effect allows individuals to invoke provisions of EU law directly before their national courts. This principle was first set out, once again, in the case of *Van Gend en Loos*, in which the Court stated that the subjects of the 'new legal order' were 'not only the member states but also their nationals'.[4] In sharp contrast to the classic mechanisms of international law, individuals were thus vested with rights that flowed directly from the Treaties and that national courts were bound to uphold. The Court has continued to broaden the parameters of the principle of direct effect; over the years, it has extended the application of the principle to further Treaty articles, decisions and, most controversially, to directives. With these principles (among some others), the CJEU enunciated a vision of Europe which was vastly

different and more far-reaching than that which the member states might have envisaged when they agreed to create the common market (cf. Lecourt 1976).

Acceptance of the constitutionalization paradigm

The 'activism' of the CJEU found strong support in its early years from a community of academic specialists who often assumed an advocacy role with respect to the development of this novel legal order.[5] From the 1980s onwards, however, critical analyses of the Court first appeared and then progressively gained ground within the mainstream literature. Hjalte Rasmussen's 1986 *On Law and Policy at the European Court of Justice* marked something of a turning point in this regard, launching a sustained (and itself sharply criticized) broadside at what the author regarded as the overly expansive jurisprudence of a 'run-away court'.[6]

As the legal literature began to take a more critical turn, political scientists also started to take an interest in the Court. The central question motivating much of this political science literature examines why the CJEU's more 'radical' jurisprudence was, and continues to be, accepted and applied by the member states.[7] A number of different explanations have been proposed, principally focusing on the relationship between the CJEU and national courts. The basis of this relationship lies in the procedure for preliminary rulings under Article 267 TFEU. This article is frequently referred to as the 'keystone' of EU law, for without it there would be no principle of supremacy, or indeed much EU law at all (Ward 2009: 65). Under Article 267, member state courts may (and in some cases must) refer questions of EU law to the CJEU for preliminary rulings on the interpretation of the Treaty and the validity and interpretation of the acts of the institutions. These preliminary rulings are then binding on the national courts that made the references and on other member state courts before which the same or similar questions are raised.[8] All of the constitutional-type principles developed by the CJEU are derived from judgements issued in response to references for preliminary rulings. In other words, the CJEU's capacity to shape EU law has been dependent on these references from national courts. Most commentators agree that, on the whole, not only have national courts (in particular lower courts) failed to resist this 'constitutionalization' of the EU legal order by the CJEU, but they have enthusiastically played a role in the process (Azoulai and Dehousse 2013: 357). Given the impact of the seminal judgements of the CJEU on national legal systems and sovereignty, why have national courts continued to engage with the preliminary ruling mechanism?

Arguably the most influential research scrutinizing the policies and strategies of the CJEU has been conducted by Joseph Weiler (1991, 1999). Applying Albert Hirschman's famous triptych of 'loyalty, exit and voice', Weiler examined the dynamics whereby the Court's closure of 'selective exit' (i.e. national non-compliance with European law) was related in the early years of the EEC to member states' insistence on the maintenance of 'voice' through the Council of Ministers. In so doing, he presented one of the first systematic analyses of the complex and subtle interrelationships between the EEC legal and political orders. As an additional factor in this equation, Weiler investigated the relationship between the European Court of Justice and its national counterparts. Here, a mutually reinforcing dialogue emerged: the Luxembourg Court sought to anchor its position through the crafting of a convincing legal discourse, while national courts were incentivized to follow its lead insofar as this strengthened their own positions relative to the other branches of government.

In a similar vein, Anne-Marie Burley (Slaughter) and Walter Mattli developed a critical account of the development of EU law within an explicitly neo-functionalist framework (Burley and Mattli 1993; Mattli and Slaughter 1995, 1998). This view submits that since law exists within a comparatively autonomous technical sphere, it may allow for the pursuit of an integrationist

agenda relatively insulated from political pressures. By introducing direct effect and supremacy, the CJEU transformed national courts into EU courts in their own right. As more litigation was brought before national courts by private actors, more references for preliminary rulings were sent by these courts to the CJEU. By empowering individuals and national courts in this way, the CJEU made it advantageous for these actors to use Community norms, thereby fostering legal integration. In this way, law can be perceived as functioning in much the same way as economics in Ernst Haas' original neo-functionalist model, with individual self-interest propelling a wider integrationist project.

Such analyses are nonetheless limited, as they fail to take account of the fact that not all national courts behave alike; indeed, higher courts tend to be less 'enthusiastic' about the role of the CJEU than lower courts (Azoulai and Dehousse 2013). In her work, Karen Alter addresses these differing degrees of 'enthusiasm', arguing that the relationship between the CJEU and national courts is based on competition between courts within the legal orders of member states. Under Article 267 TFEU, *all* member state courts, including lower courts, have direct access to the CJEU. As a result of the principles of direct effect and supremacy of EU law, lower national courts can refuse to apply the decisions of higher national courts. These lower courts would thus seem to have a distinct incentive to embrace their role as 'EU courts' – as they have done through the use of Article 267 TFEU. Correspondingly, higher national courts have had to 'reposition themselves to the new reality' (Alter 1998: 243), having in effect been 'cajoled' by lower courts into accepting the supremacy doctrine (Alter 1998: 242).

The intergovernmentalist view, in contrast, denies the autonomy of the CJEU, claiming that its role is merely that of a guarantor of interstate bargains/agreements. According to scholars such as Geoffrey Garrett (Garrett 1995; Garrett *et al.* 1998), the Court's 'power' stems from the fact that it can assist member states to overcome problems of commitment and collective action: because of their interest in the development of the common market, member states granted the CJEU jurisdiction not only to supervise the activities of the institutions of that common market, but also to control their own activities in that sphere. Thus, principles such as supremacy and direct effect were accepted by the member states. In an intergovernmentalist view, the mere possibility that member states could resist CJEU judgements is enough to ensure that the Court's ambitions remain within a sphere that is acceptable to the member states. However, the inter-governmentalist view is often criticized by legal scholars for not acknowledging the autonomous nature of law (Craig 2003).

Common to most of these theories is the idea that the Court, left to its own devices and 'tucked away in the fairytale Grand Duchy of Luxembourg' (Stein 1981), was able to implement its own EU integration agenda, largely flying under the political radar of the member states. Recently, however, a new literature has emerged, based on studies of EU and national archives, focusing on the historical development of EU law. This literature challenges the notion of 'integration by stealth', showing that national governments were not only aware of this integration process, but actually – at least in the case of Germany (Davies 2012) – were broadly facilitative of it. Davies and Rasmussen (2013) more generally claim that national European law associations, the Court itself and the legal service of the Commission were the key driving forces in the development of EU law, an evolutionary process they perceive to be primarily shaped by 'a battle between legal elites'.

A socio-economic Court

Beyond the development of the European Union's political 'constitution', the Court of Justice has also played a central role in the evolution of its economic 'constitution'. It has been a

significant actor in developing the principles and practices of regulation integral to the completion of the single market, while also increasingly being called upon to strike the balance between such principles and often competing social or labour policy considerations. In this process, questions of structural imbalance have also increasingly come to the fore, as the accelerated development of legal integration relative to political integration may have consequences for the general orientation of policy (cf. Dawson 2013).

The successful completion of the internal market was due in a large part to a shift in approach by the European Commission from exhaustive to minimum harmonization. That shift actually originated in the CJEU's case law, specifically in its principle of mutual recognition of national standards. According to this principle, set out in the 1979 *Cassis de Dijon* ruling,[9] a good that is produced and marketed lawfully under the rules of any one member state must be allowed to circulate freely within the internal market. This ruling has been described as a 'constitutional innovation' because it introduced a mode of integration unforeseen by the member states (Stone Sweet 2004: 135). In *Cassis,* building on its earlier *Dassonville* decision,[10] the Court ruled on the grounds that traders should not suffer because of the absence of legislative harmonization at the EU level; rather, they should have access to the entire internal market on the basis of access to the market of any member state. This, of course, provided 'a powerful incentive to harmonise the most important market rules' in order to prevent investment and production from moving to the member states with the lowest regulatory costs (Stone Sweet 2004: 136). Traders could invoke the principle of mutual recognition in national courts, and their rights under EU law had to be upheld by those national courts.

The principle of mutual recognition is indicative of what Maduro (1998) terms the constitutionalization of negative integration, in a situation of significant structural 'asymmetry' between positive and negative integration. As a result of the *Dassonville/Cassis* line of case law, the Court has almost unlimited freedom to scrutinize ever-expanding policy areas for rules that may potentially hinder the exercise of individual rights. However, the Court's case law can only achieve negative integration (Scharpf 1999: 71–3), as it cannot impose a common European regime to replace discriminatory national rules. Conversely, positive integration (European-level harmonization) may only be achieved through legislation; as such, it is dependent on a broad consensus that may be inhibited by political disagreements. A potentially worrying unidirectional 'deregulatory dynamics' (Scharpf 2010) thus emerges: a decision of the CJEU against a member state effectively reduces its potential for democratically accountable policy-making, yet politics at the European level cannot make up for the loss.

Two relatively recent cases, *Laval* and *Viking*,[11] illustrate the difficult balance that the Court aims to strike. These cases arose in the context of the Posted Workers Directive,[12] which sets out the employment conditions that should apply to workers temporarily posted from one member state to another; it requires the host state to apply to posted workers 'a nucleus of mandatory rules for minimum protection' listed in the directive. Initially, the directive was welcomed, particularly by member states with higher levels of social provision, as a means of protecting labour standards from being undermined by posted workers from states with less generous provisions (i.e. preventing social dumping). However, the question remained as to whether this was a minimum labour law directive (providing protection for host state labour and/or posted workers) or a free movement of services directive (effectively limiting the regulatory powers of the host state).

The CJEU, in the *Laval* and *Viking* cases, had to try to balance these competing objectives – free movement on the one hand and the adequate social protection of workers on the other. The *Laval* case concerned industrial action taken by Swedish trade unions against a Latvian company employing Latvian workers in Sweden at wages that were about 40 per cent lower

than those of Swedish workers. In *Viking*, Finnish trade unions took action to try to prevent a Finnish shipping company from re-registering a ship under an Estonian flag in order to employ workers at lower rates of pay and under less favourable conditions than Finnish workers.

In its judgements in these cases, the Court first stated that it was ultimately for the relevant national courts to answer these questions, thereby assigning this difficult balancing act to the member states. However, it then went on to provide a narrow reading of the Posted Workers Directive, observing that it was 'first' intended to 'ensure a climate of fair competition between national undertakings and undertakings which provide services transnationally'.[13] As such, the scope within which member states may seek to impose higher national standards appears correspondingly circumscribed, with the minimum standards specified by the directive itself interpreted as more of a 'ceiling' than a 'floor'.

The *Viking* and *Laval* judgements have been heavily criticized for their narrow interpretation of the directive at the expense of social rights. The rulings in these cases are clear steps towards 'the hard law of negative integration' (Joerges and Rödl 2009) in instances in which political processes seem slow or unappealing. However, we should question whether this constitutionalization of negative integration is in fact preferable to softlaw mechanisms of coordination. Here, the 'socio-economic' CJEU is attempting to balance conflicting interests, but, as Maduro (1997: 54) notes, it 'has never clearly addressed the issue of which interests should be balanced'.

Contemporary challenges

It is clear that the roles adopted by the CJEU have changed over time. Today's Court faces a number of challenges, ranging from stricter public scrutiny to the growing importance of fundamental rights litigation in its case law. One of the most significant challenges, however, is that of its increased workload, particularly in the light of the recent EU enlargements. Unsurprisingly, the workload of the original ECSC Court was minimal; only 34 cases were brought before that court between 1952 and 1957, and only 12 judgements were delivered in that time. However, as the CJEU extended its competences, and with each new enlargement, its workload increased many hundredfold; in 2013 alone, 699 new cases were brought before the CJEU and 790 before the General Court. While this increase is not on a scale comparable to that experienced by the Strasbourg Court (see pp. 272–273), it is nonetheless significant. Over the years, various efforts have been made to alleviate the workload of the CJEU, such as the introduction of the Court of First Instance (now the General Court) in 1989 and the adoption of various procedural reforms intended to expedite the handling of cases. In addition, the number of judges at the Court has almost doubled since 2004. Yet, in spite of such efforts, the CJEU remains overloaded and under great pressure. At the end of 2013, there was a backlog of 884 cases pending before the CJEU and 1,325 cases pending before the General Court.[14] Moreover, as Maduro and Azoulai (2010: xix) point out, the increased number of judges may allow the Court to increase its judicial output, but at the risk of a loss of institutional memory and a reduction in collegiality.

In the history of the Court's evolution, the 'mega-enlargement' of May 2004 presented a particularly rich combination of opportunities and challenges. While enlargement was as much a pretext for as a cause of some of the changes introduced (including reforms that had been mooted for years), there have been some notable shifts in the working methods of the Court as a consequence of the Union's expansion. Faced with the sheer scale of the 2004 enlargement, the CJEU streamlined its system of management, progressively implementing a series of measures intended to 'counteract the expanding average length of proceedings'.[15] Between 2004 and 2013, the Court was also confronted with the introduction of 13 new languages and 13 new cultures,

as every new member state other than Cyprus added a further official language and the Irish language was added to that list in 2007. This has produced a marked shift in the dynamics of the institution (McAuliffe 2008, 2010). Whether the growing number of languages can continue to be absorbed by the language regime of the CJEU is still an open question. The influx to the Court of a large cohort of staff from the new member states, while certainly adding an element of diversity, has also had an impact on the institutional balance. These fundamental cultural and linguistic shifts may in turn have (often underestimated) implications for the development of case law.[16]

The European Court of Human Rights

The 'missing political science' of the Convention system

The system of human rights protection that has developed on the basis of the European Convention on Human Rights stands as one of the earliest and most important achievements of the process of European integration. The Convention system has further emerged as an exemplar on the wider international stage, a comparatively rare instance of the successful judicial enforcement of individual rights beyond the state that has served as a source of inspiration for other regional systems. A burgeoning legal literature has accompanied the development of the system, largely focused on the expansive case law of the Strasbourg institutions.[17] In sharp contrast to the situation of the Court of Justice of the European Union, however, a corresponding political science literature has not taken shape.

One may certainly point to a number of important political science contributions to understanding the development and the dynamics of the Convention system. Andrew Moravcsik, for example, has brought liberal intergovernmental theory to bear on the ECHR, highlighting the importance of a logic of 'democratic delegation' as an explanation for both the origins of the system (Moravcsik 2000) and its comparative success (Moravcsik 1995). Helen Keller and Alec Stone Sweet (2008) coordinated a major interdisciplinary research project, assembling an international team of collaborators to examine the complex sets of legal and political factors accounting for the differential reception of the ECHR across a representative sample of 18 member states. More recently, Jonas Christoffersen and Mikael Rask Madsen (2011) brought together many of the (few) political scientists working on the Convention system with leading legal scholars and practitioners on the occasion of the fiftieth anniversary of the establishment of the Court, tackling such themes as the institutional development of the system, judicial voting patterns, the role of NGOs and the sociological construction of the regional human rights 'field'. Yet, while these and a limited number of other works undoubtedly point to the promise of political and social science research on the Convention, they remain relatively isolated studies. There is, in terms of the development of a sustained body of scholarship, something of a 'missing political science' of the Strasbourg system.

Clearly, the present chapter cannot address this wider gap in the literature. It does, however, outline a broadly political understanding of the two major historical phases in the Convention system's development to date,[18] in terms suggestive of the potential for a wider interdisciplinary research agenda. Specifically, attention is first turned to the dynamics of the system's initial 'success', focusing on the establishment and legitimation of the Convention as a Western European system of human rights protection during the Cold War era. This is followed by an examination of the challenges faced by the system in the post–Cold War period. Now serving as the final recourse for the protection of human rights across a vast pan-European community, the Strasbourg Court has seen its role dramatically transformed as it grapples with processes of democratic transition and the situations arising when these transitions falter or fail.

The construction of judicial legitimacy

The Convention, as initially agreed upon in 1950, was a relatively modest document. The list of rights it encompassed was comparatively limited – notably not extending to the social and economic rights covered by the 1948 Universal Declaration of Human Rights. The attendant institutional supervisory mechanisms, bearing the marks of hard-fought political compromise, were also relatively restricted. States were initially obliged only to accept an interstate system of complaints. They could bring cases against one another before the newly established European Commission of Human Rights, which could then issue an advisory opinion. However, the Convention included two optional provisions whereby states could opt in to more expansive control mechanisms. Article 25 provided that states could accept the right of individual petition, allowing individuals to bring cases directly to the Commission once all domestic remedies had been exhausted. Article 46 provided for the establishment of a European Court of Human Rights that could render full judicial decisions against states that accepted its jurisdiction at a second stage of proceedings (after the Commission stage). The strategic 'gamble' of the Convention's drafters was thus that states would progressively come to accept the full system of control structured around a limited core of classic liberal rights.

The Strasbourg institutions were the central actors in this process of legitimation, with the Commission necessarily making much of the early running, later succeeded by the Court. Throughout the 1960s and 1970s, a series of key jurisprudential doctrines were developed which gave practical and often expansive effect to Convention rights, while at the same time displaying a consistent sensitivity to national apprehensions about the emergence of overly intrusive forms of control at the European level. It was this careful balancing act that crucially established the credibility of the Convention institutions among member states, litigants and wider stakeholder communities.

From an early stage, the Strasbourg institutions affirmed that the Convention must be understood as creating 'objective' rights vested in the individual, and consequently cannot be subject to conditions of interstate reciprocity. Similarly, Strasbourg jurisprudence has insisted that the ECHR be interpreted in line with its 'object and purpose' as a human rights treaty. Correspondingly, it cannot be bound by the conventional international law interpretive canon of reading provisions so as to minimize their impact on state sovereignty. In much the same vein, Convention jurisprudence has required that the implementation of rights at the national level must be 'practical and effective' and not 'theoretical and illusory'. Thus, the right to a fair trial is taken to imply the right of access to a court, including the provision of legal aid where necessary.[19] Likewise, Convention rights have been developed through the technique of 'evolutive interpretation'. Following this interpretive technique, the Strasbourg authorities have expanded the scope of human rights protection in accordance with their reading of the evolving consensus of member states. It was, for example, on this basis that the Court found the United Kingdom (as regards Northern Ireland) and the Republic of Ireland to be in violation of the Convention in its seminal 1981 *Dudgeon*[20] and 1988 *Norris*[21] cases, holding that the statutory criminalization of homosexuality no longer corresponded to contemporary European standards.

Balancing this jurisprudential arsenal, the Strasbourg institutions also developed the doctrine of the 'margin of appreciation'. This holds, as regards those rights where states must legitimately balance competing claims, that the European authorities will show a degree of due deference to their national counterparts, insofar as the latter 'by reason of their direct and continuous contact with the vital forces of their countries' are better placed to appreciate the necessity of particular measures or restrictions. In an early case of this type, the Court thus found no violation

with respect to a British ban on the publication of an educational manual for adolescents including frank discussions of drugs and sex, even though the book (*The Little Red Schoolbook*) was freely available in a number of other Convention member states.[22] In so doing, the Court explicitly deferred to the judgement of the national authorities, which were considered to be better placed to make determinations as regards matters of public morals. The application of this principle has, as one would expect, often provoked controversy. Two prominent ECHR experts have, for example, memorably likened the use of the doctrine to a 'spreading disease' (van Dijk and van Hoof 1990: 604–5). Yet, seen from the point of view of the Strasbourg authorities, the margin of appreciation is a necessary 'constitutional principle' providing for the demarcation of the spheres of primary national and subsidiary European responsibility.[23]

This is consistent with the long-term logics that have governed the evolution of the system. The bold jurisprudential strokes of the Court of Justice in Luxembourg find only a partial parallel in Strasbourg. The strategy underlying the development of the ECHR has been rather more one of 'cautious ambition' – pushing at the bounds of public international law, but not seeking to create a new type of legal order. In this respect, it should be underlined that the relationship between Strasbourg and national authorities is not the same as that which prevails under EU law. There has been no preliminary reference mechanism connecting national courts to the European Court of Human Rights.[24] The Convention is also not directly effective in national legal orders. In contrast to the status of direct effect and supremacy enjoyed by EU law, the ECHR has a variable domestic legal status based on different national modes of incorporation. The nexus between the national and the European legal order is thus somewhat more attenuated in the case of the ECHR, and is largely defined by the sanctioning of acts of national authorities, including national courts.

Overall, the initial strategic 'gamble' may be seen to have paid off – but has also shown its limits. The original control system did come to be generally accepted, paving the way for a major reform of the system with the entry into force of Protocol 11 in 1998. This Protocol saw the part-time Court and Commission replaced by a single-tier, full-time Court with a direct right of individual petition. However, it should also be noted that the substantive rights covered by the Convention system have only been very modestly expanded since 1950. Most notably, the development of both social rights and minority rights within the Council of Europe system has taken place through the creation of separate conventions with no provision for judicial oversight.[25]

The challenges of enlargement

The Council of Europe enlarged rapidly in the 1990s. By the end of the decade, 17 post-Communist states had joined, on the road to the Council's now near-comprehensive pan-European membership of 47 states. This rapid enlargement was facilitated by the adoption of a strategy that might be termed 'post-hoc conditionality'. In contrast to the European Union, the Council of Europe, from 1993 onwards, adopted an explicit strategy whereby states deemed not to meet certain minimum entry criteria with regard to democracy and the rule of law were nonetheless permitted to join the organization, on the condition that they submitted to monitored post-accession processes of reform in order to remedy the specified deficiencies. For proponents of the strategy, it was seen as an effective means of reinforcing processes of democratic transition from within the organization. The strategy nonetheless also attracted sharp criticism. Most prominently, the then Deputy Secretary-General of the Council of Europe resigned in protest at what he regarded as an unacceptable dilution of the organization's core values (cf. Harmsen 2001). Yet, whatever the merits of the approach, it dramatically changed

the landscape within which the ECHR system operates, as accession to the ECHR was made a mandatory condition of Council of Europe membership.

Quantitatively, the already marked growth of cases coming to Strasbourg accelerated exponentially. This quantitative explosion may be illustrated by looking at typical caseload figures prior to the wave of post-Cold War enlargements in comparison to those of the current Court. In 1989, 4,923 new petitions were lodged in Strasbourg, of which 1,445 were allocated to a decisional body. Under the old two-tier system, the Commission took 1,338 decisions in that year, finding 1,243 petitions inadmissible and 95 admissible. The Court rendered 25 decisions. By way of contrast, in 2013 the single-tier full-time court received 65,900 petitions. It handed down 87,879 decisions of inadmissibility, as well as 3,659 full judgements on the merits of the case. This left the Court with an accumulated backlog of just under 100,000 cases, down from a high water mark of over 160,000 cases. Put even more starkly, the Court now typically receives around 50 per cent more petitions every year than the Strasbourg institutions had received during the entire period from 1955 until 1988 (44,199).

The geographical distribution of this exponentially expanding caseload must also be underlined (cf. Harmsen 2010: 30–2). The 'old' West European democracies now account for only about 20 per cent of the Court's caseload at both the petition and the judgement stage. In contrast, the post-Communist states annually account for around 70 per cent of the petitions received, and between 50 and 60 per cent of the judgements rendered.[26] Moreover, the vast bulk of cases typically originate in only a small number of member states. In 2013, for example, five countries alone – Russia, Ukraine, Turkey, Italy and Serbia – accounted for two-thirds of petitions received.

This geographic shift in the focus of the Court's attention has further been accompanied by a qualitative shift in the types of cases coming to Strasbourg. Most immediately, the Court found itself playing an important role in processes of democratic transition. Here, the Court has frequently been called upon to establish the extent to which temporary limitations on specific rights (such as lustration or disenfranchisement measures) fall within the national margin of appreciation, insofar as such restrictions could be argued to be in the long-term interests of consolidating newly (re-)established democratic regimes (Varju 2009). The Court has further more generally served as a buttress supporting processes of democratic reform, in particular by enhancing the legitimacy of a number of constitutional courts through the development of strong, mutually reinforcing judicial dialogues (Sadurski 2012: 1–51).

If the Strasbourg Court has played a perhaps underestimated role as a positive agent of change in processes of democratic transition, one must, however, also acknowledge that the contemporary Convention community further extends to a significant number of countries in which reform processes have not been successful – at best stalling, if not being subject to direct reversal. The Court must now deal with situations in which an effective, independent judiciary simply does not exist at the domestic level.[27] Still more dramatically, the Court has been confronted with situations of armed conflict, where sovereignty is fundamentally contested and a stable politico-legal order does not exist.[28] Cases stemming from the conflicts in Abkhazia, Chechnya and Transnistria have all found their way on to its docket.[29]

In light of these major challenges, it is unsurprising that discussions concerning the reform of the ECHR system have become a constant refrain (Harmsen 2011). Much of this debate has focused on 'the numbers', essentially seeking ways to prevent the Court from being 'asphyxiated' by its growing caseload, in the telling terms used by former Court President Luzius Wildhaber (2002: 164). The emphasis here is particularly on procedural measures intended to allow the Court to dispose (even more) expeditiously of the over 90 per cent of applications ruled to be

inadmissible at the first stage of proceedings. Protocol 14, which finally entered into force in 2010 after lengthy Russian obstruction, introduced a modest package of provisions in this direction. Nevertheless, even as this protocol was being adopted, strong views were expressed from within both the Court and the wider expert community that further and deeper reform would be necessary if the system was not to collapse under its own weight. A further round of reform discussions was consequently opened, beginning with the high-level Interlaken meeting in 2010, and carried forward by two further meetings at Izmir (2011) and Brighton (2012). This, in turn, led to the opening of two new reform protocols for ratification in 2013.[30]

Although attention has understandably focused on immediate measures to alleviate caseload pressures, the reform of the Convention system cannot be understood only in terms of the 'nuts and bolts' of procedural tinkering. Increasingly, it must also be understood as posing more of an existential question, asking what purposes the ECHR is fundamentally intended to serve in relation to its much enlarged, highly diverse community of member states. Relative to this existential question, recent years have seen the emergence of a debate between 'constitutional' and 'individual justice' interpretations of the Court's role (Greer 2006: 165–74; Harmsen 2007). The 'constitutionalists' argue that the fundamental role of the Court is as that of a European standard-setter, with individual cases serving primarily as the 'raw material' from which it shapes these wider principles. The proponents of the 'individual justice' position, conversely, argue that the provision of effective remedies in individual cases is the institution's *raison d'être*, and that to abandon this function in favour of a more selective constitutional mission would risk undermining the Court's legitimacy. The debate has engaged members of the Court, academics and practitioners on both sides, marking the first such broad public airing of concerns about the institution's long-term direction.

Conclusion: inter-Court relations and EU accession to the ECHR

The previous sections have briefly surveyed the growing importance assumed by the Court of Justice of the European Union and the European Court of Human Rights in wider political processes. Yet, as outlined in the introduction to this chapter, these European Courts cannot be understood in isolation; the specific roles that they have respectively assumed must be situated relative to European (and international) trends regarding the 'judicialization' of politics. Each of the previous sections has touched on elements of this broader canvas, with reference to the patterns of relationships between the European Courts and their national counterparts, as well as to questions concerning the levels of member state support or resistance. Nevertheless, one key element in this pattern of relationships has not yet been discussed: the relationship between the Luxembourg and Strasbourg Courts themselves. The different dimensions of this relationship are the focus of this concluding section.

The relationship between the two Courts most obviously concerns the development of case law in areas of intersecting concern. Prompted by national constitutional courts, the Court of Justice has, since the 1970s, developed a human rights jurisprudence in the context of EU law with reference to the ECHR, as well as to other international instruments and national constitutional traditions. The adoption of the EU's own Charter of Fundamental Rights – as a declaratory instrument in 2000 and with binding force since 2009 – has added a further human rights dimension to the work of the Luxembourg Court.[31] As it has assumed these roles, the potential for conflicts or divergences with Strasbourg jurisprudence has heightened. Historically, a limited number of comparatively prominent instances of such divergence may be identified, usually corresponding to a situation in which the Luxembourg Court privileged market

regulation concerns over individual rights considerations when balancing competing claims (cf. Lawson 1994; Spielmann 1999). Nevertheless, the long-term trend has clearly been one in which the two Courts have displayed a growing awareness of each other's jurisprudence, generally adopting positions that minimize or avoid the possibility of direct conflict (cf. Douglas-Scott 2006).

This evolution of case law is in turn linked to the development of the patterns of politico-diplomatic relationships between the two Courts. As Laurent Scheeck (2005, 2010) highlights, the two Courts have become increasingly 'entangled'. This entanglement stems in part from the direct multiplication of contacts between the members of the two Courts, notably at the highest level. It is also grounded in wider processes of 'transnational socialization', whereby strategically placed legal elites have increasingly redefined themselves in relation to a shared European legal field. Yet, despite this growing sense of common interests, Scheeck further notes that the relationship between the Strasbourg and Luxembourg Courts may nonetheless still appear to be 'relatively brittle' (Scheeck 2011: 179). In effect, the relationship between the two Courts reflects the dual character of judicialization discussed in the introduction. Here, as elsewhere, courts may be seen to have a shared interest in the overall enhancement of the judicial role, but also possibly divergent interests as regards their relative status or positions.

This duality is perhaps nowhere more in evidence than in the current negotiations concerning the accession of the European Union to the European Convention on Human Rights.[32] Overcoming various historical pockets of resistance, the principle of such an accession has now become a matter of broad consensus, as evidenced by the inclusion of general provisions providing for accession in both Protocol 14 to the ECHR and the EU's Lisbon Treaty. Nonetheless, though the principle has been accepted, the negotiations, formally opened in 2010, have proved to be a predictably thorny affair. Apart from (devilishly complex) technical considerations, one of the main areas of discussion has concerned a demand made by the Court of Justice to establish a 'prior involvement' mechanism, whereby it could ensure that it would have the opportunity to pronounce on any possible violation of Convention rights within the remit of EU law before the case is heard in Strasbourg. While this mechanism has largely met with acceptance in the negotiations to date, the proposed terms of its operation have fuelled concerns amongst the non-EU members of the Council of Europe regarding the emergence of a potentially inequitable dual-track system.

Indeed, more generally, it should be recalled that the relationship between the Strasbourg and the Luxembourg Courts concerns not just the two judicial bodies, but also the broader patterns of relationships between the 'Europe of the 28' and the 'Europe of the 47'. The questions raised are thus eminently political ones, not least concerned with the (often criticized lack of) coordination between the EU's internal and external human rights dimensions (Alston and Weiler 1999; Williams 2005), as well as with the place of countries such as Russia, Turkey and Ukraine in relation to various forms of European cooperation. Ultimately, we are thus led back to quite traditional geopolitical considerations, in which spheres of influence and power may be seen to delimit the effective reach of a distinctive European model of governance that has placed sovereignty under the rule of law.

Notes

1 Case 26/62 *Van Gend en Loos* v *Nederlandse Administratie der Belastingen* [1963] ECR 1.
2 Case 6/64 *Costa* v *ENEL* [1964] ECR 585.
3 Case 11/70 *Internationale Handelsgesellschaft* v *Einfuhr-und Vorratsstelle für Getreide und Futtermittel* [1970] ECR 1125, Case 92/78 *Simmenthal SpA* v *Commission* [1979] ECR 777.
4 See note 1.

5 The interplay between various professional interests and logics in the creation of a 'field' of European law is the subject of an important (predominantly francophone) body of political sociology literature. For an overview, see Vauchez and de Witte (2013).

6 For a prominent critique of Rasmussen (1986), see Weiler (1987). The more general 'critical turn' in EU legal studies during this period may also be seen in commentaries such as Coppell and O'Neill (1992) and Mancini (1991).

7 See, for example, Alter (2001), Arnull (2006), Dehousse (1998) and Slaughter *et al.* (1998).

8 Cf. Case 283/81 *Srl CILFIT and Lanificio di Gavardo SpA* v *Ministry of Health* [1982] ECR 3415.

9 Case 120/78 *Rewe-Zentral* v *Bundesmonopolverwaltung für Branntwein* [1979] ECR 649.

10 Case 8/74 *Procureur du Roi* v *Dassonville* [1974] ECR 837.

11 Case C–341/05 *Laval un Partneri Ltd* v *Svenska Byggnadsarbetareförbundet* [2007] ECR I-11767; Case C–438/05 *International Transport Workers' Federation* v *Viking Line* [2007] ECR I-10779.

12 Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services [1997] OJ(L)18 1–6.

13 *Laval* para. 74.

14 Court of Justice Annual Report 2012, I-D, p. 89; II-C, p. 181.

15 Court of Justice Annual Report 2004, I-A (1.3), p. 13.

16 These questions are currently the focus of a study funded by the European Research Council on the Court (2013–17) conducted by McAuliffe (2014).

17 Major textbook surveys of ECHR case law include: Harris *et al.* (2009), Janis *et al.* (2008), Mowbray (2012) and White and Ovey (2010).

18 For an excellent historical overview of the ECHR, see Bates (2010). By way of complement, Goldhaber (2007) engagingly details the background and significance of a selection of landmark cases with a strong emphasis on the personal stories of the individual litigants.

19 See *Airey v Ireland*, ECtHR decision of 9 October 1979 on application no. 6289/73, 2 EHRR 205.

20 *Dudgeon v the United Kingdom*, ECtHR decision of 22 October 1981 on application no. 7527/76, 4 EHRR 149.

21 *Norris v Ireland*, ECtHR decision of 26 October 1988 on application no. 10581/83, 13 EHRR 186.

22 *Handyside v the United Kingdom*, ECtHR judgement of 7 December 1976 on application no. 5493/72, 1 EHRR 737.

23 Protocol no. 15, opened for signature in June 2013 (and requiring ratification by all state parties), provides for the inclusion of the 'margin of appreciation' principle in the preamble of the Convention itself.

24 Protocol no. 16, opened for signature in October 2013, provides states with the option of allowing their national high courts to request advisory opinions from the Strasbourg Court on questions concerning the interpretation of the Convention. It will come into force for those states that have chosen to 'opt in' after ten states have ratified.

25 The original European Social Charter was adopted in 1961 and first came into force for those states that had ratified it in 1965. A revised treaty was adopted in 1996 and first entered into force in 1999. The Framework Convention for the Protection of National Minorities was adopted in 1995 and first entered into force in 1998. The wider functions of the Council of Europe are surveyed in Bond (2011).

26 Turkey is something of an anomalous case relative to this broad-brush categorization, being neither a post-Communist state nor an 'old' democracy. A Council of Europe member since 1949, Turkey participated in the initial drafting of the ECHR and ratified the Convention in 1954. Nonetheless, under the pre-Protocol 11 regime, it only very belatedly accepted the right of individual petition (1987) and the jurisdiction of the Court (1990). This produced, in the mid-1990s, the first major wave of cases in which the Strasbourg Court was confronted with serious, systemic problems of human rights protection, particularly concerning the treatment of the country's Kurdish minority. In more recent years, Turkey has generally accounted for around 20 per cent of judgements delivered and 10 per cent of petitions filed. See Kaboğlu and Koutnatzis (2008).

27 See, for example, *Burdov v Russia no. 2*, judgement of 15 January 2009 on application no. 33509/04, 49 EHRR 2, concerned with the provision of adequate remedies for the non-execution of judicial decisions. See also the discussion of the case in Leach *et al.* (2010).

28 See, notably, *Assanidze v Georgia*, judgement of 8 April 2004 on application no. 71503/01, 39 EHRR 653 and *Ilaşcu and Others v Moldova and Russia*, judgement of 8 July 2004 on application no. 48787/99, 40 EHRR 46.

29 On the Chechen cases, see Leach (2008).

30 See notes 23 and 24.
31 It should be emphasized that the Court of Justice is only empowered to adjudicate on human rights questions within the remit of EU law – i.e. with regard to EU institutions and member states when discharging their EU obligations. Unlike the ECHR, it does not have a general human rights jurisdiction.
32 The background to and main issues posed by accession are surveyed in Gragl (2013) and Kosta *et al.* (2014).

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16

Democracy in Europe

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The democratic legitimacy of the European Union has been a matter of contention ever since the 1990s, when the question of the European Union's democratic deficit first arose. Answering that question has engendered countless studies, with some scholars considering the EU's democratic legitimacy in terms of its institutional form and practice as a system of governance, while others have focused on its interactive construction in the 'European public sphere'. Regardless of their approach, scholars have tended to frame their principal arguments about EU legitimacy using concepts borrowed from systems theory. This discussion has primarily centred on the trade-offs between the *output* effectiveness of EU policy results *for* the people and the *input* participation *by* the people in EU policy-making. By conceptualizing the democratic dilemma in this way, most scholars have failed to examine what goes on in the 'black box' of governance between input and output, which we here call 'throughput'. This view of the EU's internal governance processes encompasses their efficacy, accountability, transparency and openness to consultation *with* the people. However, throughput does not entail the same trade-offs as output and input, whereby good output generally compensates for little input and a lot of input can make up for failed output. Instead, the impact of throughput is generally felt only when it is problematic, due to its negative effect on input and output. This is especially important for the EU, where throughput has been central to attempts to increase legitimacy.

Complicating any assessment of the democratic legitimacy of the EU is the organization's impact on national democracies. The very existence of the EU's supranational institutions (whatever their democratic properties and claims to legitimacy via input, output or throughput) alters the operations of national institutions, along with their democratic properties and traditional claims to legitimacy. The EU's assertion that it is above national politics ('policy without politics'), even as it increasingly takes over policies that traditionally have been decided at the national level, has reduced national polities to merely 'politics without policy'. This has had a deleterious effect on national democracies; national citizens no longer feel that their political input matters, as it has little impact on EU throughput processes and output policies. In the case of the Eurozone crisis, this problem has been exacerbated by the fact that the output policies are actually intensely political (and conservative), while the throughput processes have become highly inter-governmental. As the Council has come to monopolize Eurozone policy-making, the Commission has become little more than a secretariat for the Council, and the European Parliament (EP) plays only a minor role.

The chapter begins with a general discussion of the criteria necessary for an assessment of democracy in Europe; each of the three criteria is then considered in turn. They are illustrated using cases of EU governance in a range of areas, but focused in particular on the Eurozone crisis, since this has arguably been the greatest challenge to democratic legitimacy since the EU's inception.

Conceptualizing democratic legitimacy in the EU

Scholarly work on democratic legitimacy in the EU has often used the language and concepts of systems theory, mainly based on the work of David Easton (1965) as updated and elaborated in particular by Fritz W. Scharpf (1970, 1999, 2014). Output legitimacy describes the acceptance of the coercive powers of government '*for* the people' so long as their exercise is perceived to serve the common good of the polity and is constrained by the norms of the community. Input legitimacy represents the exercise of collective self-government '*by* the people', ensuring government responsiveness to its citizens' preferences, as shaped through political debate in a common public space and political competition in institutions that guarantee the accountability of political officials via general elections. In brief, while output legitimacy is based on appropriate policy ideas with effective outcomes, input legitimacy requires citizen participation and representation through public debates and elections in a common arena.

Scholars have tended to identify the EU's output legitimacy in terms of its institutional performance and/or its identity construction and communication. From the institutionalist perspective, the EU's output legitimacy depends on the policy-related performance of its 'non-majoritarian' institutions, such as the European Central Bank (ECB), the European Commission's Competition Authority, the European Court of Justice (CJEU) and other regulatory bodies (e.g. Majone 1998), and that of its balanced institutional structures, including the European Parliament and the Commission (e.g. Moravcsik 2002), as well as the community-enhancing performance of the policies themselves (e.g. Caporaso and Tarrow 2008; Menon and Weatherill 2008). On the constructivist side, output legitimacy instead relies upon the extent to which EU policies resonate with citizen values and build identity (Cerutti 2008). Also important is how these policies are legitimated (or not) in the 'communicative discourse' between EU leaders and the public (Schmidt 2006, 2008), whether through elite narratives (e.g. Leca 2010), media discourses (e.g. Koopmans 2004; Eder and Trenz 2007) or other 'communicative' actions of elites and citizens in the public sphere (e.g. Habermas 2001; Bellamy and Castiglione 2003; Risse 2010: 107–76).

Researchers generally link the EU's input legitimacy to its institutional avenues for citizen participation and representation and/or to how these contribute to the construction and communication of a collective political will or identity. For institutionalists, input legitimacy is related to the EU's 'majoritarian' institutions (such as the European Parliament and the Council) and to practices involving the representation of citizen demands, primarily through elections (e.g. Mair 2006; Hix 2008), although more recently some scholars have also considered the representation of interest groups and networks (e.g. Kohler-Koch 2010). The constructivist view of input legitimacy is instead focused on the ideas and communicative processes involved in elections and other forms of discursive interactions with the public and civil society, as well as how these may contribute (or not) to the construction of a sense of collective identity and/or the formation of a collective political will in the European 'public sphere' (e.g. Zürn 2000; Lucarelli *et al.* 2010; Risse 2010: 127–57).

Missing from this conceptualization of legitimacy has been a systems concept that would separate out the processes that absorb the input and generate the output, notionally situated in

a neglected 'black box' of governance. Borrowing from systems theory, I call this concept 'throughput' legitimacy, expanding on Easton's term, which is limited to bureaucratic practice (Schmidt 2013; see also Zürn 2000; Benz and Papadopoulos 2006; Holzhacker 2007; Risse and Kleine 2007). This concept encompasses not only the internal processes and practices of EU governance but also – adding a preposition to Abraham Lincoln's famous phrase (government *of*, *by* and *for* the people) – interest intermediation *with* the people (Schmidt 2006).

Under this third criterion for legitimation, scholars are also divided between institutionalist concerns over the quality of the policy-making processes and the constructivist concentration on the quality of the norms and deliberations involved in such processes. Institutional throughput legitimacy is dependent upon the efficacy of the decision-making processes (e.g. Scharpf 1988), the accountability of those engaged in making the decisions (e.g. Harlow and Rawlings 2007), the transparency of the information (e.g. Héritier 2003) and the processes' inclusiveness and openness to consultation with the interest groups of 'civil society' (e.g. Greenwood 2007; Coen and Richardson 2009). Constructivist throughput legitimacy is additionally dependent upon the quality of the values governing the processes, such as how ethics and accountability have been defined over time (e.g. Cini and Pérez-Solórzano Borragán 2011), as well as the quality of the deliberations and 'communicative action' involved in such governance processes (Habermas 1996, 2001; Risse 2000). These include the institutionalized deliberations of experts (e.g. Joerges and Neyer 1997), the debates of the European Parliament (e.g. Eriksen and Fossum 2002) and the involvement of civil society in interest-related consultations with EU institutions (Smismans 2003; Kröger 2008; Liebert and Trenz 2009) and in *ad-hoc* deliberative forums such as the Constitutional Convention (e.g. Risse and Kleine 2007). Constructivist throughput could even be conceived of in terms of informal supranational 'discursive representation' (Dryzek and Niemeyer 2008), as when INGOs such as Greenpeace or significant personalities like Habermas articulate a discourse about what the EU ought to do that has an impact on policy-makers and their deliberative processes.

Thus, the quality of the governance processes, not just the effectiveness of the outcomes or the participation and representation of the citizenry, is an important criterion for evaluating EU legitimacy. This has long been one of the central ways in which EU institutional players have sought to counter arguments about the dearth of the EU's input legitimacy and to reinforce claims of its output legitimacy. In so doing, they have operated under the assumption that good throughput can serve as a kind of *cordon sanitaire* for the EU, ensuring the trustworthiness of its processes and thereby functioning as reinforcement – or, better, reassurance – of the legitimacy of EU-level output and input (Schmidt 2013: 3, 9, 14).

However, one should not assume that throughput practice therefore represents a legitimizing mechanism on a par with input participation or output results. Whereas input politics and output policy can involve trade-offs with regard to democratic legitimacy (whereby more of one makes up for less of the other), throughput does not interact with output and input in the same way. While weak citizen input may be offset by good policy output, and a lot of citizen input can legitimate a policy even if it is ineffective, high-quality throughput does not compensate for either bad policy output or minimal input participation, however efficacious the rules, however accountable the actors or however transparent, open and accessible the process. In contrast, bad throughput – consisting of oppressive, incompetent, corrupt or biased governance practices – is highly likely to undermine public perceptions of the legitimacy of EU governance, and it can even cast doubt on input and output by seeming to skew representative politics or taint policy solutions (Schmidt 2013: 3, 9, 18).

The multi-level nature of the EU system further complicates matters, since these legitimizing mechanisms are largely split between EU and national levels. Because the EU lacks the input

politics of a directly elected government, its democratic legitimacy rests primarily on output policies and throughput processes at the EU level. Input legitimacy is situated mainly at the national level, where institutions have been relegated to 'politics without policy' as policy decisions are increasingly moved to the EU level, leaving the politics of the left and right to the national arena. At the EU level, this lack of left–right politics makes for 'policy without politics', since the EU's policy output via its throughput processes provides little opportunity for input politics (Schmidt 2006). As a result, in the EU the politics of the left and right are mostly overshadowed by the politics of national interests in the Council (where member states bargain on the basis of national preferences and concerns), the politics of the public interest in the European Parliament (in which consensus and compromise are the rule, given that supermajorities are needed to prevail in co-decision procedures), the politics of organized interests in the Commission (whose focus is on pluralist policy formulation) and/or the politics of technocratic interests in the technical implementation of EU policy (Schmidt 2006: 21–9). Consequently, there is generally neither the desire for the kinds of political debates that are the daily bread of national politicians, nor is there the opportunity, given the absence of a clearly visible and integrated European-level arena for discussion and deliberation. Moreover, the very language and discourse at the EU level tends to be apolitical and technocratic, in part to enable EU leaders to cast their discussions of EU policies in whatever way they deem appropriate for their national political audiences (Schmidt 2006; Barbier 2008).

The Eurozone crisis has only exacerbated this lack of political debate (input), given the decision-making processes (throughput) that include the absence of EP involvement in most Eurozone decisions, the increasing primacy of intergovernmental decision-making by the Council in closed-door bargaining sessions, the technocratic rule of the Commission following those decisions and the independent role of the ECB. All of these factors combine to reinforce the perception of EU output policies and throughput processes with regard to the Eurozone as highly apolitical. However, in reality the EU's economic policies (output) are highly political and conservative, generally following ordo-liberal (German) theories on the need for austerity rules to ensure 'sound money' and 'stable finance' and neo-liberal ideas of 'structural reform' in response to problems of growth (see Jones 2013; Schmidt and Thatcher 2013). Moreover, the EU-level throughput processes imposing these policies remain largely inaccessible to EU citizens, whose political input is supplied primarily at the national level and has no impact on EU output policy. Governments, moreover, have increasingly focused on 'responsible' governance (in tune with output legitimacy, as defined by the EU) as opposed to 'responsive' governance (which would be more in tune with input legitimacy) (Mair 2013). As a result, since the crisis began, citizens' attitudes towards both their national governments and EU governance have deteriorated dramatically, in lock step with their economies.

Output legitimacy

In the early years of the EU, scholars and policy-makers generally assumed an input–output trade-off to the benefit of output, with the 'permissive consensus' based on EU citizens' general satisfaction with effective output policies explaining their seeming lack of concern over the paucity of opportunities for participatory input. In the years since, some scholars have continued to maintain the primacy of output legitimacy, citing the virtues of the EU's independent regulators (Majone 1998), its multiple veto systems and balanced institutions (Moravcsik 2002), and the consequent effectiveness of the EU's policy results – including most notably the Single Market, the single currency and the wide range of guaranteed citizen rights (e.g. Caporaso and Tarrow 2008; Menon and Weatherill 2008). But however good such output may be, any line of reasoning

that bases legitimacy on the results of the EU's regulatory functions, structural checks and balances or functional performance makes three questionable assumptions: first, that output is necessarily good simply because it is produced by independent regulators, an assumption that Majone (2009) himself now questions; second, that the EU's output cannot be bad simply because its system features multiple vetoes; and, third, that its policies intrinsically serve the general interest.

The first assumption fails to acknowledge the difference between non-majoritarian institutions at the national level, in which legitimacy devolves in large part from the fact that they operate in the 'shadow of politics', and those at the EU level, where they are removed from all political control (Scharpf 2010). Second, there is no guarantee that the EU's multiple-veto institutional structures will produce effective policies (or any policies at all), given the dangers of gridlock associated with the EU's 'joint decision trap' (Scharpf 1988). Even if there were such a guarantee, the assumption that checks and balances are in themselves democratic and legitimate takes as a fundamental premise the appropriateness of thwarting majoritarian expressions of the popular will; this may be accepted as legitimate practice in compound federal systems such as Germany or the US, but not in simpler unitary states like France and the UK (Schmidt 2006: Ch. 2). Third, there is no certainty that the EU's non-majoritarian output policies are in the general interest, as is clear from the increasing contestation of decisions by EU institutions. These include the Commission's initial services directive, which sparked massive protests before it was revised, and the European Court of Justice's (ECJ) decisions in the *Laval* and *Viking* cases, which curtailed national unions' right to strike in favour of the free movement of labour – causing major problems for countries with strong corporatist systems but without a minimum wage, in particular Sweden and Germany. Although these cases could be viewed positively from an EU-level perspective as promoting Polanyian market-correcting governance for all Europeans (Caporaso and Tarrow 2008), they can just as readily be seen negatively from a national-level perspective as the neo-liberal post-Polanyian destruction of national labour relations and welfare systems (Höpner and Schäfer, 2007; see also Chapter 39).

This last problematic assumption illustrates yet another drawback to institutionally based output legitimacy: the performance-based legitimacy of institutionalist analyses fails to address the constructivist foundations of legitimacy that require outcomes to resonate with substantive values and principles guiding the performance, and with the norms that make that performance valued (Cerutti 2008). In other words, even if policy performance is optimal in institutional output terms, if the actual content of the policy clashes with national values, principles or identity, then its constructive output legitimacy is still questionable. This need not be a passive exercise, however, since political elites generally seek to legitimize policies and to build identities through communicative discourses with their citizens (Schmidt 2006, 2008) – for example by highlighting the benefits of the single currency in the run-up to Economic and Monetary Union (EMU) (Dyson 2002), fostering certain kinds of EU norms and values such as the 'European Social Model' (Barbier 2008) or casting the EU as a 'normative power' in the world (Manners 2002; Laïdi 2008).

That said, no amount of constructive output via discourse would serve to legitimate the EU if words are not followed by actions. After all, what does 'normative power Europe' really mean if the EU cannot deliver, as demonstrated by the Copenhagen Environmental Summit? What use is the 'European Social Model' as inequalities soar between as well as within member states, in particular those in the Southern and Eastern European periphery that are subject to the deflationary and recessionary austerity programmes linked to their loans from the EU and IMF?

Equally problematic is when output policy ideas are followed by actions that fail to produce the promised output results – as has occurred in the Eurozone crisis. The EU's output policies related to European monetary integration have largely been the products of conservative ordo-

liberal ideas about the proper rules-based underpinnings of monetary union, accompanied by neo-liberal theories on the use of 'structural reform' to increase the flexibility of labour markets and rationalize the welfare state (Jones 2013; Schmidt 2014a). However, these have been presented as apolitical technocratic solutions within the context of the EU's 'policy without politics'. These policies only became more recognizable as political once progressive ideas focused on growth were introduced to the debate in late 2011 and early 2012 by new Italian and French leaders, although this did nothing to change the output policies or the continued economic decline of countries subject to conditionality. Without positive outcomes, neither words nor actions legitimating output policies can make up for the absence of input politics.

Input legitimacy

Most scholars have long insisted that the EU has insufficient input legitimacy, largely due to the absence of a government that citizens could vote in or out. This makes it impossible for 'the people' to directly express their approval or disapproval of EU policies (Scharpf 1999), thus ensuring national-level 'politics without policy' in areas where the EU has jurisdiction. European leaders in the Council have tended to dispute this on the grounds that, in representing their citizens in Council deliberations, they provide indirect input legitimacy. However, this argument fails to recognize that where member states in the Council impose decisions on European citizens other than their own, they do not meet the requirements of input legitimacy (Scharpf 2014). Moreover, it mistakes Council meetings for representative forums of deliberation, which they are not; these meetings have more in common with the hard-bargaining arenas of supranational treaty organizations. In the governance of the Eurozone crisis, what EU leaders who assume their intergovernmental decision-making to be input-legitimate fail to realize is that their negotiations give those leaders with the greatest bargaining power (i.e. those from the most economically powerful countries) an undemocratic advantage in the closed-door negotiating sessions of the Council (Schmidt 2013).

In fact, the European Parliament is the only EU institution that directly represents citizens. However, this in itself does little to remedy the EU's paucity of input legitimacy, as EP elections suffer from high rates of abstention and are generally second-order elections in which national problems are more salient than EU issues (Mair 2006; Hix 2008), although this is likely to change with the next EP elections in 2014, due to the impact of the Eurozone crisis. However, in the governance of the Eurozone during the crisis, the EP has been largely marginalized, as most decisions have been taken by the Council and/or through international treaties with the IMF, from which the EP is excluded by international law.

The EU also increasingly suffers from a 'constraining dissensus' (Hooghe and Marks 2009) that has replaced the permissive consensus of the early years. This is the result of the emergence of new cleavages between citizens whose vision of Europe is more open, liberal and cosmopolitan and those with more closed, xenophobic and nationalist (or even EU-regionalist) orientations (Kriesi *et al.* 2008). This trend raises the spectre of mobilization on EU-related issues in terms of identity politics, especially on the right (Hooghe and Marks 2009), as well as threatening the gradual awakening of the 'sleeping giant' of cross-cutting cleavages between pro-European 'cosmopolitans' and Eurosceptic 'nationalists' in mainstream parties of the right and the left (van der Eijk and Franklin 2007).

For constructivist scholars, all the above problems are compounded by the thinness of the communicative processes that articulate citizen ideas and concerns in the European public sphere. The lack of a common European language, a European media or a European public opinion ensures that the communicative discourse comes largely by way of national political actors speaking

to their national publics in national languages, as reported by national media and digested by national opinion (Grimm 1995; Habermas 1996; Weiler 1999). The resulting fragmentation of discourse may be somewhat attenuated by the developing European 'community of communities' (Risse 2010); however, the institutional input reality is that without a Europe-wide representative politics to focus debate European political leaders have little opportunity to speak directly to the issues, and European publics have limited ability to deliberate on these issues or to state their opinions directly through the ballot box. Moreover, the EU's 'policy without politics' further alienates citizens whose political concerns on the left/right spectrum may be neglected both in the discussions of the Council and in the EP. Parliamentary debates are focused on the brokering of consensus among disparate parties to reach supermajorities for votes governed by the co-decision process, which naturally downplays left/right differences.

So is the answer to introduce more 'politics with policy' at the EU level, as many scholars advocate, in an effort to diminish the EU's input 'democratic deficit'? Some have resisted this suggestion because they view politicization as deleterious to the EU's output effectiveness; others worry that it is too soon for any such politicization, given the current legitimacy problems related to the lack of citizen identity, collective will and a fully developed public sphere (Scharpf 1999; Bartolini 2005). However, other scholars maintain that, whatever the pros and cons of the argument, the cat is already out of the bag; the question now is how the EU should be politicized within the context of its current institutional set-up. The politicization of the EP in the 2014 elections by parties running candidates for the office of Commission President can be seen as a step in this direction. Whether it was the right step remains in question, however, given the rise of Euroscepticism resulting from the Eurozone crisis. One concern prior to the elections was that the politicization of the EU might result in its delegitimation, should the EP elections produce large numbers of MEPs from the extremes, leaving a very thin centrist majority. As it turns out, while the number of anti-EU or anti-euro MEPs did increase appreciably, a sizeable centrist majority of the three major parties remains to legislate as part of a 'grand coalition'. But whatever the future holds, it is clear that the EU needs institutions that can better respond to input and produce better output, which is the domain of throughput legitimacy.

Throughput legitimacy

Throughput legitimacy covers everything that transpires between the input and the output, encompassing issues of accountability, transparency, inclusiveness and openness. Unlike input politics and output policies, where more of either is likely to increase the public's sense of demo-cratic legitimacy, better throughput may have little effect on public perceptions of legitimacy; however, worse throughput via corruption, incompetence or exclusion could be disastrous. For this reason, in the multi-level EU throughput can be seen as functioning as a *cordon sanitaire*, allowing the EU to disappear from public view, leaving both national input politics and EU output policy front and centre.

In response to the concerns over the EU's lack of input legitimacy, EU institutional actors have long sought to remedy perceived problems by ameliorating throughput processes. The most significant effort in this regard has been the incremental growth over time of the co-decision processes of policy-making, which have served to increase the powers of the European Parliament. Certain other measures intended to create avenues for citizen input have also been important, at least symbolically; these include the Maastricht Treaty's creation of an EU ombudsman and the Lisbon Treaty's establishment of the European Citizen's Initiative, which gives citizens the right to be heard via petitions with sufficient signatures and national parliaments the right to prior scrutiny of EU legislation to ensure that subsidiarity is respected.

With regard to throughput processes promoting greater citizen access to decision-making, the Commission has sought to foster 'civil society' participation in decision-making (using language that suggests input responsiveness). This has primarily entailed consultation with interest groups, especially business, unions and public interest groups (Smismans 2003; Kohler-Koch 2007). In this context, although the Commission has made efforts to meet with underrepresented groups, access and inclusiveness remain debatable (Kröger 2008), in particular given the difficulties of transnational mobilization (Imig and Tarrow 2001; Della Porta 2009). The Commission has also attempted to improve general transparency by providing greater access to the mountains of EU documents and materials; however, this move creates the potential of information overload and thus, perversely, less transparency (Héritier 2003). It has additionally worked to increase its own accountability by introducing new accounting rules with tighter controls on expenditure procedures, to the point of creating massive inefficiencies in contracting and reporting.

Although institutional quality in terms of access, accountability and transparency remains problematic, the constructive quality of the deliberative processes in particular areas has improved through experimentation with new forms of governance. Most notably, Commission-led, consensus-focused intermediation with experts in the comitology process (such as peer reviews in forums, networked agencies, councils of regulators and the open method of coordination) has resulted in more dynamic accountability in comparison to the (rationalist) rule-compliance of the older forms of governance (see, e.g., Sabel and Zeitlin 2010: 12–17). Similarly, improvements in transparency have involved not just the publication of rules and information but also efforts to ensure that networked governance establishes procedural requirements for active participation by a broad range of stakeholders in regulatory decision-making (Sabel and Zeitlin 2010: 18–20).

The institutional efficacy of policy formulation has also improved. For example, the institutional partners in joint decision-making (including the European Commission, the Council and the EP) have made the co-decision process function more efficiently through fast-track legislation via early agreements. However, this has come at the expense of transparency, accountability and input, in particular due to the short-circuiting of parliamentary debate and the exclusion of the views of smaller party groupings (Dehousse 2011; Héritier and Reh 2011). Transparency and accountability also suffer from the secrecy of Commission and Council meetings, especially since this secrecy makes scrutiny by the EP impossible in key domains (Novak 2011). Certain decision rules are a further major impediment to efficacy, specifically the unanimity rule for treaties, whereby the ability of any member state to veto any agreement can lead to treaty delays, dilution or deadlock (Schmidt 2009: 28–32).

Finally, the EU's 'policy without politics' is also an issue for throughput legitimacy. This feature is the result of conscious attempts by the Commission to depoliticize EU policy formulation by presenting its initiatives in neutral or 'reasonable' language and using communications techniques such as its 'Plan D for Democracy' (Barbier 2008: 231–2), leaving it to national politicians to 'spin' EU policy whichever way they deem appropriate. This has ensured that even as the Commission seeks to make EU policy-making processes more legitimate via accountability, transparency, inclusiveness and openness, these processes will generally disappear from public view – as long as the Commission avoids any negative throughput via oppressive rules, scandals, corruption, bias or even simple incompetence. In so doing, the Commission has reinforced the 'accountability paradox' (Wille 2010: 84–5): increasing the focus on the Commission's internal accountability, which Lord (2004) has suggested makes it the most controlled executive in the world, has done nothing to solve 'the problems of rendering accounts externally'. Thus, the EU continues to be invisible to the public, remote and seemingly unaccountable – which has become a major problem as a result of the Eurozone crisis.

The Eurozone crisis has also undermined the EU's traditional 'democratic settlement', a balance among institutional actors using a range of different throughput processes, including intergovernmental, supranational, joint decision-making and the open method of coordination. Recently, in addition to the increasing intergovernmentalism of the Council and marginalization of the EP, a new kind of supranationalism has arisen in the Commission, where a focus on rule-compliance accountability has restricted the institution's margins for manoeuvre. Examples of this trend include numerically targeted automatic mechanisms, 'golden rules' and technocratic rule-based oversight (e.g. the 'European Semester' allowing the Commission to vet national budgets), all of which lack elements of the dynamic deliberative accountability required to ensure that rules are well adapted to various countries' economic realities.

In the absence of any deeper political integration that could provide greater input legitimacy and control, the EU has ended up 'governing by the rules' and 'ruling by the numbers' (see Schmidt 2014a). In quick succession, EU leaders approved the so-called 'Six Pack', 'Two Pack' and the 'Fiscal Compact', each stricter than the last in terms of their rules, more restrictive with regard to the numbers and more punitive for member states that fail to comply. This has been problematic for throughput processes at the EU level – in particular the Council's 'one size fits one' governing mode, in which the most powerful member state has largely imposed its preferences. It has also been bad for output results, given that the Commission's 'one size fits all' output policies have not functioned for Europe's highly diverse national economies, especially in the Southern periphery. As for input politics, the problems arise not only at the EU level (with the EP's 'no size at all' in terms of impact on Eurozone governance) but also at the national level. Citizens have become increasingly restive as they discover that no matter what their input has been, even if they have censured national governments by voting them out of power, it has had little effect on the EU's output policy. Had it not been for the ECB's shift from its 'one size fits none' inflation-targeting throughput rules to a focus on 'whatever it takes' output results (as demonstrated by ECB President Draghi's warning to the markets that he would do the necessary to maintain stability in the Eurozone), matters could have become much worse with regard to the viability of the euro, as the bond markets in Italy and Spain came under threat (Schmidt 2014a).

Conclusion

In short, the Eurozone crisis has challenged the EU's democratic legitimacy across all three legitimizing mechanisms: output, input and throughput. The question for the EU is therefore not just whether it can get the economics right (thereby improving 'output' legitimacy) but also whether it can get the politics right, by providing greater 'input' legitimacy through new democratic avenues of citizen participation. However, for either input or output to improve, the EU would also need to generate greater 'throughput' legitimacy via governance processes that are more balanced – specifically, less intergovernmental and less technocratic in nature.

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Part III

National political systems and institutions in European politics

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17

Governments in European politics

Gianfranco Pasquino

Introduction

A variety of models of parliamentary government and semi-presidential government can be found in European political systems. Other than Cyprus, no European government follows the presidential model. In many European parliamentary democracies, the head of state is either a king or a queen. This is not an insignificant detail, as practically all parliamentary monarchies have been 'uninterrupted' democracies, with the exception of Spain (where the king played a crucial role during the country's transition to democracy); that is, after the systems of government were established, they have not experienced any authoritarian interlude. It has been observed, by Seymour M. Lipset among others, that by eliminating the need to elect the head of state a significant opportunity for political conflict is removed, often with positive consequences.

This chapter will first identify the major features of the parliamentary and the semi-presidential models. Emphasis will be placed on the continuing relevance of party government. The chapter will then explore some of the most important national differences for each of the two models. Third, it will address the factors responsible for the functioning of both models in some of the European countries. Finally, the issue of the presidentialization of politics will be briefly examined, offering an overall assessment of the power of the heads of government in the two models.

Parliamentarism

The defining feature of a parliamentary model of government is that the parliament creates the government, which will remain in office as long as there is a relationship of confidence with the parliament, not necessarily expressed through a formal vote. Under certain conditions, the government has the power to dissolve parliament or is able to affect its dissolution. There is no popular direct election of any parliamentary government or its respective heads. There are different ways in which the relationship of confidence between the government and the parliament can be established (for an overview, see Müller and Strøm 2000a; Pasquino 2005). The most formal and rigid relationship is when an explicit vote of investiture cast by the absolute majority of parliamentarians is required in order for a government to be formed. This is the case in the

Italian Republic and was the case in the Fourth French Republic (1946–58). In a way, it can be said that the explicit vote of investiture has characterized the traditional models of parliamentary government. Another formal and rigid relationship is found in the German requirement that a vote of investiture by the absolute majority of the *Bundestag* directly approves the chancellor, who then proceeds with the formation of the government. Because of its proven efficacy in contributing to governmental stability, this solution has also been introduced in the post-Franco Spanish democratic constitution. Both in Germany and in Spain, the vote of confidence is accompanied and enriched by an important clause: no chancellor or president of the government can be ousted and replaced unless he or she is censured by the absolute majority of the *Bundestag* or the *Congreso de los Diputados* and a successor is approved within 48 hours by an absolute majority of parliamentarians. Referred to as the 'constructive vote of no confidence', this innovative mechanism was devised to avoid governmental instability (much feared, both in Germany and Spain) and to prevent what the Italians call 'crises in the dark' – that is, governmental crises that arise suddenly and unexpectedly without any obvious resolution. Such crises may drag on for many weeks, with costly consequences for both the economy and citizens' trust in their political leaders, parties and institutions.

In some Scandinavian political systems, namely Norway and Sweden, no explicit vote of investiture (or confidence) is required for a government to come into being. Once a prime minister has been appointed and has formed his or her government, it is sufficient that no absolute majority of parliamentarians decides to introduce and pass a motion of censure against the (newly formed) government. Due to some peculiar political aspects of the structure of the party system in these countries (the existence of a strong Labour/Social-Democratic Party and fragmentation among centre-right parties), this condition has allowed the formation and the stable operation of a variety of minority governments (Strøm 1990). Finally, the UK – the first and arguably the most significant example of a parliamentary democracy – does not require any explicit vote of investiture, either for the prime minister or for the cabinet. Once the seats won by the various parties have been counted, the leader of the party that has obtained the absolute majority of seats in the House of Commons automatically and immediately becomes prime minister. In the extremely rare event of a House of Commons in which no party obtains an absolute majority of seats (a situation referred to as a 'hung Parliament'), as was the case in the May 2010 elections, an agreement between numerically indispensable and politically compatible partners is required. However, there is no question that the leader of the larger party will become and remain the prime minister as long as the government retains the confidence and the support of an absolute majority of the members of the House of Commons.

One element common to all varieties of parliamentary governments is the significance not so much of the parliament itself, but rather of the type of relationships established between the parliament and the government. It must be stressed that all such relationships depend on the structure of the parliament, usually, though differently, asymmetric, on the (generally asymmetric) structure of the parliament, on the nature of the party system and consequently on the composition of the government: one-party governments v. multiparty coalition governments. What Walter Bagehot long ago (1867) called the 'efficient secret' of the English constitution – the 'fusion' between the government and its parliamentary majority whereby the government, supported by its majority, substantially leads the nation – is a reality in some cases and an aspiration in others.

The second common element of parliamentary governments is the problem of the status of the prime minister vis-à-vis his or her ministers. There are two concrete solutions. When the head of government is the leader of the largest party in the coalition (as, for instance, in Germany and Hungary), he or she commands the ministers: *primus super pares*. Alternatively, the head of

government may be the leader of a coalition of parties of more or less the same size: *primus inter pares*. Italy, Belgium, the Netherlands, Denmark, several Balkan countries and Sweden (when the winning coalition is composed of the bourgeois parties) are all instances of this second situation.

Semi-presidentialism

Although its significance is often neglected, the precursor and prototype of the model of semi-presidential government was the Weimar Republic (1919–33) (Skach 2005). However, the tragic experience of the Weimar Republic has rarely been analysed from a constitutional perspective. Hence, it is the Fifth French Republic that, since 1958, has truly served as the model of semi-presidential government (Duverger 1980; Ceccanti *et al.* 1996; Elgie 1999). Due to the system's perceived success, illustrated also by its introduction in Finland and Portugal, semi-presidentialism has gradually been 'imported' by several Eastern European (Bulgaria, Poland, Romania, Ukraine and, to some extent, although it's not entirely democratic, Russia), African and Asian (e.g. Taiwan) countries (for a useful review, see the relevant chapters in Pegoraro and Rinella 1997; Rinella 1997; Elgie 1999; Elgie and Moestrup 2007). Although it combines certain aspects of parliamentarism with features of presidentialism, it should be noted that the semi-presidentialist model represents a category of its own and must be defined and analysed as a governmental model in itself.

There are three defining features of semi-presidentialism (Sartori 1994: 121–40; see also Elgie 2004).

First, the president is directly elected by the people and is endowed with significant executive powers. Second, there is a prime minister who must be backed by the confidence of parliament. Third, under some conditions, the president has the power to dissolve parliament. Although there are some minor differences between them, in Europe the political systems of Portugal, Poland and Romania have the necessary elements to be classified as semi-presidential. Finland has recently abolished some of the features of the country's semi-presidential system (Nousianen 2000; Paloheimo 2001). Although the Austrian president is indeed popularly elected, the country cannot be categorized as semi-presidential because the president does not wield executive powers. Both Russia and Ukraine certainly represent significant examples of semi-presidentialism; however, the democratic quality (and quantity) in these regimes is highly dubious.

Parliamentary models at work

Two factors affect the stability and the efficacy of all models of parliamentary government. One involves the institutional mechanism that ties the government to the parliament; the other concerns the format and the dynamics of the party system (Sartori 1976: 128–9, 315–16). The traditional view has been that, with the exception of the United Kingdom, all parliamentary governments are prone to governmental instability, as indicated by frequent changes in the head of government and turnover in governmental coalitions, internal litigiousness and ministerial reshuffles (Almond 1956). These phenomena are bound to have a negative impact on governmental efficacy. In some cases – Portugal after 1910, Spain after 1931 and Weimar Germany (at the time not identified as an instance of semi-presidentialism) – governmental instability has led to the collapse of the democratic framework. In 1958, the Fourth French Republic came to an end in part because of the institutional weakness and instability of its government. Table 17.1 offers a wealth of information concerning the numbers of governments and heads of government, their duration and alternations in a variety of European political systems. The Fourth French Republic was characterized by the shortest duration of governments. Finland, Belgium

Table 17.1 Number of governments and heads of government in European democracies (1945–2013)

	No. of cabinets	No. of cabinet parties (mean)	Duration in days (mean)	No. of PMs	Age of PMs (mean)	Cabinet seat share (mean)	No. of alterna-tions
Austria	26	2	844	12	57	72.7	1
Belgium	40	4	558	20	52	61.8	2
Bulgaria	9	2	715	9	48	57.0	3
Cyprus	17	2	878	5	61	47.0	2
Czech Republic	14	3	615	10	49	49.0	2
Denmark	36	2	660	14	54	41.2	11
Estonia	13	2	536	7	46	51.9	2
Finland	50	3	468	24	52	48.9	1
France IV	24	4	182	16	55	65.3	0
France V	29	2	664	18	54	59.9	6
Germany	29	2	763	8	64	57.2	1
Greece	18	1	727	12	62	56.2	5
Hungary	10	2	784	7	55	56.9	4
Iceland	30	2	767	18	56	56.6	2
Ireland	26	2	928	12	58	52.0	12
Italy I	51	3	335	20	60	52.0	0
Italy II	12	5	611	6	61	55.2	5
Latvia	21	4	324	12	45	55.9	1
Lithuania	17	2	511	11	49	54.6	3
Luxembourg	19	2	1,205	7	56	68.9	0
Malta	14	1	1,266	6	52	52.3	4
Netherlands	29	3	789	15	53	59.7	0
Norway	30	2	802	13	54	46.2	13
Poland	18	3	360	12	51	49.5	4
Portugal	20	2	607	12	50	52.2	4
Romania	18	2	427	11	55	49.2	5
Slovakia	16	3	702	7	48	53.2	6
Slovenia	14	4	621	6	48	55.3	1
Spain	14	1	1,003	7	47	49.5	4
Sweden	29	2	843	9	52	46.4	5
United Kingdom	24	1	1,017	13	56	55.0	7

Source: Updated and calculated from Strøm *et al.* (2003); ParlGov database (www.parlgov.org); Pasquino and Valbruzzi (2011). Data for Central Eastern European countries, Greece, Poland, Portugal and Spain exist only after their democratization.

and Italy (1946–92) exhibit the highest number of prime ministers. Together with Luxembourg and the Netherlands, the Fourth Republic and Italy (1946–92) experienced no complete alternation in government.

Painfully aware of the need to avoid any governmental instability after the Second World War, the framers of the German constitution devised a truly brilliant institutional innovation: the constructive vote of no confidence. Later (1977–9), this mechanism was also introduced in the post-Franco Spanish democratic constitution. The constructive vote of no confidence deserves detailed examination. In both Germany and Spain, the head of government (the chancellor and the president of the government, respectively) can assume office only after he or she has obtained

the absolute majority of the votes in the *Bundestag* or the *Congreso de los Diputados*. These leaders can be replaced only if, following an explicit motion of censure (no confidence), their successor wins an explicit vote of confidence from the absolute majority of the deputies. Otherwise, the chancellor or the president of the government can continue in office for some time, or can ask for and obtain the dissolution of the lower house of parliament if it is unable to agree on a new head of government. The constructive vote of no confidence is a very demanding institutional mechanism. In practice, it has been utilized twice in Germany and twice in Spain, but it has only reached a successful conclusion once, in Germany. In 1972, the German Christian Democrats (Christlich Demokratische Partei, CDU) led by Rainer Barzel initiated the procedure of the constructive vote of no confidence against the Social-Democratic chancellor Willy Brandt. They failed to defeat him by two votes. New elections followed, which were won by a coalition between the Social Democrats (Sozialdemokratische Partei Deutschlands, SPD) and the Liberals (Freiheitliche Demokratische Partei, FDP). In September 1982, the Christian Democrats and the Liberals, who had decided to abandon their coalition with the Social Democrats, first voted against the incumbent Social-Democratic chancellor Helmut Schmidt, then replaced him with the former regional president (*Ministerpräsident*) of the Rhineland-Palatinate, Helmut Kohl. Even though the entire procedure was carried out in complete accordance with constitutional requirements, in order to acquire full political legitimacy the CDU and the FDP decided to call early elections in March 1983, which they duly won.

In Spain, the constructive vote of no confidence has been attempted twice. The first time it was used was in 1981 by Felipe González. The young leader of the Socialist Party, although he was aware that he could not win, wanted to display his oratorical and political talents by challenging the incumbent president of the composite multiparty governmental coalition, Leopoldo Calvo Sotelo. González's performance was quite impressive, but he could not muster enough votes to defeat the president. The second time, in 1987, the young, newly elected leader of the *Alianza Popular*, Antonio Hernández Mancha, tried to obtain a similar result, seeking to enhance his visibility and consolidate his grip over the party. His poor performance against González put an end to Hernández's political career.

Overall, the mechanism of the constructive vote of no confidence can prove to be incisive and decisive in two ways. First, whether it is used to pursue the goal of replacing an incumbent chancellor or simply as a challenge to the president even when there is no chance of success, it provides an opportunity to evaluate the qualities of the challengers. Second, its technical requirements serve as a deterrent to those who may be capable of provoking a governmental crisis but unable to resolve it. Indeed, the 'deterrence function' of the constructive vote of no confidence quite effectively discourages ambitious but outmatched challengers and should not be underestimated. Because they lack sufficient political and parliamentary support, under certain circumstances such challengers might be able to defeat the incumbents but would not have enough votes (the absolute majority of the lower house) to replace them. In Spain, the constructive vote of no confidence can be said to have been responsible for the formation and survival of five minority governments (Tudela Aranda 2012: 209, fn. 14).

In terms of the mechanisms governing the creation and the dynamics of parliamentary governments, the lack of a need for an explicit vote of confidence has facilitated the formation and the permanence in office of many minority governments in the cases of Norway (Narud and Strøm 2000) and Sweden (Bergman 2000). Conversely, the need for an explicit vote of investiture by both houses in a symmetric bicameral parliament has obliged the majority of Italian governmental coalitions to be oversized (Cotta and Verzichelli 2000). Thus far, even non-partisan Italian governments (Pasquino and Valbruzzi 2012) have only been possible when they were able to 'float' above oversized parliamentary support. Because the government is obliged to

resign if defeated in either house, the Italian symmetric bicameral parliament has proven to be an aggravating factor in the extraordinary weakness of a number of Italian governments. For example, Romano Prodi was defeated (and ousted) twice as prime minister: in October 1998, by a vote taken in the House of Deputies, and in January 2008, by a vote taken in the Senate. In both cases, had it been available, the constructive vote of no confidence would have saved Prodi's governments due to the lack of any alternative majoritarian coalition. Table 17.2 provides an instructive overview of the variety of types of governments and coalitions in European parliamentary democracies. Minimum winning coalitions are the most common; however, although it may be a phenomenon of the past, the 'difficult' democracies of Finland, the Fourth French Republic and Italy have all experienced numerous oversized coalitions. Somewhat surprisingly, oversized coalitions have been rather infrequent in Eastern European political systems, as shown in Table 17.2. They are clearly outnumbered by the combined total of minority governments and minimum winning coalitions. It should also be noted that in Eastern European democracies there have been very few technocratic or caretaker governments.

The second factor affecting the functioning of all models of parliamentary government involves the format and the dynamics of the party system. Very few exceptions aside, parliamentary government means *party government*. According to Richard S. Katz, party government must fulfil three conditions:

> Firstly, all major governmental decisions must be taken by people chosen in elections conducted along party lines, or by individuals appointed by and responsible to such people. . . . Secondly, policy must be decided within the governing party, when there is a 'monocolour' government, or by negotiation among parties when there is a coalition. Policy . . . must also be made along party lines, so that each party may be held collectively accountable for 'its' position. . . . Third, the highest officials (e.g., cabinet ministers and especially the prime minister) must be selected within their parties and be responsible to the people through their parties.
>
> (Katz 1986: 43)

Generally speaking, these features of party government are found in all types of parliamentary democracies and affect competition and coalitions among the parties. Indeed, there are good reasons to believe that party government is also favourable for alternation in office (Pasquino and Valbruzzi 2011) and can positively influence electoral competition.

Between the 1920s and 2010, the United Kingdom had a two-party system characterized by a fair amount of alternation in office. However, it must be noted that the protracted tenure of Conservative governments – 18 consecutive years, from 1979 to 1997 (Margaret Thatcher 1979–90, John Major 1990–7) – has led some scholars to question the relevance of full and frequent governmental turnovers as a positive feature of democratic regimes, while others have worried about the consequences of their protracted absence. Perhaps what should be stressed is that British elections have always remained quite competitive, and that the most important actors (party leaders, activists, the mass media, public opinion and, above all, the voters) have behaved as though alternation continues to be a likely outcome. When it finally occurred in the 1990s, it was followed by the 13-year tenure of New Labour in office through three consecutive electoral victories: 1997, 2001 and 2005. The lack of a majority in the May 2010 elections led to the novel formation of a coalition government between the Conservatives and the Liberal Democrats.

Since 1982, only the leaders of the Spanish Socialist Workers' Party (*Partido Socialista Obrero Español*, PSOE) and of the People's Party (*Partido Popular*, PP) have had access to the Palace of

Table 17.2 Types of governments and coalitions in Western Europe (1945–2013)

	Single-party majority	Single-party minority	Minority coalition	Minimum winning coalition	Oversized coalition	Technocrat, caretaker and interim
Austria	4	1	0	18	2	1
Belgium	3	1	2	21	10	3
Bulgaria	0	2	0	3	1	3
Cyprus	2	6	1	7	1	0
Czech Republic	0	2	2	7	1	2
Denmark	0	14	17	5	0	0
Estonia	0	2	2	9	0	0
Finland	0	4	4	4	31	7
France IV	0	0	2	1	21	0
France V	1	3	1	9	11	4
Germany	1	0	0	20	4	4
Greece	11	1	0	1	0	5
Hungary	0	2	0	3	5	0
Iceland	0	4	0	23	1	2
Ireland	7	4	7	6	1	1
Italy I	0	11	8	2	23	7
Italy II	0	0	0	6	2	4
Latvia	1	0	9	6	5	0
Lithuania	0	2	7	4	3	1
Luxembourg	0	0	0	18	1	0
Malta	13	1	0	0	0	0
Netherlands	0	0	1	14	9	5
Norway	6	13	5	6	0	0
Poland	0	2	2	7	4	2
Portugal	8	4	0	5	0	3
Romania	1	3	9	1	3	1
Slovakia	1	1	2	9	2	1
Slovenia	0	0	4	10	0	0
Spain	4	8	0	0	0	2
Sweden	4	16	4	5	0	0
United Kingdom	22	1	0	1	0	0

Source: Updated and calculated from Strøm et al. (2003); ParlGov database (www.parlgov.org). Data for Central Eastern European countries, Greece, Poland, Portugal and Spain exist only after their democratization.

Moncloa, the residence of the Spanish prime minister (*Presidente del Gobierno*). Although other parties have won seats in the lower house, the electoral and political competition in Spain has fundamentally remained 'bipartisan' and has been characterized by governmental turnover. The PSOE led the government from 1982 to 1996, winning four consecutive elections. Subsequently, the PP won two elections, followed by two victories for the PSOE. In November 2012, the PP returned to office. On the whole, in Spain there have been four single-party majority governments (two led by the Socialists and two by the PP) and eight single-party minority governments supported by regional parties. Without exception, all these governments have been strictly party governments. The much-feared governmental instability has not emerged in Spain.

Nor has instability been experienced in Germany, where there have been four coalitional patterns: CDU/CSU+FDP (1949–66; 1982–98; 2009–13), CDU/CSU+SPD (1966–9; 2005–9;

2013–present), SPD–FDP (1969–82) and SPD+Greens (1998–2005). Party government, alternation in office, overall political stability: German *Kanzlerdemokratie* represents an excellent example of a well-drafted constitution and intelligently designed mechanisms – specifically, the constructive vote of no confidence and the electoral system of personalized proportional representation.

The Italian experience is located at the opposite end of the spectrum. At the last count, there were 63 governments from 1946 up until 2014 (for a comparison with all other European parliamentary democracies until 2000, see Müller and Strøm 2000b: 585). Not even during the second phase of the Italian Republic (that is, beginning in 1994) has the situation improved: there have been 11 governments with an average tenure of about 11 months. Thanks to his sizeable electoral victories, Berlusconi has led the two longest-lasting Italian governments, but in neither case did he succeed in completing the entire parliamentary term. There was no alternation in office from 1946 to 1992, although there was alternation in every election from 1994 to 2008. Until 1992, all governments were party governments; in contrast, between 1992 and 2011 there were two non-partisan governments. All prime ministers until 1992 were professional politicians, but starting in 1993 five of the ten prime ministers have had no previous political experience. Indeed, only one of them (the former Communist Massimo D'Alema) could be considered a professional politician. In summary, the Italian model of parliamentary government has not yet found adequate mechanisms for the stabilization of the executive. The fragmentation of the party system continues to be a major obstacle to the formation of stable and effective governments.

There is no doubt that governmental stability is the most important precondition for decision-making efficacy. If we were to construct a continuum from governmental stability to governmental instability, one pole would feature Germany, Spain and the United Kingdom as the most stable of the parliamentary models. At the other pole, one would find the Fourth French Republic, Italy, the Netherlands and Belgium. Scandinavian countries would occupy the intermediate positions. In addition to the role of parties and the party system, the stability of governments can be evaluated with reference to two important elements. One concerns the tenure of the individual heads of government; the other is based on the cohesion of the governmental coalitions. From 1949 to 2014, Germany has had only eight chancellors: Konrad Adenauer, Ludwig Erhard, Kurt Kiesinger, Willy Brandt, Helmut Schmidt, Helmut Kohl, Gerhard Schröder and Angela Merkel. It is no wonder that this remarkable governmental stability has created the necessary conditions for a significant level of decision-making efficacy. From 1982 to 2013, Spain had only four presidents of the government (González, Aznar, Zapatero and Rajoy), and only two parties occupied governmental offices. The British case is slightly different. From 1945 to 2010, either the Labour Party or the Conservatives were able to form governments. The 2010 governmental coalition between the Conservatives and Liberal Democrats represents an important exception (excellently described in Hazell and Yong 2012).

Interestingly, between 1949 and 2013 there were more prime ministers in the United Kingdom, 13, than chancellors in Germany, 8. One additional element must be stressed. All three of these stable countries have had key instances of long tenures by the same head of government. Certainly, the lengthy terms in office of Konrad Adenauer (1949–63) and Felipe González (1982–96) made a major contribution to the consolidation of their respective democratic regimes. The same can probably be said of Alcide De Gasperi's tenure (1946–53) in Italy. Helmut Kohl's longest-lasting tenure (1982–98), in addition to strengthening Germany's role in the European Union, allowed the quick, perhaps hasty and costly, but politically successful reunification of Germany. In the United Kingdom, the two longest-lasting prime ministers, the Conservative Margaret Thatcher (1979–90) and Labour's Tony Blair (1997–2007), both drastically reshaped the boundaries between the state and society, redefining the policies of the

country. Interestingly, both Conservative and Labour members of government and parliamentarians retained enough strength to oblige both of these leaders to resign. The length of time that the Conservative Party and New Labour have controlled governmental office has also raised certain questions concerning potentially negative consequences (in terms of the exercise of political power and the formulation of public policies) stemming from the lack of alternation (see the relevant chapters in Pasquino and Valbruzzi 2011).

At the opposite end of the continuum indicating the stability/instability of governments and coalitions, one finds the two most traditional parliamentary democracies of the Fourth French Republic (1946–58) and Italy (1948–present). Indeed, in the 12-year period of its duration, the Fourth Republic saw more governments come and go than Italy did. This fact goes some way towards explaining the collapse of the Fourth Republic and perhaps also the relatively *longue durée* of the Italian Republic. While it is very true that Italian governments have rarely been stable, the governmental coalitions have each lasted for more than a decade: centrism (1948–60), centre-left (1962–75) and *pentapartito* (1980–92). Between 1976 and 1979, there was a Christian-Democratic monocolour government supported by a large parliamentary majority. The post-1994 phase has been characterized by a bipolar competition in which both coalitions have been subject to variations in their composition, although less so for the centre-right dominated by Silvio Berlusconi's leadership and party. Interestingly, Berlusconi has led both the shortest government of this period (seven and a half months) and the longest government ever (1,410 days between 2001 and 2005). Over his long political career, he has been opposed by no fewer than five centre-left leaders – Achille Occhetto, Romano Prodi, Francesco Rutelli, Walter Veltroni and Pier Luigi Bersani – politically outlasting them all.

Generally speaking, two factors are responsible for the longevity (or brevity) of parliamentary governments. The first factor is institutional, featuring two components: electoral and constitutional. The British plurality system, unique in Europe, has a powerful impact on the country's party system, essentially resulting in one-party governments eager to retain office and capable of doing so. Even the Spanish proportional electoral system applied in small constituencies has strongly influenced the possibility that a party will be able to obtain an absolute majority of seats and form a single-party government. By enabling (or even encouraging) party fragmentation and thus multiparty governmental coalitions, Italian electoral systems have been more than partially responsible for the short tenure of almost all of the country's governments. In any case, unless mitigated by specific clauses (as in Germany and Spain), proportional representation (PR) is generally conducive to the creation of multiparty coalition governments that are prone to instability (for an early but still useful exploration of the formation and functioning of such governments, see Laver and Schofield 1991). There is no doubt that PR is also responsible for the short tenures of the governments in the Benelux countries and of their prime ministers. Moreover, the fragmentation of the party system often necessitates an extremely lengthy process of consultation and bargaining, often through so-called formateurs, before the formation of a government (in which the political power of the prime minister is limited). The constitutional factor affecting the duration of a government involves the rules connecting the government and parliament in a relationship of confidence. The need for the government to obtain an explicit vote of investiture and the possibility of being defeated even by a random parliamentary vote considerably weaken governmental coalitions, especially multiparty coalitions.

The second, perhaps more important, factor influencing parliamentary governments involves the format of the party system. Not surprisingly, the number of parties and the type of competition both have a significant impact on the functioning and the duration of parliamentary governments. Limited and moderate multiparty systems, in Sartori's terminology (1976: 126–7, 173–4, 178–85) – that is, those that include no more than five parties, contain no anti-system

party and are based on bipolar competition – offer the best conditions for a parliamentary government. Germany fits perfectly into this mould, as do Austria and Sweden. In contrast, extreme and polarized party systems composed of six or more parties, including an anti-system party, that are based on multipolar competition are bound to encounter many operational problems. For example, a polarized party system cannot offer voters a reasonable promise of alternation. Both the Fourth French Republic and Italy until 1992 represented cases of *polarized pluralism*. The Fourth Republic eventually collapsed, and its party system was completely restructured by the electoral and institutional constraints of the Fifth Republic (Reif 1987). In Italy, polarized pluralism faded away, but it has not been replaced by a newly restructured and consolidated party system. Since 1994, the dominant feature of the Italian party system has been the process of destructuration, consisting of frequent, volatile and indecisive mergers and splits among weak and internally divided parties.

Paradoxically, from time to time in parliamentary governments, the risk of governmental instability is counteracted by governing coalitions that are held together by the fear of defeat in the next elections. What follows may be even worse: prolonged phases of immobility and stagnation in which no decisions are taken, no problems are tackled, no solutions are found and the overall situation degenerates. The political class protects itself; it becomes older, self-referential and even less capable of understanding the changes in progress. The five-party Italian coalition of 1980–92 (*pentapartito*) ended in disgrace precisely because it had exhausted all its potentialities and was unable to promote the circulation of new personnel and ideas. Its stagnation opened the door to the collapse of the party system. The dynamics of Belgium and the Netherlands are not too different from the Italian case. Both countries feature a fragmented party system, and both encounter difficulties in the formation of stable governments. Neither system is capable of providing and maintaining a significant amount of political and institutional support for its oft-changing prime ministers (Keman 2008)

Although an in-depth comparison would have to focus on institutional components as well, it appears that several Eastern European countries (Bulgaria, the Czech Republic, Hungary, Latvia, Lithuania, Romania, Slovakia and Slovenia) have manifested similar problems of governmental instability stemming from weak parties and unconsolidated party systems (Kitschelt *et al.* 1999). However, Table 17.1 does not show as clear a connection between the number of parties in the governmental coalition and the duration of the respective government. In fact, there are certain minor differences among these Eastern countries in this regard. The governments of Latvia, Lithuania and Romania have been the most short lived, whereas Bulgaria and Hungary have had relatively long-lasting governments, a fact that appears to be related to or dependent on the number of parties. In many ways – number of prime ministers and alternation in office, for example – the new, often 'difficult' democracies of Eastern Europe seem to have adopted Western European political systems, joining the mainstream with their parliamentary and semi-presidential models of government.

Semi-presidential models at work

Two major factors must be seriously taken into account when analysing the workings of the semi-presidential model of government. The first is whether the presidential and parliamentary elections are simultaneous. The second concerns the type of electoral system used for the election of parliament. Acting on his desire to create a more important role for the president of France that would enable the officeholder to transcend partisan conflicts and bickering, de Gaulle established a seven-year term for the French presidency in 1958. This would prevent any electoral overlapping with parliamentary elections, which were to be held every five years. This is not

the case in the other significant examples of semi-presidentialism (Portugal, Poland, Romania and Ukraine); in all of these countries, the terms of the president and of parliament are five and four years, respectively. However, because the president has the constitutional power to dissolve the parliament under more or less precisely defined conditions, the temporal overlapping of parliamentary and presidential elections is always a distinct possibility. Moreover, in the wake of the longest French cohabitation (1997–2002), the Gaullist president Jacques Chirac and the Socialist prime minister Lionel Jospin reached a somewhat controversial agreement to reduce the presidential term to five years. All semi-presidential presidents are popularly elected through a double-ballot system. In France, parliamentary elections are held by means of a run-off majority system, whereas Portugal, Poland, Romania and Ukraine use different varieties of proportional electoral systems. The double-ballot presidential election is likely to create and encourage the bipolarization of the electorate. In France, this bipolarization is further supported and sustained by the majority system utilized for parliamentary elections, but it can be somewhat weakened by parliamentary elections conducted according to a proportional system. This has especially been the case in Poland.

In the Fifth Republic, the political coincidence of the presidential and parliamentary majorities prevailed from 1958 to 1974. President de Gaulle chose and replaced three prime ministers. In his shorter term (1969–74), President Pompidou appointed two prime ministers. Because he was the leader of the minor party in the coalition with the Gaullists, President Valéry Giscard d'Estaing was politically obliged to appoint two Gaullist prime ministers. The Socialist president François Mitterrand enjoyed a correspondence between the political majority that had elected him and the parliamentary majority of his coalition between 1981 and 1986 and again between 1988 and 1993. As a result, he was able to freely appoint two and three prime ministers in these respective periods. Cohabitation made its first (1986–8) and its second (1993–5) appearance under President Mitterrand. In the first case, the president was obliged to appoint the Gaullist Jacques Chirac as prime minister (whom he subsequently defeated in the 1988 presidential election). In the second case, he appointed another Gaullist, Edouard Balladur. The longest cohabitation, between the Gaullist president Jacques Chirac and the Socialist prime minister Lionel Jospin, was the consequence of an unnecessary and hazardous dissolution of the National Assembly by President Chirac. It took place from 1997 to 2002, lasting the entire parliamentary term. Although French cohabitations had not been tempestuous, the two leaders decided to reform the constitution along the lines described above in order to make cohabitation, if not impossible, at least highly unlikely. It was agreed that the presidential election would precede the parliamentary election so that the voters would be encouraged to offer the victorious president a parliamentary majority he or she could work with. In the three elections following the constitutional reform (2002, 2007 and 2012), all the presidents, the Gaullists Chirac and Sarkozy and the Socialist Hollande, have succeeded in winning a solid parliamentary majority that has created the necessary conditions for them to govern to the best of their personal and political capabilities.

Among the other examples of semi-presidential models, two are especially interesting: Portugal and Poland. In both countries, semi-presidentialism can be considered to have positively contributed to the establishment and consolidation of the new democratic regimes after a long authoritarian regime and lengthy Communist rule, respectively. It is true that some of the functional problems identified in the case of France have emerged in Portugal and Poland as well. However, it is also true that the semi-presidential model has allowed a fair degree of institutional flexibility. It has responded to political challenges and has accommodated political changes (for Portugal, see Magone 2000). Both countries have experienced periods of coincidence between the popular majority that elected the president and the parliamentary majority.

Both countries have also had to deal with periods of cohabitation in which the popularly elected president has been obliged to negotiate with a parliamentary majority of a different colour. In Portugal, the Socialist president Mario Soares (1985–91) found himself in a uninterrupted situation of cohabitation with the Social-Democratic prime minister Anibal Cavaco Silva throughout both of his presidential terms. Soares' successor, the Socialist Jorge Sampaio (1995–2005), was blessed with a Socialist parliamentary majority led by Antonio Guterres during his first term, but his second term was almost entirely passed in cohabitation with two centre–right prime ministers. Ironically, in 2005 the former Social-Democratic prime minister Cavaco Silva won the presidential election, only to find himself in cohabitation with the Socialist prime minister José Socrates. This cohabitation came to an end when Cavaco Silva's re-election to the presidency in 2011 was followed by a Social–Democratic victory in the parliamentary elections (data and interpretations can be found in Costa Lobo 2012).

The Polish institutional circumstances, evolution and trajectory have been much more troubled and significantly more complicated: 'Some form of divided government has been the rule rather than the exception' (Krok-Paszkowska 2001: 128). The difficult implementation of the semi-presidential model in Poland has been the consequence of the combination of certain political factors with specific institutional rules. One of the two most important political factors was the personality of the first president of the Polish Republic, the founder and leader of the Solidarity Movement, Lech Walesa. The second political factor concerned the rapid dissolution of the Solidarity Movement, which was therefore unable to provide the indispensable parliamentary power base for the president. There were also two institutional rules that contributed considerably to the difficult implementation of the Polish semi–presidential model. First, there is the fact that 'presidential and parliamentary elections have never been held concurrently' (Krok-Paszkowska 2001: 132). Second, part of the blame must be assigned to the exaggeratedly proportional electoral system. The fragmentation of the Polish party system has inevitably made the formation of homogeneous, cohesive and stable parliamentary coalitions practically impossible. Consequently, even after minor modifications of the electoral law, only rarely have the presidents of the Polish Republic enjoyed the support of a parliament majority from their party or coalition. This was briefly (January 1996–September 1997) the case for the former Communist Alexander Kwasnieski in his first presidential term, and then for a longer period between 2001 and 2005, spanning almost his entire second term. All subsequent developments have been characterized by somewhat confused instances of cohabitation in which it is extremely difficult to identify precise and regular patterns.

For Romania and Ukraine as well, one can legitimately conclude that there will always be the likelihood of a tug of war between presidents and their prime ministers. The respective power of these leaders depends, as would be expected, on their ability to control a parliamentary majority and on whether they are the recognized leader of a large and stable party. As in Poland, this has rarely been the case.

Only the French example has facilitated the concentration of political and institutional power. However, for a variety of reasons, including the need to create electoral and governing coalitions and the nature of French parties, there have not been dangerous consequences. In the case of Portugal, especially after 1985, there have been several instances of presidents enjoying a cohesive parliamentary majority. None of these instances has led to attempts to impose controversial decisions and policies or to make the opposition's lives especially difficult. If anything, the Polish system has experienced the opposite problem: insufficient concentration of power, which resulted in attempts by the nervous President Walesa to overstep the limits of his authority.

Those who would prefer to interpret the semi-presidential model as the institutional framework in which strong government should be the rule and, if possible, cohabitation should be a rare event, can also find justification in the data. Unlike Poland, both France and Portugal have had long phases of 'unified' government. Indeed, in the 55-year period since its inauguration, the Fifth Republic has experienced only nine years of cohabitation – less than one year in five. In Portugal, cohabitation has been quite frequent since 1985: 13 years out of 28; this explains why Marina Costa Lobo (2012) has emphasized the 'protagonism of the prime minister'. Leaving aside a few inevitable tensions of a political nature, the Portuguese cohabitations have not resulted in any significant damage to the political framework, any obstacles to alternation in office or any infringement on the quality or quantity of democracy. In fact, there are several positive aspects of semi-presidentialism. First, both when the president enjoys a parliamentary majority in the lower house and when there is cohabitation, it is always possible for the voters to hold their rulers accountable, as they can easily ascertain who has produced (or not) each decision, policy or action. Second, even when there is cohabitation, the semi-presidential model provides for effective government and clear accountability. The prime minister and his or her majority can still govern without constraints, and the voters can ascertain who should be held accountable for what is done, not done or badly done.

The practical functioning of the semi-presidential model is significantly affected by the party system. The relative advantage of the French variant is that the electoral run-off majority system strongly encourages the formation of parliamentary coalitions. In contrast, the proportional electoral system utilized in Poland produces a fragmented multiparty system that is rarely capable of providing a strong parliamentary majority for (or against) the president. The political and constitutional evolution of Romania and Ukraine has not produced a precise pattern. Both of these regimes are still in flux; their presidents and prime ministers continually challenge each other to the verge of undemocratic outcomes. The struggle between Yanukovich and Tymoshenko has provided clear evidence of the unsettled rules of the game in Ukraine. On this continuum, Portugal is located in the middle, between France and Poland: its party system is not fragmented, and the two major parties are strong enough to be coalition-makers. Often, the Portuguese Social-Democratic Party has not even needed a coalition partner. Not surprisingly, the functioning of the model of semi-presidential government is significantly affected by the format and the dynamics of the party system. Nevertheless, we have seen that there are fundamental institutional differences between parliamentary models and semi-presidential systems. These differences are not cancelled out by the impact of the party systems, and they deserve detailed investigation.

The personalization/presidentialization of politics

No presentation and discussion of European (parliamentary and semi-presidential) governments can avoid the emerging issue of the presidentialization of politics (Rose and Suleiman 1980; Jones 1991; King 2002; Poguntke and Webb 2005). In principle, parliamentary governments do not seek to encourage either the personalization or the presidentialization of politics. Nor should they attribute an exaggeratedly important role to the head of government. On the other hand, the direct popular election of the semi-presidential president was designed precisely to provide the president with a stronger popular legitimation that would enable him or her to exercise greater political and institutional power. The core of parliamentary democracies is the robustness of the relationship between the parliament and the government. Even in the United Kingdom, the birthplace of parliamentary government and arguably still its most revered

example, the emphasis has classically not been placed on the prime minister, but rather on the cabinet. Indeed, there is a question of whether recent trends have produced a deviation from the unwritten traditional expectations of cabinet government. All this said, however, for a variety of reasons a significant number of studies have discussed both the personalization and the presidentialization of politics over the past decade. On the whole, the results are inconclusive (for the most accurate of these studies, see Karvonen 2010).

Nevertheless, it is undeniable that several significant developments and transformations of the political sphere have taken place in contemporary democracies that seem to point towards greater importance for the head of government. Two quite different but important changes have been the decline of political parties and the development of the many forms of technological communication synthesized as 'Politics 2.0'. In all likelihood, both of these changes have been exaggerated. It is true that they may have contributed to enhanced political visibility for heads of government, especially during electoral campaigns (King 2002, compared with Jones 1991). On the whole, however, the seemingly unstoppable tendency to sensationalize politics through television and social networks has not thus far inevitably and irreversibly led to the presidentialization of politics. The power of heads of government continues to be the product and consequence of the combination of three major factors: (1) the amount of control exerted by leaders over their parties; (2) their personal and political capabilities; and (3) their ability to win consecutive elections and to remain in office.

The exploration of European governments that has been presented in this chapter can be synthesized in three robust generalizations. First, 'parliamentary politics is still much more about parties than it is about individual politicians' (Karvonen 2010: 106). Second, parliamentary models of governments (because of their flexibility) and semi-presidential models (because of their adaptability) have both proven to be capable of accommodating and absorbing old and new challenges and transformations. Third, although political culture is always variable, many of the European political systems do not provide settings in which political leaders can stress the importance of their personalities and promote them above their parties' interests. In any case, the evidence is inconclusive, and the development of other forms of political participation may actually counteract the emphasis on the personal qualities of political leaders.

Conclusions

European political systems, old and new, are and will continue to be (notwithstanding negligible exceptions) party democracies. Hence, their governments will be party governments. Indeed, only party leaders, usually those with lengthy careers within their organizations (the glaring exception being Italy after 1994), have been in the position to acquire, maintain and exercise governmental power. In Europe – West and East, North and South – the most effective path to the office of the head of government goes through the political parties. The consequence is that heads of government who can rely on the support of a strong party will be more capable of governing and more successful than political leaders turned heads of government whose parties are small and who are obliged to enter into a composite coalition. When heads of government perceive that the weaknesses of their party will make governing quite difficult, they may attempt to enhance the authority of their office, generally to no avail. They also attempt, although less often than expected, to emphasize their personal qualities. However, the presidentialization of politics does not seem to have become a widespread phenomenon; certainly, it has not helped those heads of government whose parties remain weak and whose heterogeneous coalitions are conflict-ridden. The flexibility and adaptability of parliamentary and semi-presidential models

of government have in almost all cases provided sufficient time to implement the necessary remedies for the functional problems encountered by the heads of government. Alternation in office has fulfilled the demands of democratic rule.

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18

Heads of state in European politics

Robert Elgie

This chapter provides an overview of European heads of state, including basic information on how heads of state are selected, how long they remain in office and how powerful they are. Three main themes recur throughout the chapter. First, whereas monarchs have almost no substantive role in the political process, there is great variation among European presidents in terms of their status as political actors. Second, the power vested in the presidency is a better predictor of the presidential role than how these heads of state are selected. Third, variations in presidential power can be explained by a combination of constitutional powers, party politics and behavioural norms. These themes are based on an analysis of 36 European countries: the 28 members of the European Union, plus five non-EU countries in the Balkans (Albania, Kosovo, Macedonia, Montenegro and Serbia) and three non-EU countries in Western Europe (Iceland, Norway and Switzerland).

Selecting the head of state

A basic definitional distinction can be made between monarchies and republics. In the European context, a monarchy is headed by a king, queen or (in the case of Luxembourg) a grand duke. In a monarchy, the head of state is selected through a defined process of hereditary succession, or birthright. For example, until 2013 the rule of male primogeniture still applied in the UK. This meant that if the reigning monarch had both a son and a daughter, even if the daughter was older than the son, the son would still be first in line to the throne. However, like most other European monarchies, the UK has abandoned this rule, and now the monarch's eldest child is automatically first in the line of succession. In Europe, all monarchies can now be classified as parliamentary monarchies, implying that the monarch has relatively few powers and the prime minister is dominant within the executive branch. This classification helps to differentiate European monarchies from the absolute monarchies that can still be found elsewhere in the world, notably in some Gulf states where the monarch is still a powerful figure.

In European republics, the head of state is a president. Presidents can be chosen either indirectly (by representatives elected by the people) or directly (by popular vote). When the president is elected indirectly, the regime can be called a 'parliamentary republic'. Indirectly elected

presidents are selected by an electoral college, but there is great variation in the types of electoral college mandated by national constitutions. For example, in Hungary the president is elected by members of the sole house of parliament, the National Assembly. In contrast, the German president is elected by a specially convened Federal Convention, which comprises the members of the lower house of parliament (the *Bundestag*) and an equal number of members elected by the sub-national parliaments of the *Länder*. Estonia mixes these two methods: members of parliament first meet to elect the president; however, if no candidate is elected after three ballots, then a special electoral college is convened, consisting of members of parliament and one representative from each local authority in the country. In the past, directly elected presidents were selected in one of two ways. The standard format is simply a popular vote, as is the case in France. However, from 1925 to 1988 inclusive, Finland employed a different system: there was a popular vote for members of an electoral college, which in turn elected the president. This system resembled the situation in the US. Some scholars make a distinction between a French-style directly elected president and a Finnish-style popularly elected president. Now, however, with the change in the Finnish system, all directly elected presidents in Europe are chosen by a direct popular vote.

Although there is a basic definitional distinction between European monarchies and republics, it is standard practice to differentiate between the different systems by adding a second classification rule that captures whether or not the government is collectively responsible to the legislature. In all parliamentary monarchies, this is the case. For example, in March 1979 British prime minister James Callaghan's government lost a confidence vote in the House of Commons, triggering the general election that brought Margaret Thatcher to power. In all European parliamentary republics, with the exception of Switzerland, the government is also collectively responsible to the legislature. Thus, in the Czech Republic in March 2009, Prime Minister Mirek Topolánek's government lost a vote of confidence in the Chamber of Deputies and was forced to resign. Switzerland aside, we classify both parliamentary monarchies and republics simply as parliamentary regimes; the Swiss case is classified as an assembly–independent regime. When we apply this second classification rule to countries with a directly elected president, we can further distinguish between semi-presidential regimes, featuring a prime minister and a government that is collectively responsible to the legislature, and presidential regimes, which lack prime ministers and this type of collective responsibility. For example, in Romania a semi-presidential regime, Prime Minister Mihai Răzvan Ungureanu's government was defeated by a vote of no confidence in April 2012. In Europe, there are a number of countries with a semi-presidential system (Elgie 1999). However, whereas many countries across the world are governed by presidential regimes (notably the US and most Latin American countries), there is only one such European example: Cyprus (see Table 18.1). In Cyprus, the president is both the head of state and the head of the government; there is no prime minister.

Over time, there has been a shift from monarchies to republics and, among republics, from parliamentary republics to semi-presidential regimes (Elgie 2012: 503), a trend that can be explained normatively. We are now living in an era of representative liberal democracy. A key element of this system is the idea that citizens can hold those who make decisions on their behalf accountable for their actions. Monarchs cannot be held accountable; therefore, when newly independent or democratizing countries must select the constitutional structure they wish to adopt, there is generally little support for the creation or restoration of a monarchy. For example, in Iceland a republican constitution was overwhelmingly approved in May 1944. In Italy, a referendum in June 1946 rejected the return of the monarchy, albeit narrowly. In Greece, the restoration of the monarchy was rejected in a referendum in 1974. In the same year, Malta, which had been independent since 1964 with the British monarch as its head of state, passed

Table 18.1 Types of political regime in Europe

Parliamentary		Assembly-independent	Semi-presidential	Presidential
Monarchies	*Republics*			
Belgium	Albania	Switzerland	Austria	Cyprus
Denmark	Estonia		Bulgaria	
Luxembourg	Germany		Croatia	
Netherlands	Greece		Czech Republic	
Norway	Hungary		Finland	
Spain	Italy		France	
Sweden	Kosovo		Iceland	
UK	Latvia		Ireland	
	Malta		Lithuania	
			Macedonia	
			Montenegro	
			Poland	
			Portugal	
			Romania	
			Serbia	
			Slovakia	
			Slovenia	

a law declaring itself a republic. Among European countries, only Spain reverted to a monarchy at the point of democratization in 1975. The 'republicanization' of European political life is perhaps best exemplified by Bulgaria (Vassilev 2010). In Bulgaria, the monarchy was abolished in 1946 with the advent of a people's democracy. However, the heir to the Bulgarian throne, Simeon Saxe-Coburg-Gotha, returned to Bulgaria in 1996 and formed a political party, the National Movement for Stability and Progress, which won the 2001 parliamentary election. As Simeon Borisov Sakskoburggotski, he served as prime minister from 2001 to 2005, an example of the ruling elite's acceptance of the republican system.

A similar logic explains the shift from parliamentary republics to semi-presidential regimes. Direct election is a very clear expression of popular will. Therefore, even if the indirect election of the president is fundamentally consistent with the principles of representative liberal democracy, direct election is normatively more attractive. This accounts in part for why most of the countries of the former Communist Bloc in Europe have opted for a directly elected president, as well as why some parliamentary republics have subsequently switched to semi-presidentialism. This shift took place in Slovakia in 1999 and in the Czech Republic in 2013. However, an additional element is required to explain the popularity of semi-presidentialism. While the US is a very stable presidential democracy in which power is shared at the federal level between the president, the Congress and the Supreme Court, presidentialism in other countries has often been associated with very powerful, sometime authoritarian presidents. For this reason, pure presidentialism is often viewed as an unattractive or risky choice for newly independent or democratizing countries. Consequently, even though most former Communist countries in Europe have preferred a directly elected president, none has chosen a purely presidential regime. The combined effect of these factors has made semi-presidentialism a very common regime type in contemporary Europe; however, when parliamentary monarchies and republics are counted together, there are still just as many parliamentary regimes in Europe as semi-presidential systems.

One puzzle remains. If monarchies are no longer normatively attractive, why do they continue to exist? In part, the answer is historical. During the Second World War, West European monarchs were often associated with opposition to German expansionism or occupation. Therefore, when democracy returned to Western Europe in the post-war period, there was little appetite to abolish the monarchies. In Belgium, where the king's attitude towards occupation was more problematic, a referendum was held in which a majority still voted to restore Leopold III to the throne. The answer is also partly political. In Western Europe, monarchs no longer play any substantive role in the political process. Therefore, they do not represent a challenge to the essential normative principle of representative liberal democracy. People living in parliamentary monarchies rule indirectly, through elections to the legislature and the responsibility of the prime minister and the government to the legislature. If one of these monarchs made a systematic effort to influence the political process, there would certainly be a public outcry and calls to abolish the monarchy. What all this suggests is that although existing monarchies may endure, new ones are unlikely to be created. Moreover, if the EU were ever to establish a European head of state, the system would definitely not be a monarchy (see Table 18.1).

Presidential elections

Most European countries are republics, and all republics hold presidential elections. We have seen that some countries elect their president indirectly, whereas others elect them directly. How do European presidential elections operate?

There is considerable variation in the rules for the indirect election of presidents. As described above, some indirectly elected presidents are selected solely by members of the legislature, some by a specially convened electoral college and some by a combination of the two procedures. However, there is further variation in the precise mechanisms by which electoral colleges choose a president. All parliamentary republics demand at least an absolute majority of votes in the first round for the election of a president, and most require a super-majority, but thereafter some countries have a system that allows a candidate to be chosen relatively quickly, while the system in other countries can lead to very protracted elections. In Germany, there is a maximum of three rounds of voting. In the first two rounds, a candidate must win an absolute majority of votes in the Convention, but in the third round only a plurality is required, facilitating a rapid election process. In Italy, in contrast, a two-thirds majority is required in the first three ballots and an absolute majority thereafter; moreover, there is no limit to the number of ballot rounds. In 1971, it took 15 days and 23 ballots before the Italian president was chosen. In Estonia, when the parliament fails to elect a president, the convening of the electoral college means that the process can take a considerable time. For example, the first round of the 2001 Estonian presidential election took place on 27 August, but President Arnold Rüütel was only elected on 21 September. In Greece, there is a strong incentive for parliamentarians to reach agreement, but there is no guarantee that they will do so. The Greek president is elected solely by deputies. In the first two ballots a two-thirds majority is required, whereas in the third ballot a three-fifths majority is necessary. If no candidate attains this majority in the third ballot the legislature is dissolved and the process begins again – except that in the third ballot under the new parliament only a plurality is required, thus guaranteeing a successful election. As a general rule, parties collectively and deputies individually do not want to see the legislature dissolved, for fear of losing support. Partly for this reason, three presidential elections in Greece have been decided at the third ballot, thus avoiding dissolution. In 1990, though, the newly elected parliament was so severely divided that a new election suited the various parties. When the presidential election went to the third ballot, the three-fifths majority was not reached, and new parliamentary

Table 18.2 The number of ballots required to elect presidents in parliamentary republics

Country	Year of first election	No. of elections	Average no. of ballots	Highest no. of ballots	Lowest no. of ballots
Albania	2002	3	3.0	4	1
Estonia	1992	5	3.4	5	1
Germany	1949	15	1.9	4	1
Greece	1975	8	2.3	5	1
Hungary	1990	3	1.7	3	1
Italy	1948	11	9.5	23	1
Kosovo	2011	2	2.0	3	1
Latvia	1993	6	2.3	6	1

Note: No information is available for Malta. The figures for Hungary are from 2005 (inclusive).

elections were held. Only after this second legislative election was a president successfully chosen. The entire process began on 19 February and ended on 4 May. Table 18.2 provides information about the number of ballots required to elect the president in Europe's parliamentary republics.

Evidently, there is great variation in the rules for electing presidents indirectly and the electoral process can be very protracted, but how competitive are elections? Table 18.3 shows that, with the striking exception of Italy, the first ballot of indirect presidential elections tends to be contested by a relatively small number of candidates, although it should be noted that in some countries new candidates are allowed to enter the contest on a later ballot. Table 18.3 also indicates that uncontested elections are not uncommon. For example, even in Greece, where partisanship is very pronounced (and where the 1990 presidential election took nearly three months to complete), four presidential elections since 1975 have been uncontested. Usually, uncontested elections occur when an incumbent president is standing for re-election, as happened in Latvia in 2003. That said, in Hungary the 2012 presidential election was contested by only one candidate because none of the opposition parties had sufficient seats in parliament to nominate a candidate on their own and because they preferred not to run a joint candidate, since the government's candidate was almost certain to be elected on the first ballot. Thus, an uncontested first ballot does not necessarily signify a consensus president. Overall, we can see that indirect presidential elections vary greatly in terms of competitiveness: some are divisive and protracted, but a surprising number are uncontested. This difference can be explained by reference to party politics, as political parties dominate indirect presidential elections. If the party system is highly competitive and parties see little incentive to compromise, then the presidential election can be very divisive; however, if parties feel that they have little to gain from such a competition they will engineer a compromise candidate or allow an incumbent president to be re-elected without opposition. As we shall see, indirectly elected presidents usually have limited powers, so often the stakes are not very high. This can encourage compromise candidates and/or discourage opposition parties from putting forward candidates and forcing a contest they might lose (Table 18.3).

Turning to direct elections, the rules for electing the president are much more uniform. With the exception of Ireland, which uses a one-round system of preferential voting, all European countries use a two-round run-off system to elect presidents. In this system, a number of candidates stand in the first round but, assuming no candidate wins an absolute majority of the votes cast, only the two leading candidates are allowed to stand in the second round. Most countries also have relatively similar rules for nominating candidates. Generally speaking, candidates can stand

Table 18.3 The number of candidates on the first ballot of presidential elections in parliamentary republics

Country	Average no. of candidates	Highest no. of candidates	Lowest no. of candidates	No. of elections with only one candidate on the first ballot
Albania	1.3	2	1	2
Estonia	2.8	4	1	1
Germany	3.3	8	1	1
Greece	2.0	6	1	4
Hungary	1.7	2	1	1
Italy	11.5	18	5	0
Kosovo	1.5	1	1	1
Latvia	2.2	4	1	2

Notes: No information is available for Malta. The figures for Hungary are from 2005 (inclusive). The figures for Italy exclude so-called 'voti dispersi'.

for election if they obtain a certain number of signatures from citizens. The number of signatures required varies roughly as a function of the population of the country. However, in France and Ireland there is no provision for citizen involvement in the nomination of candidates; instead, elected representatives dominate the process. Where signatures are the basis of the nomination process, the threshold is usually high enough that extremely determined well-known individuals and representatives of small parties can stand, whereas utterly frivolous candidates are effectively excluded. The rules in France have the same effect. In Ireland, established political parties have dominated the candidate selection process until very recently. Overall, Table 18.4 shows that the average number of candidates in countries with direct elections is greater than the equivalent number for countries with indirect elections (where parliamentary parties dominate the nomination process). Similarly, Table 18.4 indicates that, in contrast to parliamentary republics, uncontested elections are very rare in countries employing direct elections, although they are common in both Iceland and Ireland (where, as we shall see, the president is a figurehead with scarcely any political powers). However, in countries with direct presidential elections, political parties are usually the main vehicles by which signatures are collected; elections are thus still predominantly contested by party candidates. Moreover, there is a significant difference between just standing for election and standing with a chance of winning or doing well in the election. Typically, the actual struggle to make it through to the second round is almost always confined to a handful of well-known party figures. Lesser-known 'citizen' candidates or candidates from very small parties often trail far behind, rarely able to make a dent in the public consciousness. Table 18.4 provides data on the effective number of presidential candidates on the first ballot of European direct presidential elections. These figures give a rough idea of how competitive direct elections are on average, indicating that the effective number of first-round presidential candidates in countries with direct elections is higher than the average number of candidates on the first ballot of countries with indirect elections, reflecting the relative openness of the nomination process. Even so, the figures also show that in direct elections the real competition for the presidency is usually restricted to a fairly small number of candidates.

However, the main difference between the effects of indirect and direct presidential elections concerns the nature of election campaigns. In countries with indirect elections, the election of

Table 18.4 Direct presidential elections in Europe

Country	Year of first election in dataset	No. of elections	Average no. of candidates in the first round	Average effective no. of candidates in the first round	No. of elections with only one candidate
Austria	1951	12	3.1	2.1	0
Bulgaria	1992	5	13.0	3.1	0
Croatia	2000	3	11.3	4.2	0
Cyprus	1968	10	5.3	2.3	2
Czech Republic	2013	1	9.0	5.7	0
Finland	1950	11	7.2	3.7	0
France	1969	8	10.6	5.0	0
Iceland	1945	18	1.9	1.5	10
Ireland	1938	13	2.3	1.9	6
Lithuania	1993	5	7.6	3.4	0
Macedonia	1994	4	4.5	3.5	0
Montenegro	2008	1	4.0	2.9	0
Poland	1995	4	11.8	3.4	0
Portugal	1976	8	4.6	2.4	0
Romania	1996	4	13.0	3.9	0
Serbia	2008	2	10.5	4.8	0
Slovakia	1999	3	9.7	3.3	0
Slovenia	1992	5	7.0	3.0	0

the president is usually a major political event. However, by and large, the contest takes place within a relatively restricted time period and is primarily confined to the parliamentary arena. Candidates do not prepare manifestos, there are no televised debates and there may not even be the opportunity for candidates to speak in parliament in support of their candidacy. Instead, the election is an elite, party-centred affair. It may require party leaders to meet to try to agree on a common candidate, but most of the politicking goes on behind closed doors. Direct presidential election campaigns are different in many ways. All but the most minor candidates prepare some sort of manifesto outlining their vision for the country. With the exception of Iceland, all countries with this system now hold televised debates between all or at least some of the presidential candidates. Even prior to the official period of campaigning, which is usually about a month before the election date, candidates may hold mass rallies and public meetings for their supporters, often touring around the country. Political advertising or official election broadcasts may also appear on television, and the total cost of campaigning can be very large indeed. In addition, in some countries (such as France) the major parties now hold US-style primary elections to choose their presidential candidates. This means that formal campaigning begins up to a year before the election date itself; furthermore, in these countries manoeuvring for the presidency takes place years in advance. The presidential election is the centrepiece of the electoral process, defining the entire political system. Consequently, would-be candidates must take decisions with the presidential election in mind years ahead of any official campaigning.

As described above, direct elections are somewhat more competitive than indirect elections, and campaigning varies widely as a function of the specific mode of election. However, do

these differences affect the type of candidate who is elected? There is some evidence suggesting that parliamentary republics are more likely to elect non-partisan presidents, or at least presidents who had not held elected political office at the time of their election. For example, in Latvia two of the country's four presidents since the collapse of Communism have been recruited from outside parliament. In 1999, five ballots failed to generate the required majority to elect the president. On the sixth ballot, a figure from outside parliament was nominated, and a majority was finally achieved. Similarly, in the second presidential election in Kosovo in 2011, a non-partisan candidate was proposed to ensure that a protracted or divisive selection would not damage the political process. If we include ambassadors, judges and central bankers among non-partisan figures, there is an equivalent example in every parliamentary republic, although most presidents have held representative political office prior to their election as the head of state. Indeed, in Italy and Greece the vast majority of presidents have been longstanding party dignitaries. With directly elected presidents, the power vested in the office has an impact on the type of candidate elected. In countries with directly elected but weak presidents, the situation is not very different from that of countries with indirectly elected presidents. For example, countries such as Austria, Finland and Slovenia have elected presidents from outside representative party politics, although most of their presidents have been explicitly partisan. In Iceland and Ireland, where the presidency is very weak, non-partisan presidents have been even more common. However, in countries in which the president is more than a figurehead, such as Cyprus, France and Romania, a strong party background is a necessary precondition for election. In these countries the stakes are higher, and political parties are keen to control the presidency. Thus, in European republics the power of the president is a better predictor of the type of candidate elected than the mode of election.

The duration in office of heads of state

The number of years that heads of state serve in office varies greatly between monarchies and republics. In monarchies, the king or queen cannot be voted out of office by the legislature, there are no elections in which the public can choose to replace them and there are no term limits. This means that monarchs can serve indefinitely. In the UK, Queen Elizabeth II has reigned since 1952. Monarchs in Denmark and Norway have reigned since the early 1970s. That said, there is a tendency among European monarchs to abdicate at a certain point. For example, Queen Juliana of the Netherlands, crowned in 1948, reigned until her abdication in 1980, long before her death in 2004. Her daughter, Queen Beatrix, reigned from 1980 until 2013, when she likewise abdicated, at the age of 75. Thus, even though European monarchs serve for a much longer period than presidents, they often limit their reign. As a rule, the decision to step down is entirely personal; however, given that monarchs no longer play any meaningful role in the political process, there is rarely any public or political pressure for them to abdicate. The exception is Leopold III of Belgium. As noted earlier, a referendum in March 1950 supported the restoration of Leopold III to the throne. However, when he returned to Belgium from his exile in Switzerland in July 1950, strikes broke out in opposition. Almost immediately, Leopold III declared that he would abdicate in favour of his son, who became King Baudouin, reigning from 1951 until his death in 1993.

Turning to republics, European presidents generally serve in office for a five-year term and can be re-elected only once. In fact, this rule applies to 19 of Europe's 27 parliamentary republics, semi-presidential and presidential regimes, although there is some variation. The presidents of Ireland and Italy serve a seven-year term, and the presidents of Austria and Finland serve for six years. By contrast, the presidents of Iceland and Latvia serve for only four years. In addition,

the presidents of Cyprus, Iceland, Italy and Malta are not term-limited and can (in theory) be re-elected indefinitely. Even so, no Maltese president has served for more than one term; in 2013, Giorgio Napolitano was the first Italian president ever to be re-elected for a second term. In some countries, the combination of long presidential terms and/or the absence of term limits means that certain presidents have served for a considerable period of time. In Ireland, four presidents have each served for 14 consecutive years. In France, President François Mitterrand also served for 14 years (prior to the reduction in the president's term from seven to five years in 2000). In Iceland, both President Ásgeir Ásgeirsson and President Vigdís Finnbogadóttir served for 16 consecutive years. Moreover, the current incumbent, President Ólafur Ragnar Grímsson, was re-elected for a fifth term in 2012, having already served for 16 years. However, the record is still held by President Urho Kekkonen of Finland, who served from 1956 to 1982 (prior to the introduction of the country's two-term limit). Finally, it is worth noting that presidents tend not to return to office after having stepped down. Only three former presidents have been re-elected after a period away from the presidency: Konstantinos Karamanlis in Greece, Valdas Adamkus in Lithuania and Ion Iliescu in Romania. While former presidents often continue their political career, either domestically or in international organizations, they rarely return to the top post.

In contrast to monarchs, presidents can be held accountable for their actions. There are numerous cases of incumbent presidents failing to be re-elected. If we confine ourselves solely to directly elected presidents, Polish President Wałęsa was elected in 1990 but defeated in 1995. In Cyprus, two incumbent presidents have stood for re-election, only to be defeated; the same is true of France and Romania. In Slovakia, Rudolf Schuster won the country's first ever direct presidential election in 1999, winning 47.4 per cent of the vote on the first ballot. However, when he stood for re-election in 2004 he won only 7.4 per cent of the vote, coming in a distant fourth. In Bulgaria, President Zhelev won the 1992 election, but failed to win his party's nomination for the 1996 election and did not stand. By contrast, in Iceland, Ireland and Portugal, countries with long histories of presidential elections, no incumbent has ever failed to be re-elected. These countries (particularly Iceland and Ireland) have weak directly elected presidents, again suggesting that when the president is a figurehead the office is less likely to be contested. That said, in Slovenia, where the president is also very weak, President Türk failed to be re-elected in 2012.

In addition to these and similar cases, a small number of European presidents have been forced to leave office early. Two presidents have resigned under pressure resulting from scandals in which they were implicated: in 2010, President Christian Wulff of Germany resigned amidst allegations of financial wrongdoing (Kubiak 2012), while in 2012 President Pál Schmitt of Hungary resigned when he was accused of plagiarism in his PhD thesis. A further two presidents have resigned when the exercise of their duties has been challenged. In Germany, President Horst Köhler resigned in May 2010 when he was criticized for comments he made regarding alleged links between Germany's military missions overseas and the country's trading relations. He was not obliged to resign, but he decided to do so when he received little support from his fellow politicians. A similar situation occurred in Ireland in 1976 (Gallagher 1977), when President Cearbhall Ó Dálaigh was criticized by the defence minister for submitting a bill to the Supreme Court for a ruling on its constitutionality. The minister offered to resign for his criticism of the president, but the Taoiseach (prime minister) refused to accept his resignation. Feeling isolated, President Ó Dálaigh stepped down. The president was perfectly entitled to send the bill to the Supreme Court, and he was not forced to leave office; however, he felt that he had not been supported by his colleagues and preferred to resign.

Although presidents serve for a fixed term, all European constitutions include a clause that allows them to be impeached and dismissed from office. The conditions vary, but generally they require some evidence that the president has acted unconstitutionally. To date, only one European president has been impeached, although impeachment has been only narrowly avoided on two further occasions. In 2004, President Rolandas Paksas of Lithuania (Clark and Verseckaitė 2005) was accused of improper dealings with Yuri Borisov, a Russian businessman who allegedly had links to organized crime. A special parliamentary commission ruled that the accusation was accurate. The Constitutional Court then found President Paksas guilty of violating the constitution and breaking his oath. In the parliament, the deputies voted on the charges, and the two-thirds majority necessary for impeachment was surpassed by just one vote. This is the only case in which a European president has been obliged to step down prematurely. However, in Romania there have been two attempts at impeachment (Gherghina and Miscoiu 2013), both concerning President Traian Băsescu. In 2007, a hostile majority in parliament voted to suspend President Băsescu from office for supposedly violating the constitution. The Romanian constitution requires that a popular referendum be held to impeach the president. In May 2007, nearly 75 per cent of those participating in the referendum voted against impeachment, and the president remained in power (Tanaescu 2008). A similar situation occurred in 2012: again, President Băsescu faced a hostile majority in parliament, and once again he was suspended. This time, nearly 90 per cent of those voting in the referendum voted to impeach the president; however, fewer than 50 per cent of registered electors turned out to vote. The result of the referendum was therefore invalid, and President Băsescu again remained in power. In Latin America, there is some evidence that impeachment is increasingly being used as a method of ousting unpopular presidents (Marsteintredet and Berntzen 2008). In Europe, this strategy has not yet been successful, but the Romanian example shows that it is possible. If it were to succeed, it would most likely be in a country in which the president is a relatively powerful political actor. The presidential stakes are higher in these countries; parties may therefore calculate that under certain circumstances the risk of undermining the institution of the presidency by an act of presidential *lèse-majesté* may be outweighed by the potential benefits of winning the presidency in the subsequent election. This is another example of how the power of the office can help to explain variations in political practice with respect to European heads of state.

The power of heads of state

As described above, the relative power of heads of state accounts for various differences in how European political systems operate. What powers do they have, exactly? Table 18.5 provides a basic ranking of presidents in terms of their powers.

The first distinction that must be drawn is between monarchies and republics. As previously noted, in European monarchies the head of state no longer has any real influence over the political process. In these countries, the head of government (the prime minister) is the main political figure within the government. All the same, we must distinguish between the formal constitution and actual constitutional practice. Formally, monarchs often exercise great power in some areas. For example, with the exception of Sweden (Roobol 2011: 284), the approval of the monarch is still needed for a bill to become law. In theory, this means that monarchs have veto power. In actual practice, however, this power is almost never used. However, in March 1990 King Baudouin of Belgium informed Prime Minister Wilfried Martens that his conscience would not allow him to sign a bill that partially legalized abortion (Prakke 2006: 141–3). However, the king also acknowledged that it would be unacceptable for him to veto a bill passed by the legislature. To resolve this impasse, the Council of Ministers voted

Table 18.5 The power of European presidents

Country	Method of election	Score (0–1)
Cyprus	Direct	0.75
France	Direct	0.44
Romania	Direct	0.39
Croatia	Direct	0.33
Iceland	Direct	0.33
Portugal	Direct	0.33
Lithuania	Direct	0.32
Poland	Direct	0.29
Albania	Indirect	0.27
Hungary	Indirect	0.27
Estonia	Indirect	0.25
Italy	Indirect	0.25
Macedonia	Direct	0.19
Ireland	Direct	0.18
Czech Republic	Direct	0.17
Finland	Direct	0.17
Malta	Indirect	0.17
Slovakia	Direct	0.15
Bulgaria	Direct	0.14
Austria	Direct	0.13
Latvia	Indirect	0.13
Serbia	Direct	0.10
Slovenia	Direct	0.10
Montenegro	Direct	0.08
Germany	Indirect	0.06
Greece	Indirect	0.06

Note: The scores are calculated as the mean of the standardized scores of three measures of presidential power, e.g. Shugart and Carey (1992), Siaroff (2003) and Tavits (2008). These scores are a mix of constitutional presidential powers and presidential powers in practice.

to declare the king unable to rule, meaning that it had the power to sign the bill into law; having done so, it then convened parliament the next day to declare Baudouin once again able to rule. Generally speaking, the one area in which the residual influence of the monarch is still evident is the process of government formation. Again with the exception of Sweden, the king or queen in European monarchies formally nominates the prime minister-designate, who then proceeds to form a government. Usually, the monarch's choice is determined in advance by the result of the legislative election or by post-election negotiations between political parties. However, it is not inconceivable that under certain circumstances there may be no obvious prime ministerial candidate, and thus the monarch's decision could be influential (Saalfeld 2003: 648). For example, in 2010 the Dutch general election returned a parliament without a clear-cut majority. Queen Beatrix was advised to nominate representatives (or *informateurs*) from two parties, each of whom would engage in negotiations to form a new government. However, she decided to nominate only one, seemingly signalling her preference for a particular type of coalition. In the end, new *informateurs* had to be appointed, as the process of government formation proved particularly difficult. However, the queen's choice could have been decisive. Indeed, in 1994, when a similar situation occurred, Queen Beatrix also acted against advice and

appointed an *informateur* who ended up becoming prime minister (De Winter 1995: 126). The formal powers of the monarch may thus be slightly more than completely residual in this regard; however, such examples are very rare and do not threaten the democratic norms on which the regime is founded. The monarch's role is now purely social and cultural; he or she functions as a figurehead around which citizens can unite in times of national disaster, for example. If a monarch were to intervene substantively and unilaterally in the political process, there would quickly be a popular backlash.

Thus, in parliamentary monarchies kings and queens play no substantive role in the political process; instead, prime ministers are the main political actors within the executive branch. In parliamentary republics the prime minister is also the main political actor. However, even the weakest indirectly elected presidents have the potential to exercise more influence than any monarch. For example, in Germany, where the office has very few powers at all (and where, as described above, one president resigned because he was criticized for merely commenting on the political process), the Federal President still has the implicit power to refuse to countersign bills passed by the legislature. This power is used very sparingly; indeed, it has been invoked only ten times since 1949. However, a comparison of this very restricted veto power with the constitutional consternation stirred up by King Baudouin's moral dilemma in 1990 allows us to conclude that indirectly elected presidents play a fundamentally different role in the political process from monarchs. They may be weak, but they can legitimately exercise whatever power they may have. Moreover, Tavits (2008) has shown that even the weakest indirectly elected presidents can be quite consequential political actors. One area in which they sometimes intervene is in their capacity as the 'guardian of the constitution'. This power is often expressed when presidents veto bills passed by the legislature, or when they send bills back to the legislature for further consideration. For example, in Latvia President Valdis Zatlers returned 14 bills to the legislature between 2007 and 2011. President Václav Klaus of the Czech Republic was particularly active in this regard, returning no fewer than 63 bills to parliament from April 2003 to November 2012. Presidential power can sometimes be even more significant; for example, Hungarian President Árpád Göncz was in constant conflict with the government in the years immediately following the collapse of Communism (O'Neil 1993). In Italy, Pasquino (2012: 848) has shown that prior to 1993 Italian presidents exercised little more than 'moral persuasion'; since that time, however, they have become more significant political actors. For example, in April 1993 President Oscar Luigi Scalfaro found himself 'totally unconstrained' (ibid.: 849) in his choice of prime minister and government ministers. Italian presidents have also become more involved in the general process of legislation; for example, President Carlo Azeglio Ciampi had a habit of 'active and decisive intervention in the course of parliamentary proceedings' that 'essentially transformed him into an authoritative and influential co-legislator' (Grimaldi 2011: 116). The Italian case is particularly instructive because it demonstrates that variation in presidential power is largely determined by variation in party politics. In Italy, the collapse of the party system in the early 1990s provided the president with a 'huge window of opportunity' (Pasquino 2012: 847) to exercise political influence. Thus, in general, even though the prime minister is the main actor within the executive branch in parliamentary republics, we should not discount the role of indirectly elected presidents.

In semi-presidential and presidential regimes, the situation is more varied. As Tavits (2008) has amply demonstrated, the direct election of the president does not necessarily mean that the president will be a powerful political actor. As shown in Table 18.5, some of the very weakest presidents are directly elected. In these countries, the prime minister is, once again, the dominant political actor within the executive. The weakness of certain directly elected presidents is due in part to the restricted number of constitutional powers that are vested in the office.

Presidents in the Balkans are now notable in this regard. In the period following independence in 1990, Croatia adopted a constitution featuring a very strong president. However, in 2001 almost all of the president's powers were stripped away, bringing Croatia into line with other countries in the region. For example, even though they are directly elected, the presidents of Slovenia and Croatia do not have the power to request that parliament reconsider a bill. The president of Slovenia in particular plays little more than a ceremonial role, although the office is vested with certain powers influencing the process of government formation. In addition, the president of Slovenia retains the right to speak out on matters of political concern, and presidents have locked horns with the government over controversial issues (Krašovec and Lajh 2008: 213). However, as in parliamentary systems, ultimately the government decides.

The weakness of some directly elected presidents is also partially due to the historical conditions under which the presidencies were established (Duverger 1980). For instance, in Iceland the president has many constitutional powers; however, rather like a European monarchy, by convention these powers are not used. The presidency is almost entirely a figurehead institution. In Ireland, the president has many fewer powers, but only one – the power to send a bill to the Supreme Court for a judgement on its constitutionality – has been used with any regularity (and even then the use of this power once provoked a crisis that led to the president's resignation). In both countries, the creation of the presidency was a symbolic political act, replacing the position of a monarch or a monarch's appointed representative in the constitutional system. The aim was not to create an executive presidency; the first elected presidents understood that their role was almost exclusively ceremonial, and this tradition has endured. However, like indirectly elected presidents, even very weak directly elected presidents can exercise some influence at times. In Iceland, the president's refusal to sign a bill passed by parliament automatically triggers a referendum to decide whether or not the bill should become law. This power was not used for 50 years until President Grímsson invoked it for the first time in 1994. On that occasion, the government withdrew the bill before a referendum could be held. President Grímsson has since vetoed legislation on two subsequent occasions; in both of the ensuing referenda, the people have supported the president and voted to reject the bill passed by parliament. Overall, though, we can consider the power of indirectly elected presidents and very weak directly elected presidents to be essentially equivalent.

However, in some countries directly elected presidents are more powerful political actors. This is most notably the case in Cyprus, where it has been asserted (Ker-Lindsay 2006: 33) that the president 'exerts more influence over [the] state' than the equivalent leader in any country in the European Union. The situation in Cyprus is unusual, and not merely in a European context. Article 46 of the country's 1960 Constitution states that 'executive power is ensured by the President and the Vice-President of the Republic'. Indeed, according to the Constitution, the vice-president is an important political figure with effective veto power over most key issues. Article 1 of the 1960 Constitution further states that the president shall be elected by the Greek Cypriot community and that the vice-president shall be elected by the Turkish Cypriot community, establishing a form of ethnic power-sharing. However, in 1963 conflict broke out between the two communities on the island, and the Turkish community's involvement in the political system ended. As a result, even though the Constitution continues to refer to the vice-president, the position has remained unoccupied for the last 50 years. In practice, this means that sole executive authority has resided in the presidency. More generally, the president's position is enhanced by the popular perception that the president is the *ethnarch*, or national leader, of the Greek Cypriot people (ibid.: 28), which 'further intensifies and reinforces the sense that speaking out against the president is not just disrespectful, it is an act against the community at large' (ibid.: 29).

In France, there is no shortage of people willing to criticize the president, but there is still no doubt that, under normal circumstances, the president is the main actor in the political process (Elgie 2013). Here, the president has some significant constitutional powers, especially in foreign affairs; however, Article 20 states that the 'government shall determine and conduct the policy of the nation', while Article 21 states that the prime minister 'shall direct the actions of the government'. Thus, constitutionally, the prime minister would seem to be the key figure within the executive branch. However, party politics can warp this situation significantly. In the legislature, there is usually a 'presidential majority', meaning a majority that is loyal to the president rather than the prime minister. As a result, the president can appoint a loyal prime minister who will direct the actions of the government on the president's behalf, with the support of the legislature. Moreover, in France, more than in any other European country (with the exception of Cyprus), the presidential election is the key moment in the political process. Presidential elections determine the policy agenda. Thus, with the appointment of a loyal prime minister, the president can be assured that his or her policies will be implemented. Party politics rather than constitutional powers therefore ensure that the French president is generally a stronger political actor within the system than the prime minister.

In Romania, the situation is similar. However, Romanian presidents have tended to exercise power despite rather than because of political parties, which are typically ill disciplined and often fail to guarantee a stable parliamentary majority (Gallagher and Andrievici 2008). That said, as in countries with indirectly elected presidents, presidential power in France and Romania can vary considerably. The determining factor is whether or not the president enjoys a supportive parliamentary majority. If not, the majority will appoint a prime minister and cabinet who are also opposed to the president and will pass legislation prepared by the government. Under these circumstances, the president no longer has any political allies in the executive branch; this is known as 'cohabitation'. During such periods, the president can only react to the government's decisions, losing almost all influence over policy. In France since 1958, there have been three periods of cohabitation: 1986–8, 1993–5 and 1997–2002. In Romania since 1991, there have been two such periods: 2007–8 and 2012–14. During these periods, relations within the executive between the president and the prime minister and his or her cabinet can be very fraught. It is no coincidence that both attempts to impeach President Băsescu occurred during periods of cohabitation.

In France and Romania, periods of cohabitation weaken the presidency; elsewhere, however, cohabitation can strengthen the president. Portugal, Bulgaria and Poland are good examples in this regard. Outside cohabitation, the prime minister is usually the party leader, while the president is a lesser party figure. This means that the prime minister leads the parliamentary majority and is dominant within the executive branch, whereas the president is a secondary figure exercising little effective power. However, when there is cohabitation the prime minister still leads the parliamentary majority, but the president now provides the main party political opposition to the prime minister within the executive, enhancing the role of the office. For example, in 2004 President Sampaio of Portugal engineered the dissolution of the legislature during a period of cohabitation, allowing new elections to be held that returned his party to government (Amorim Neto and Costa Lobo 2009: 243). In Bulgaria, presidential vetoes increase under cohabitation as the president attempts to stymie the opposition government. In Poland, the 1997 Constitution reduced the president's powers. Now, ordinarily, the president is a secondary political figure; however, during cohabitation the president can still represent a nuisance to the government – for example, as in Bulgaria, the use of presidential vetoes increases under cohabitation (ibid.: 382). Thus, we see that a combination of constitutional powers and presidential politics explains why cohabitation has different consequences in different countries.

Generally speaking, as described above, there is great variation in the powers of European heads of state. To all intents and purposes, European monarchs are powerless. By contrast, indirectly elected presidents usually have a certain degree of influence and on some occasions may have rather more latitude; however, they operate within a system in which, like parliamentary monarchies, the prime minister is the dominant actor within the executive branch. The same can be said with regard to countries with very weak directly elected presidents. Here again, prime ministers are dominant within the executive, although presidents can exercise influence under certain conditions. However, in a handful of countries the president is usually the dominant political actor. In Cyprus, this is always the case, not least because the country's system of government lacks a prime minister. In France and Romania, the president is usually the dominant actor, but under cohabitation power shifts to the prime minister. This variation in the power of European heads of state is caused by differences in constitutional powers, the presence or absence of behavioural norms and, most importantly, shifting patterns of party politics, both within the country and within the legislature.

Conclusion: European heads of state

On 13–14 December 2012, 27 heads of state and government attended the biannual meeting of the European Council in Brussels. This meeting is a good indicator of where power lies in EU member state executives. At this meeting, there were 23 heads of government, four presidents and no monarchs in attendance. The presidents who attended came from Cyprus, France, Lithuania and Romania. In the past, the presidents of Finland and Poland have also regularly attended equivalent meetings, but these countries are now represented by their prime minister. Croatia, the newest member of the EU, is represented at European Council meetings by its prime minister as well. If we try to predict who would represent the non-EU countries covered in this survey at such an event, Switzerland would have to be represented by its president (because it has no prime minister), but all the other countries would almost certainly be represented by their prime ministers. However, even if Switzerland were represented by its president, it would not be an indication of the president's power. The Swiss president is elected by parliament, has very few powers and serves for only one year, with the post rotating between the seven members of the country's cabinet.

These figures are instructive. They suggest that monarchs and indirectly elected presidents are not expected to play a significant role in the policy-making process. In fact, as we have seen, monarchs are not expected to play any role whatsoever. The attendance figures also indicate that directly elected presidents are not necessarily the centre of political attention in European executives; this is the case in only a handful of countries. Indeed, in Lithuania the head of state attends meetings of the European Council because the constitution specifically states that the president 'shall represent the state' (Art. 77), not because the presidency is in charge of domestic policy-making; in this regard, the Lithuanian prime minister is much more important. Moreover, if there is a discernible trend, then it is towards less powerful directly elected presidents. In 1982, Portugal significantly reduced the power of its president. In Poland and Croatia, equivalent changes were made in 1997 and 2001, respectively. In Finland, the powers of the president have been reduced so much that since 2000 the Finnish president has been merely an Irish-style figurehead. In Slovakia and the Czech Republic, direct presidential elections were introduced in 1999 and 2013, respectively; however, the power of these presidents was not increased accordingly, thus adding two additional weak but directly elected presidents to the list. These changes merely underline the point that the mode of election is not a good predictor of presidential power in Europe.

This is not to say that indirectly elected presidents and weak directly elected presidents are inconsequential. As we have seen, all presidents have more opportunity to influence the political process than any monarch. Furthermore, if the party political conditions are right, then both indirectly elected presidents and weak directly elected presidents may be able to exercise a more substantive influence. Their role might be one of behind-the-scenes 'moral persuasion'; alternatively, they may function as the 'guardian of the constitution' exercising veto power, as a more constructive partner in decision-making with the government, or as a troublemaker, complicating the strategies of the government and the parliamentary majority. For example, in 2013 the Czech Republic switched from indirect to direct presidential elections, thus becoming a semi-presidential regime. The Czech president is largely a figurehead; however, when the Czech government collapsed in July 2013, the country's first directly elected president, Miloš Zeman, was able to appoint his preferred candidate as interim prime minister and then bring about a parliamentary dissolution when the government failed to be ratified by parliament. The Czech president is very weak, but by pushing his powers to the limit, President Zeman was able to manufacture the outcome that he wanted. Thus, the role of indirectly elected presidents and weak directly elected presidents should not be discounted. However, only in a handful of European countries is the head of state a truly powerful political actor. The presidents of Cyprus, France and (to a lesser extent) Romania stand out in this regard. These countries have executive presidents, meaning that the president is the primary actor within the governmental system. Even in these cases, though, party politics can shift decision-making power to the prime minister. When this happened in Romania in 2012, there was a fierce political row between the president and the new prime minister as to who should represent Romania at the December European Council meeting.

Overall, evidence suggests that presidential power is on the wane in Europe. This does not mean that directly elected presidents have gone out of fashion. Quite the contrary: the norms of representative liberal democracy point towards the expansion of direct elections. However, we are unlikely to see a move towards executive presidencies in Europe any time soon. The development of the EU itself is consistent with this general point: although the EU is a *sui generis* organization, the role of the President of the European Commission more closely resembles that of an active indirectly elected president than a true executive presidency. In the future, if there ever is a President of the European Union, it is not inconceivable that such a position would be directly elected by the citizens of Europe. If this were the case, however, we can be fairly sure that the office would be more of a figurehead institution, acting as the guardian of the Treaties, than a true policy-making actor. The role of such a president would be familiar to the vast majority of European citizens.

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Continuity and change in parliamentarianism in twenty-first century European politics

Philip Norton (Lord Norton of Louth)

The nineteenth century was notable for the growth of national legislatures in Europe, both in number and in political significance. Although the development was not uniform – some nations lacked a legislature at the heart of their political system – parliamentarianism was nonetheless portrayed as a defining feature of the century (Sontheimer 1984). Legislatures were viewed, both descriptively and normatively, as institutions comprising men of independent judgement, chosen by a restricted but informed body of electors, capable of determining the laws of the land and the fate of governments.

However, this era is viewed as short lived. No sooner had the English journalist Walter Bagehot penned his classic *The English Constitution* (1867) than his concept of a 'good' Parliament was eroded by the growth of a mass franchise and the emergence of organized, mass-membership political parties. Cadre parties were transformed and new ones created. Commentators such as A. Lawrence Lowell (1896), Moisei Ostrogorski (1902) and, most notably, Lord Bryce (1921) were instrumental in identifying and decrying the growth of parties and the party caucus. According to Bryce, the effect of the growth of parties was that 'the dignity and moral influence of representative legislatures have been declining' (Bryce 1921: 391). He titled Chapter 58 of his book 'The Decline of Legislatures', and the perception stuck. As Loewenberg notes, '[w]riting just after the First World War, Bryce at once summarised the view of an entire generation of observers of representative institutions and provided a dogma for a new generation of disillusioned democrats' (Loewenberg 1971: 7; see also Loewenberg 2011: 11–13). By 1968, Philip Williams was able to refer to the decline of parliaments as 'an old story': 'It has characterised a century which, as Wheare has shown, has been hard on legislatures' (Williams 1968: 1).

Throughout the twentieth century, legislatures were perceived as overshadowed by increasingly powerful executives; some were even cowed or abolished by authoritarian or military regimes. Even in enduring democracies, such as the United Kingdom, the legislature was seen as marginal to a powerful executive. In 1949, the politician Christopher Hollis published *Can Parliament Survive?*, which was followed by works such as Michael Foot's *Parliament in Danger!* (1959) and the pseudonymous Hill and Whichelow's *What's Wrong with Parliament?* (1964). By 1979, the political scientists Jeremy Richardson and Grant Jordan were writing about 'Post-Parliamentary Democracy'.

Scholars toiling in the field of policy studies largely ignored legislatures in order to focus on the black box of the executive. The legislative process was not viewed as hidden within a black box, but rather as tantamount to a transmission belt, conveying the measures crafted by the executive into law. It is notable that when Michael Mezey published his typology of legislatures in 1979, the only major national legislature to be classified as an 'active legislature' – that is, having strong policy-making power and enjoying support at both mass and elite levels – was the US Congress (Mezey 1979: 37). A number had strong policy-making powers but lacked support (and hence were classified as 'vulnerable' legislatures). The remaining legislatures were divided among other categories. Mezey's analysis served to reinforce the observations of Robert Packenham. In his study of the Brazilian legislature, Packenham concluded that 'Specialists in legislative studies have not studied the functions of legislatures very much, but what knowledge we have suggests that the Brazilian case is much closer to the mode than the U.S. Congress' (Packenham 1970).

In this analysis, parties have served as the bane of legislatures, party cohesion constituting a marked feature, the parties delivering usually what their leaders desire. As John Hibbing (2002: 35) has noted, 'most objective observers would concede that party norms usually trump legislative norms – in the U.K. and in most other countries'. Political parties are essential in order to translate the popular will into legislative outcomes, but at the expense of independence on the part of the legislators.

However, we can identify two caveats to this hypothesis. The first is that it is overstated. Generally speaking, parliaments have never been quite as powerful as some commentators have made them out to be. In some cases, political parties were simply replacing monarchs or other notables as the controlling agents of the legislature. The second caveat is that it no longer applies, or certainly not to the extent implied in the theory of legislative decline. Legislatures have fulfilled a more significant role than popularly claimed – even Richardson and Jordan qualified their criticism of the British Parliament – and now, if anything, they are becoming more, not less, significant as political actors, certainly in the context of Europe.

Indeed, there is the argument that, far from legislatures declining in significance, we are witnessing a new age of parliamentarianism. There are more parliaments than ever before. Military regimes and dictatorships have given way to the creation of legislatures, even in the Middle East, the only part of the world to feature nations with no prior history of such institutions. However, the existence of a legislature is necessary but not sufficient; there must also be the acceptance of parliamentary norms. We presume that these norms include an acceptance that the ruling regime is beholden to the constitution and not the other way round, and that this entails a clear delineation between the executive, the legislature and the courts, an embrace of the rule of law, acceptance of the outcomes of democratic elections and recognition of opposition as legitimate. These we take as features intrinsic to a liberal democracy.

We can identify changes that transcend Europe as well as those that are particular to Europe. The last half of the twentieth century saw a notable rise in the number of freely elected national legislatures. At the start of the twentieth century, democracies were in the minority; by the end of the century, they were in the majority. However, liberal democracies were and remain in the minority. Some nations hold elections, but fail to meet the standards of competitive and free and fair contests. These are classified by LeDuc, Niemi and Norris (2010: 12) as *electoral autocracies*; the authors identified 65 such regimes in 2009. Some nations hold competitive elections, but they fail to protect rights or offer only limited protection, falling short of the requirements for liberal democracies. LeDuc, Niemi and Norris term these *electoral democracies*, identifying 32 nations as meriting the appellation. Their analysis determined that 88 nations, a plurality but not an absolute majority, constituted *liberal democracies*.

There has thus been a move towards national legislatures being chosen by electors on the basis of competitive elections. Not all nations have achieved that objective and, despite a clear progression, there has in some instances been a certain degree of regression or stalled development. In the case of Europe, we can identify a clear trend towards the consolidation of parliamentarianism. This is a trend rather than a universal phenomenon, but is nonetheless quite marked. In the context of Europe, we can also identify both common challenges and opportunities. Individually, these may not be unique to legislatures in Europe, but taken together they are distinctive.

Consolidation

For much of the twentieth century, national legislatures in Europe differed markedly in their nature. Some were well-established institutions in mature democracies, whereas others were sickly creatures, sometimes short lived. Some European nations had little or no history of free and competitive elections. In the decades after the Second World War, there were clear-cut differences between nations in three parts of the continent.

Western Europe largely featured established, re-established or newly developing liberal democracies. There was some variety within this category – France in particular undergoing paradigmatic rather than evolutionary constitutional change – but free and competitive elections with the protection of rights characterized the region. Most legislatures fell within Mezey's category of *reactive legislatures*; to a greater or lesser extent, they were able to limit the executive and serve as an important buckle between citizens (as individual constituents or as organized groups) and the executive. One can distinguish between legislatures within the region: some were more strongly reactive, or what I have characterized as 'policy-influencing' (Norton 1984), than others (Norton 1994), but all essentially belonged to the same family of legislatures.

Central and Eastern Europe, in contrast, were dominated by the Soviet Union and featured legislatures that, although elected, lacked the necessary characteristics to be deemed either democratic or liberal. Legislatures within non-democratic regimes can and variously do fulfil functions beyond that of simply assenting to whatever is placed before them (Allmark 2012). Of the legislatures within the Soviet Bloc, the Polish *Sejm* was notable for performing a a number of functions, including interest articulation (see Olson and Simon 1982), but on the whole these institutions lacked popular acceptance as bodies that spoke for the people and could constrain the executive. They lacked what has been termed an equilibrium of legitimacy, whereby different forces within the polity recognize that they derive some benefit from the way the system operates and accept that others are also entitled to benefit (Norton 2001: 28; Norton and Olson 2008: xiv). Mezey classified these bodies as *minimal legislatures*, but this was to prove an inapt designation, given that it signified that they were more rather than less supported at both elite and mass levels.

Legislatures in Southern Europe in the twentieth century also largely existed within nations that fell outside the liberal democratic framework. There were usually parliaments, but no parliamentarianism. The Iberian Peninsula was dominated by authoritarian regimes. The colonels took over in Greece. Only Italy managed to survive as a democratic nation, albeit one characterized by tensions and frequent changes of government. Mezey classified the Italian legislature as *vulnerable*: enjoying strong policy-making powers but less rather than more supported.

The last decades of the century saw the political architecture of the continent undergo a fundamental transformation. The autocratic regimes of Southern Europe gave way to democracies with transformed and freely elected legislatures. This was followed by the rusting and demolition of the Iron Curtain and the emergence of new democracies in Central and

Eastern Europe. Liberal democracies became the norm, albeit with significant variations. The new democracies of Central and Eastern Europe were offered assistance by a range of external sources, but the end of Soviet rule did not lead to the emergence of identical legislatures; rather, each legislature was shaped by its nation's history and culture (Norton and Olson 1996). The extent of this influence is explicable in terms of the speed with which Soviet control had disappeared and the fact that there were already legislatures in place: 'When the Soviet yolk was withdrawn, the constitution and the institutions of each country did not disappear with it. There was a legislature in place whose practices and structures could be drawn on' (Norton and Olson 1996: 232). The existing legislatures were adapted to the new situation.

There was some variation in Central and Eastern Europe as well. Some nations had previous experience with free elections, but others did not. There was nonetheless a clear trend from these three distinct parts of Europe towards a common pattern of freely elected legislatures and recognition of the need to protect the rights of citizens. Indeed, it is notable that at the start of the twenty-first century the parliaments of the new democracies were more likely to have human rights committees than those of the established democracies (Norton 2005: 24). There was also an identifiable pattern regarding the relationship between parliaments and executives. First, in terms of form, parliamentary systems became the norm. Second, in terms of behaviour, there was a move that has been characterized as a shift from 'legislation to legitimation' (Leston-Bandeira 2004). This phrase was employed in the context of the Portuguese parliament, but it has a wider utility.

The use of a parliamentary form of government, as distinct from the presidential model (see Lijphart 1992), characterized Western Europe in the post-war years and was extended following the waves of democracy that engulfed the rest of Europe. Parliamentary government was not unique to the continent, nor did all nations in Europe employ it. In Western Europe, France moved from a parliamentary to a hybrid, or semi-presidential, model in 1959. Though the system created by the Constitution of the Fifth Republic was particular to France – it was, as Safran noted, 'an eclectic document that incorporates monarchical, plebiscitary, and traditional republican features' (Safran 1995: 9) – the concept of a hybrid system would be embraced by some of the new democracies of Central and Eastern Europe as well (Remington 1994: 13–14; see also Olson and Norton 1996), including Poland and Romania. Some veered more towards the presidential end of the model, the most notable example being Russia. Nonetheless, the emphasis was on accountability through a parliamentary form of government with free and competitive elections.

The extent of party formation and composition, as well as the design of the legislature (see Ostrow 2000), has affected the second development, namely the consolidation of a responsive, or policy-influencing, legislature (as opposed to an active legislature). Legislatures in the new democracies were initially active players in the process of nation-building, featuring vigorous debate and sometimes conflict with the executive over the determination of basic laws:

> However, as primary problems are dealt with and society's essential structure is established, the legislative function changes in nature. The need for general basic laws is substituted by the need for routine and detailed regulation, typically a government competence. Parliament does not have the time or the bureaucratic infrastructure to formulate that type of legislation.
>
> (Norton and Leston-Bandeira 2005: 182–3)

The transition from being significant actors in creating basic laws to scrutinizing and endorsing proposals generated by the executive was smoother in Southern Europe (Leston-Bandeira 2005)

than it was in Central and Eastern Europe (Olson and Norton 1996; Norton and Olson 2008). Most legislatures in Central and Eastern Europe have become fairly stable democratic regimes, some (such as Hungary) more akin to the Westminster model of government and others (such as the Czech Republic and Slovenia) more similar to the continental parliamentary model. However, there is greater variation and less stability in this region than in Southern Europe (Norton and Olson 2008: 153–85). Some post-Soviet parliaments, such as those in Russia and Moldova, have become president dependent, dominated by single-party leadership not derived from the legislature and, if anything, confirming a regression to an authoritarian regime. However, the general (if not uniform) trend indicates that policy-influencing legislatures are becoming the norm in Europe.

Challenges

We thus can see some element of consolidation in the twenty-first century in a manner that was not apparent in the preceding century. However, the legislatures in Europe face a number of challenges. Most of these are not peculiar to Europe, although the combination does render the position of the parliaments unique.

One dimension is international, encompassing challenges that are global in nature, and hence by definition not confined to Europe; the other is unique to the Europe setting – namely, membership in the European Union.

Globalization

The erosion of national borders in economic terms creates challenges for national legislatures. This situation is exacerbated in times of economic crisis. Nations may wish to maintain standards that are unsustainable in times of austerity or that may be challenged by the demands of aid providers. This creates particular problems for parliaments. They are not party to the deliberations of international financial bodies, such as the IMF or the World Bank, and so have no direct input into key decisions, yet they are the bodies that must give their assent to legislation resulting from the conditions attached to financial aid. The legislatures of nations with weak or vulnerable economies can find themselves in particularly difficult circumstances. The global economic downturn that began in 2008 hit nations such as Ireland, Greece, Portugal and Spain especially hard. The conditions attached to aid caused popular unrest; in some cases, people took to the streets. Popular unrest can put pressure on a nation's constitutional fabric, especially in new democracies, where the institutional structure is fragile (Norton 2012a: 80). Although party cohesion may be sufficient to deliver commitments made by governments, there is a tension between what may be seen as the national interest and the views and desires of many (possibly most) of the citizens who comprise the nation. Tension can generate distrust in politicians and in national institutions, and may lead to demands for constitutional change (see Dalton 2004: 184–7).

The challenge for legislatures exists at two levels. One is located within the nation itself: ensuring that the voice of the people is heard. This may not result in changes in decisions; rather, it serves a safety-valve function. When there are public protests, they generally take place at the parliament, as people view the legislature as the institution whose purpose is to represent their interests.

The other challenge is at the international level. There are several bodies that draw together members of national legislatures, globally (such as the Inter-Parliamentary Union), on a trans-Atlantic basis (such as the NATO Parliamentary Assembly) or at the European level (such as

the Parliamentary Assembly of the Council of Europe and the OSCE [Organisation for Security and Cooperation in Europe] Parliamentary Assembly, although membership in OSCE extends beyond Europe). These institutions provide forums for the discussion of matters of common concern, permitting legislatures some input into the organizations to which they are linked. There are two associated challenges in that, first, the bodies themselves meet infrequently and have no decision-making powers and, second, the members have limited means of engaging with their respective parliaments.

The Parliamentary Assembly of the Council of Europe (PACE), for example, meets four times a year for a week-long plenary session at the *Palais de l'Europe* in Strasbourg (although much of its work is done through committees). The NATO Parliamentary Assembly and the North Atlantic Council meet annually to discuss matters of common interest. In 2013, for example, the meeting addressed NATO's priority issues for the year, including defence capabilities and Afghanistan. Though such sessions can be useful, they may be seen as marginal activities in relation to the organization's executive body. The NATO Parliamentary Assembly, for example, does not feature prominently on the NATO website; indeed, it is only locatable using the site's not insubstantial index. Similarly, the OSCE Parliamentary Assembly receives only a passing mention in the OSCE's factsheet about its operations (OSCE 2014).

Following the sessions of these parliamentary bodies, members have limited opportunities to report back to their home parliaments. There is little available evidence of systematic engagement with home institutions, either in terms of discussing what to communicate to the international parliamentary body or reporting back on the deliberations. In the UK Parliament, for example, '[m]embers serving on inter-parliamentary organisations are expected to report on their activities in the course of relevant debates and other proceedings although there is no formal mechanism for doing so' (House of Lords, Written Answer, 13 Nov. 2012, col. WA280). Certain opportunities exist for some delegations to report back to interested members of parliament, but there is no structured means of engaging at the institutional level. Members of the British–Irish Parliamentary Assembly promoted a debate in the House of Commons in 2012, but that was exceptional. Reports from meetings are placed on websites, but the onus is on interested parliamentarians to access them.

The challenge for national parliaments is thus to make greater use of the limited resources that currently exist and to address the mechanism by which national parliaments can collaborate in scrutinizing and influencing those international organizations that take decisions affecting the constituencies that these legislatures represent.

This constitutes a vexed problem for national legislatures on a global scale. Economic crises serve to highlight a similarly global 'democratic deficit'. For most national legislatures in Europe, there is a challenge, and a perceived democratic deficit, that is unique to Europe.

Supranational decision-making

The challenge facing most European legislatures is how to adapt to the existence of supranational decision-making. The creation of the European Communities (EC), now the European Union (EU), has resulted in a unique situation for national legislatures, one that has changed as the supranational institutions have developed and acquired new powers through successive treaties and as the number of member nations within the EU has grown.

Three stages can be identified in the response of national parliaments to membership in the EC. The first stage involved limited or no engagement. The national parliaments had no formal role in the process of EC law-making and did not exhibit much inclination to assume a structured role in relation to the EC. The second stage was one of partial engagement, especially on the

part of new member states. The parliaments of Denmark and the United Kingdom were keen to maintain their involvement in the policy-making process and consequently established committees dedicated to considering proposals for EC law. Some other national parliaments followed their lead, but the most important impetus for change – representing the third and most significant stage – was the publication and adoption of the White Paper on the Completion of the Single Market and the ratification of the Single European Act (SEA). The White Paper and the SEA extended the role of the EC far beyond its previous reach, expanding its jurisdiction into sectors that had previously been the exclusive preserve of national governments. The SEA also generated a shift in power among the institutions of the EC and in the relationships between those institutions and the member states. There was an elected parliament at the EC level, but it was still formally titled the 'European Assembly' and was not yet a fully fledged legislature. National parliaments responded in three distinct ways: through greater specialization (by the 1990s, EC committees were the norm), additional activity (increased scrutiny of proposed directives) and attempts to integrate MEPs into their activities (for example through joint committees) (Norton 1996a: 177–82).

Since that time, national parliaments have been attempting to keep pace with the developments resulting from subsequent treaties – Maastricht (creating a three-pillared European Union), Amsterdam, Nice and Lisbon (creating a unified EU) – and to respond to the complaints of a democratic deficit within the EU. Perceptions of this deficit underpinned the recognition of the role of national parliaments in a declaration appended to the Maastricht Treaty (see Norton 1996a: 183–4) and a protocol of the Amsterdam Treaty, although neither accorded any formal role in decision-making to the parliaments. In 2001, the Laeken Declaration, which was designed to bring the institutions of the EU closer to the people, led to the Lisbon Treaty and the 'yellow card' and 'orange card' procedures. These enabled national parliaments to refer back proposals deemed to conflict with the principle of subsidiarity (requiring that decisions be taken at the most appropriate level). According to the 'yellow card' procedure, if one-third or more of national parliaments (or one-quarter, in the field of cooperation in criminal matters) submit reasoned opinions to the effect that a proposal violates the principle of subsidiarity, the institution initiating the proposal must review it with a view to withdrawing, amending or maintaining it. (Each parliament has two votes, one each in the case of bicameral institutions.) If more than half the member states submit opinions, and the institution decides to maintain the proposal, it must then submit a reasoned opinion in support of its position to the Council of Ministers and the European Parliament (EP), either of which can strike down the proposal (the 'orange card' procedure). The Treaty also sought to reinforce the position of the Conference of Community and European Affairs Committees (known by its French acronym, COSAC), a body consisting of members drawn from the European committees of national parliaments and from the EP that meets twice a year to discuss matters of mutual interest.

National parliaments have thus moved from a detached and formally advisory role to a position offering the potential to regularly engage in the scrutiny of proposals for EU laws, as well as some degree of leverage under the Lisbon Treaty. A number of legislative chambers, notably the Polish Senate and both Houses of the British Parliament, have been active in examining proposals and submitting reasoned opinions (Norton 2013: 162). Some analysts have taken the view that the new procedure gives national parliaments the capacity to serve as forums for debating the merits of proposals, collectively influencing policy, and forging closer links with EU citizens. Indeed, Cooper has advanced the argument that they may constitute what amounts to a virtual third chamber of the European Parliament (Cooper 2012: 441–65; see also Winzen 2012).

In practice, however, not all parliaments take an interest in scrutinizing proposals. Furthermore, the protocol to the Lisbon Treaty covers only the principle of subsidiarity, and very few proposals fall foul of that principle. By mid-2013, only one proposal (on striking a balance between the right to strike and the rules of the internal market, in May 2012) had received a yellow card. Far more significant and problematic is the principle of proportionality. There is also the concern that examining proposals for subsidiarity entails devoting resources to proposals that are already at an advanced stage in the legislative process; some argue that the time of national parliaments would be better spent engaging at the gestation stage, influencing thinking within the EU before fixed positions are taken.

Relative to the intentions enshrined in the 2001 Laeken Declaration, the provisions in the Lisbon Treaty are modest, and there is little evidence that the yellow and orange card procedures are doing much to reduce the EU's democratic deficit (see European Scrutiny Committee, House of Commons 2010: 7; Rasmussen 2012: 112; Norton 2013: 164). Beyond the provisions of the Lisbon Treaty, the more significant opportunities for national parliaments to address this deficit – explored on pp. 341–2 – have yet to be exploited.

Development of a rights culture

One can identify different views of rights, not least between the natural law and the positive law traditions. However, there has been a tendency towards convergence in the acceptance of individuals enjoying some degree of autonomy and the idea that members of a society have some degree of responsibility to others in the society. Recognition of a degree of autonomy introduces the potential for tension between individual freedom and democracy, 'in that the creation of a sphere of private autonomy, and the work of the courts in policing it, prevents normal democratic decision-making processes from operating in that sphere' (Feldman 1993: 33).

Within post-war Europe, two levels of division over the issue of human rights can be identified. First, there was the division between liberal democracies in the West and the Soviet Bloc in the East. In the former, there was the further potential for tension between legislatures (representatives of the people) and the courts (protectors of rights). In the latter, there was no such division, as rights were subordinate to the will of the regime; legislatures and the courts served only to endorse that will.

The first fundamental division disappeared at the end of the century with the dissolution of the Soviet empire and the emergence of the new democracies. The issue of how legislatures should address the protection of rights thus became common to all European nations. The legislatures have operated within a basic framework provided by the European Convention on Human Rights (ECHR, more formally the European Convention for the Protection of Human Rights and Fundamental Freedoms). Promulgated under the auspices of the Council of Europe, the ECHR entered into force in 1953. The signatories to the Convention increased with the emergence of the new democracies. All 47 members of the Council of Europe now recognize the jurisdiction of the European Court of Human Rights (ECHR). There is thus a pan-European mechanism for protecting rights, complementing the means that exist within each member state. The challenge for the legislatures of the member states has been to determine to what extent they will engage in the protection of rights and to what extent they will defer to the courts, not least the ECHR, in the protection of such rights.

Three models can be identified with respect to this relationship (Norton 2012b). The first is the *respective autonomy model*, in which the executive and the legislature decide what the law should be, but leave it to the courts to interpret and determine the application of the law (including

the provisions of the constitution). The second is the *competing authority model*, in which there is a relationship between the legislature and the courts, but it is adversarial. The legislature may not necessarily accept judgements of the courts that conflict with the views of the people. The third is the *democratic dialogue model*, in which there is constructive engagement between the legislature and the courts (Young 2009). Under this model, the two branches of government share the role of protector.

Legislatures throughout Europe have therefore faced the challenge of determining their relationship to rights – in effect, to what extent they recognize and indeed seek to protect the liberal component of a liberal democracy. Whereas legislatures in established liberal democracies may feel no need to burnish their credentials by helping to protect rights, leaving such protection to the courts, new democracies have been more conscious of the need to protect (and to be seen to be protecting) the rights of citizens (Norton 2005). As we have noted, these institutions are twice as likely as legislatures in established European democracies to have created a dedicated human rights committee.

In Lithuania, for example, the *Seimas* has a Committee on Human Rights that can both prepare and consider drafts of laws and other legal acts, as well as proposals on issues related to the guarantee of civil rights and the regulation of relations between the nationalities living in Lithuania. It also has the power to present recommendations and proposals to ministries, state institutions and other organizations, including other parliamentary committees, on issues concerning the protection of civil rights and the improvement of relations between the nationalities.

The tendency in the new democracies has thus been to adopt elements of the third model, by attempting to play some part in the protection of rights. Although this is a challenge faced by the new democracies, it is not exclusive to them. This motivation can also be seen in some of the established democracies, such as the United Kingdom, where the doctrine of parliamentary sovereignty is well entrenched, and Italy, where the demarcation between politics and the law is not as well established as it is in other nations of Western Europe.

The practice in established democracies has been more varied; parliaments have tended to fall into either the first or third category, although greater rights awareness has at times produced some tensions. In the UK, for example, Parliament and the government have been reluctant to accept a ruling by the European Court of Human Rights that the country's blanket ban on prisoners voting is incompatible with Convention rights. Nonetheless, Parliament has leaned more towards the democratic dialogue model than the others. There has been far more active engagement following the incorporation of most provisions of the ECHR into UK law under the Human Rights Act 1998 (Norton 2013: 182–95) than was the case previously, when disputes were taken directly to the ECHR in Strasbourg. In 2001, Parliament established a Joint Committee on Human Rights, and references to human rights have become a feature of parliamentary discourse, especially in the years since 2005 (Hunt *et al.* 2012).

Legislatures in Europe have thus sought to adapt to the rights culture engendered by the ECHR. As former UK Home Secretary Jack Straw has noted, this has had an impact on both 'old and new Europe' (BBC Radio 4, *World This Weekend*, 7 July 2013). The nature of the adaptation has varied. Former Soviet legislatures have appeared to encounter the most difficulty – Russia standing out in terms of the number of violations adumbrated by the ECHR – but the pattern has still reflected more adaption than confrontation. However, in times of international crisis and economic austerity, tensions can arise, with the demands of the majority sometimes coming into conflict with the rights of minorities. The models we have advanced are idealized forms of legislative-judicial relationships. The democratic dialogue model may be seen as that to which most legislatures aspire, although the route to realization may at times be fraught, even for liberal democracies.

Demands for greater engagement

The most pervasive challenge facing European legislatures has been that of meeting popular expectations. As the IPU/UNDP Global Parliamentary Report *The Changing Nature of Parliamentary Representation* (2012: 4) observed, public pressure on parliaments is greater than ever before. This pressure has taken various forms. Citizens look to the institution to fulfil collective tasks, such as critical scrutiny of the government, and to individual members to act on behalf of citizens, through grievance resolution, delivery of benefits to individuals and support of local interests: 'Constituency service is now seen as central to the ideas of parliamentary representation by the public and politicians' (IPU/UNDP 2012: 6). The expectations encompass not only greater activity, but also higher standards of behaviour. There are now more opportunities to watch parliaments in action, and the emergence of the new European democracies has increased the potential for openness, but citizens continue to demand greater transparency:

> Transparency became an important debating point in Europe especially after the European Union's battle over ratification of the Maastricht Treaty highlighted the need for greater openness as a means of achieving more democratic legitimacy. Nordic countries, in particular, place a strong emphasis on transparency, and Denmark and the Netherlands, among others, have been vociferous in demanding that the European Union take openness as seriously as the most transparent member states do.
>
> (Rekosh 1995: 1)

Parliaments in Europe have become more open (Rekosh 1995), but there is still pressure to continue these efforts. Many legislatures face a conflict between effectiveness and transparency (Norton 1998: 203–5). A number of legislatures, especially those in the continental parliamentary tradition, place emphasis on decision-making in committee. Germany and Italy are notable examples, the former being characterized as a 'working parliament'. Committees are seen as the sites of bargaining between parties, with secrecy being an essential component of successful negotiations. As Didier Maus observed of French practice:

> In France we have adopted the principle of making some committee meetings public . . . Yet it is plain that it is possible to deliberate more calmly in camera. Representatives of successive opposition parties have assured me that, on occasions, they had suggested that a bill be worded in a certain way, safe in the knowledge that their contribution would not be publicised.
>
> (Didier Maus, cited in Norton 1998: 204).

The practice of holding committee meetings in private, and indeed allowing some votes to be secret ballots, conflicts with the growing demand for greater transparency and the desire of electors to be able to see what their representatives are doing in their name. Although certain legislatures, including those in Belgium, Germany and Portugal, have taken steps to ensure that some committee deliberations will be public (Norton 1998: 204), others nevertheless continue to stress the value of legislators being able to conduct negotiations behind closed doors. Achieving a balance between effectiveness and transparency thus constitutes a challenge that is likely to become more rather than less pronounced over time.

Public expectations extend beyond transparency. People look to parliamentarians to be active on their behalf and to listen to their concerns. The Internet has provided unprecedented opportunities for contact, and legislatures have generally taken advantage of this. Almost all

national legislatures now have websites. Legislators also make use of the Internet individually, creating their own blogs and in some cases utilizing Facebook, YouTube and Twitter:

> This is true even of systems not based around the concept of the constituency MP, such as Finland, Italy, Germany and Portugal, where representatives are increasingly using individual web tools. In Germany, for instance, there has been a boom in the use of social media tools, with Saalfeld and Dobmeier showing that 71 per cent of the *Bundestag* representatives utilise Facebook and/or Twitter to support their parliamentary work.
>
> (Leston-Bandeira 2012: 517)

Although the use of the Internet is now widespread among parliamentarians, it tends to be utilized as a means for transmitting information from the legislature or the legislator to the voter. It is a one-way flow, with limited opportunity for comment and response. A study of some European legislatures found they recognized the importance of the Internet revolution and invested resources in the technology:

> A growing amount of information about parliamentary institutions and the legislative process is being made available on the Internet. This makes the Internet arguably more important and effective than any other type of communications technology in history, in making the parliament a transparent institution. It is not an exaggeration that the parliamentary website has already become a virtual face of the parliament.
>
> (Dai and Norton 2008: 138–9)

However, another finding was that 'both institutional and individual websites largely serve the purpose of information provision, rather than interactive engagement of citizens' (Dai and Norton 2008: 140). In the United Kingdom, for example, research showed that rather than utilize the technology in an innovative way, MPs were employing it to pursue the party model of political representation, rather than a representative or delegate model (Norton 2007a: 354–690):

> MPs use it to promote their own cause and that of their parties, essentially as an extension of what they already do: it is used as a medium for making speeches, press releases and details of the MPs' activities available to constituents. Few MPs reject it, or seek to use it to bolster an independent status or to discover the collective views of their constituents. Perhaps for those reasons relatively few people appear to be interested in Members' websites.
>
> (Norton 2007a: 366–7)

The emphasis, in Leston-Bandeira's terminology, has been on dissemination (Leston-Bandeira 2007: 418). On occasion, even this dissemination has been limited, in that in some parliaments many members fail to make use of websites. The 2010 election in Hungary acted as an impetus for members of parliament to utilize websites, but even after a notable acceleration the proportion of members with websites was only 52 per cent (Ilonszki and Papp 2012: 345).

There have been notable advances in recent years, and some social media offer opportunities for interaction, but the Internet continues to be used to promote parliamentarians, usually through the prism of the parliamentarian's political party, rather than bypassing the party and enabling individual members to interact directly with the electors.

As we have seen, there are major challenges facing legislatures. Those that we have identified have a common theme, namely the need for legislatures and legislators to hear and give voice to the views of the people and to let citizens know that their concerns have been heard.

Opportunities

Although legislatures face considerable challenges, it is possible to identify opportunities available to them that can be especially significant in times of tension. Based on the nature of the challenges, we can group these opportunities under two generic headings: engagement with electors and collaboration between parliaments.

Engagement with electors

As we have seen, there are demands for greater engagement. Engagement can, as noted above, be limited to parliamentarian-to-elector contact with no possibility of interaction. However, there are increasing opportunities that not only enable parliamentarians to reach electors, but also facilitate interaction with them.

In terms of elector-to-parliamentarian contact, in many systems there are long-established instruments at the individual level, whereby citizens can write to or meet their members of parliament (especially in constituency-based systems; see, e.g., Norton 2012c: 403–18; Saalfeld and Dobmeier 2012: 321), as well as at the collective level, through petitioning.

Petitioning is well established in many nations, although its effect has been variable (Hough 2012: 479–95). Fundamental to this instrument's effectiveness are, first, the ease of petitioning and, second, what the legislature does with the petition once it has been submitted. In some nations, petitioning is not permitted or the procedures for petitioning are rarely used; countries falling into this latter category include France, Italy and Hungary (Hough 2012: 483). In France, petitioning has declined because citizens have the opportunity to directly approach the ombudsman regarding matters of public administration (Costa *et al.* 2012: 305). In some countries where petitioning is more regularly employed, citizens can petition the parliament directly; in other cases, the petition must go through a member of parliament.

What we have witnessed in recent years has been an increase in the number of legislatures enabling petitions to be submitted, which in large part is a consequence of the growth of new democracies and – a key opportunity afforded by the Internet – the ability to sign and submit petitions electronically (e-petitions). Some parliaments, such as that of Germany, have seen significant increases in the number of petitions submitted, in this case the increase pre-dating electronic submission systems (Saalfeld and Dobmeier 2012: 325–9), with e-petitions now replacing some of the paper petitioning. In other cases, e-petitioning has been the driving factor in the increase of the instrument's use. About two-thirds of petitions lodged with the Scottish Parliament, for instance, begin as e-petitions (Hough 2012: 485).

Once citizens petition the parliament, what happens next? In most cases, petitions are submitted to a petitions committee. This committee may be empowered to consider the petition and/or to refer it to another committee. In some cases, the petitions committee is well established and capable of influencing the government. A notable example is the Dutch Committee for Petitions and Citizens' Initiatives, which may ask another committee to investigate, but otherwise will consider admissible petitions. The committee asks the relevant minister to respond, and the petitioner then has four weeks in which to reply. The committee then reports to the House:

> On average, the committee concludes in favour of the petitioner in a third of the reports. In such cases it is rare for the House not to endorse the report, and for the government not to act upon it. If the government does not redress the grievance despite the

recommendation of the House, this would be reported back to the committee. The House would then have to decide whether the government's refusal constitutes sufficient grounds to censure the minister. These petitions can therefore have a significant impact.

(Andeweg 2012: 373–4)

These established committees have been complemented in other legislatures by electronic submission systems. In the UK, e-petitions achieving 100,000 signatures are passed to a committee (the Backbench Business Committee) that may then choose to schedule a debate on the subject matter of the petition. Although there must be support from MPs to allow a debate, the committee does not necessarily confine itself to petitions passing the 100,000 mark; in the past, it has scheduled debates based on petitions with fewer signatures. In practice, petitions reaching 100,000 signatures have invariably been debated, in some cases attracting considerable media and public interest. In the National Assembly for Wales and the Scottish Parliament, petitions are referred for consideration to a dedicated petitions committee.

The Internet also serves to facilitate more immediate and direct engagement between electors and legislatures, not least through the use of online consultations. The UK Parliament has been a leader in such consultations, which have been employed to inform parliamentarians on a range of issues, including domestic violence, hate crimes in Northern Ireland, flood management, family tax credits and electronic democracy (Norton 2013: 270–1). Some of these consultations, as in the case of domestic violence, have enabled people to submit input who otherwise might not have been able or willing to contribute to a parliamentary inquiry. Nearly 1,000 messages were received from the survivors of domestic violence, some of whom were 'voices largely unheard by hon. Members, including Irish women travellers and Bangladeshi women' (House of Commons, *Hansard*, 6 Nov. 2001, col. 108). A crucial point to bear in mind is not just how many people engage in these consultations, but the wider recognition by citizens that such an opportunity exists. Nor has this engagement been confined to online consultations; it has also taken the form of the use of Twitter in committee work. During a recent seminar with leading members of the scientific community, the chair of a committee posted the questions under discussion on Twitter and invited responses.

The UK Parliament is not alone in having committees that employ the Internet to engage with electors, but, as Griffith and Leston-Bandeira observe, it is in the minority. The global study they analysed found that, of the legislatures that responded, only 34 per cent featured committees that had websites, and only half of these (18 per cent) made use of them to solicit the comments of citizens (Griffith and Leston-Bandeira 2012: 499).

The UK House of Commons has also experimented with the 'Public Reading' process, an initiative to give members of the public the opportunity to express their views on Bills before Parliament. The government ran pilot public readings on two Bills (the Protection of Freedoms Bill and the Small Charitable Donations Bill) before the House of Commons ran its own pilot experiment with the Children and Families Bill early in 2013. Again, the UK House of Commons is not unique as a legislative chamber in engaging in such consultation, but it is in the minority. As Griffith and Leston-Bandeira report, only 16 per cent of legislatures utilized e-consultation for the consideration of bills (Griffith and Leston-Bandeira 2012: 503).

The above examples are illustrative of the opportunities available when the facilities afforded by the Internet for direct and immediate communication are combined with a willingness to adapt procedures. Other legislatures are undergoing similar adaptation. Almost all (97 per cent) now have websites (Griffith and Leston-Bandeira 2012: 499), but there are also more imaginative options for deploying web-based resources to engage with citizens. These are substantial, but they are far from being fully exploited. As Griffith and Leston-Bandeira observe, however, there

is growing recognition of the potential. Of the eight methods of communication under consideration by parliaments, six were interactive, 'suggesting that parliaments are giving thought to the use of more engaging means of communication' (Griffith and Leston-Bandeira 2012: 505–6). However, as the authors go on to note, only 25–30 per cent of legislatures were considering such action. Nonetheless, the trend would seem to be clear.

Collaboration between legislatures

Above, the opportunities for parliaments to interact with citizens have been described; however, a much-neglected dimension involves interactions with other legislatures, not least for the purposes of scrutinizing and influencing decision-making at the regional or global level. As Karlas has observed in the context of the EU, '[t]he involvement of national parliaments can enhance the performance of EU policy making, since the inclusion of a wider range of actors can help governments in addressing the various needs of the constituencies' (Karlas 2012: 1095; see also Tans *et al*. 2007).

A national legislature is limited in its ability to challenge decisions taken by national governments at the international level. A parliament may play a role in ratifying treaties, but there is rarely engagement in the deliberative process leading up to the treaties or in other decisions taken at an international or global level; effectively, it is an outsider to the process. As we have seen, there are forums for sharing best practices between legislatures, but there is limited opportunity for these institutions to come together to discuss or have an impact on decision-making.

The opportunities for collaboration that have been provided, most notably in the case of the European Union, have essentially come from the top down. In the EU, this has taken the form of initiatives for gatherings of members drawn from parliaments; there is now also the formal role of legislatures through the yellow and orange card procedures, as well as greater recognition of the role of COSAC. Various inter-parliamentary conferences are held on particular issues (usually in the country holding the Council presidency), and there are meetings for the chairs of particular committees (such as home affairs and agriculture) (see European Union Committee, House of Lords 2013: 20–1). There is also the possibility of sharing information electronically. As the result of a decision by the Conference of the Speakers of EU Parliaments, a scrutiny website (IPEX) was created in 2006, providing a platform for the electronic exchange of EU-related information between national parliaments. Although this site is somewhat inefficient and under-used, it is nonetheless a useful tool for information-sharing and an indication of the value of collaboration.

However, the opportunities for national parliaments to build on these formal mechanisms appear to be limited: 'A greater collective role for COSAC with the possibility of making binding decisions in the future would however be problematic for the legitimacy of national parliaments' (Rasmussen 2012: 106). There seems to be little chance of extending the yellow or orange card procedure to create a 'red card', giving national parliaments veto power. This would be seen as encroaching on the role of the existing EU institutions, especially the European Parliament. For the same reason, there appears to be little scope for implementing the other institutional proposal advanced as a partial solution to the democratic deficit: the creation of a second chamber of the European Parliament, comprising members drawn from national parliaments (Norton 2004: 6–7).

Given these restrictions, the greatest opportunities for influence by national parliaments exist at a more informal level, stemming from a bottom-up approach to decision-making (see Tans *et al*. 2007). There has been some bilateral sharing of information between national parliaments

in the EU, with certain European committees contacting or collaborating with other committees on particular Commission proposals. The more such contact occurs, especially at an early stage, the greater the potential to influence outcomes: 'The more collaboration there is between national parliaments on issues they regard as significant – rather than simply waiting to react to Commission proposals – the greater the potential to have an impact on EU policy' (Norton 2007b: 217). Although limited in extent, such contact exemplifies the opportunities available to national parliaments through informal collaboration derived from shared interests. The national parliaments in the EU do have European committees, but their scrutiny practices vary (see Karlas 2012; Rasmussen 2012), as do their attitudes towards such scrutiny: not all are actively engaged in resource-intensive critical scrutiny, some viewing it as a matter for the European Parliament. The onus is thus on those institutions that take a particular interest in working with like-minded chambers to exert influence at an early stage.

Such a bottom-approach has greater potential to be productive in the immediate future than the more top-down approach adopted by the EU (Tans *et al.* 2007). It also indicates the way forward in relation to the challenges facing all national legislatures with respect to globalization. Little has been done by national parliaments to extend beyond, or to build upon, the inter-parliamentary bodies that exist. The fundamental relationship of a national parliament is to its national government, but in that relationship knowledge is a necessary condition for critical scrutiny and influence. National parliaments have been limited by their lack of knowledge regarding the information possessed by other parliaments. Some sharing has taken place through inter-parliamentary bodies, but it has been limited by time constraints and also the intervals between meetings. There have been few opportunities to share information on issues as they arise at the national or international level. This works to the disadvantage of parliaments. It is not always clear to members of one parliament that their concerns are shared by members of other parliaments in other countries (see Norton 2007b: 212). Sharing information also reduces costs, in that if one legislature already possesses certain data there is little point in others expending effort to obtain the same data.

This potential was aptly expressed by a British parliamentarian in a recent debate on the activity of the EU Committee of the British House of Lords:

> We do not have as many meetings as we might have with other parliamentary bodies or with our own European parliamentarians – we have three meetings a year in the House of Commons. However, that does not seem to me sufficiently to embrace the public. I should like to speculate and suggest that we might communicate with the public to find out which issues give rise to the greatest concern . . . We could have a special meeting open to stakeholders who are particularly exercised by what they understand to be the problem with Europe or the way the Union is moving. We could then include these thoughts in our scrutiny and researches, however unfocused they may be, and we could answer them directly and possibly engage in a continuing dialogue.
>
> (Lord Maclennan of Rogart, *Lords Hansard*, 30 July 2013, col. 1691)

The opportunities for national parliaments to collaborate are considerable, and the imperative to do so is arguably greater than ever before. However, unlike the opportunities for greater engagement with citizens, the instruments of collaboration are still very much in their infancy. There is greater scope, currently realized to some extent, with respect to interactions among national parliaments in the EU, but even these developments are at no more than an adolescent stage, if that.

Conclusions

Parliaments in Europe have come together in the twenty-first century to form a more coherent family of legislatures. There is considerable variation within this family, but they operate almost exclusively within a democratic (predominantly a liberal democratic) framework, representing a drastic change from the preceding century. These institutions are crucial to their respective polities, but they face considerable challenges, not least with respect to the increasing amount of decision-making taking place beyond their borders and the greater emphasis within their borders on rights and public participation. There are also significant new opportunities available to them, both for greater engagement with citizens and for collaborations with other parliaments. The former has been more extensively developed in recent years than the latter, but both represent crucial opportunities at a time when the need for parliaments to fulfil a safety-valve function and to convey the views of citizens to decision-makers is particularly acute.

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20

Executive–legislative relations in Europe

Thomas Saalfeld

Introduction

With two exceptions,[1] all European democracies are constitutionally characterized by a relationship of confidence between their parliament and government: the legislature has the power to call the government of the day to account and remove it from office for political reasons. In that very fundamental sense, governments in European democracies are constitutionally accountable to parliaments. This ultimate sanction is not merely a formality, but rather a very real power: between 2011 and 2013, for example, a number of governments lost the confidence of their parliaments in the aftermath of the global banking and sovereign-debt crisis. The governments of Greece, Ireland, Italy, Portugal, Romania, Slovakia and Spain were either replaced by another government or forced to call early parliamentary elections because they did not have the support of parliament for the tough economic measures deemed necessary. This fundamental dependence of executives on legislative support has led many scholars to conceptualize executive–legislative relations as a 'principal–agent' relationship between the legislature as the 'principal' and the executive as the legislature's 'agent' (e.g. Braun and Gilardi 2004; Rozenberg *et al.* 2011; Saalfeld 2000; Salmond 2011; Strøm and Bergman 2011; Strøm *et al.* 2003). This contribution is located in this tradition and will provide some insights into executive–legislative relations in Europe based on this principal–agent perspective.

The principal–agent perspective could be criticized as unrealistic. After all, governments (not the legislature) typically dominate parliamentary business through their control of the legislative agenda (Döring 2005; Rasch and Tsebelis 2011). They also generally have the power to dissolve parliament and call early elections. Heads of government frequently exercise their powers of 'strategic dissolution' (Saalfeld 2013; Smith 2004; Strøm and Swindle 2002). Nevertheless, at the very least, the principal–agent framework highlights a set of useful analytic dimensions for the analysis of executive–legislative relations and identifies the possibility of cooperation and control in conditions of 'informational asymmetry', i.e. situations in which the agent is better informed than the principal. This latter perspective is extremely pertinent for the analysis of executive–legislative relations. The key question from this perspective is how legislatures have responded to these challenges by developing effective and efficient institutional practices with a view to addressing informational asymmetry.

The confidence relationship between governments and parliamentary majorities

In all European democracies except Cyprus and Switzerland, 'the executive is accountable, through a confidence relationship, to the parliamentary majority' (Strøm 1995: 52). In some countries with a constitutional confidence relationship between the legislature and the executive, the head of state enjoys weak democratic legitimacy at best and tends to serve as a ceremonial figurehead. The executive is clearly dominated by the head of government (e.g. the prime minister), who is directly accountable to the legislature. Such constitutions are therefore classified as 'parliamentary systems of government'. In other countries, the powers of the head of government are (at least partially) balanced by a directly elected president with significant powers. Such systems are generally referred to broadly as 'semi-presidential systems' (see, for example, Elgie 2011). Constitutional differences notwithstanding, both parliamentary and semi-presidential systems of government can be conceived of as chains of delegation and accountability whereby voters (as the ultimate principals in the process of democratic delegation) elect members of parliament (MPs) as their agents and delegate decision-making powers to them. MPs, in turn, delegate powers to the government. Government ministers formulate policies and delegate the powers of implementation to specialized bureaucracies as their agents (Strøm 1995: 48). Legislatures occupy a central position in this process for at least three reasons: first, at least in pure parliamentary systems, they are the only bodies directly elected by the people; second, they are uniquely capable of linking voters with other agents in the political-administrative system as a result of their position in the political system, varied memberships, relatively open organizational 'boundaries' and privileged access to information; third, MPs are simultaneously agents and principals, and are ultimately accountable to the voters as their principals. Consequently, a re-election-seeking MP will have an incentive to monitor the government and challenge it where government policy conflicts with the MP's desire to be re-elected (see pp. 358–59).

Although the vast majority of European democracies covered in this chapter are characterized by this type of confidence relationship between the legislature and the executive, the precise nature of this relationship varies considerably across countries. Fish and Kroenig (2009) carried out a global survey of parliamentary experts between 2002 and 2006 with the intention of generating an overview of legislative powers across the world. Because this survey was very comprehensive, this chapter will rely in part on its cross-sectional comparative data for 26 European democracies. It must be emphasized, however, that constitutional and parliamentary reforms may have led to some changes since 2006. In Fish and Kroenig's survey, six key items sought to capture important dimensions of the confidence relationship explained above:

- 'The legislature alone, without the involvement of any other agencies, can impeach the president or replace the prime minister' (Fish and Kroenig 2009: 5).
- 'The legislature appoints the prime minister' (ibid.: 7).
- 'The legislature's approval is required to confirm the appointment of ministers; or the legislature itself appoints ministers' (ibid.).
- 'The country lacks a presidency entirely or there is a presidency, but the president is elected by the legislature' (ibid.).
- 'The legislature can vote no confidence in the government' (ibid.).
- 'The legislature is immune from dissolution by the executive' (ibid.: 10).

The relevant results from Fish and Kroenig's constitutional survey are presented in Table 20.1. One further (seventh) variable was added from a different source: the existence of a formal

investiture requirement for the election of the prime minister – that is, whether a head of government must be approved by the legislature in an investiture vote before assuming office. Where this condition applies, a 'Yes' has been entered in the 'formal investiture requirement' column; otherwise, the cell has been left blank. The position of the legislature vis-à-vis the executive is strongest where the legislature is the only democratically legitimate source of support for the head of government. It is weaker where the legislature shares this function with a directly elected president with significant executive powers. Table 20.1 demonstrates that 14 of the 26 countries in the sample of European democracies lack a strong, directly elected president and are therefore clear-cut examples of a parliamentary system. Twelve countries have directly elected presidents, some of whom are powerful actors who do not require their legislature's political confidence. These countries are generally classified as semi-presidential democracies and tend to have weaker legislatures.

The column totals at the bottom of the table indicate that in all of the 25 parliamentary and semi-presidential systems of government in the sample of 26 countries, the legislature has the power to dismiss the government with a vote of no confidence. The one exception is Cyprus, which has a presidential constitution where the survival of the executive branch and that of the legislative branch are independent. With the exception of Cyprus and Norway (a parliamentary system with a fixed-term parliament), none of the parliaments is completely protected from dissolution by the executive. Twenty-one out of the 26 legislatures appoint the prime minister, 20 have the sole power to impeach the president or replace the prime minister, and 18 constitutions include a formal investiture requirement, often referred to as 'positive parliamentarism' (Bergman 1993; see pp. 355–57). However, the legislature's appointment powers with respect to the executive branch tend to be limited to the office of the prime minister; only eight countries' constitutions allow the chamber a role in the approval of individual ministers.

Whereas Table 20.1 focuses on formal constitutional powers, Table 20.2 presents cross-sectional behavioural data for 29 European countries between 1945 and 2011. In some cases, the data refer to shorter periods of time, which are indicated in the second column; in general, however, the data cover the entire period from 1945 (or a country's transition to the democratic constitution that was in operation in 2013) until the end of 2011. The third column presents the number of cabinets each country had during the period under consideration. The fourth and fifth columns provide some information on the prevalence of so-called 'minority situations' – that is, the number of cabinets during the period covered in which no legislative party had a majority of 50 per cent of the parliamentary seats plus one. A first glance at the table's totals (bottom line) show that during this period more than eight out of ten cabinets in Europe (83.13 per cent) were formed in situations in which at least two parties had to collaborate in the legislature in order for the government to get its legislation passed and (with the exception of Cyprus, a presidential system) survive in office. In 25 out of the 29 countries included, minority situations were the dominant environment for executive–legislative relations. Only in Bulgaria, Greece, Malta and the UK were minority situations the exception to the rule of single-party majorities. In these four countries, the *voters* dealt the parties an election result that fundamentally resolved the question of 'who governs'. By contrast, in the vast majority of cases, governments were formed not as a direct result of the voters' choices, but primarily as the result of coalition bargaining between MPs in legislative parties subsequent to an election.

In most cases, the parties in European democracies have resolved the problem of minority situations by establishing formal government coalitions of two or more parties. Across all 29 countries listed in Table 20.2, the percentage of coalition cabinets was over 70 per cent. Some countries (such as Luxembourg and the Netherlands) never experienced anything other than formal coalitions that elected the government and supported it to keep it in office. Only two

Table 20.1 Electing and selecting government ministers and prime ministers in 26 European democracies (c.2006)

Country	Constitution lacks strong president	Power to impeach president or to remove PM	Appoints PM	Formal investiture requirement	Approves individual ministers	Vote of no confidence	Immune from dissolution
Austria						Yes	
Belgium	Yes	Yes	Yes	Yes	Yes	Yes	
Bulgaria		Yes	Yes	Yes	Yes	Yes	
Cyprus							Yes
Czech Republic	Yes	Yes		Yes	Yes	Yes	
Denmark	Yes	Yes	Yes			Yes	
Estonia	Yes	Yes	Yes	Yes	Yes	Yes	
Finland			Yes	Yes	Yes	Yes	
France						Yes	
Germany	Yes	Yes	Yes	Yes		Yes	
Greece	Yes	Yes	Yes	Yes		Yes	
Hungary	Yes	Yes	Yes	Yes		Yes	
Ireland		Yes	Yes	Yes	Yes	Yes	
Italy	Yes	Yes	Yes	Yes		Yes	
Latvia	Yes	Yes	Yes			Yes	
Lithuania		Yes		Yes		Yes	
Netherlands	Yes	Yes	Yes			Yes	
Norway	Yes	Yes	Yes			Yes	Yes
Poland			Yes	Yes	Yes	Yes	
Portugal		Yes	Yes	Yes		Yes	
Romania			Yes	Yes		Yes	
Slovakia		Yes	Yes	Yes		Yes	
Slovenia		Yes	Yes	Yes	Yes	Yes	
Spain	Yes	Yes	Yes	Yes		Yes	
Sweden	Yes	Yes	Yes	Yes		Yes	
UK	Yes	Yes	Yes			Yes	
Total Yes (columns)	14	20	21	18	8	25	2

Table 20.2 Cabinets and legislatures in 29 European countries (1945–2011)

Country	Period covered	Cabinets total	Minority situations		Minority cabinets		Coalition cabinets		Mean bargaining duration	Mean relative cabinet duration
		N	N	%	N	%	N	%	Days	%
Austria	1945–2011	25	19	76.00	1	4.00	20	80.00	54.21	0.71
Belgium	1946–2011	40	37	92.50	4	10.00	35	87.50	42.28	0.45
Bulgaria	1990–2011	10	3	30.00	3	30.00	3	30.00	40.11	0.54
Cyprus	1988–2011	9	9	100.00	4	44.44	7	77.78	9.38	0.80
Czech Republic	1992–2011	11	10	90.91	5	45.45	8	72.73	43.30	0.61
Denmark	1945–2011	35	35	100.00	31	88.57	21	60.00	7.41	0.55
Estonia	1992–2011	12	12	100.00	4	33.33	10	83.33	24.82	0.58
Finland	1945–2011	50	50	100.00	10	20.00	39	78.00	25.27	0.53
France (Fifth Republic)	1959–2011	29	19	65.52	8	27.59	21	72.41	5.86	0.58
Germany	1949–2011	29	24	82.76	3	10.34	25	86.21	21.57	0.65
Greece	1977–2011	15	4	26.67	1	6.67	2	13.33	5.00	0.62
Hungary	1990–2011	10	8	80.00	2	20.00	8	80.00	28.67	0.83
Iceland	1944–2011	32	32	100.00	6	18.75	28	87.50	19.23	0.61
Ireland	1944–2011	25	19	76.00	11	44.00	13	52.00	15.42	0.59
Italy	1945–2011	55	52	94.55	23	41.82	40	72.73	43.78	0.34
Latvia	1993–2011	19	19	100.00	7	36.84	18	94.74	26.17	0.43
Lithuania	1992–2011	12	6	50.00	3	25.00	9	75.00	19.27	0.58
Luxembourg	1945–2011	19	19	100.00	0	0.00	19	100.00	31.78	0.86
Malta	1987–2011	7	0	0.00	0	0.00	0	0.00	2.50	0.75
Netherlands	1945–2011	28	28	100.00	6	21.43	28	100.00	82.30	0.65
Norway	1945–2011	30	24	80.00	19	63.33	11	36.67	10.93	0.76
Poland	1991–2011	16	16	100.00	8	50.00	11	68.75	23.93	0.45
Portugal	1976–2011	19	13	68.42	5	26.32	8	42.11	39.28	0.50
Romania	1990–2011	17	15	88.24	11	64.71	12	70.59	18.44	0.53
Slovakia	1992–2011	10	10	100.00	3	30.00	9	90.00	20.56	0.59
Slovenia	1992–2011	12	12	100.00	3	25.00	12	100.00	38.73	0.74
Spain	1977–2011	11	8	72.73	8	72.73	0	0.00	34.40	0.82
Sweden	1945–2011	29	27	93.10	21	72.41	9	31.03	5.68	0.82
UK	1945–2011	24	2	8.33	1	4.17	1	4.17	12.70	0.66
Total		640	532	83.13	211	32.97	427	66.72	27.14	0.59

countries, Malta and Spain, never established any formal coalitions in the period covered. Coalition cabinets are essentially governments that are based on negotiations between legislative parties after an election. This may strengthen the legislative parties should they manage to use the period of coalition negotiations to draw up a coalition agreement that commits the resulting government to the pursuit of policies preferred by the negotiating legislative parties. Empirical studies of Belgium, Germany, Italy and the Netherlands have shown that, at least in certain West European democracies, these deals made between parties function as powerful constraints on the government. In particular, coalition agreements work against the tendency of prime ministers to assume a controlling function (Moury 2012).

The importance of coalition negotiations can be gauged from the number of days parties require to conduct such negotiations. There are significant cross-national differences in the average duration of these negotiations. Table 20.2 provides some information to illustrate this point. On average, it took nearly one month (27.14 days) for a new cabinet to be formed after its predecessor was terminated (through a regular election, a change in the government parties or a change in the head of government). In countries with few or no coalition cabinets (such as Greece, Malta and the United Kingdom), these intervals were naturally short. The same is true for countries with a long history of single-party minority cabinets under 'negative parliamentarism', i.e. where governments do not require a formal vote of support by a legislative majority in an 'investiture vote' in order to assume office (Bergman 1993). In other countries, the negotiations have often taken more than a month, sometimes even longer than two months on average (Austria, Belgium, Bulgaria, the Czech Republic, Italy, Luxembourg, the Netherlands, Portugal, Slovenia and Spain; see Table 20.2). In these countries, the legislative parties tend to take great care to agree on very specific deals. This could be seen as thorough preparation for a lasting cooperation between the parties, as well as an indication of significant policy differences between the parties attempting to form a coalition.

Despite the prevalence of coalition cabinets in European democracies, many governments are not based on majority coalitions. Almost one-third of all cabinets listed in Table 20.2 were (single-party or multi-party) minority governments. Minority 'cabinets' should be distinguished from the minority 'situations' discussed above. The term 'minority situation' merely denotes a legislature in which no party controls an overall majority. In most such cases, two or more parties join forces to form a majority coalition. Nevertheless, approximately one-third of all European cabinets covered in Table 20.2 did not control a majority, even where they were made up of coalitions. Here, the governments survived in office on the basis of *ad-hoc* legislative coalitions. In Denmark, this was true in almost nine out of ten cases in the period covered. In Norway, around two-thirds of all cabinets between 1945 and 2011 did not control a parliamentary majority. In Spain and Sweden, this was the case for around three-quarters of all cabinets. In these cases, governments must work with the opposition parties inside and outside the legislature to reach compromises over the annual budget and every single piece of legislation. The transaction costs facing such governments are high. Minority cabinets are more likely to occur: (1) where there is no investiture vote requiring an absolute majority in support of a candidate for the position of prime minister; (2) where a single, large median party exploits its bargaining advantage to play opposition parties off against each other (Laver and Shepsle 1996); or (3) where opposition status does not automatically mean lack of influence over policy. In some Nordic democracies, for example, there is no investiture vote (Cheibub *et al.* 2013), and parliaments have strong legislative committees offering non-governmental parties real influence in the legislative process (e.g. Strøm 1990). Where parties wish to avoid the electoral penalties potentially involved in defending unpopular government decisions (e.g. Narud and Valen 2008), influencing policy from the opposition benches may be an attractive strategy. Whatever the

reasons for the historical prevalence of minority cabinets in some countries, it is one of the key conclusions of the above analysis that governments are less likely to completely dominate legislative business when they do not control a majority of their own and must look for external support from the opposition benches.

The final two columns in Table 20.2 concern cabinet termination. There are considerable differences across countries regarding the mean 'relative' cabinet duration. What do we mean by 'relative' duration? Rather than expressing a country's average duration of cabinets in terms of the absolute number of days they lasted, this indicator seeks to standardize these data in relation to the length of the country's parliamentary terms (e.g. four or five years) and to reflect the fact that cabinets formed immediately after an election have a higher natural 'life expectancy' until the end of the regular legislative term (the so-called 'constitutional inter-election period', or CIEP) than cabinets formed well into a legislative term. On average, European cabinets lasted about 59 per cent (0.59) of their possible maximum duration (to the end of the relevant legislative term). There are considerable cross-national deviations from this mean value. In Italy, for example, the average cabinet between 1946 and 2011 survived for approximately one-third (34 per cent) of its possible maximum term. At the other end of the scale, cabinets in Hungary, Luxembourg, Spain and Sweden survived in office for more than 80 per cent of the maximum constitutional duration.

Figure 20.1 suggests that there is no strong statistical association between the mean relative cabinet duration (y-axis) and the percentage of minority cabinets in a country (x-axis). A number of countries (such as Norway and Sweden) combine long-lived cabinets with a high percentage of minority cabinets. In contrast, minority cabinets are relatively rare in countries such as Belgium and Finland; nevertheless, mean relative cabinet durations are relatively low in these countries. If regressed on 'percentage of minority cabinets' as independent variable, the explained variance of the dependent variable 'relative cabinet duration' is therefore negligible, at less than 0.04 per cent. The insight gained from Figure 20.1 confirms that minority cabinets are not necessarily indications of instability or predictors of short transitional periods. This can be inferred from the nearly horizontal linear regression line fitted. Especially in the Nordic democracies, minority governments are stable, co-existing with a strong role for MPs from opposition parties in the legislature. In these democracies, the prevalence of minority cabinets clearly strengthens the legislature vis-à-vis the executive.

In his influential book entitled *Patterns of Democracy*, Lijphart (2012) used cabinet stability as 'the best' indicator for a legislature's strength in executive–legislative relations. The higher the level of cabinet stability, he argued, the more powerful the government in relation to the legislature: 'A cabinet that stays in power for a long time is likely to be dominant vis-à-vis the legislature, and a short-lived cabinet is likely to be relatively weak' (Lijphart 2012: 129). Although this argument is plausible to a certain extent, theoretical and empirical work has demonstrated that short-lived governments can be a sign of government control, especially when governments use their agenda control to manipulate the timing of general elections. Strong, single-party governments are more likely to dissolve the parliament at a time of the government's choosing than governments that are more severely constrained by coalition agreements or constitutional rules (Strøm and Swindle 2002). Research has shown that more than one cabinet in six has been strategically terminated by early elections. Many (though not all) of these elections were scheduled by the government (Saalfeld 2013).

Therefore, cross-national variations in the power of heads of government (or heads of state) to unilaterally dissolve parliament and call for early elections are a crucial part of the picture. Prime ministers (as heads of government) with the right to dissolve the legislature without being constrained by the constitution or a further actor (such as a president) are constitutionally in a
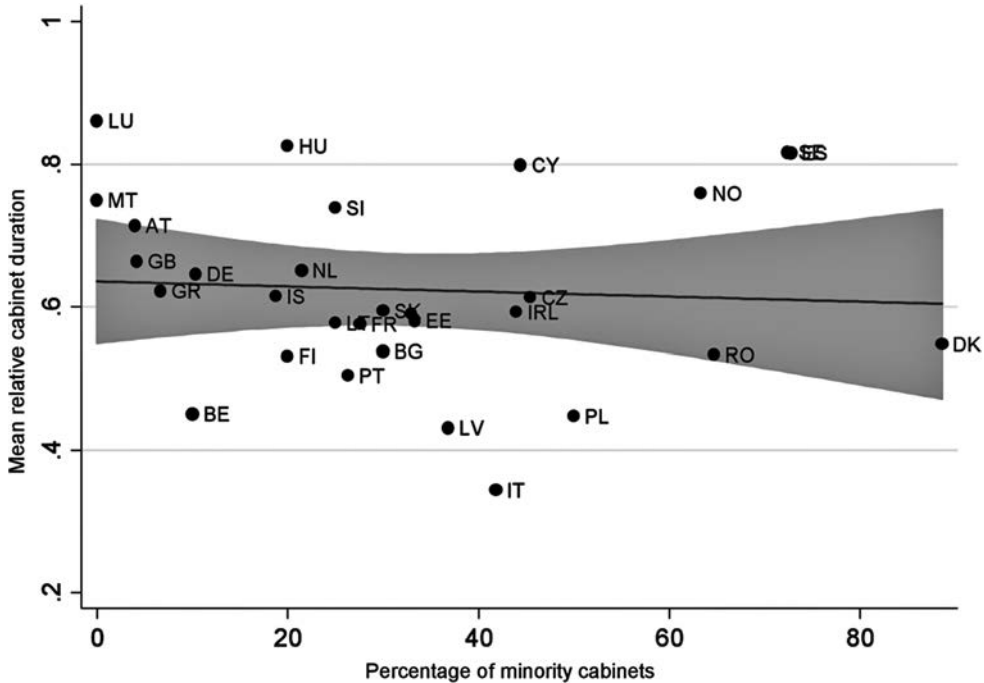
Figure 20.1 The weak link between the prevalence of minority cabinets and relative cabinet duration in *29* European democracies (*c.*1945–2011)

Source: Calculated from European Representative Democracy Release 2.0 (Andersson *et al.* 2012, www.erdda.se).

very powerful position vis-à-vis the parliament. Although their ability to optimize their own party's election result by manipulating the election date may vary (see, for example, Narud and Valen 2008; Smith 2004), it is a powerful lever in the competition between the government and opposition parties. At the same time, the prime minister's right to combine a vote on a substantive (legislative) proposal with a vote of confidence in the government is generally seen as a powerful tool for disciplining the governing party (or parties). Powers such as the right to turn a substantive proposal into a motion on the survival of the government or the scheduling of early elections are some of the most important agenda-setting powers in the hands of a prime minister. Such powers are not used very often, but government backbenchers must always keep them in mind.

Agency problems in executive–legislative relations

A government's dependence on parliamentary confidence is seen as an important prerequisite for its parliamentary accountability. But how effective is parliamentary scrutiny, short of dismissing the government? A long line of authors have diagnosed a decline in the power of parliamentary principals vis-à-vis cabinets as their agents, dating back at least to the inter-war period (e.g. Bryce 1921: 367–77). These critiques have generally taken two forms. Some scholars have argued that the information asymmetry between parliaments and governments grew enormously over the past century. This, so the argument goes, was largely the result of the expanding scope and complexity of government and the increasing size of state bureaucracies.

Some have claimed that the imbalance is so striking that parliaments are, in effect, little more than 'rubber stamps' for decisions taken elsewhere (e.g. Wheare 1963). Others go one step further in asserting that the agency relationship between members of parliament and governments *per se* has become less and less relevant in a 'post-parliamentary' policy-making process. With reference to the United Kingdom, for example, Rhodes (1995: 30) argues that policy is predominantly made in policy networks, defined as systems of interconnected actors including bureaucrats, interest-group representatives and professionals across different types and tiers of government, including the European Union. Andersen and Burns (1996) conclude from this and similar findings that policy-making is no longer controlled or dominated by government agents, although they are typically still involved as mediators or brokers, and that parliaments are increasingly relegated to the sidelines of the policy process: 'Monitoring, overview, investigation, deliberation, decision-making is far beyond the capacity of a parliament (and its membership), no matter how large, how capable, how well organised, how specialised' (Andersen and Burns 1996: 245).

This chapter attempts to reconstruct and reassess the relationship between MPs and cabinets using principal–agent theory as an analytical framework. There is no question that the information asymmetry between legislators and governments is tremendous and has continued to grow over recent decades. Undeniably, bargaining in policy networks of interest groups and bureaucracies lacks transparency and is difficult for parliaments to penetrate. It will be argued, however, that the criticisms summarized above are often based on a narrow focus on specific parliamentary monitoring activities, neglecting other important dimensions of parliamentary oversight.

Originally, principal–agent models were primarily concerned with the problem of asymmetry of information among contracting parties in economic settings. Kiewiet and McCubbins (1991) have adapted the concept, increasing its applicability to the study of legislative–executive relations by stressing the role of authority rather than contracts. In their definition, an agency relationship 'is established when an agent is delegated . . . the authority to take action on behalf of . . . the principal' (Kiewiet and McCubbins 1991: 239–40). In the case of a conflict of interest between principals (here: MPs) and agents (here: members of the cabinet), agency losses may occur when the latter exploit their informational advantage to the detriment of the former. Cabinet ministers have ample opportunities to behave in this way.

Kiewiet and McCubbins identify four principal classes of measures that principals can employ in their efforts to contain such agency losses: '(1) contract design, (2) screening and selection mechanisms, (3) monitoring and reporting requirements, and (4) institutional checks' (Kiewiet and McCubbins 1991: 27). The first two mechanisms apply before the agency relationship is established (*ex-ante* mechanisms); the final two are of particular relevance thereafter (*ex-post* mechanisms or ongoing oversight). The members' ultimate power to dismiss a government for political reasons tends to strengthen the various forms of *ex-post* oversight mechanisms at a parliament's disposal, but it remains an instrument of last resort. It will be argued on pp. 354–63 that all four mechanisms are employed by West European parliaments (albeit to varying degrees), and that the traditional focus on certain types of monitoring and reporting in much of the literature has contributed to an underestimation of the role of parliaments in the democratic process of delegation and accountability.

Contract design

In the real world of parliamentary politics, governments and parliaments do not negotiate 'contracts' in the strict sense of the word. According to Strøm (1995: 74), a broader understanding of 'contract' refers to 'the set of terms on which the cabinet is allowed to take office'. He identifies a number of possible political equivalents to contract design in economics, three of which will

be covered here: (1) mechanisms establishing shared interests between principals and agents ('incentive compatibility'); (2) the rules by which cabinets are created ('investiture rules' or 'formation rules'); and (3) the formal coalition agreements used in most West European parliaments between coalition parties, which often take the form of contracts in a stricter sense. Contract design in this more comprehensive definition constrains the future activities of incoming governments, thus reducing the risk of government opportunism vis-à-vis the parliamentary principal ('moral hazard').

Incentive compatibility

In parliamentary democracies, political parties typically ensure at least a certain degree of 'incentive compatibility' between principals (those members of parliament who have chosen to support the government) and agents (the government ministers from the same party or a coalition partner's party). The vast majority of government ministers in West European democracies owe their political careers and eventual promotion to ministerial office to their position in their respective party. In parliament, cabinet ministers and backbenchers from the same party are 'in the same boat' in the continuous election campaign against other parties. In this competitive situation, cabinet members 'know that their fate is tied up with that of the backbenchers who support them. If the voters reject their party, they all go down together. The stronger the requirements of partisanship on the part of cabinet members, the more effective this bond' (Strøm 1995: 74). The higher the share of cabinet members who are members of the respective government party or parties, and the more competitive the relations between government and opposition parties, the higher the degree of incentive compatibility and the lower the risk of conflicts of interest between MPs and cabinet ministers. Where incentive compatibility is high (and the scope for conflicts of interest is somewhat lower), principals may find it effective to rely less on institutionalized oversight.

It is difficult to find direct and up-to-date measures of incentive compatibility that can be applied to a large number of parliaments. De Winter (1991: 48) provides some data for 13 West European countries on the share of cabinet ministers who had been members of parliament or national party leaders before joining the cabinet. This information, covering a period from the end of World War II to the end of 1984, has become somewhat dated. Given the lack of recent behavioural data, it may be more instructive to examine the constitutional provisions allowing or disallowing incentive compatibility. Table 20.3 presents information extracted from Fish and Kroenig's (2009) global survey. These data show that ministers can remain members of the legislature in 15 out of the 26 European democracies sampled. In other words, ministers are generally recruited from parliament and tend to be selected by their peers in their parties. Even where ministers cannot remain members of the legislature, they may have had a relatively long parliamentary career before their appointment to ministerial office (e.g. in the Netherlands). If the legislature is the pool from which ministers are selected and to which they return after resigning from government office, it is important that this 'pool' is popularly elected and does not merely consist of government appointees depending on the prime minister's or a party leader's confidence (such as the British House of Lords). Where legislatures appoint individual ministers (see Table 20.2), members of the parliamentary parties have additional powers to ensure incentive compatibility through the threat of rejection.

Investiture or formation rules

Investiture rules influence the extent to which prospective governments must negotiate more or less explicit contracts with MPs from the government parties before they are allowed to assume office. Bergman's (1993: 56–8) distinction between 'positive' and 'negative' formation

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Table 20.3 Incentive compatibility between legislators and ministers (*c.*2006)

Country	MPs may serve as ministers	All MPs are elected
Austria	Yes	Yes
Belgium		Yes
Bulgaria		Yes
Cyprus		Yes
Czech Republic	Yes	Yes
Denmark	Yes	Yes
Estonia		Yes
Finland	Yes	Yes
France (Fifth Republic)		Yes
Germany	Yes	Yes
Greece	Yes	Yes
Hungary	Yes	Yes
Ireland	Yes	Yes
Italy	Yes	Yes
Latvia	Yes	Yes
Lithuania	Yes	Yes
Netherlands		Yes
Norway		Yes
Poland	Yes	Yes
Portugal		Yes
Romania	Yes	Yes
Slovakia		Yes
Slovenia		Yes
Spain	Yes	Yes
Sweden		Yes
UK	Yes	Yes*
Total Yes (columns)	15	26

Source: Extracted from Fish and Kroenig (2009: 48–716).

Notes: * In the UK, ministers can be Members of the House of Lords, who are not elected. Hence, Fish and Kroenig's 'Yes' is only partially correct.

rules is particularly relevant in this context. In countries with 'positive' formation rules, a government must win a formal investiture vote before it can take office. There are variations in the application of the investiture requirements related to: (1) the timing of the vote; (2) the decision rule; and (3) the consequences of failure. A few examples may suffice to illustrate this point. In Germany, the vote must take place before the government can be appointed by the federal president. In Belgium, the investiture vote is scheduled after the formal appointment by the monarch. In Romania, an absolute majority is required for a government to be elected. In Bulgaria, a simple majority of the votes is sufficient. In Slovenia, a failed investiture vote leads to the dissolution of the parliament, whereas in Spain further attempts are possible (see Cheibub *et al.* 2013). In countries with 'negative formation rules' (Denmark, Finland, Iceland, Norway, Portugal and the United Kingdom), a government need not pass such a test. Under negative parliamentarism, the government remains in office as long as there is no vote of no confidence

or censure passed against it. Thus, 'according to the negative rules, the onus is not on the government to prove that it is supported by the parliament. Rather it is left to the parliament to prove that the government is not tolerated' (Bergman 1993: 57). Parliaments whose consent is required before a prospective government is allowed to take office would seem to be in a strong position, as governments will need to win sufficient parliamentary support through advance negotiations with backbenchers and (parliamentary) party elites. Table 20.2 (above) indicates that 18 out of 26 European democracies have such mechanisms in place.

Coalition agreements

In many countries where coalition government is the norm, there may be formal contracts between the parties forming a government. Such contracts are important political constraints on cabinets in what Andeweg and Nijzink (1995: 153) call the 'intra-coalition mode' of executive–legislative relations. Coalition agreements are contracts designed to constrain the incoming cabinet's ability to deviate opportunistically and without electoral cost from the preferences of the parliamentary parties supporting it. Although coalition partners hardly ever impose formal sanctions against 'breaches' of coalition agreements, government ministers accused of violating an agreement can be forced to justify in public why they did not keep certain promises. In so doing, they may be forced to share information about their conduct with the parliament and the electorate. To the extent that such agreements are made public, they offer parliamentarians and party members in the governing parties (as well as the opposition and the general public) a benchmark against which they can measure a government's performance.

Screening

In most European countries, parliaments rely heavily on informal 'screening' and selection mechanisms to limit the risk of 'adverse selection' of government ministers. As Strøm (1995: 76) puts it, such procedures 'aim to eliminate potentially troublesome cabinet members before they ever get into office'. In systems in which cabinet ministers undergo a prolonged parliamentary 'apprenticeship' or, alternatively, gradually rise within their parties, fellow party members and members of parliament have opportunities to gather information on prospective ministers and exert influence over their political careers. Some cross-national variations in the parliamentary and party-political backgrounds of cabinet ministers have been discussed in the section on 'incentive compatibility'. De Winter's data for the period 1945–84 suggest that the average British cabinet minister, for example, had a parliamentary career of more than 12 years before appointment to the cabinet. In Belgium, France, Germany and the Netherlands, by contrast, the average parliamentary 'apprenticeships' of cabinet ministers lasted only between seven and eight years. In the latter group of countries, a relatively large number of politicians without long parliamentary careers have been appointed to the cabinet, allowing members of the governing parties fewer opportunities to screen and 'filter' potential candidates for ministerial positions in the course of day-to-day parliamentary interactions.

Monitoring and reporting

Monitoring and reporting are ongoing processes that occur after a cabinet has been formed: 'Armed with the ultimate sanction of the no confidence vote, and many subtler weapons, members of parliament can insist on active oversight' (Strøm 1995: 77). There are three fundamental monitoring mechanisms that critics of legislative powerlessness tend to focus on.

First, governments usually have a statutory obligation to provide parliament and the general public with regular (e.g. annual) reports on certain aspects of their activities. The publication of budgets, a prerequisite for the approval of new funding, is one of the most important regular reports that governments must make to parliaments. Second, the legislative process forces governments to publicly account for their policies. Third, most parliaments have a number of constitutional devices at their disposal enabling them to obtain information from the government or other bodies at their own initiative. These instruments are particularly significant because they allow parliaments to obtain independent information and redress the information asymmetry, at least to a certain extent.

There are a number of ways by which governments may be required to report on their activities. Plenary debates in which government ministers must justify their policies in the face of criticism by the opposition are one traditional device. Transmitted by the media, such debates serve to inform the ultimate democratic principal – the voters – about the government's record and political alternatives. However, debates on the floor of the chamber do not represent the most important monitoring device that members of parliament can employ. The choice of monitoring devices and the extent to which governments are prepared to share information depends heavily on whether a given member belongs to a government party or an opposition party. King (1976) has therefore suggested a distinction between different 'modes' of executive–legislative relations that are essentially defined by the party membership of the relevant actors and their positions in the party hierarchy. In the present context, two 'modes' are of particular relevance: the 'intra-party mode', focusing on the relationship between ministers and government backbenchers; and the 'opposition mode', characterizing the relationship between ministers and government backbenchers on one side and members of the opposition on the other.

Intra-party mode

Despite a high degree of 'incentive compatibility', conflicts of interest between government backbenchers and ministers are not infrequent. The electoral incentives of cabinets and party leaders wishing to maintain a broad national electoral coalition may conflict with the policy preferences and interests of specific constituencies represented by MPs. The constraints under which governments operate may frustrate government backbenchers who feel that the party's policy preferences are being betrayed. Unsuccessful cabinets or ministers may harm the electoral chances of the party as a whole and affect the government backbenchers' re-election chances. As a result, government backbenchers have incentives to monitor the behaviour of 'their' ministers, despite the generally high degree of 'incentive compatibility' discussed above.

The monitoring carried out by the parliamentary majority party or parties can be very effective, as the government depends on their votes and other forms of support. Empirical studies of decision-making in parliamentary parties (cf. Norton 1993; Saalfeld 1998a; Schüttemeyer 1998) have shown that this support is conditional and cannot be taken for granted. Backbench influence is difficult to track empirically because discussions between ministers and government backbenchers are often conducted 'behind closed doors', and governments frequently try to anticipate *ab initio* the extent to which a planned measure is acceptable to government back-benchers. Information about such processes is rarely shared with MPs belonging to the parliamentary minority or the wider public. This general lack of publicity reduces the reluctance of ministers to provide information and listen to government backbenchers.

Legislation is one important lever allowing government backbenchers to monitor and influence the cabinet's policies. Party cohesion and discipline may prevent the minority (opposition) parties from having much direct impact. Nevertheless, the legislative process creates incentives

(and sometimes the need) for initiators to reveal their intentions and the possible political costs of legislation. Typically, legislation is a lengthy multi-stage process involving several readings of bills on the floor of the house and at least one committee stage (e.g. Becker and Saalfeld 2003). This provides the legislative parties, especially government backbenchers, opportunities to become informed about the cabinet's legislative agenda, question ministers and civil servants, communicate with lobbyists and conduct legislative committee hearings and discussions within the legislative parties. Table 20.4 demonstrates that the vast majority of European legislatures play a central role in the legislative process. Twenty-four out of 26 legislatures have the right to initiate legislation themselves. To be sure, most legislation in parliamentary systems is initiated by the government. However, in 22 out of 26 countries the executive cannot sideline the legislature in the legislative process. With the exception of Cyprus, Finland, Latvia and Portugal, legislative approval is always needed for government bills to take effect (except under strict defined emergency provisions). Regardless of the origin of legislation, governments do not have the right to veto acts of the legislature in 24 out of 26 cases. In short, the government generally needs to persuade a majority of the legislators to support its bills. In the course of this process, which may be internal to the government parties, it must reveal information and can be held accountable by government backbenchers.

Opposition mode

One key dimension of executive–legislative relations is what King (1976: 17–18) calls the 'opposition mode', which is 'characterized by, indeed defined by, conflict' (ibid.: 18). Public clashes between government and opposition in parliament may not always be popular with the electorate. However, governments will have incentives to share information with all members of parliament if this is necessary in order to defend their activities in adversarial public debates. Parliamentarians will have incentives to share information with the voters if there is public competition between politically opposing forces. Although opposition members cannot impose the direct sanctions available to government backbenchers in relation to the passage of legislation and government survival, they are not necessarily powerless: 'Even if the opposition knows that it is unlikely to be able to defeat government initiatives, it can force the executive to defend publicly what it has proposed. In doing so, the opposition fixes accountability for the government's actions and puts itself in a position to assess a political cost for these actions at the next general election' (Mezey 1998: 784).

Legislatures can thus wield a whole 'arsenal' of various tools to extract information from governments, to monitor their activities and to induce them to defend their decisions. In real-world settings, the incentives to use these tools are particularly strong for the opposition. According to Wiberg (1995: 185), the most typical forms of parliamentary questions include 'some sort of oral questions presented at a fixed Question Time on a regular basis, written questions, which are not answered or debated at all in the chambers, and interpellations'. In some cases, interpellations may be no more than an attempt by the parliamentary principal to extract information from the government on an important issue. In other cases, they may 'call into question the responsibility of the Government (or the Minister concerned) by tabling a motion on which the Assembly must take a decision, which then amounts to a motion of censure' (Wiberg 1995:186). There are many similarities and some differences between European democracies in this regard. Table 20.4 includes, first, information on the availability of two fundamental types of instruments: 'the power of summons over executive branch officials' and regular 'hearings with executive branch officials testifying before the legislature or its committees' (Fish and Kroenig 2009: 6). Second, it shows whether the legislature 'can conduct independent investigation of the chief executive and the agencies of the executive' (ibid.). The table suggests

Table 20.4 Scrutinizing and influencing government activity in 26 European democracies (c.2006)

Country	Legislature has right to initiate legislation	Legislative initiatives of the executive require legislature's approval or ratification	Laws passed by the legislature are veto proof	Power of summons	Power to conduct independent investigations
Austria	Yes	Yes	Yes	Yes	Yes
Belgium	Yes	Yes	Yes	Yes	Yes
Bulgaria	Yes	Yes	Yes	Yes	Yes
Cyprus				Yes	
Czech Republic	Yes	Yes	Yes	Yes	Yes
Denmark	Yes	Yes	Yes	Yes	Yes
Estonia	Yes	Yes	Yes	Yes	Yes
Finland	Yes		Yes	Yes	Yes
France (Fifth Republic)	Yes	Yes	Yes	Yes	Yes
Germany	Yes	Yes	Yes	Yes	Yes
Greece	Yes	Yes	Yes	Yes	Yes
Hungary	Yes	Yes	Yes	Yes	Yes
Ireland	Yes	Yes	Yes	Yes	Yes
Italy	Yes	Yes	Yes	Yes	Yes
Latvia	Yes		Yes	Yes	Yes
Lithuania	Yes	Yes	Yes	Yes	Yes
Netherlands	Yes	Yes	Yes	Yes	Yes
Norway	Yes	Yes	Yes	Yes	Yes
Poland	Yes	Yes		Yes	Yes
Portugal			Yes	Yes	Yes
Romania	Yes	Yes	Yes	Yes	Yes
Slovakia	Yes	Yes	Yes	Yes	Yes
Slovenia	Yes	Yes	Yes	Yes	Yes
Spain	Yes	Yes	Yes	Yes	Yes
Sweden	Yes	Yes	Yes	Yes	Yes
UK	Yes	Yes	Yes	Yes	Yes
Total	24	22	24	26	25

Source: Extracted from Fish and Kroenig (2009: 48–716).

that all 26 legislatures have the power of summons, and that only the Cypriot legislature lacks the second power of conducting independent investigations. Thus, in the European democracies sampled here, the formal powers of MPs to call their governments to account are relatively similar and well developed.

However, while all legislatures in our sample formally possess these powers, there are significant differences in the extent to which opposition parties are constrained in the use of such tools and/or the extent to which they have incentives to use them. First and foremost, the opportunities for opposition parties to press the government for information in the chamber are inversely related to the government's control of the parliamentary agenda. Comparative studies have shown, for example, that Dutch and Italian governments have relatively little or no unilateral control over the parliamentary agenda. In Ireland and the United Kingdom, by contrast, the government controls the agenda unilaterally through statutory provisions, constitutional conventions and its majority, although consensus is often sought with the major opposition party.

Institutional checks and fire alarms

In many West European countries, the agency relationship between the parliament and the government is 'embedded' within a wider system of checks and balances. The constitutions of some countries establish a number of independent agents with the authority to veto decisions by the government and the legislature. From a legislature's point of view, constitutional courts, powerful second chambers, subnational governments in federal systems or supranational bodies may serve as checks on the executive (and on each another) in terms of information acquisition – that is, it may be in the interest of these bodies to provide MPs with independent and 'low-cost information' on the activities of the cabinet.

Legislatures vary in their control over the composition and appointment of such bodies. The stronger and more independent the parliamentary control over the appointment of key personnel in bodies that could serve as institutional checks, the stronger its position vis-à-vis the executive. Table 20.5 indicates that legislatures have some involvement in the running of state-owned media in 21 out of the 26 European democracies. In 17 out of 26 countries, they review and have the right to reject appointments to the judiciary – or directly appoint members of the judiciary themselves. Only in a minority of cases are legislatures actively involved in the appointment of the chairpersons of central banks, institutions that can be a crucial source of independent information on economic policy through both their market interventions and their issuance of regular high-quality reports (Bernhard 1998).

Members of parliament also install certain institutionalized 'fire alarms', in the terminology of McCubbins and Schwartz (1984). Among the most traditional variants of such 'fire alarms' are the 'surgeries' held by most Members of the British House of Commons and certain other legislatures in their constituencies. Constituency work may rob time from MPs' activities in the parliamentary chamber, but it provides (both MPs and ministers) low-cost information from interested third parties on policy implementation. The increasing importance of professional lobbying in countries such as the United Kingdom has caused a great deal of concern, but it serves a similar purpose; this lobbying also follows the logic of 'fire-alarm oversight', whereby affected parties 'raise an alarm' when things are perceived to be going wrong in the implementation of policies passed by the parliamentary majority.

In addition, there are more institutionalized forms of fire-alarm oversight. In the United Kingdom and the Irish Republic, parliaments are aided by an independent comptroller and auditor general as well as their expert staff in the scrutiny of departmental accounts (Griffith and Ryle 1989: 441–4; O'Halpin 1998: 349). In Denmark, the public accounts must be submitted

Table 20.5 Legislative appointment powers in 26 European democracies (c.2006)

Country	Right to review, reject or appoint members of the judiciary	Right to appoint chair of the central bank	Substantial voice in the operation of state-owned media
Austria	Yes		Yes
Belgium	Yes		Yes
Bulgaria	Yes	Yes	Yes
Cyprus			
Czech Republic	Yes		Yes
Denmark	Yes		Yes
Estonia	Yes		Yes
Finland		Yes	Yes
France (Fifth Republic)			
Germany	Yes		Yes
Greece		Yes	
Hungary	Yes		Yes
Ireland			
Italy	Yes		Yes
Latvia	Yes	Yes	Yes
Lithuania	Yes	Yes	Yes
Netherlands	Yes		
Norway			Yes
Poland		Yes	Yes
Portugal	Yes		Yes
Romania	Yes	Yes	Yes
Slovakia	Yes		Yes
Slovenia	Yes	Yes	Yes
Spain	Yes		Yes
Sweden		Yes	Yes
UK			Yes
Total	17	9	21

Source: Extracted from Fish and Kroenig (2009: 48–716).

to parliament each year. The parliament elects six auditors, who need not be parliamentarians. Aided by a special auditing unit staffed by civil servants, these auditors report to parliament about the government's expenditure (Damgaard 1998: 208). In Austria, the Court of Audit is an organ of parliament overseeing all economic activities of the federal government; it issues regular annual reports and – with certain restrictions – conducts special investigations at the request of a qualified minority of at least 20 MPs (Schefbeck 1998: 40). In Germany, the independent Federal Audit Office scrutinizes government expenditures. The parliament's Appropriations Committee or its audit sub-committee reviews the Office's regular reports, together with the government's response (Saalfeld 1998b: 277). In the cases of several national parliaments, critics have contended that such reports receive little attention from either the parliament or the general public. Potentially, however, audit offices and similar bodies can provide parliaments with accurate low-cost information on government expenditures.

Finally, the post-war period has witnessed the proliferation of ombudsmen, who may serve as institutionalized 'fire alarms' when they are responsible to parliament ('parliamentary

ombudsman'). With the exception of Germany, Italy, Luxembourg and Switzerland, all West European countries have ombudsmen at the national level; Italy and Switzerland have ombudsmen at the regional or municipal level. In Germany, the *Bundestag*'s Petitions Committee serves as a functional equivalent, as does the military ombudsman for complaints from the armed forces. Ombudsmen can be an independent source of information when they are appointed by and report to parliament (rather than the executive), and when citizens have direct access to their services (rather than via members of parliament, as with the British Parliamentary Commissioner for Administration) (Drewry 1998).

Conclusion

The twentieth century has witnessed the spread of democratic parliamentary government throughout Western Europe. After a series of democratic regime breakdowns in the inter-war period, countries including Germany, Italy, Greece, Portugal and Spain have matured into fully fledged and stable parliamentary democracies since 1945. The transition to democracy in many Central and Eastern European states has further enhanced the powers of democratically elected legislatures in Europe. But European parliaments have also faced new challenges: with the growing scope of state activity and an increasing tendency on the part of governments to delegate policy-making to networks of experts outside the classical election-based chain of democratic delegation and accountability, the information asymmetries between governments and parliaments have become more serious. The scope for agency loss has increased, contributing to the longstanding claim of a 'decline of parliaments' in Western Europe.

Supporters of the 'decline' thesis have fielded powerful arguments. Nevertheless, many traditional critiques of the ineffectiveness and inefficiency of parliamentary oversight activities vis-à-vis cabinets have told an incomplete story, focusing on monitoring and downplaying the importance of other forms of oversight such as 'contract design', screening and the use of institutional checks. Indeed, they have generally concentrated on specific forms of monitoring (parliamentary questions, the work of investigative committees, etc.) that strongly resemble what McCubbins and Schwartz (1984) describe as 'police-patrol oversight'. In the context of parliamentarism in the United States, McCubbins and Schwartz have shown that 'police-patrol oversight' is an 'expensive' way for parliamentarians to obtain information on executive activities. European parliaments are adept at using devices such as constituency surgeries, audit commissions, parliamentary ombudsmen, independent central banks and even international organizations as 'fire alarms' that can be triggered by citizens and other actors (such as interest groups and experts) who are dissatisfied with government policy. One important dimension of legislative oversight – the interaction between government backbenchers and cabinet members – is also frequently neglected in critiques, especially in rational-choice accounts that model parliamentary parties as unitary actors. Legislatures are complex, open organizations. They are arenas for deliberation and political competition. Comparative studies of the type presented here facilitate the identification of important dimensions of executive–legislative relationships. Many further in-depth (process) analyses will be required to delve deeper into the reality of government accountability vis-à-vis the legislature.

Note

1 Cyprus has a presidential constitution in which the political survival of the executive does not depend on the legislature. Switzerland has an 'assembly-independent government', in Shugart and Carey's (1992) terms: its cabinet cannot be brought down by a vote of no confidence once it has taken office.

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21

The Europeanization of national parliaments

Katrin Auel

Introduction: the challenges of European integration

'Europeanization' is a concept used to analyse a variety of changes within European Union and member states' policies, politics and polities resulting from the process of European integration. Most often, the term is used to characterize 'domestic change and adaptation to pressures emanating directly or indirectly from EU membership' (Featherstone 2003: 7; see also Chapter 32). Even more generally, one could define Europeanization as what happens 'when something in national political systems is affected by something European' (Vink 2003: 63). As these definitions imply, there are two sides to the process of Europeanization: *passive Europeanization* describes the pressures emanating from European integration or, in other words, the impact of European integration on national policies, institutions or actors; *active Europeanization*, in contrast, refers to the domestic reaction to these changes.

Scholars began to point out the pressures and challenges of European integration for national parliaments as early as the 1970s (e.g. Niblock 1971); however, it was only in the 1990s, triggered by the difficult ratification of the Maastricht Treaty and the famous 'Maastricht decision' by the German Federal Constitutional Court (BVerfGE 1993), that the growing debate over the democratic legitimacy of the European Union (or the lack thereof) focused the spotlight squarely on national parliaments. Notably, this debate concentrated primarily on the passive form of Europeanization, perceiving national parliaments as the objects (or, indeed, victims) of the integration process: for the most part, Europeanization was something that happened to them. Indeed, at that time most scholars probably would have replied to a hypothetical Eurobarometer question that European integration was 'a bad thing' for national parliaments and for parliamentary legitimacy in general.

Since then, much of the debate has centred on the question of whether or not European integration leads to the 'de-parliamentarisation' of politics (O'Brennan and Raunio 2007a).[1] According to the 'de-parliamentarization' thesis, European integration has weakened national parliaments in two ways. On the one hand, it had a direct impact on their legislative sovereignty by transferring legislative competencies to the EU level. Parliaments have lost agenda-setting power (since the right to initiate EU policies has been delegated to the European Commission and, increasingly, to the European Council) and policy-making competencies to EU institutions,

including the Council, the European Parliament, the Commission and a multitude of other actors. Parliaments have even lost the right to make the final decision on legislation, as EU law receives this final approval at the EU level. Depending on the type of legislation, national parliaments do retain the possibility of amending or delaying European legislation through the transposition of European directives, but member states are ultimately forced to comply. European law also has to be taken into account in domestic legislation, which may further restrain remaining national legislative powers. Scholars have attempted to measure the impact of European integration on the legislative competences of national parliaments, and despite all the methodological concerns associated with the quantification of Europeanization processes (Brouard *et al.* 2012; Töller 2012), they have firmly consigned the prophecy made by Jacques Delors in the late 1980s – namely, that within ten years 80 per cent of domestic legislation in economic affairs would come from Brussels – to the realm of myth. However, this work has shown that a fairly large proportion of current domestic legislation has indeed been Europeanized, ranging from less than 8 per cent in the areas of defence, housing or social welfare to over 30 per cent in agriculture or environmental policy (based on data from 1987 to 2005; König and Mäder 2012: 224). Depending on the operationalization of 'Europeanization' and 'domestic law', other authors have observed an even greater share of Europeanized legislation (for a discussion of various studies, see Töller 2012).

On the other hand, European integration has also had a more indirect effect by altering the power balance between national parliaments and their governments. Since the latter are directly involved in policy-making at the EU level, executives can act as gatekeepers between the national political system and the EU level. As Moravcsik (1994) argues, this role gives them power over what he calls the 'four Is': initiative, institutions, information and ideas. Governments can *initiate* negotiations on policy issues without prior consultation, and they are able to dominate *institutional decisions*; their legislatures are later faced with 'take-it-or-leave-it' choices because renegotiations are impossible. They can also manipulate *ideological justifications* for a particular policy, in part because they have access to a steady stream of *information*, a resource that parliaments can only obtain at considerable expense. What makes the situation even more difficult for national parliaments is the fact that each can control only its own government in the Council – but when exercising its legislative competencies, the Council acts as a collective actor. Thus, where the Council decides under unanimity, individual Council members can veto a decision, but they cannot enforce the adoption of a particular policy against the will of other members. Where the Council uses qualified majority voting (QMV), even the power to veto a policy is no longer given as Council members can potentially be outvoted. In such a case, national parliaments may be compelled to adopt policies that even their own governments did not agree to.

European integration has thus had a strong impact on the role of national parliaments and domestic executive–legislative relations. However, institutions or actors rarely just accept a loss of power without any resistance, and this has held true for national parliaments. The debate over the democratic deficit of the European Union, and above all their interest in preserving their power, has motivated parliaments to implement a range of institutional reforms designed to address the power shifts caused by European integration. The following section examines these institutional changes within national parliaments (active Europeanization), while the third section discusses the use of scrutiny rights in practice, outlining incentives and constraints for parliamentary involvement in EU affairs. The fourth section will then focus on more recent challenges and opportunities for national parliaments in EU politics: the new participation rights enshrined in the Lisbon Treaty (in particular the Early Warning System) and the impact of the 'Eurozone crisis'. The final section concludes.

'Backbenchers learn to fight back': institutional Europeanization

During the 1990s, a wave of studies (among many: Laursen and Pappas 1995; Norton 1996a) painted a rather dire picture of the decline of parliamentary power that seemed to confirm the idea that national parliaments had been 'left behind in the rush' (Norton 1996b: 192). As Weiler (1999: 266) summarizes, EU integration 'pervert[s] the balance between executive and legislative organs of government of the State. . . . [N]ational parliamentary control, especially in large member states, [is] more an illusion than a reality.'

The gloom and doom of the early 'de-parliamentarization' debate is not really surprising. In fact, the early period of integration (from the 1950s to the late 1980s/early 1990s) was characterized not only by parliamentary non-involvement but also by a general disregard for EU affairs on the part of most parliaments. Since then, however, national parliaments have learned 'to fight back' (Raunio and Hix 2000) and have implemented stronger scrutiny rights (for an analysis of the development of parliamentary oversight institutions over time, see Winzen 2012, 2013). These include the right to receive more comprehensive information on European issues from their governments. Second, national parliaments have professionalized by setting up European Affairs Committees (EACs) and by implementing procedures (formal or informal) to involve their specialized standing committees in the scrutiny process. Third, scrutiny procedures have been strengthened by establishing or extending the parliaments' right to voice their positions on EU policies.

Beyond these broad similarities, the institutional reforms – and their effectiveness – have been far from uniform across the EU member states.[2] Effective scrutiny obviously depends to a large degree on the amount and quality of information that parliaments receive, and there are still significant differences with regard to parliamentary access to internal or confidential EU documents or to additional information from the government in the form of explanatory memoranda (COSAC 2012). In addition, we find discrepancies with respect to the parliamentary infrastructure established to manage and process this information. All national parliaments have set up European Affairs Committees, but there is variation in the number of committees involved in European affairs. Involvement of the standing committees (or the establishment of specialized sub-committees) has the advantage of increasing the number of MPs occupied with EU affairs; more importantly, scrutiny of EU policy will be informed by their specialized policy expertise. In some parliaments, the scrutiny of EU policies has therefore been formally delegated to the standing committees according to their policy areas. In many parliaments, however, the EAC remains the main forum for dealing with European issues, and standing committees have at best an advisory role.

In addition, we can also identify variation in the parliaments' approach to scrutiny. Although the addressee of the scrutiny procedure is ultimately the government, systems differ in terms of whether the parliament scrutinizes EU documents, the government's position for the negotiations in the Council or both. While some parliaments issue written statements, others communicate their position on European issues to the government orally during committee sessions; still others use both procedures. Most importantly, the consequences of such statements vary widely. In some cases, the government is legally – or strongly politically – bound to its parliament's statement. This 'mandating procedure' means that the national representative must follow parliamentary instructions when negotiating a European policy in the Council of the EU. In many cases, however, these statements are merely the expression of the parliament's opinion and have no binding effect. Finally, a number of parliaments have established so-called 'scrutiny reserves' aimed at preventing government representatives from agreeing to a proposal in the Council while the parliamentary scrutiny process is still underway.

A number of studies have classified and ranked national parliaments according to their institutional strength in EU affairs. Although these rankings differ slightly due to varying emphasis on specific institutional provisions, the overall picture is fairly consistent. As recent rankings by Karlas (2012), Winzen (2012) and Auel *et al.* (2014) show (see Table 21.1), we can identify a group of strong, mainly North European, parliaments, including those of Denmark, Finland, Sweden, but also Germany and the Netherlands. These parliaments generally have broad access to information, fairly strong mandating rights and, with the exception of Denmark, systematically involve their standing committees in the scrutiny process. In contrast, relatively weak parliaments can be found primarily in Southern member states, such as Cyprus, Greece, Portugal and Spain, but also in Belgium, Ireland and Luxembourg. Austria, France, Italy, Malta and the UK fall somewhere in between these two extremes. The new Central and Eastern European (CEE) member states have faced specific challenges related to their adaptation to both democratization and accession to the EU. At first, accession negotiations in combination with the obligation to implement the complete European *acquis communautaire* resulted in a serious net increase in power for national executives vis-à-vis other domestic actors, especially parliaments (Goetz 2005; Dimitrova and Mastenbroek 2006; Raunio and O'Brennan 2007b). As Sadurski has argued, executive control over the accession process was almost complete, but this was 'perhaps no bad thing, given the notorious inefficiency and incompetence of parliamentary institutions in post-communist states, and . . . arguably the only way to ensure that the enormous body of EU law was transposed into domestic legislation' (Sadurski 2006: 7). However, the new constitutions of these countries tend to grant a more significant role to legislatures than most of the recent Western European constitutions (Malovà and Haughton 2002), and many of their parliaments can – at least with respect to their formal institutional position – be considered relatively strong.

How can we explain these differences? One rather straightforward explanation is that parliamentary power in EU matters mirrors parliamentary strength in domestic matters, since parliamentary scrutiny procedures are intended to re-establish the executive–legislative power balance affected by European integration. As Raunio notes, 'Indeed, research on explaining cross-national variation in the level of scrutiny in EU matters indicates that the overall strength of the legislature "spills over" to European affairs, with stronger control of the government in domestic matters producing also tighter cabinet scrutiny in European affairs' and *vice versa* (Raunio 2009: 330, fn. 11). The degree of public support for the EU in the member state and the existence of anti-European parties (Raunio 2005; Saalfeld 2005) also seem to be important factors. In addition, member states that joined the EU later tend to have tighter scrutiny procedures than the earlier members, which can be explained by the fact that the salience of EU affairs has risen over time due to the increasingly important role of the EU and its growing impact on the member states (Winzen 2013). Moreover, parliaments have also learned from one another. For example, the Finnish and Swedish parliaments borrowed many elements of the Danish scrutiny system when devising their own procedures; we can also see this institutional learning in the parliaments of the new member states, particularly with regard to their close inter-parliamentary cooperation and the use of 'old' member states as role models for the development of scrutiny procedures (O'Brennan and Raunio 2007b) (see Table 21.2).

'Are they really fighting back?' The Europeanization of parliamentary behaviour

The institutional Europeanization of national parliaments is by now well documented in the literature. However, formal institutional provisions tell only part of the story; to obtain a complete picture of the Europeanization of national parliaments, we also need to take the adaptation of

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Table 21.1 Scrutiny provisions in national parliaments

Member state	Title of the committee/ composition	Involvement of standing committees	Scope of scrutiny/binding character/scrutiny reserve
Austria *Nationalrat*	Main Committee on EU Affairs, 26 members Standing Subcommittee on EU Affairs, 16 members	No systematic involvement	Mainly EU documents Position is formally binding, government has to renegotiate No scrutiny reserve
Belgium *Chambre des représentants*	Federal Advisory Committee on European Affairs (joint committee with *Sénat*), 10 senators, 10 members of the *Chambre* and 10 Belgian MEPs	Advisory involvement	Mainly EU documents Position is non-binding No scrutiny reserve
Bulgaria *Narodno sabranie*	Committee on European Affairs and Oversight of the European Funds, 18 members	Advisory involvement	Mainly EU documents Position is non-binding Scrutiny reserve
Cyprus *Vouli ton Antiprosopon*	Committee on European Affairs, 10 members	Advisory involvement	Mainly EU documents Position is non-binding No scrutiny reserve
Czech Rep. *Poslanecká sněmovna*	Committee for European Affairs, 15 members	No systematic involvement	Mainly EU documents Position is non-binding Scrutiny reserve
Denmark *Folketing*	European Affairs, 29 members	Advisory involvement	Mainly government position Position is formally binding, government has to renegotiate Scrutiny reserve
Estonia *Riigikogu*	European Union Affairs Committee, at least 15 members	Advisory involvement	Both documents and government position Parliamentary position is politically binding, government has to justify deviation Scrutiny reserve
Finland *Eduskunta*	Grand Committee, 25 titular members and 13 substitutes with right to attend and speak	Full involvement	Both documents and government position Parliamentary position is politically binding, government has to justify deviation Scrutiny reserve
France *Assemblée nationale*	Committee on European Affairs, 48 members	Full involvement	Mainly EU documents Position is non-binding Scrutiny reserve
Germany *Bundestag*	Committee on the Affairs of the European Union, 33 MPs and 16 German MEPs without voting rights	Full involvement	Mainly EU documents Position is politically binding, government has to try to find consensus with *Bundestag* and justify deviation Scrutiny reserve

Table 21.1 continued

Member state	Title of the committee/composition	Involvement of standing committees	Scope of scrutiny/binding character/scrutiny reserve
Greece *Vouli ton Ellinon*	Special Standing Committee for European Affairs, 31 members	Advisory involvement	Mainly EU documents Position is non-binding No scrutiny reserve
Hungary *Országgyűlés*	Committee on European Affairs, 21 members	Advisory involvement	Both documents and government position Parliamentary position is politically binding, government has to justify deviation No scrutiny reserve
Ireland *Houses of the Oireachtas*	Joint Committee on European Union Affairs, 9 members of the *Dáil Eireann*, 5 members of the *Seanad Eireann*	Full involvement since 2011	Mainly EU documents Position is non-binding No scrutiny reserve
Italy *Camera dei Deputati*	Committee on EU Policies, 43 members	Full involvement	Mainly EU documents Position is politically binding, government has to justify deviation Scrutiny reserve
Latvia *Saeima*	European Affairs Committee, 17 members	No systematic involvement	Mainly government position Position is politically binding, government has to justify deviation Scrutiny reserve
Lithuania *Seimas*	Committee on European Affairs, not less than 15 and not more than 25 members; currently 21 members	Advisory involvement	Both documents and government position Position is politically binding, government has to justify deviation Scrutiny reserve
Luxembourg *Chambre des Députés*	Committee for Foreign and European Affairs, for Defence, for Cooperation and for Immigration, 12 members	Full involvement	Mainly EU documents Position is politically binding, government has to justify deviation No scrutiny reserve
Malta *Kamra tad-Deputati*	Standing Committee on Foreign and European Affairs, 9 members	No systematic involvement	Mainly government position Position is non-binding Scrutiny reserve
Netherlands *Tweede Kamer*	Committee on European Affairs, 24 members	Full involvement	Both documents and government position Formally, position is non-binding, but government will usually justify deviation Scrutiny reserve

Table 21.1 continued

Member state	Title of the committee/ composition	Involvement of standing committees	Scope of scrutiny/binding character/scrutiny reserve
Poland *Sejm*	European Union Affairs Committee, not less than 15 and not more than 46 members (10% of the *Sejm*); currently 44 members	No systematic involvement	Both documents and government position Position is politically binding, government has to justify deviation No scrutiny reserve
Portugal *Assembleia da República*	Committee on European Affairs, 21 members	Advisory involvement	Mainly EU documents Position is non-binding No scrutiny reserve
Romania *Camera Deputaţilor*	Committee on European Affairs, 25 members	Full involvement	Mainly government positions Position is non-binding No scrutiny reserve
Slovakia *Národná rada*	Committee on European Affairs, 11 members	Advisory involvement	Mainly EU documents Position is politically binding, government has to justify deviation Scrutiny reserve
Slovenia *Državni zbor*	Committee for EU Affairs, 14 members	Advisory involvement	Mainly government position Position is politically binding, government has to justify deviation Scrutiny reserve
Spain *Cortes Generales*	Joint Committee for the European Union, 43 members	Advisory involvement	Mainly EU documents Position is non-binding No scrutiny reserve
Sweden *Riksdag*	Committee on EU Affairs, 17 members and 42 alternates	Full involvement	Both documents and government position Parliamentary position is politically binding, government has to justify deviation Scrutiny reserve
United Kingdom *House of Commons*	European Scrutiny Committee, 16 members European Committees, 13 members (*ad-hoc* membership)	No systematic involvement	Mainly EU documents Position is non-binding Scrutiny reserve

Sources: Hefftler *et al.* (2014) and COSAC (2013).

Table 21.2 Institutional Europeanization: ranking national parliaments according to their institutional strength in EU affairs

Member state	Rank order Karlas 2012	Rank order Winzen 2012	Rank order Auel et al. 2014
Estonia	1	4	4
Finland	1	2	1
Lithuania	1	2	3
Denmark	2	1	3
Poland	3	5	8
Slovenia	3	5	5
Sweden	3	6	3
Germany	4	4	2
Hungary	4	5	8
Austria	5	6	7
Latvia	5	5	7
Netherlands	5	6	4
Slovakia	5	2	7
Romania	6	3	10
France	7	9	6
Italy	8	7	8
Bulgaria	9	5	9
Czech Republic	9	6	6
UK	10	7	7
Luxembourg	10	11	9
Malta	11	8	8
Belgium	12	11	12
Cyprus	12	12	11
Greece	12	10	12
Ireland	12	8	9
Portugal	12	8	9
Spain	12	10	9

Note: Parliaments (lower chambers only) were ranked on a scale from 1 (strongest) to 12 (weakest) using the ranking in Karlas (2012) and the scores in Winzen (2012) and Auel et al. (2014).

parliamentary behaviour into account. Parliamentary institutions are crucial because they provide formal constraints and opportunities for parliamentary activity. However, institutional opportunities remain latent until they are utilized. To what extent do MPs actually get involved in the scrutiny of EU affairs? Do they take advantage of their control rights and parliamentary instruments of influence?

Much is still unknown about actual parliamentary behaviour in EU affairs. However, existing studies suggest that parliaments differ with regard to their formal institutional scrutiny provisions as well as in terms of their level of activity in EU affairs. A recent study provides, for the first time, comparative empirical data on parliamentary activities, namely parliamentary statements (resolutions and mandates), plenary debates on EU issues, EAC meetings, hearings with the prime minister and opinions issued in the context of the Early Warning System and the Political Dialogue (see pp. 376–378) between 2010 and 2012 (Auel *et al.* 2014). As the study shows, the powerful parliaments of Denmark, Finland, Germany and Sweden are also the most active, followed by the Austrian, Dutch, Estonian, Italian and Lithuanian parliaments. The Portuguese

parliament is also in this group of active institutions, although the *Assembleia* focuses primarily on sending opinions within the Political Dialogue. Among the least active are the parliaments of Bulgaria, the Czech Republic, Greece, Cyprus, Hungary and Malta. The parliaments of Belgium, France, Ireland, Latvia, Luxembourg, Poland, Romania, Slovakia, Slovenia, Spain and the UK form a large intermediate group. These findings indicate that despite their initially weaker position vis-à-vis their executives during and after the accession process, a number of the new CEE parliaments have now become very active in EU affairs.

The data does not, of course, provide a comprehensive overview of parliamentary activities in EU affairs. For example, it does not measure the use of other parliamentary control instruments (such as parliamentary questions) or capture time spent on EU affairs in parliamentary party group meetings. It also tells us little about the impact of parliamentary activity, i.e. whether more active parliaments actually wield greater control over their governments and more influence over EU policy-making. However, it does offer a first comparative impression of the Europeanization of parliamentary behaviour. It also illustrates the large variation in the level of activity in EU affairs, as well as the fact that institutional strength does not always translate into active parliamentary involvement, and *vice versa*.

Rational explanations for legislative behaviour in EU affairs have pointed out that parliaments are in fact rather busy institutions. Parties and MPs have only limited time resources and thus have to consider the costs and benefits of spending time and energy on the scrutiny of EU affairs. Costs associated with scrutiny are fairly straightforward: They relate to the resources that need to be invested in oversight activities, such as time, the costs of information gathering and opportunity costs of not investing resources in other activities. But what are the incentives for scrutiny in EU affairs?

First, it can be argued that MPs need electoral incentives to invest limited resources in the scrutiny of European affairs (Raunio 2005; Saalfeld 2005). In member states in which EU issues are more salient and public opinion is generally more critical of EU integration, MPs have a greater incentive to become active in EU affairs due to the potential electoral impact of EU politics. In contrast, in countries where European affairs play no role in voting decisions or where the permissive consensus prevails, there are no electoral benefits to be gained from investing in scrutiny. This argument has been used to explain the relative weakness of the parliaments in the Southern European member states Greece, Spain and Portugal. Until just recently, these countries were among the member states with the most consistently Europhile public (and elite), which resulted in an uncritical perception of the European integration process and thus undermined effective parliamentary scrutiny in EU matters (Magone 2007). However, since the 'Eurozone crisis' (see pp. 378–380), EU affairs have certainly become much more salient in these member states and throughout the EU in general.

Second, MPs will get involved in the scrutiny of EU affairs if they expect a payoff in terms of policy influence (Saalfeld 2005; Winzen 2013). Generally speaking, governing party groups will be more inclined to leave EU politics to their government if they trust it to represent their mutual policy preferences in EU negotiations. This trust can be assumed to be greatest in the case of single-party governments. Although government MPs and ministers might not agree on every single issue, we can expect their interests to be fairly similar – unless the party is deeply internally divided over EU issues. Divergent preferences and thus less trust can be expected in the case of coalition governments. Here, coalition partners not only have to negotiate compromises, but they also have a stronger incentive to attempt to influence and control the other coalition partners' members of government. Trust would thus be lowest in minority governments, explaining why the Scandinavian parliaments are especially powerful and active in EU affairs. Sweden and Denmark frequently have minority governments;[3] these governments

Box 21.1 Parliaments in action: scrutiny in Finland and France

Scrutiny in the Finnish Eduskunta

In the *Eduskunta*, the Grand Committee, which coordinates parliamentary scrutiny of EU policies, and the Foreign Affairs Committee, which deals with EU foreign and security policy matters and Treaty amendments, are the two main committees responsible for EU policies. The government must inform the *Eduskunta* without delay of proposals for Council decisions and other EU matters, usually through a letter outlining the content of a European document and the government's position on it. Although the Grand Committee is the main parliamentary actor in EU affairs and is responsible for mandating the government, the standing committees are systematically involved: the Speaker of the *Eduskunta* requests one or (usually) more standing committee(s) to submit their opinion on the issue to the Grand Committee. The Grand Committee then debates the matter and formulates a parliamentary recommendation, which is forwarded to the government without any involvement of the plenary. To allow the *Eduskunta* to monitor and guide the negotiation behaviour of the government as early in the process as possible, the Grand Committee seeks to formulate its view before the consideration of the matter begins in the preparatory bodies of the Council. Although the recommendations and opinions of the Committee are not constitutionally binding, they are considered to be politically binding for the government, which must justify all deviations from the parliamentary opinion *ex post*. In comparative studies of parliamentary EU scrutiny mechanisms, the *Eduskunta* is unfailingly categorized as one of the strongest and most active parliaments in EU affairs, and several national parliaments (for example the parliaments of the Baltic countries, Hungary and Slovenia) have adopted features of the Finnish scrutiny model.

Scrutiny in the French Assemblée nationale

The main committee dealing with EU affairs in the *Assemblée nationale* is the *Commission des affaires européennes*; however, this commission remains subordinate to the standing committees in this role. European documents are first sent to the European Affairs Committee (EAC), which can designate one or more rapporteurs to draw up a detailed report (*rapport*). The outcome can be the tabling of a resolution proposal, but the report may also remain informative in character (*rapport d'information*), including the mere expression of conclusions on the document. Conclusions only express the view of the Commission; formal resolutions, in contrast, require the involvement of one of the standing committees. In addition, the EAC shares with individual MPs the right to table motions for resolutions. The responsible standing committee appoints its own rapporteur and takes a position on the Commission's resolution proposal, which it can adopt 'as is' (and often does), amend or reject. Finally, following the distribution of the standing committee report, the motion for a resolution can be placed on the agenda of the plenary upon the request of a party group, committee chair or the government. If no request for a plenary debate is made, the text adopted by the standing committee is considered final and is transmitted to the government. Resolutions, however, are explicitly non-binding and have less of a politically binding effect as well. Long considered a rather weak parliament in EU affairs, today the *Assemblée nationale* plays a more active role and is situated midfield in most rankings.

cannot rely on the trust and support of a loyal majority in parliament but instead have to negotiate policies with at least part of the parliamentary opposition. Even without a formal mandating procedure, minority governments have to ensure that the policies agreed to at the European level can actually be implemented at the national level.

In addition, Auel and Benz (2005) argue that EU politics pose a dilemma for actors in a parliamentary system, in particular for governing parties. For national MPs, the challenge lies not only in deciding whether they want to invest limited resources in scrutiny processes, but also in balancing conflicting incentives. If they publicly bind or control their ministers in the Council, governing parliamentary party groups run the risk of undermining the trust between the government and its backbenchers. In addition, there is the danger of damaging the bargaining power of the government in Council negotiations by reducing its room for manoeuvre. However, if they renounce control of their government in European policy-making, they abdicate power in the national arena. Neither is in the interest of the governing party groups. As a result, MPs do not always make full use of their institutional rights; but also develop more informal strategies to avoid this dilemma. These strategies include, for example, close cooperation with the government behind closed doors (*in-camera* committee sessions or private parliamentary party group meetings) and attempts to exert influence directly at the European level or to hold the government publicly to account.

However, whether MPs use their formal competencies or more informal strategies, purely rational explanations cannot always account for what would have to be considered 'irrational' behaviour: in many parliaments, MPs spend several hours per week scrutinizing EU documents, presenting parliamentary reports and drafting resolutions, even though they know that their activities will attract little attention from voters (or frontbenchers, for that matter) and will have very limited impact on policy. Rozenberg therefore argues, on the basis of a comparison of the EAC Chairs in France and Britain since the late 1970s, that emotional incentives and role perceptions also have an impact on the extent and direction of their involvement in EU affairs (Rozenberg 2012). MPs are thus not simply vote- or policy-seekers. Whether and in what ways they involve themselves in EU affairs also depends on how 'their favourite parliamentary role adapts itself to this new position because emotional gratifications proper to this role can be developed through the involvement in EU affairs' (ibid.: 13).

New challenges and opportunities

Over the last few years, two developments have had an enormous impact on the role and position of national parliaments in EU politics. One is the coming into force of the Lisbon Treaty in December 2009. Often hailed as the Treaty of Parliaments, it not only strengthened the position of national parliaments within the domestic arena, primarily by giving them direct access to European documents, but also, for the first time, provided them with direct input in the legislative process at the European level. At the same time, however, parliaments also face new challenges due to the Eurozone crisis and the European counter-measures, which increasingly subject budgetary authority – a key prerogative of parliaments – to influence from EU institutions both within and outside the EU Treaty framework. The following section will discuss these new developments in turn.

Becoming subsidiarity watchdogs: the Lisbon Treaty

Although earlier Treaty revisions had recognized the role national parliaments play in providing democratic legitimacy for European policy-making, the Lisbon Treaty represents a new departure

in this respect. Not only does the Treaty grant national parliaments direct access to the Treaty amendment process through the Convention procedure, but it also explicitly mentions national parliaments and areas of their involvement for the first time (Article 12 TEU).[4] This role is then further outlined in two protocols annexed to the Treaty. According to the first, the 'Protocol on the Role of National Parliaments in the European Union', national parliaments are to receive all draft European legislative acts directly (rather than via their governments); in addition, they will receive a broader range of non-legislative documents, such as the annual reports of the Court of Auditors and the Commission's annual legislative programme. The second, the 'Protocol on the Application of the Principles of Subsidiarity', outlines the provisions for the control of the subsidiarity principle by national parliaments, the so-called Early Warning System (EWS, see Box 21.2). As the name implies, the ESW provides for *ex-ante* subsidiarity checks, but the Treaty also opens up the opportunity for *ex-post* control: According to Article 8 of the Protocol, the Court of Justice of the European Union (CJEU) will have jurisdiction in actions on grounds of infringement of the principle of subsidiarity by a legislative act, and such action can now also be brought before the Court by national parliaments through their governments.

Box 21.2 The Early Warning System

According to Article 7.1 of the 'Protocol on the Application of the Principles of Subsidiarity' attached to the Treaty of Lisbon, national parliaments have the right to submit, within eight weeks, a 'reasoned opinion' to the Commission if they consider a legislative draft act to violate the subsidiarity principle (Article 7.1). These opinions are akin to votes, and each member state has two votes – one for each chamber in bicameral parliaments and two for unicameral parliaments. If national parliaments representing one-third of the votes (18 out of 54 votes) submit a reasoned opinion, the Commission must formally review the proposal; it may withdraw or amend the proposal, but can also maintain it unaltered (Article 7.2). In these cases, national parliaments show the Commission the 'yellow card', but they cannot force it to take their concerns into account. If, however, national parliaments representing at least half of the votes submit reasoned opinions on a legislative proposal falling under the ordinary legislative procedure (co-decision), and the Commission maintains the proposal, the legislative proposal will be submitted to both the Council and the European Parliament for review ('orange card'). If either body decides with a majority of 55 per cent that the proposal is incompatible with the principle of subsidiarity, the 'legislative proposal shall be given no further consideration' (Article 7.3b).

Yet to what extent has the EWS truly strengthened national parliaments in EU affairs? On the plus side, the new provisions enshrined in the Lisbon Treaty, especially the requirement that the subsidiarity check be conducted within eight weeks, have led to a general overhaul of parliamentary scrutiny procedures in a number of national parliaments. Parliaments now receive better information, not just through the direct transmission of EU documents, but also increasingly through explanatory memoranda from their own governments that outline the content and importance of the government's stance on EU bills. In addition, the EWS encourages more systematic and timely scrutiny of EU documents.

However, there are also grounds for scepticism. First of all, the subsidiarity check is merely a 'negative' right with a rather narrow remit. Thus, it does not give national parliaments the

right to reject a proposal for reasons related to the policy content, nor does it provide them with the opportunity for more constructive input. Second, the right can only be used collectively. Thus far (November 2013), the quorum for a 'yellow card' has been reached twice, with regard to the proposal for the so-called 'Monti II' Regulation and for a regulation on the establishment of the European Public Prosecutor's Office.[5] In the case of the Monti II regulation, the Commission subsequently withdrew the proposal, but stated that this was not due to parliamentary concerns, since a breach of the subsidiarity principle was not evident in the opinions. Rather, the Commission explained, the proposal was withdrawn because it was 'unlikely to gather the necessary political support within the European Parliament and the Council'.[6] Given that the Commission might not have withdrawn the proposal without parliamentary intervention, a certain success on the part of the parliaments cannot be denied. But the example also suggests that the success of the EWS will depend to a large degree on whether or not the national government supports the legislative proposal. However, if the 'government foresees problems with the legislative proposal, what then does a parliamentary reasoned opinion add to a critical voice or "no" vote by the government in the Council?' (De Wilde 2012: 9). With regard to the proposal concerning the European Public Prosecutor's Office, the Commission has already indicated that it will maintain the proposal despite the yellow card (European Commission 2013d).

Against this background, another potentially positive effect of the new procedures, namely the establishment of a closer dialogue between national parliaments and the Commission, must be viewed with some scepticism. Since 2006, as part of the 'Political Dialogue', the Commission sends all legislative proposals and consultation documents directly to national parliaments, inviting them to express their opinions on these documents without any restriction to issues of subsidiarity. In turn, the Commission has promised not only to reply to all opinions, but also to take them under due consideration (Preising 2011: 152). National parliaments have made varying but overall active use of this opportunity. Thus far, however, the Political Dialogue does not seem to have had any discernible impact. Not even the Commission points to a single instance in its annual reports[7] in which it actually took parliamentary concerns into account and amended a proposal accordingly. Given the variety of concerns and suggestions expressed in the national opinions, it is also unclear exactly how the Commission is supposed to do that. As long as national parliaments fail to coordinate their positions more closely, the Commission will probably continue to send its polite – but inconsequential – thank-you notes.[8]

National parliaments and the Eurozone crisis[9]

Although the global crisis began much earlier,[10] it fully hit the EU in early 2010 with the advent of the Greek sovereign debt crisis. Since then, it has spread to other member states, most notably Ireland, Portugal, Spain and Cyprus, and EU member states have agreed on a number of economic governance reforms to manage and overcome what is now a 'Eurozone crisis' (for an overview, see Kunstein and Wessels 2012). These reforms include the initial European Financial Stability Facility (EFSF, in force since June 2010) and the permanent European Stability Mechanism (ESM, in force since October 2012), special-purpose vehicles established to provide aid to Eurozone member states in need of financial assistance. Other measures are targeted at reforming the Stability and Growth Pact and improving the coordination of economic govern-ance within the EU to prevent future crises; among these are the so-called 'six pack' (including the 'European Semester'),[11] the 'two pack' and the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (TSCG, commonly known as the 'Fiscal Compact'), which requires member states to achieve a surplus or at least a balanced budget, to

establish constitutional or statutory mechanisms to limit public borrowing and to accept sanctions in the case of non-compliance.

The crisis has impacted national parliaments in a number of ways. First and foremost, parliaments in financially threatened member states have lost some of their freedom of action due to the dire financial situation; they must also comply with rather strict obligations, laid out in the Memoranda of Understanding, to consolidate their budgets as a precondition for receiving financial assistance from the EFSF and ESM. This places a heavy burden on their citizens in terms of unemployment, salary and pension cuts and the retrenchment of social welfare programmes. The donor countries, in contrast, have to shoulder large financial guarantees, which may severely limit their own future room for manoeuvre. In addition, instruments such as the European Semester and the Fiscal Compact greatly impact fiscal and economic policy for the parliaments of all (participating) member states.

Second, some of the measures have been implemented within the legal framework of the EU Treaties and thus apply to all member states; these include the 'six pack' and the European Semester. However, other important measures, such as the EFSF and ESM (Eurozone members only) and the Fiscal Compact (signed by all EU member states except the Czech Republic and the United Kingdom), are based on intergovernmental agreements or Treaties outside the EU legal framework (Kunstein and Wessels 2012). As a result, national governments have treated (or have tried to treat) the latter as foreign rather than EU policy, which limits the involvement of national parliaments.

Closely related is a third development: the dramatic strengthening of European executives. With the EU in full crisis mode, the European Council has become the most important forum for decision-making in EMU affairs. The Eurozone member states have also set up their own decision-making body, the Euro Area Summit. The transfer of decision-making powers to these bodies has transformed them into something like a European economic government (Wessels and Rozenberg 2013). In fact, the financial crisis provides a perfect illustration of Moravcsik's argument concerning the executive's gatekeeper role: not only do governments initiate crisis-related policies and control their institutional design, but they can also manipulate ideological justifications. As Puntscher Riekmann and Wydra assert:

> National governments defend policies agreed on at the European level and present national parliaments with a fait accompli. . . . This becomes particularly clear in their discourse on the rescuing of the Eurozone and of the single currency as the European common good, whereas national parliaments' representation claims are thwarted as particularistic and parochial.
>
> (Puntscher Riekmann and Wydra 2013: 570)

In a similar vein, some of the measures have strengthened the European Commission considerably. This is especially true of the European Semester, which empowers the Commission to define general EU-wide policy goals that member states must follow; the Commission now also evaluates and makes specific recommendations regarding national reform programmes, thus interfering in areas of genuine parliamentary authority (Hallerberg et al. 2012). However, both general and member state-specific recommendations have to be approved by the European Council and the Council, thus providing national parliaments with potential influence via their governments.

As was the case with EU politics in general, parliaments have also responded to the developments outlined above. However, parliamentary participation rights – for example in

relation to *ex-ante* and *ex-post* scrutiny of EU Councils and Euro Area Summits (Wessels and Rozenberg 2013) and new instruments such as the EFSF or ESM – vary considerably; some parliaments enjoy extensive oversight and veto rights for decisions at the European level, while others have mere informational rights or almost no involvement in the process at all (Deutsche Bank Research 2011). Powerful parliaments include the 'usual suspects' among the Eurozone members, such as the Scandinavian parliaments and the parliaments of Germany, Austria, Estonia and the Netherlands. In Germany, the *Bundestag* has been significantly strengthened due to decisions issued by the German Constitutional Court (for details, see Höing 2013); for example, the Court has ruled that crisis measures outside the EU legal framework are essentially European policies and that the *Bundestag* must therefore be involved accordingly. It also obliged the government to obtain the prior approval of the *Bundestag* or its budget committee before agreeing to any financial guarantees or to the release of bailout funds. The Austrian parliament, in contrast, used the ratification of the Article 136 TFEU amendment[12] to secure more extensive parliamentary co-decision rights, obliging the government to obtain a prior mandate from parliament before agreeing to ESM-related measures. In addition, a new permanent sub-committee of the budget committee now monitors the government's ESM-related activities (Konrath 2012). However, this strengthening of some parliaments has also had a paradoxical inter-parliamentary impact, as the oversight rights of donors' parliaments may clash with the sovereignty of the recipients' parliaments. One of the conditions for financial assistance is that debtor countries make their economic programmes and budget plans available for review by the other member states – and, in some cases, their parliaments. Famously,

> [It] came as a shock to many members of the Irish Daíl to discover in November 2011 that their government's draft budget plans for the next financial year, including a new proposal to raise value added tax by 2 per cent, had been seen by members of the Bundestag before it had been made available to them.
>
> (Fox 2012: 465–6)

Overall, the crisis has thus has a complex impact on national parliaments. On the one hand, the reforms do impact core areas of parliamentary authority to an unprecedented degree. On the other hand, some national parliaments have been able to assert their power, while others have been sidelined. Not only has the crisis affected Eurozone and non-Eurozone parliaments, as well as donor and debtor parliaments, differently, but it has also weakened precisely those parliaments that are generally weaker in EU affairs (see also Auel and Höing 2014). As a result, the crisis has firmly cemented the gap between stronger and weaker parliaments.

Conclusion

Despite the broad literature on national parliaments and the EU, our understanding of the Europeanization of national parliaments remains limited. While the institutional Europeanization of national parliaments is by now well documented in the literature, we still know too little about the role parliaments actually play in EU affairs. More research is needed on the Europeanization of parliamentary behaviour and on the actual impact and effectiveness of parliamentary involvement in EU politics, i.e. the extent to which national parliaments are indeed capable of controlling their governments in EU affairs and influencing EU policy. As a result, there is also still much disagreement over whether national parliaments have become more powerful and effective scrutinizers or remain essentially marginalized in EU politics.

However, analysing parliamentary Europeanization also poses more fundamental challenges, mainly in terms of operationalization and measurement. While parliaments can be classified according to their institutional strength in EU affairs, it is far more difficult to assign labels of 'more' or 'less Europeanized' on that basis. This is not only a question of institutional v. behavioural Europeanization, but also relates to the yardstick used to measure the extent of both passive and active Europeanization. If, as argued above, the institutional adaptation of national parliaments mirrors their strength in domestic affairs, then a weak parliament with weak institutional rights in EU affairs could be just as 'Europeanized' as a powerful parliament that has established tight scrutiny provisions. Alternatively, the standard could be based on a definition of the parliamentary functions that we expect parliaments to fulfil in EU affairs. The problem here is that different parliaments emphasize different functions, both in domestic and EU affairs, making comparative assessments difficult; in addition, scholars do not agree on what the functions of national parliaments actually are or ought to be in EU politics (Auel 2007). Raunio and Wiberg (2010: 76) define Europeanization more broadly as 'the extent to which national parliaments have "re-oriented" their activities on account of European integration', which includes the share of EU-related laws and time spent on EU issues in committees, party group meetings and the plenary, but also the use of control instruments such as parliamentary questions and votes of no confidence. However, as the authors point out, European and domestic matters have become so intertwined that it is increasingly difficult even to define what actually constitutes a European issue.

Closely related to these concerns is another potential pitfall of Europeanization research (Radaelli and Pasquier 2007) – namely, the danger of attributing too much to the EU and thus overestimating the impact of European integration on national parliaments. While it may be fairly easy to identify institutional scrutiny arrangements or specific EU activities as a reaction to European integration (and thus as active Europeanization), isolating the impact of European integration on national parliaments in terms of parliamentary power or executive–legislative relations is far more problematic. Indeed, lamentations over 'de-parliamentarization' often tend to be based on a somewhat idealized view of parliamentary power in domestic politics, as if there existed some sort of 'golden age of parliamentarism' before 'the EU cast its long shadow over national politics' (O'Brennan and Raunio 2007a: 8). However, in reality, most national parliaments in Europe were at best modest policy influencers to begin with, and European integration is just one among the many challenges that national parliaments must face, such as globalization and the growth of the regulatory state (see also Chapter 20).

In fact, compared to developments in domestic politics, we can even observe a remarkable resilience among national parliaments in the European context. Power shifts in executive–legislative relations caused by European integration are primarily based on explicit institutional decisions (such as successive Treaty amendments), a process that – despite some delay – has induced national parliaments to respond more decisively. With the provisions enshrined in the Lisbon Treaty, national parliaments have even acquired participation rights in EU politics beyond the domestic sphere, although these are limited and collective in nature. Whether and to what extent the Eurozone crisis and the changes to economic governance in the EU will erode this progress in terms of parliamentary legitimacy is difficult to predict. Processes of 'passive Europeanization' have certainly reached a new level: crisis management 'by summit' has become the norm; intergovernmental treaties outside the EU legal framework have weakened parliamentary participation rights; and strict austerity measures, financial guarantees, closer economic policy coordination and enforced budgetary discipline have all impacted core areas of parliamentary authority. However, reforms are ongoing, and there are already signs pointing towards greater parliamentary legitimacy at both the European and the domestic level.

European integration and the associated challenges are thus no reason to write off national parliaments. Arguments about 'de-parliamentarization' tend to overlook the fact that national parliaments have become far more involved in EU politics over recent decades; in addition, their proponents often expect parliaments to be more assertive and more powerful policy influencers in EU affairs than they are in domestic decision-making processes. In turn, it must also not be overlooked that national parliaments differ with regard to their level of active Europeanization in terms of both their institutional adaptation and strength and their level of activity. As a result, citizens of EU member states enjoy different levels of parliamentary representation when it comes to EU affairs. One of the main challenges for EU democracy, especially in the context of the current crisis and the emerging new system of economic governance, will be to avoid the exacerbation of existing power imbalances between national parliaments in EU affairs.

Notes

1 Due to space limitations, this article cannot present a comprehensive overview of the literature, but Goetz and Meyer-Sahling (2008), Raunio (2009) and Winzen (2014) provide excellent reviews.
2 A comprehensive overview of the scrutiny provisions in all national parliaments can be found in Hefftler *et al.* (2014).
3 In contrast, Finland often has oversized coalition governments.
4 The following focuses mainly on the role of national parliaments as guardians of the subsidiarity principle. The Treaty, however, also empowers national parliaments in other ways. For an exhaustive list, see Kiiver (2012).
5 Twelve parliaments with 19 votes overall submitted a reasoned opinion on the 'Proposal for a Council Regulation on the exercise of the right to take collective action within the context of the freedom of establishment and the freedom to provide services' (Monti II) (COM/2012/0130). On the proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office (COM(2013) 534), the Commission received reasoned opinions from 11 parliaments representing 19 votes.
6 See European Commission (2013a).
7 See the Commission's report on 'Subsidiarity and Proportionality – Better Lawmaking' (European Commission 2013b) and the annual report on 'Relations between the European Commission and National Parliaments' (European Commission 2013c).
8 Parliamentary opinions and replies from the Commission can be found online at European Commission (2013c).
9 On the following, see also Auel and Höing (2014).
10 Since 2008, EU member states, in particular those within the Eurozone, have experienced a succession of crises; this started with the banking crisis following the collapse of Lehman Brothers and has culminated in the current 'Euro crisis'.
11 The 'six pack' is a set of five regulations and one directive aimed at tightening the Stability and Growth Pact and addressing macro-economic imbalances. The 'European Semester' provides a framework to improve economic policy coordination in the EU.
12 The amendment to Article 136 of the Treaty on the Functioning of the European Union (TFEU) paved the way for the establishment of the ESM by the Eurozone members.

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Judicial politics in Europe

Constitutional courts in comparative perspective

Britta Rehder

Introduction

In the United States, there is a widely shared perception of courts as political actors, and the fields of sociology and political science have explored this phenomenon for decades (Maveety 2003). By contrast, in Europe 'judicial politics' as a research topic is relatively new and is still in the process of being established. Since the 1990s, the linkage between courts and politics has been sporadically explored. This process began with special issues published by certain major journals that included the European perspective (Schmidhauser 1992; Volcansek 1992; Shapiro and Stone 1994b; Vallinder 1994b). In addition, a small number of comparative edited volumes have increased the international visibility of several scholars who have been researching courts in their home countries for quite some time (Holland 1991; Jackson and Tate 1992; Tate and Vallinder 1995; Jacob *et al.* 1996).

Even today, the extent of research on judicial politics in Europe is very limited. Christoph Hoennige has determined that between 1995 and 2008 more articles were published on the US Supreme Court in the *American Journal of Political Science* alone than were published on other courts in six (more European-centric) journals put together (Hoennige 2011: 349–50). The (very slowly) growing volume of literature notwithstanding, research on judicial politics in Europe remains narrow in scope in some respects. First, it is limited to the subject of judicial review by constitutional courts – the most obvious and spectacular type of judicial politics, as it often involves repealing a law passed by the legislative branch.[1] Ordinary or lower courts have scarcely appeared on the agenda, with the exception of labour courts (Rogowski and Blankenburg 1986; Rogowski and Wilthagen 1994; Rehder 2009; Rogowski and Deakin 2011; Schneider and Bodah 2011; Stone Sweet and Stranz 2012). Studies on labour courts generally fall under the category of industrial relations research, which is connected to sociology rather than to political science. Second, while there are a considerable number of case studies on judicial review in various European countries (to be discussed on pp. 390–394), little comparative research has been conducted (e.g. Alivizatos 1995; Andrews and Montinola 2004; Hoennige 2011). Third, the European scholarly endeavours that have been published in international books and journals show a strong bias towards rational-choice perspectives and veto-player theories (Alivizatos 1995;

Volcansek 2001; Andrews and Montinola 2004; Brouard 2009; Hoennige 2009, 2011; Dalla Pellegrina and Garoupa 2013). This does not mean that other (e.g. institutionalist) approaches do not exist or are unimportant, but they are relatively invisible to the international community (for Germany, e.g. Lhotta 2003; Lembcke 2008; Kneip 2009). And, fourth, research on European courts has confined itself thus far to analysing the effects of judicial action on politics and the political system, leaving the topic of judicial decision-making largely neglected.

The chapter is organized as follows: the next section addresses why so little research was done on courts in European countries for decades, and why this has changed over the past 15–20 years. In addition, scholarly attempts to explain the transfer of judicial review from the US to Europe in the context of various 'waves of democratization' are discussed. After that, the main characteristics of constitutional courts in Europe (e.g. methods of judge selection and competences) are introduced, focusing on national commonalities and differences. Judicial independence is the topic of the following section. And, finally, challenges and topics for future research are discussed.

Courts and the social sciences in Europe

In contrast to the situation in the US, the role of courts in politics and society in Europe is a relatively young research field. How can we explain this striking research gap? The literature offers several arguments, all of which are linked to the traditional distinction between common law and code law systems. Very often, judicial policy-making in countries other than the US is considered to be a relatively new phenomenon of the post-war era; after World War II, many countries in Europe and elsewhere established constitutional courts with the power to declare legislation unconstitutional (e.g. Stone Sweet 1992; Shapiro and Stone 1994a; Vallinder 1994a). Many authors argue that, historically speaking, European countries with a code law tradition had a strong commitment to the 'separation of law and politics and to a vision of judges as independent, neutral law appliers rather than policymakers' (Shapiro and Stone 1994a). The experience of totalitarianism and its outrages against citizens' rights changed this attitude, in Germany more than in any other European country (Vallinder 1994a). Courts thus came to be seen as a means of monitoring and reviewing legislative activity and therefore protecting individual rights. Through this shift, the courts became more engaged in politics than ever before. However, the European countries chose a path different from that of the United States, where each court has the capacity to declare a law unconstitutional. In several European countries, separate constitutional courts were established to perform this monitoring function (a system known as the 'European model' of judicial review). Confining the task of judicial review to special constitutional courts enabled states to preserve the main principle of the European separation of powers doctrine (Stone Sweet 1992: 225–6). Because judicial review is a post-World War II phenomenon, so the argument goes, Europe-centric research in this area is relatively new (in comparison to the US-based literature) and has concentrated on constitutional courts.

A second common explanation for the lack of European research is also linked to the alleged separation of law and politics in code law systems. Alec Stone argues that due to the distinctiveness of the legal system, academic discourse on this topic has largely remained the privileged domain of law professors (Stone Sweet 1992: 6). Moreover, the specialized technical-legal discourse requires fluency in a 'second language' (Shapiro and Stone 1994a: 398), which may discourage many social scientists. It is difficult to refute these points.

However, at least with regard to Germany, these reasons cannot fully explain why hardly any systematic research on courts and politics has emerged thus far. In this country, the modern

field of Political Science grew out of the discipline of Law. Some of the most prominent early political scientists had been trained as jurists. Their work often included the analysis of courts and their effects on the functioning of the political system. For example, Ernst Fraenkel analysed the impact of *Klassenjustiz* (class-based justice) on democracy and the labour movement from the Weimar era onward (Fraenkel 1999 [1958]). Franz Neumann viewed judicial policy-making as a driving force of 'the Behemoth', the National Socialist state (Neumann 1963 [1944]), and Otto Kirchheimer investigated 'political justice' in Germany, France and East European countries (Kirchheimer 1961). Although these scholars had a major impact on the development of political and constitutional theory in German political science, inspiring a young generation of 'critical jurists' in the 1960s (Iser and Strecker 2002), they did not motivate further research on courts and politics in Germany. Interestingly, Kirchheimer's research became well known in the United States and was acknowledged as 'a leading work' in the 'political jurisprudence' research tradition (Shapiro 1964: 294).

The lack of interest in law-related issues and the courts is even more astonishing given the long German tradition of sociology of law (e.g. Max Weber, Niklas Luhmann, Jürgen Habermas). In the 1950s and 1960s, the field of sociology of law rekindled the discussion of class-based justice once more (Dahrendorf 1961, 1965). In other words, Alec Stone's argument that the law has been the privileged domain of law professors tells only part of the story. It seems that the legal perspective was somehow lost over the years. Most likely, this development was due in part to the fact that political science was a latecomer in Germany: it was only established as an independent discipline after 1945. Scholars have therefore sought to emphasize the differences between this relatively new field and competing disciplines such as sociology and law. It is thus perhaps not *in spite of* but *because of* its legal roots that political science in Germany largely abandoned the analysis of legal issues.

Explaining the transfer of judicial review

According to Ginsburg, the spread of judicial review is closely linked to the secular trend of democratization, which occurred in three waves (Ginsburg 2008: 82–8). The general idea of courts monitoring legislative activity was developed in the context of common law federal polities. In the United States, which can be more or less regarded as the founding case, judicial review has been practised even without an explicit textual mandate since the landmark decision of *Marbury v. Madison* in 1803. The second wave started in the 1920s in Austria, when Hans Kelsen developed the 'European' centralized model of judicial review, in which a designated constitutional court is tasked with protecting the constitutional order and the human rights of individual citizens, thereby working independently from the other parts of the judiciary.[2] After 1945, five post-fascist European countries followed this path: Austria (1945), Germany (1949), Italy (1948), Spain (1979) and Portugal (1982). The third wave took place after the fall of the Berlin Wall in the 1990s, when a significant number of new constitutional courts were established in Eastern Europe (with the exception of Estonia, which followed the US model of judicial review).[3]

Several arguments have been offered to explain the diffusion of constitutional review from the United States to Europe and elsewhere. Most of these refer to the ideational and/or institutional aspects of a broader democratization process. Shapiro sees a close link between the liberal idea of the 'rule of law' and a strong emphasis on limited government (Shapiro 1999). This argument helps to explain the emergence of judicial review in the US system, in which a high level of distrust towards state actors and the government has prevailed for centuries. In Western Europe, this idea took root in a significantly different manner. Following the continent's

experiences with fascism, the concept of human rights and natural law-based limitations on the power of the state gained ground. Constitutional courts were seen as a means of establishing and monitoring these limitations (Cappelletti 1970: 1018–19). The legitimacy of constitutional courts could be increased by providing them with a relatively high degree of independence from the rest of the judiciary, which – at least in Germany – had been heavily involved in the Nazi regime.[4]

Another set of accounts emphasizes the role of institutions. Here, the emergence and diffusion of constitutional review are explained by a functional need for conflict resolution in highly fragmented political systems (Ferejohn 2002). Institutional arrangements with a high degree of fragmentation in the vertical dimension (e.g. federalism) or in the horizontal dimension (e.g. divided governments) require third-party institutions for dispute resolution among the different branches or levels of government. A similar argument is proposed by the literature on 'adversarial legalism': party and interest-group pluralism and the absence of corporatist networks foster the necessity of (constitutional) courts in the processes of political decision-making and interest intermediation (Kagan 2001). In short, political systems with a high number of veto players require a constitutional court as another veto player to mediate between the different political actors.

In this context, Ginsburg introduces the role of power relations between political parties (Ginsburg 2003: 21–5). He considers constitutional courts to be a response to political uncertainty in the formative years of a political entity. In the process of constitutional design, political parties, fearing a potential loss of power in the future, have an interest in establishing a strong constitutional court capable of constraining the government. Other authors stress the dominant political party's interest in introducing constitutional courts as a means of preserving their power, a mechanism Hirschl refers to as 'hegemonic preservation' (Hirschl 2004). Trochev and Thorson find this dynamic to be applicable in the case of Russia as well: Russian political decision-makers seek to enhance their own credibility by supporting judicial review (Thorson 2004; Trochev 2005). A third group of scholars evaluates the overall strategic aspects of party decisions, arguing that *all* political parties have an interest in strong courts precisely because there is no way of knowing who will be the winner or loser in future elections (please note this very interesting application of the various theories on Italy by Volcansek 2010). Clearly, not only ideas and institutions play an important role, but also strategic calculations under the conditions of uncertain power relations in the future.

Although all of these accounts provide some amount of empirical evidence, comparative or in-depth case studies that reconstruct the historical process of the design and establishment of constitutional courts have been rare, at least in the internationally visible debate (one very interesting collection of articles on different countries edited by Pasquino and Billi [2009] should be highlighted as an exception). Such studies could help to clarify the particular interplay between ideational, institutional and actor-centred explanations with regard to concrete political and historical contexts.

In the German case, for example, the functional role of being a third party to resolve conflicts was a very important part of the 'job description' for the court anticipated by the political actors who designed the constitution (Niclauß 2006). The predicted lines of conflict referred to the dimension of federalism, due to the relatively strong political position of the state governments after 1945. However, this does not mean that the power inherent in this role of the court was widely accepted or approved by the political parties in concrete political conflicts. The fact that the modern German *Bundesverfassungsgericht* is regarded as one of the most influential constitutional courts expresses a functional need to some extent, but this influence is also the result of several conflicts between the court and various levels of government over power (Lembcke

2006: 155–8). Today, constitutional disputes between government institutions represent only a minor part of the court's agenda; hence, its functional role seems to have changed.

Recently, a debate has evolved over the question of why judicial review has spread everywhere in Europe except to the Nordic countries. In Denmark and Sweden, substantial judicial review has rarely been practised; in Finland, it was explicitly prohibited until the year 2000 (Føllesdal and Wind 2009: 132; Hirschl 2011: 450). The unique Nordic development can be explained by a special legal culture that is neither purely common law nor entirely a code law tradition, but rather a hybrid version of the two legal families. Moreover, many of the Scandinavian countries largely avoided the fascist terror and destruction of World War II. Other potential explanatory factors include the supremacy of the parliament in the Nordic political systems, the traditional predominance of social democratic parties and a procedure referred to as 'administrative review', which incorporates policy networks and the most important interest groups, such as the trade unions. Consequently, the same arguments that help to explain the spread of judicial review elsewhere can be applied to explain the absence of strong constitutional courts in Scandinavia. In recent years, some scholars have argued that the Nordic countries have begun to consider a more prominent role for judicial review for several reasons. First, the institutional structure has become somewhat more fragmented: the social democrats have lost their hegemonic position in the party systems, and corporatist networks of interest groups have become weaker. This newly emerging pluralism seems to have fostered the process of judicialization in Scandinavia (Holmstroem 1994: 157–8; Ojanen 2009). More significantly, there has been pressure towards judicial review stemming from the process of European integration, the European Court of Justice and the European Court of Human Rights (Føllesdal and Wind 2009: 131). As a result, Scandinavia also seems to be a good example of the influence of transnational legal developments on the domestic practice of judicial review.

Features of constitutional courts in Europe

Although there is a European model of judicial review, there is no definitive European model of constitutional courts, and a wide variety of rules can be found. This heterogeneity of institutional arrangements and procedures applies to the process of judge selection, the rules of court access, the competences of the courts and the issue of judicial independence (to be discussed on pp. 392–394). Table 22.1 summarizes some main characteristics with regard to the process of judge selection, thereby illustrating remarkable variation across countries (Hoennige 2008). In all cases, the national parliament (in the case of a two-chamber system, both chambers) is involved in the selection process, but the roles of the government, the head of state and the judiciary vary. Moreover, the selection procedures of sequential and proportional systems differ, as do the majority rules.

This institutional diversity suggests that all of the approaches discussed above that seek to explain the spread of judicial review are missing some historical micro-level basis. Evidently, the overall trend of human rights discourse and a functional need for conflict resolution between political parties can result in highly divergent institutional solutions. Almost no clear patterns can be identified, with a few exceptions. In the West European countries, judges tend to be elected in a more consensual manner (super-majority), whereas in Eastern Europe they are more often elected by simple majorities (Hoennige 2011). This finding corresponds to the fact that consensus democracies are found more often in Western than in Eastern Europe. In addition, Hoennige argues that East European courts tend to enjoy more competences than West European courts, although his finding seems to apply only to individual constitutional complaints (which are more often allowed in Eastern Europe). Moreover, his results must be

Table 22.1 Classification of judge selection procedures in EU member states

Schedule of voting	Electoral body	Majority rule	Member states
Proportional	Legislative	Simple/absolute	Poland, Slovakia
Proportional	Legislative	Super-majority	Belgium, Germany, Hungary
Proportional	Several institutions	Simple/absolute	Austria, Bulgaria, France, Romania
Proportional	Several institutions	Super-majority	Italy, Portugal, Spain
Sequential	Executive/legislative	Simple/absolute	Czech Republic, Slovenia, Estonia
Sequential	Several institutions	Simple/absolute	Latvia, Lithuania

Source: Hoennige (2008: 532–4).

qualified to some extent due to the recent political attacks against the constitutional courts in Romania and Hungary. In Hungary, the parliament very recently (in 2013) passed a reform restricting the competences of the constitutional court, although legal scholars are still debating the scope and the implications of the bill (for a more comprehensive discussion of the Hungarian case, see Bond 2006; Lembcke and Boulanger 2012; Mazza 2013). Moreover, judges in Hungary are now forced to base their decisions only on the new constitution approved in 2012.

A summary of court competences is shown in Table 22.2. In general, three types of competences or court access routes can be identified. Abstract judicial review is usually initiated by (opposition) political parties or institutions, whereas concrete review takes place wholly within the judicial system. The third type of competence represents the largest part of the courts' caseload, namely constitutional complaints by individual citizens.

Due to the institutional variation in court arrangements, no theoretical or empirical classification exists. This explains in part why so little comparative research has been conducted thus far. If there is nothing but most-different cases, what can be compared? Moreover, no consensus exists in the literature regarding the likely effects of a particular institutional design. For example, it is unclear whether the size of the bench has any effect on the power of the court. A large number of judges can complicate the decision-making process; on the other hand, a large bench allows a functional division of labour among the judges, which might contribute to higher-quality verdicts (Ginsburg 2003: 47). In addition, Ginsburg claims that a sequential procedure of judge selection (whereby one institution nominates a candidate who is confirmed or rejected by another institution) leads to the appointment of politically moderate judges, whereas a proportional procedure (whereby certain institutions elect 'their own' candidates) might contribute to the politicization and the polarization of the court. However, Hoennige argues very convincingly that this depends on the distribution of power among the chambers that are involved in the judge selection process. While Ginsburg's theory may be correct under the condition of divided government, this is not necessarily the case in the constellation of concurring majorities (Hoennige 2008).

Finally, it is unclear how the different institutional and procedural features of the courts interact with each other. If constitutional courts in East European countries have slightly more competences than those in Western Europe, but are more vulnerable to political pressures exerted by institutions via the mechanism of judge selection, what does this combination of factors mean with respect to the political power of the courts? Everything depends on the concrete historical situation.

Table 22.2 Competences of constitutional courts

| Member state | Judicial review | | | Disputes between institutions | | Constitutional complaints (individuals) |
| | Abstract | | Concrete | Horizontal conflicts | Vertical conflicts | |
	a priori	a posteriori				
Austria	No	Yes	Yes	Yes	Yes	Yes
Belgium	No	Yes	Yes	Yes	Yes	No
Bulgaria	No	Yes	Yes	Yes	No	No
Czech Republic	No	Yes	Yes	Yes	No	Yes
Estonia	Yes	Yes	Yes	No	No	No
France	Yes	No	No	Yes	No	No
Germany	No	Yes	Yes	Yes	Yes	Yes
Hungary*	(Yes)	(Yes)	(Yes)	(Yes)	(No)	(Yes)
Italy	No	Yes	Yes	Yes	Yes	No
Latvia	No	Yes	Yes	Yes	No	Yes
Lithuania	No	Yes	Yes	No	No	No
Poland	Yes	Yes	Yes	Yes	No	Yes
Portugal	Yes	Yes	Yes	No	Yes	No
Romania	Yes	No	Yes	No	No	No
Slovakia	No	Yes	Yes	Yes	No	Yes
Slovenia	No	Yes	Yes	Yes	No	Yes
Spain	No	Yes	Yes	Yes	Yes	Yes

Source: Hoennige (2008: 544–5).

Note: * Hungary's court underwent major changes in 2013.

Judicial independence in question?

Judicial independence can be defined as the 'aspiration that judicial decisions should not be influenced in an inappropriate manner by considerations judged to be normatively irrelevant' (Vanberg 2008: 100). Most significantly, this implies independence of the courts from the preferences of the government or other political office-holders. Various institutional safeguards are known to isolate judges from political pressure. A summary of institutional mechanisms used to ensure judicial independence in Europe is shown in Table 22.3.

Long-term (or even lifetime) positions and non-renewable appointments can protect judges against incentives to accept political deals that might help them to be re-elected. Similarly, judicial independence might be threatened by the possibility of expulsion from office by external political actors (e.g. the president or the parliament). In addition, the right of legislative bodies to overrule a court's verdicts could pose a serious danger for the independence of the court as an institution. As mentioned above, constitutional courts in Western Europe tend to be more protected against political attacks than those in Eastern Europe. In the Czech Republic, Estonia and Hungary, the re-election of judges is possible; in four East European countries, expulsion from office by external political institutions is permitted.

In recent years, the issue of judicial independence has been prominent on the European research agenda. By means of quantitative large-N designs, several scholars have tested the independence of constitutional courts vis-à-vis legislative bodies, governments and political parties, drawing on arguments from the US literature (Santoni and Zucchini 2004; Fiorino *et al.* 2007;

Table 22.3 Protection of judges against political pressure: rules in EU member states

Member state	Period in office (years)	Re-election	Voting out (by other institutions)	Overruling by parliament possible
Austria	Lifetime	No	No	No
Belgium	Lifetime	No	No	No
Bulgaria	9	No	No	No
Czech Republic	10	Yes	Yes	No
Estonia	5	Once	Yes	No
France	9	No	No	No
Germany	12	No	No	No
Hungary	9	Once	No	No
Italy	9	No	No	No
Latvia	10	No	No	No
Lithuania	9	No	No	No
Poland	9	No	No	No
Portugal	9	No	No	Super-majority (*a priori* review)
Romania	9	No	No	No
Slovakia	12	No	Yes	No
Slovenia	9	No	Yes	No
Spain	9	No	No	No

Source: Hoennige (2008: 542).

Franck 2009). The findings of these studies are similar. With respect to France, Franck finds that judicial independence increases under the condition of cohabitation, when the political chambers are divided between left-wing and right-wing parties (Franck 2009). Santoni and Zucchini argue that the number of effective parties has an impact on judicial independence, at least in Italy (Santoni and Zucchini 2004: 447–54). Fiorino *et al.* assert that the selection procedure plays a role: when the judiciary is involved in the selection process, independence from political actors is bolstered (Fiorino *et al.* 2007: 690–700).

More qualitatively oriented case studies have analysed the informal and subtle mechanisms undermining the formal safeguards of judicial independence, especially in Central and Eastern Europe. Bobek asserts that the Czech court was undermined by old Communist elites through the mechanism of state court administration (Bobek 2010: 268). Schoenfelder examines the role of corruption and the communist legacy in Bulgaria (Schoenfelder 2005: 77–81). Amaral–Garcia *et al.* explore the pressure legal peer groups can exert on the court (Amaral–Garcia *et al.* 2009), while Herron and Randazzo find that in most East European countries judicial review correlates negatively with economic conditions (Herron and Randazzo 2003: 432–3).

The role of exogenous forces has also been discussed with regard to European integration. One branch of the literature has focused on the interplay between judicial review, economic conditions and the EU. The reluctance of the German constitutional court to accept the supremacy of the European Union and the European Court of Justice is very well known, and this has become an issue for East European courts as well (Sadurski 2008). This debate can easily be linked to the issue of judicial independence, because it raises the question of whether the constitutional courts truly have the power to adjudicate against further steps of integration and harmonization in Europe, especially under conditions of severe economic and monetary crisis.

In a recent study, Carlos Closa finds that the national courts sometime bark but never bite, meaning that there has been no case in which an EU Treaty ever was rejected by a court (Closa 2013). Closa argues that the judges take into account the costs of (non-)implementation. If this explanation is correct, this would signify that judicial independence can be threatened by contextual variables, such as market forces or societal expectations. Over the last few months and years, the German constitutional court has had to rule on various aspects of the political process establishing the European Stability Mechanism. The court's deliberations were continuously monitored by a variety of political actors, the media and stock exchanges around the world. Although public support is considered to be the most important exogenous source of judicial independence, the intensity of this public attention casts doubt over whether the judges truly have the power to decide independently of political and market pressures.

Conclusion: future research agendas

'Judicial politics' as a social science research area in Europe is still very much a work in progress. The notion of a 'European model of judicial review' suggests that there might be a uniquely European type of constitutional court, especially from a US perspective. However, this is not the case. The fragmentation of the European court system(s) is to some extent reflected in the landscape of research. A growing number of single-case studies and large-N designs are being conducted on various aspects of judicial politics, but most of these are isolated and refer back to the US literature rather than one another. The state of the art is unclear. Hoennige claims that we need more comparative research 'beyond the judicialization thesis' (Hoennige 2011). There is no doubt that this is true; however, it raises the question of which path of comparative research should be chosen.

At the micro-level, comparative case studies could help to explain why judicial review has been institutionally organized in so many different ways in Europe. In this research perspective, the roles of national institutions and actor constellations, legal traditions and scholarships, historical heritage and contextual factors should be taken into account. This type of study could also attempt to reveal the mechanisms of judicial decision-making – a topic that has been largely neglected by the European literature. However, the international debate seems to be moving in a different direction. At the moment, scholars who are well versed in the comparative analysis of political institutions at the macro-level are attempting to integrate the courts into their veto-player research framework (see the literature cited on pp. 386–387). These researchers generally assume a rational-choice model of decision-making, thereby marginalizing other types of theoretical micro-foundations.

Another problem with this kind of macro-level comparative research is that it treats courts just like any other political institutions, such as parliaments. But do legal institutions and legal decision-makers actually follow the same logics and dynamics as political decision-makers and their legislative bodies? It might therefore be helpful to increase the visibility of other approaches, especially institutionalist perspectives, at the international level of the debate.

Regardless of the usual cleavage lines between qualitative and quantitative research, rational-choice accounts and institutionalist perspectives, all researchers face similar methodological and data-related problems. In comparison to the US legal system, little data on European courts, their procedures, their files and their decisions are provided by the courts themselves or by other institutions. In many cases, the votes of the judges are not registered and/or not made public; at times, the panel of judges decides as a collective, not as a collection of individual judges. This lack of or limited access to data stems from the traditional (European) assumption that courts are not political institutions and are therefore not required to fulfil modern

expectations of transparency and accountability. Research on judicial politics in Europe will continue to be restricted to some extent as long as this misconception persists.

Notes

1 In addition, the European Court of Justice and the European Court of Human Rights have attracted scholarly attention, but this literature is discussed in Chapter 15 of this *Handbook*.

2 By contrast, as noted, the common-law countries developed a decentralized path, implying that every court can declare a law to be unconstitutional.

3 In addition, in Portugal a combination decentralized/centralized system was established in 1982. Alaez Corral and Arias Castano argue that this hybrid version of judicial review also applies to the Spanish system (Alaez Corral and Arias Castano 2009). France has its own interpretation of judicial review: the *Conseil constitutionnel* is not truly a court but rather a political chamber in which politicians (e.g. former state presidents) as well as judges take part (Stone 1992a).

4 In the German case, this 'anti-fascist' heritage of the constitutional court is reflected in the biographies of the first generation of judges, many of whom had themselves been prosecuted by the Nazis.

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23

Local and regional democracy in European politics

Frank Hendriks, Anders Lidström and John Loughlin

Introduction

Subnational governments are generally underestimated as levels of government in the European context. There are almost 100,000 democratically elected units of local and regional self-government in the EU; not only do these units serve important functions in the everyday life of European citizens, but they also play a key role in the implementation and legitimation of national and European policies. Local and regional governments are the units of democracy closest to the people.

Most subnational governments in Europe have deep historical roots, often based on traditions of local rule, parish self-organization or city government dating back to the Middle Ages. With the arrival of the modern state from the sixteenth century onwards, these systems of government were absorbed into, and dominated by, what became the central governments of unitary states or the sub-federal units of federal states (Loughlin 2011b). Nevertheless, some of their traits have persisted over the years and are still visible in the ways in which subnational governments are organized. This would suggest that local and regional governments are subject to strong path-dependencies and institutional resistance, as suggested by historical institutionalism (Krasner 1984; Putnam 1993). This is also reflected in how democracy is coordinated at these levels. However, although path-dependency and stability are the dominant patterns, change may occur as the result of punctuated equilibria or critical junctures (cf. Thelen 1999; Pierson and Skocpol 2002; Peters 2012). Of key importance here are changes in the situations of nation-states themselves. Nation-states are still generally the principal actors within systems of governance, but they have become subject to pressures from above – from globalization and, in Europe, the constraints of European integration – as well as from below, as regions and local authorities have mobilized, becoming less dependent on and subject to their respective national governments (Hooghe and Marks 2001). In recent years, changes in the patterns of local government and democracy seem to have accelerated in a way that can only partially be accounted for by historical institutionalism. Sociological institutionalism, on the other hand, suggests that change is facilitated when the legitimacy of an institution is challenged (Meyer and Rowan 1977; DiMaggio and Powell 1991; Scott 2001).

In this chapter, we will outline the main traits of European local and regional democracy and investigate the extent to which traditional patterns of democracy at this level have persisted in recent years, as well as any new types of combinations that may have emerged among municipalities and regions.[1]

Analytical framework

We will use two main sets of theoretical constructs in order to analyse the patterns of European local and regional democracy. Countries with various systems of local and regional government will be grouped together according to similarities in their organization, their main functions and their relationship with the state. These patterns are largely path-dependent and are based on the specific state traditions to which they belong. In addition, we will identify four different models of democracy that will be used to characterize how local and regional democracy functions within countries. To some extent, these are specific to each state tradition; however, there are also tendencies of change, signifying that models of democracy are being transferred between systems.

Systems of subnational government and state traditions

Each country has its own type of local and regional government, although in federal states such as Germany and Switzerland, there may be considerable differences between the different *Länder* or cantons. National systems often share common traits; in order to be able to identify more general patterns, it is convenient to group countries in broader typologies of subnational government (cf. Page and Goldsmith 1987; Hesse and Sharpe 1991; Lidström 2003; Heinelt and Hlepas 2006). These systems are differentiated on the basis of specific criteria, such as current commonalities or common historical traits (Lidström 1998). One very influential categorization was suggested by Hesse and Sharpe (1991). On the basis of the functional and political role of local government and its performance, the authors identified three main West European models: Franco, Anglo, and North- and Middle-European. Although this categorization has served as a useful tool in many subsequent studies, it has been criticized for not sufficiently taking into account the history of the systems and for placing the Scandinavian welfare democracies in the same category as the Middle-European federations (Lidström 1998).

Another frequently cited classification was suggested by Page and Goldsmith (1987; Page 1991) in their investigations of central and local government relationships. These scholars distinguished between a Northern and a Southern model, arguing that local government tasks, discretion and access to central government are fundamentally different in the north and the south. Although he bases his analysis on the Page and Goldsmith model, John (2001) finds that these distinctions are not so clear cut. In a later analysis, Goldsmith and Page (2010) also come to a similar conclusion themselves. Contemporary tendencies towards convergence have changed the picture as well (Goldsmith and Page 2010).

This overview builds on previous studies of systems of local government, but attempts to provide an analysis that both is more historically rooted and that recognizes the need to capture variation by identifying more models of local democracy. We will make a distinction between five clusters of countries: the British Isles (Ireland and the UK), the Rhinelandic states (Benelux, Germany, Austria and Switzerland), the Nordic states (Denmark, Finland, Sweden and Norway), the Southern European states (Cyprus, France, Greece, Italy, Malta, Portugal and Spain) and the 'new democracies' of Eastern Europe (Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland and Slovakia). The main defining criteria for these systems involve

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Table 23.1 State traditions

Features	State traditions			
	Anglo-Saxon	Germanic	French	Scandinavian
Is there a legal basis for the 'state'?	No	Yes	Yes	Yes
State–society relationship	Pluralistic	Organicist	Antagonistic	Organicist
Form of political organization	Union state/ limited federalist	Integral/ organic federalist	Jacobin, 'one and indivisible'	Decentralized unitary
Basis of policy style	Incrementalist, 'muddling through'	Legal corporatist	Legal technocratic	Consensual
Form of decentralization	'State power' (US); devolution/ local govern- ment (UK)	Co-operative federalism	Regionalized unitary state	Strong local autonomy
Dominant approach to the discipline of public administration	Political science/ sociology	Public law	Public law	Public law (Sweden); organization theory (Norway)
Countries	UK, US, Canada (but not Quebec), Ireland	Germany, Austria, Netherlands, Spain (after 1978), Belgium (after 1988)	France, Italy, Spain (until 1978), Portugal, Quebec, Greece, Belgium (until 1988)	Sweden, Norway, Denmark

Source: Loughlin and Peters (1997).

the type of state tradition that they reflect. The concept of 'state traditions' was initially introduced by Dyson (1980) and subsequently developed by Loughlin and Peters (1997). This is a useful starting point, since the state tradition will often establish sets of parameters that determine the conditions within which democracy is understood and practised at both national and subnational levels (see Table 23.1).

An initial distinction that may be made is between countries in the 'Anglo' tradition – the UK, Ireland (as well as the US, Canada, Australia, etc.) – and the countries of continental Europe. In the Anglo tradition, the 'state' as such does not exist in the same way that it exists in the European countries on the continent; that is, as an entity with its own legal personality. In continental Europe, the state as a 'moral actor' (or *une personne morale*, as the French call it) is capable of entering into contractual relations with other legal entities such as local authorities, universities or, indeed, private enterprises. In the Anglo tradition, one usually speaks of the 'government' or government departments rather than the state. Another important difference

is that in the Anglo tradition government has traditionally been dominated by society, while in the continental tradition it is instead society that is dominated by the state. These differences have influenced other aspects of both approaches to understanding politics, policy and state–society relations. For example, in the Anglo tradition, and particularly in the US, politics is dominated by a pluralistic approach emphasizing the role of groups, with government departments being considered simply additional 'groups' along with the groups of civil society. Similarly, public administration is concerned less with constitutional-legal structures than with the power relations that exist behind these structures, as described in the theory of 'intergovernmental relations' developed by Wright (1978) and popularized in the UK case by Rhodes (1997). The continental European tradition of understanding politics and public administration, on the other hand, has its roots not in the 'social sciences' but in public law. This emphasizes the role of the state and parliamentary legislation in defining policy over and above society. The continental tradition was strongly influenced by both traditions of Roman law and the legacy of the Napoleonic code.

However, there are also interesting differences between the countries of Western continental Europe, which we have summarized under three broad categories: French, Germanic and Scandinavian. The contrasts here are most evident between the French and Germanic approaches. In each case, there is a distinctive understanding of the nature of the state and the nation, as well as the relationship between state and society. The Germanic tradition has more of a corporatist and organic character, with groups from civil society incorporated into the policy-making functions of the state itself. The nation is regarded as a corporate body based on a common language and culture that transcended the territorial fragmentation of the German lands during the nineteenth century. The French tradition is quite different, conceiving of the state as somehow embodying the nation, but viewing the nation as a collection of individual citizens joined together by a 'general will'. Sometimes, German nationalism is expressed as 'ethnos', while the French understanding is expressed as 'demos'. One is born into a specific German culture, whereas one may choose to become French. Of course, the two concepts became intertwined with the arrival of the modern nation–state, since Germanic ethnos also implies demos and French demos has evolved into ethnos, whereby French citizenship also denotes the adoption of French language and culture. The Scandinavian tradition stands somewhere between the Anglo and the Germanic, but bears some resemblance to the French tradition. Like the Anglo system, it has a tradition of self-reliant communities, resulting in strong local government; however, as in the German tradition, the Scandinavian countries feature a strong state with some corporatist elements. Like the French tradition, the Scandinavian tradition emphasizes central control and uniformity (Knudsen and Rothstein 1994; Hilson 2008).

State traditions also express distinct forms of territorial governance. The French tradition tends toward a high degree of centralization and uniformity, whereas the Germanic tradition is marked by organic federalism. The Anglo tradition, given its weak form of the 'state', has a pragmatic and *ad-hoc* form of territorial governance. The Scandinavian tradition, as mentioned above, features a strong central state but also strong local government.

The 'new democracies' are more problematic. Although in most cases they have been influenced by the four traditions, they are in fact quite heterogeneous (Swianiewicz 2014). While they all share a common history of communism and the transition to democracy, their pre-communist histories are quite distinct. Some of them participated in the historical evolution of Western Europe, such as the Renaissance, the Reformation, the Industrial Revolution and the rise of liberal democracy. Others, in contrast, formed part of the Ottoman or Russian Empires and did not experience these developments to the same extent (e.g. the protest movement of

the opposition in the Ukraine is a good illustration of a still problematic relationship with Russia due to its historical legacy; *Guardian*, 15 December 2013) Although these longer-term historical influences should not be exaggerated, neither should they be ignored; it may be the case that a particular country has historical memories, however deeply repressed, of democratic life, while others simply lack this background. This idea underlies the formation of the Visegrad group of countries (the Czech Republic, Hungary, Poland and Slovakia), whose official website states: 'The Czech Republic, Hungary, Poland and Slovakia have always been part of a single civilization sharing cultural and intellectual values and common roots in diverse religious traditions, which they wish to preserve and further strengthen' (Visegrad Group 2013).

Furthermore, individual countries among the new democracies had ancient links and affinities to other European countries – Poland and Romania with France, Estonia with Finland, Hungary with Austria, etc. In many cases, these ancient links were revived with the fall of communism as the new democracies reached out to Western Europe (Ekiert 2003).

Models of democracy

In comparative politics, Lijphart (1999/2012) has made a fundamental distinction between majoritarian 'Westminster democracy' on the one hand and cooperative 'consensus democracy' on the other. He differentiates these along the federal–unitary and the politics–executive dimensions. Hendriks (2010) has amended and expanded the Lijphart scheme in order to allow the incorporation of subnational democracy. He distinguishes between four competing models of democracy by interrelating two basic distinctions.

The first distinction is between *aggregative* and *integrative democracy*, which essentially concerns how democratic decisions are taken. Are they taken in an aggregative (majoritarian) process, in which a simple majority eventually wins, even if this majority is opposed by sizeable minorities? Or are decisions taken in an integrative (non-majoritarian, deliberative) process, in which there is an attempt to reach the widest possible – ideally complete – consensus? The second distinction is between *direct* and *indirect democracy*. This involves the question of whether citizens take decisions themselves or select representatives who ultimately take the decisions. The four models are summarized in Figure 23.1.

Pendulum democracy refers to the model of democracy in which political power alternates between two competing political formations and their leaders – like the pendulum of a clock. Its best-known manifestation is the so-called 'Westminster' model. Pendulum democracy is fundamentally indirect and representative in nature. Citizens periodically cast their votes and hand over decision-making powers to their elected representatives. Decision-making is largely majoritarian and aggregative: the winner takes all in constituencies, because of the 'first-past-the-post' electoral system, and the government is monopolized by the winning party, even if its majority is minimal. In pendulum democracy, broad-based citizen participation is limited to the brief period of elections. To the extent possible, elected politicians rather than citizens take charge of policy implementation, policy preparation, agenda-setting and political control. *Voter democracy* combines aggregative decision-making with direct popular rule, unmediated by political representation. Citizens participate in voter democracy by casting their votes in plebiscites, either on a small scale (e.g. assembly meetings) or on a large scale (e.g. referendums). An example is the New England town meeting, where citizens take decisions on public matters in assemblies. A more large-scale manifestation of this type is the California-style decision-making proposition (referendum), in which a simple majority decides binary questions (for or against a particular proposition).

	Aggregative (Majoritarian)	Integrative (Non-Majoritarian)
Indirect (Representation)	Pendulum Democracy	Consensus Democracy
Direct (Self-determination)	Voter Democracy	Participatory Democracy

Figure 23.1 Models of democracy

Participatory democracy combines direct self-governance with integrative decision-making. It is illustrated by classic as well as contemporary cases of 'communal' self-rule, involving 'communicative' and 'deliberative' citizen governance. In a participatory democracy, a minority would never be simply overruled by a straightforward numerical majority; the intention is to include minorities, rather than exclude them. Counting heads only takes place in the final stages of decision-making (if at all) and serves to confirm shared views rather than to take decisions. Decision-making is first and foremost a process of engaging in thorough, preferably transformative, and usually lengthy deliberations in search of consensus. In a participatory democracy, everyone has the same right to raise and debate an issue, and relationships are largely horizontal, open and 'power free'.

Consensus democracy refers to a general model of democracy that can be found in historically divided societies such as the Netherlands, Belgium, Switzerland and Austria. Consensus democracy is basically indirect and integrative. Representatives of groups and sections of society are the prime decision-makers. They act in an integrative and consensus-seeking manner, usually in a conference-room or round-table type of setting. Collective decision-making largely takes place through co-producing, co-governing and coalition-oriented methods and aims to establish consensus and broad-based support. Preferably, the majority will not overrule substantial minorities by simply counting heads; the goal is to build policies on a broad platform of support, both politically and socially.

Democratic practice is the result of a dynamic process of push and pull between these models of democracy. Pendulum democracy may be most prominent in some countries, and consensus democracy in others (Lijphart 1999/2012), but these models are never exclusive or uncontested. Enduring democratic systems, 'vital democracies', are usually hybrids of different models (Hendriks 2009, 2011).

Varying patterns of subnational democracy

In this section, we will investigate subnational democracy in clusters of European countries, using the conceptual coordinates outlined in the previous section. We should stress that these are ideal types; that is, theoretical types with which there is a greater or lesser correspondence in reality. Even France and Germany – the archetypal 'Napoleonic' and 'Germanic' states – do not correspond completely to their respective ideal types. France was influenced by German administrative theory towards the end of the nineteenth century, while parts of Germany (Bavaria, for example) were influenced by the French Napoleonic occupation after the French Revolution (Loughlin and Peters 1997; Loughlin 2001). At the level of country groups, many nuances could be added to the patterns that we identify.

The Rhinelandic states

The Rhinelandic countries are all clearly and strongly influenced by the Germanic state tradition. Some combine this with Napoleonic influences that can be traced back to French occupation during the nineteenth century. The Low Countries became unitary states during this period, with meso-institutions that came to resemble the French departmental (*départements*) and prefectural (*préfets*) systems: the Netherlands adopted a variant with provinces (*provincies*) and communes or municipalities (*gemeenten*); Belgium, created in 1830, was at first modelled on the French Jacobin state, with provinces and communes dominated by French-speakers and no concessions to the Flemish-speaking community; Luxembourg, understandably (given its diminutive size), also adopted the French unitary model. However, in all three cases there was also a 'Germanic' influence (Toonen *et al.* 1994; Witte *et al.* 2000; Dumont *et al.* 2011). The Netherlands remained a unitary state in formal terms, but also a highly decentralized one, still influenced by the (con)federal traditions that had been in place from the period of the United Provinces until the French occupation. Riven by linguistic conflict ever since its establishment as a country, Belgium has slowly evolved, first into a regionalized unitary state by the 1960s and then into a fully fledged federal state, somewhat influenced by German federalism. Clearly, the federal states of Germany, Austria and Switzerland are also included in this tradition (Lauber 1996; Kriesi and Trechsel 2008; Benz and Zimmer 2011; Vatter and Stadelmann-Steffen 2013). In the cases of Germany and Austria, federalism was imposed by the victorious allies after the Second World War, but both countries could draw on much older federalist traditions dating back to the Holy Roman Empire and the strong local polities that existed up to modern times. Except for the small 'local state' of Luxembourg, all the Rhinelandic states have comparatively strong meso-governments, with intertwined local and national tiers of government.

Although based on a Germanic tradition, the Rhinelandic states have increasingly come to resemble 'hybrid states', combining and connecting different models, albeit often around a dominant core model. We see this not only in terms of state traditions, but also in their models of democracy. All Rhinelandic states display strong inclinations towards consensus democracy, some more pronounced than others. Switzerland and Belgium are 'prototypes' of consensus democracy in Lijphart's formal analysis of democratic patterns (Lijphart 1999/2012). Taking informal patterns of democracy into account, the Netherlands can also be seen as a strong and classic case. However, this consensus democracy is found in combination with elements of other models of democracy, including the theoretically opposite model of voter democracy. In Switzerland, Germany and – to a lesser degree – Austria, strong expressions of voter democracy (binding referendums and initiatives) are combined with equally strong instances of consensus

democracy (coalition politics, elite accommodation and pacification). In Belgium and especially the Netherlands, the use of the advisory (local) referendum is on the rise. Directly aggregative opinion polls, consumer surveys and the like are playing an increasingly important role in all Rhinelandic countries; these indications of popular opinion are non-decisive but are influential all the same. Some elements of pendulum democracy can be discerned in Germany's adversarial 'two-and-a-half party system' and in the tendencies towards political polarization exhibited by most Rhinelandic countries (Benz and Zimmer 2011). The directly elected mayors found in Germany, Austria and Switzerland imply competitive elections for political office. The Netherlands and Belgium, however, have been hesitant to move in this direction.

In general, we can state that consensual patterns in the Rhineland have been challenged by majoritarian inclinations, but have certainly not been eliminated. Consensus democracy itself remains firmly established and confirmed by elite-driven practices of 'multilevel governance' (along vertical state–state lines) and 'interactive governance' (along horizontal state–society lines). Institutions of participatory democracy – equally integrative but more direct and citizen oriented – are often incorporated to compensate for the elite bias in consensus democracy. Germany, Switzerland and the Netherlands seem to lead the way here.

The British Isles

The UK and Ireland are both vivid expressions of the Anglo tradition in subnational governance, characterized by a relatively insulated two-tier local government system, a comparatively centralized unitary state and a rather weak meso-level of government (Ashford 1981). The UK has been described by Loughlin (2001) as a 'hyper-centralized' state, with centralization growing apace with the establishment of the post-war welfare state but, somewhat ironically, also during the neo-liberal reforms of Margaret Thatcher in the 1980s. Thatcher had sought to achieve 'less state' and 'less bureaucracy' but succeeded in creating one of the most centralized and bureaucratically interventionist states in the developed world. Local government was one of the sectors that suffered most under Thatcher's centralization, as she believed it to be among the worst examples of inefficient and wasteful government. Some modifications of this tendency towards hyper-centralization were introduced with the devolution reforms of Tony Blair's New Labour government elected in 1997 (Flinders 2010). This process of devolution included the establishment of a parliament in Scotland and assemblies in Wales, Northern Ireland and London, but an attempt to create elected regional assemblies in England failed in 2004. There were also renewed attempts to implement a 'new localist' agenda by reviving partnerships with local authority associations in all four regions of the UK, and by allowing local authorities to introduce certain reforms, such as elected mayors and new types of executives (initiatives that have been spurned by most local authorities). With devolution to Scotland, Wales and Northern Ireland, the UK has introduced some elements resembling the Germanic federal tradition (but also influenced by the Spanish model), albeit at the fringes of the state. The English 'mainland', however, continues to resemble the classic 'dual polity', with centralization in London, on the one hand, and local autonomy in designated areas, on the other (John and Copus 2011). In its degree of centralization and concentration of power, Ireland even exceeds the UK; however, this is not surprising given the size of the country, which could be regarded as similar to a large region. This factor was quite important during the years leading up to the Celtic Tiger economic boom, when the Republic was indeed considered a single Objective One Priority region by Brussels (the same status as Northern Ireland). This allowed the Department of Finance in Dublin to play a key role in the distribution of Structural Funds, thus reinforcing the centralized

character of the state. In any case, it is only very recently that Ireland has begun to take local government reform seriously in a manner that strengthens these institutions (Callanan 2005; Loughlin 2011a).

In terms of democratic models, both the UK and Ireland are clearly defined by pendulum democracy, the best-known expression of which is Westminster democracy – referring to the sovereign, bipolarized, Houses of Parliament in the centre of London (Lijphart 1999/2012). Pendulum democracy continues to dominate, despite some recent selective insertions of consensus democracy: certain instances of decentralization and devolution (mentioned above), some proportional representation (PR) elements (on the fringes of the UK, not on the English mainland) and coalitions at the local level (growing to one-third of local governments in the UK). In the Republic of Ireland, which features a Single Transferable Vote (STV) PR electoral system, coalition governments are more common at the national level, which does occasionally allow smaller parties such as the Labour Party or the Greens to participate in government. Nevertheless, Irish politics is still dominated by two large parties, *Fianna Fáil* and *Fine Gael*, the successors of the two sides that fought each other during the 1922–3 Civil War. The central position of *Fianna Fáil* was undermined when the party was punished for its role in and reaction to the 2008 financial crisis. However, it is unlikely that it will be replaced as one of the two dominant parties by either the Labour Party or by *Sinn Féin*; in recent years, it has been making a recovery (Farrell *et al.* 2012).

Democracy in the British Isles tends to be defined as party-political representative democracy. In recent years, however, there have been attempts in the UK to introduce elements of participatory democracy at the local level. Several referendums have concerned the introduction of directly elected mayors. In addition, some local governments have arranged referendums on a voluntary basis, although these have merely been consultative instruments, initiated by local authorities rather than citizens (John and Copus 2011). In Ireland, various methods of fostering citizen participation and engagement have been suggested. Local referendums are not institutionalized in Ireland. Although there are expressions of alternative models of democracy, pendulum democracy still remains the overriding democratic form (Callanan 2005, 2011).

The Nordic states

These countries – Sweden, Norway, Finland and Denmark – are largely consistent with the so-called Scandinavian state tradition, which itself is a mixture of elements with connections to both the Anglo tradition (demarcated local autonomy, strong unitarism, weak meso-level) and the Germanic tradition (decentralization, organicism, legally protected subnational government). The Nordic states do not have the strong tradition of fully fledged meso-government found in the Rhinelandic states, where it is comprehensive and multipurpose. On the contrary, despite the strong position of local governments in the Nordic states, these units have operated within tight parameters defined by either the central government or the national parliament. The subnational systems have a few distinctive but interrelated features that make them stand out in comparison to the rest of Europe (Sellers and Lidström 2007). Local governments in the Nordic states have considerable financial strength, as they are the main providers of welfare services. Citizens trust their local authorities more than in other countries, and the level of corruption is low.

Two recent trends are worth noting in this regard. First, in the late 1980s and early 1990s there were attempts to decrease this central control in the experiments known as the 'free commune'. This reform, which began in Sweden and was subsequently adopted in slightly altered versions by Denmark, Norway and Finland, allowed local authorities to free themselves from

central control in specified policy areas such as education or child-care. This was subsequently 'mainstreamed' and now forms part of the Nordic approach to local government (Baldersheim and Ståhlberg 1994).

The second significant development, again adopted in different versions by the various Nordic states, was the establishment of 'regions' (Bukve *et al.* 2008). Beginning in the 1990s, and undoubtedly under the influence of a perception that this was a necessary element of European integration, the Nordic countries experimented with regions (with each country adopting a different model). Finland has retained its system of indirectly elected regional administrations, although the island of Åland has its own elected council and enjoys a semi-autonomous status (Sjöblom 2011). Denmark recently created larger but financially underprovided regions. Sweden has discussed replacing its county councils with a smaller number of directly elected regions responsible for more extensive functions, but a large-scale reform seems unlikely (Lidström 2010. In Norway, several proposals for new regions have been considered, but no clear direction can be detected (Blom-Hansen *et al.* 2012). Despite the tendency towards regionalization, Hörnström (2010) has found that regional elites in the Northern periphery still expect the central government to redistribute. All of the countries in this group exhibit expressions of consensus democracy, with organicist and neo-corporatist approaches to collective decision-making; however, generally speaking, this tendency is less pronounced than in the countries in the Rhinelandic group. All four cases appear to be moderately consensual (multiparty systems, but often a dominant party or two; coalition governments, but also single-party or minority governments) and relatively majoritarian (unitary welfare states, geared at uniformity rather than heterogeneity) (Arter 2006). Thus, with respect to the models of democracy, we again discern the hybrid pattern that we have seen expressed more prominently in the previous two groups: consensus democracy, but not as deeply entrenched as in the Rhineland, combined with some elements of pendulum democracy, but not to the extent seen in the British Isles.

In general, subnational democracy in the Nordic countries takes the form of party-political representative democracy. Finland may be a partial exception, with its much stronger element of personalized voting at all levels of government: the voter chooses a specific candidate and cannot simply vote for a party (Sjöblom 2011). In all Nordic countries, turnout in elections is emphasized, but in this respect Sweden stands out, with comparatively high levels of participation, around 80 per cent. However, participation here is boosted by the country's joint elections day: Sweden is the only European country where local elections are always held on the same day as national elections. In the other Nordic countries, turnout in local elections is between 60 and 65 per cent (Lidström 2003).

Direct democracy and citizen self-determination are not deeply rooted in the Scandinavian states. The Nordic countries display almost the same variety of participatory initiatives as the Rhinelandic states – citizen panels, citizen juries, citizen surveys, deliberative hearings, youth councils and the like – but their institutionalization is notably less advanced, more comparable to the situation in the British Isles. Indeed, Karlsson (2012) suggests that participatory initiatives have had little impact on representative democracy in the Swedish municipalities. Voter democracy by way of (local) referendums is more advanced in the Nordic countries than in the British Isles, but tends to be non-binding. The strong tradition of well-organized political parties has blocked attempts to introduce forms of democracy (for example binding local referendums) that would challenge the position of the parties. Nevertheless, a citizen initiative was introduced in Sweden in 2011, which is likely to strengthen direct democracy at the expense of representative democracy. As in many other countries, there is a fair amount of New Public Management (NPM) type consumer polling and preference counting, but it is safe to say that aggregative patterns of democracy have not crowded out the primarily integrative political culture.

Danish municipalities have indirectly elected mayors, but there has been little discussion about, or evidence of preference for, the direct election of mayors (Aars 2009).

The Southern European states

Even though this group is more diverse than the previous ones, some general patterns can still be discerned. All of the Southern European states developed in the Napoleonic state tradition, which continues to be highly influential; the small islands of Malta and Cyprus are exceptions and special cases, due to the influence of British administrative practice as well (Loughlin and Peters 1997; Loughlin 2001). All the countries in this group share a history of strong centralization and concentration of political and administrative power. The regional state representative – the prefect – has traditionally played an important role. Through deconcentration, decentralization and even (quasi-)federalization in recent decades, a few of the Southern countries have adopted elements that bear some resemblance to the Germanic state tradition. We see this in Spain, Italy and (to a lesser degree) in France. Portugal and Greece have remained clearly centralized unitary states. Although Portugal's 1974 Constitution does make provisions for autonomous regions, this has only been applied in the cases of the Azores and Madeira (Magone 2011: 396–400, 404). An attempt to extend this to mainland Portugal was defeated in a referendum held in 1998. In the Greek case, the adoption of elected prefects has entailed some modification of the centralized character of the state. On the other hand, Greece, like Portugal, still remains highly centralized and dominated by the national political parties. Malta is a special case because of its tiny size; local government in any meaningful sense of the term has been established only comparatively recently and seems to be primarily concerned with minor issues. Cyprus remains a complicated special case; its centralized nature clashes with the country's Greek/Turkish subdivision. The Southern European states face the challenge of overcoming a Napoleonic bureaucratic system that sometimes has difficulty adapting to new challenges of governance. At times, the institutional inertia means that institutional reforms – both political and administrative – are blocked by the system's preservation of previously existing institutions alongside the new ones. The worst case here is France, where there is a plethora of subnational governments and administrations: 22 regions, 100 departments and over 36,000 communes with about 500,000 local politicians (Loughlin 2007; Cole 2008). One problem found in Italy, Greece and Portugal is the persistent clientelism whereby local favours are distributed on the basis of patron–client relationships of support. This does not always result in a strong local civil society of active citizens.

With respect to models of democracy, Cyprus remains a special case, being the only country in this group to have tried consociational democracy of the Rhinelandic type (the 1960 settlement even drew on Swiss experiences). France, Greece, Portugal and Malta continue to display strong inclinations towards pendulum democracy, especially in the majoritarian party-political landscape. On the aggregative–integrative dimension, France still leans to the majoritarian side, although centralization and concentration of power have become less pronounced since the 1980s (Loughlin 2007). Italy and Spain have become highly complex mixtures of pendulum democracy and consensus democracy. Italy used to be exceptional in this group for its consensual tendencies on the executives–parties dimension, but the country has switched to a more majoritarian, polarized, adversarial mode, not only nationally but also subnationally. The old system of Italian politics that had been dominant since the Second World War, in which the Christian Democrats ruled in coalition with other parties and the communist left was kept out of government, came to an end in the 1990s with the *mani pulite* reforms. These reforms, led by crusading magistrates, resulted in many politicians landing in jail and the decimation of the traditional political parties. It is debatable, however, whether the reforms

actually fundamentally changed the country's political system (Bull and Rhodes 2009). Nevertheless, the reforms did have an impact on the subnational system; the introduction of directly elected mayors and regional governors has fortified pendulum democracy at the subnational level as well. Unlike Italy, Spain has never been strongly consensual in the executives–parties domain; however, like Italy, it has become somewhat more consensual on the federal–unitary dimension through the process of regionalization, which in the case of Spain was influenced by the German model of 'cooperative federalism' (Putnam 1993; Magone 2009: 340). Spain experienced a transition to democracy from the centralized Franco dictatorship that had operated as though the nationalities (*nacionalidades*) of Catalonia, the Basque Country and Galicia did not exist. The Spanish transition was marked by regionalization (in the form of Autonomous Communities), democratization and Europeanization, all three of which were seen as interdependent (Magone 2009). In all the Southern European states, indirect democracy is much more important than direct democracy, and political leadership is significantly more important than active citizenship. Voter democracy through (local) referendums is less advanced than in the Rhinelandic group or even the Nordic group. The modest referendum culture of the British Isles is most comparable to that of the Southern European group, although some countries in this group (Italy, Spain, France) have done more to enable future referendums on subnational matters than others (Cyprus, Malta, Portugal, Greece). In general, participatory democracy in Southern European governance has traditionally been weak at the subnational level; it is still relatively weak in comparison to the Rhinelandic states, but less so in comparison to the British Isles and the Nordic States. Particular regions in certain countries – mainly Italy, Spain and France again – display significant patterns of participatory democracy: participatory planning in Grenoble, participatory budgeting in Seville and deliberative regional planning in Tuscany are cases in point (Cole 2011; Piattoni and Brunazzo 2011).

The new democracies in Eastern Europe

The new democracies of Eastern and Central Europe share a common background of communist dictatorship for varying periods. They also share the common experience of the transition to democracy and preparation for and accession to the European Union. During the period of communist dictatorships, they were ruled by party apparatuses and systems of administration that were also under party control. The legacy of this period was political systems marked by high levels of centralization and uniformity. Local government, in most cases, was simply nonexistent, but there were local administrations in place to ensure obedience to the dictates of the central party. To some extent, these states were influenced by French Jacobinism, for which both Marx and Lenin had a great admiration; Lenin and Stalin also displayed an enthusiasm for the Terror. The latter predilection played a significant role in producing another important legacy of communism: the destruction of civil society. Democracy is not merely a set of procedures; it is also underpinned by a set of values: the importance and dignity of the individual, the rule of law, the right of assembly, freedom of thought, opinion and expression, etc. All of these were denied and trampled upon by communist systems. This has meant that the transition to democracy and market economies has been difficult for many of these states, as citizens often lacked any memory of democratic life. It had to be invented from scratch.

The transition to democracy was assisted by a number of countries and agencies. In the long run, one important influence was the European Union, which quickly realized that the future of the new democracies lay within its own system (Baldersheim *et al.* 2003). After the initial euphoria that followed the collapse of the Berlin Wall and the disintegration of the Soviet Empire, there was some hesitation on the part of Western elites when they saw the scale of the problems

faced by the new democracies. It soon became clear, however, that there was no realistic alternative to further enlargement. Following the success of the Maastricht Treaty and the Single Market project, the Union began to prepare for eventual enlargement with the Amsterdam and Nice revisions of the Treaties. In order to ready the new countries for accession, the EU established a number of programmes such as PHARE (Poland and Hungary: Assistance for Restructuring their Economies, later applied to the other East and Central European [ECE] countries) and CARDS (Community Assistance for Reconstruction, Development and Stability in the Balkans) to help them to reform their political, administrative and economic systems (European Commission 2013). The EU also drew up the Copenhagen Criteria, which were in effect conditions of democratic practice and market-based economic activity that the candidate countries would have to fulfil in order to achieve membership status in the EU. Implicit in these criteria was a model of liberal representative democracy quite different from what the countries had experienced under communism.

These contextual factors meant that there was a certain general similarity in the new systems the countries adopted. However, the EU refrained from prescribing the specific institutional expression their democratic systems should establish – federal or unitary, regionalized or decentralized. In effect, although the new democracies do have in common the features outlined above, they are, in practice, a relatively heterogeneous group, reflecting their varying historical experiences before communism. Some, such as Slovenia, the Czech Republic, Slovakia and western Poland, had been part of the Austro-Hungarian Empire. Others, such as Bulgaria, Romania and parts of the Balkans, were part of the Ottoman Empire. Certain regions of Poland were under Prussian rule, while other areas were under Russian imperialist rule. The background of the Baltic States is also quite diverse.

From the point of view of state traditions, the French Napoleonic tradition is clearly dominant. This may result from long-standing affinities between France and countries such as Poland and Romania (part of *la Francophonie*) dating back to the pre-communist era. In addition, during the nineteenth century France was held up as the exemplar of the modern progressive state and was admired as such by nationalists in the Balkans and Central Europe. Marxism-Leninism also admired the French Jacobin tradition, and this undoubtedly influenced the form of the communist state.

Practically all Eastern European countries introduced ambitious reforms after the fall of communism, seeking to improve their subnational democracy and self-government (Baldersheim *et al.* 2003). These reforms included amalgamations (or, in some cases, divisions) of municipalities, the establishment of regional levels of government, the decentralization of functions from central to local levels, improvements in managerial skills and the establishment of new forms of citizen participation. Although there are examples of successful reforms, the general lesson to be learned from these countries is that subnational democracy can only be improved marginally by administrative reform; substantial changes require more fundamental societal transformations. There are many obstacles to success. Local authorities usually have sparse resources and limited financial autonomy. The party systems of the new democracies, 20 years after the transition, are still not fully consolidated, as they had to be completely reinvented after the fall of the old regimes. One general tendency has been the proliferation of political parties, many barely sustainable and short lived. This, in turn, has meant the dominance of coalition governments. On the other hand, some aspects of pendulum democracy are also evident, with coalitions of right and left emerging and usually alternating in power following the introduction of competitive elections. At the local level, parties are present but are often weakly organized. Although turnout in the first local elections tended to be high, it has now stabilized at much lower levels. The instrument of local referendums has turned out to be inefficient, as they have

often failed to engage the required share of citizens. This lack of citizen engagement reflects more fundamental problems of distrust among the general public of local decision-makers, weak civil societies and the persistent menace of corruption (Letki 2004). Given the extraordinary degree of neutralization of local civil society under communism, it comes as no surprise that there is weak citizen participation at the local level (Linz and Stepan 2011).

Subnational change: common themes

Discussions about the transformation of subnational governance are often highly idiosyncratic, driven by specific institutional or situational challenges in the various countries. Nevertheless, there are some general themes that have driven reform agendas in many, if not most, European states. We identify and discuss four of these: multilevel governance, interactive governance, the local referendum and the elected mayor.

Multilevel governance

This concept refers to the interactions across the different levels of governance – European, national, regional, local – that are increasingly interconnected and interdependent. The concept was originally developed to describe the evolving relations between the European Union and subnational authorities (Marks 1992), but it has increasingly been used to analyse interactions between levels of governance both within and between states (Baldersheim and Ståhlberg 2002; Bache 2008; Enderlein *et al.* 2010).

The European institutions and the EU member states are dependent on each other to function, and there is a need for collaboration with regional and local actors within the various countries. Multilevel governance is a pragmatic response to these situational and institutional challenges. However, it does have certain implications for the practice of democracy at both national and subnational levels. Multilevel governance entails all the disadvantages of intergovernmental networks, due to its strong reliance on professional dealmakers and experts from umbrella organizations.

At the same time, however, new methods for local and regional governments to exert influence over EU issues have been developed. The Committee of the Regions, featuring representatives from subnational governments in all member states, was established in the Maastricht Treaty. Although its role is primarily consultative, this institution has highlighted the importance of the local and regional levels vis-à-vis the EU. In addition, subnational governments are represented in Brussels by regional information offices and by their national Local Government Associations. This does not mean that subnational governments are equally positioned in Brussels, however: regions with legislative powers seem to have a slightly stronger position due to their unique role as the implementers of EU legislation (Scully and Wyn Jones 2010).

Interactive governance

This refers to a form of policy-making that has been developed in order to overcome the weaknesses associated with both representative democracy and 'network governance' by decision-making experts (Kohler-Koch and Eising 1999). 'Participatory' or 'deliberative' democracy, which are variants of interactive governance, are often geared towards 'bringing the citizen back in', or at least attempting to make and maintain connections between local and regional policy-makers and citizens. Initiatives include neighbourhood councils, participatory budgeting, participatory regional planning, citizen assemblies and various forms of e-participation.

This participatory discourse can be found in all of the country groups that we have identified. Although it appears that participatory approaches are more readily accepted in the Rhinelandic group of countries than in the new democracies of Eastern Europe, participatory discourse is somewhat on the rise even in the latter group. The British Isles, the Nordic group and the Southern European group lie between these two positions on the continuum, with some countries in the Southern group – Italy, Spain and France – remarkably active in this field. Quite rarely, participatory democracy gains an autonomous position vis-à-vis the established systems of representative democracy. At best, citizens are 'brought in' via participatory extensions to the established model of representative democracy.

The local referendum

Whether to allow referendums, how to deal with them appropriately and how to combine them with representative democracy are issues under discussion almost everywhere in Europe. In most European countries, heeding the voice of the people in this direct fashion is still a controversial idea that is only gradually gaining acceptance, with substantial opposition. The most prominent exception is, of course, Switzerland, the world champion in organizing referendums at all levels of government. Not only at the national level but also at subnational levels of decision-making, Swiss citizens have the last word in mandatory referendums (for 'constitutional' matters), optional referendums (for 'normal' legislation) and popular initiatives (for citizen-initiated calls to action).

The results of direct voting in Switzerland, Germany and Austria are binding, which is not the case in other local referendums in most of the other European countries. An exception to the rule is the UK system of referendums that have been held to determine whether a local community wants a directly elected mayor. Apart from these cases, local referendums are government initiated and advisory, although councils may feel morally obliged to respect clear and valid referendum outcomes.

Over the last 30 years, local referendums of one type or another have spread to an increasing number of countries. Many of the newer democracies have established referendum rights, first in Southern Europe, then later in Eastern Europe. In many of the latter countries (for example Poland, the Czech Republic, Slovakia and Slovenia), referendums may be binding under certain conditions (Schiller 2011).

The directly elected mayor

The type of leadership developed in local councils clearly has a significant effect on the shaping of local democracy (Wollmann 2008). However, there is considerable variation among the European countries in this regard (Kersting and Vetter 2003; Berg and Rao 2005; Denters and Rose 2005). The directly elected mayor is potentially a strong expression of pendulum democracy: candidates for a political office at the highest level must compete for electoral support, and only one candidate can win. Countries with directly elected mayors are now the majority within Europe. The number of directly elected mayors grew considerably in the 1990s, when, after reunification, all German *Länder* opted for the model, with the Austrian *Länder* and the Italian government following suit. After the fall of the Iron Curtain, most of the new democracies in Eastern Europe also formalized the directly elected mayor in new legislation. Most of the Napoleonic countries have long traditions of indirectly elected mayors that play a key role in local, regional and sometimes even national politics. The remaining group of countries with

no council-elected or directly elected mayor is now relatively small. Mayors in the Benelux countries are formally appointed by the central government but with extensive local influence. In Scandinavia, with the exception of Denmark, this position is nonexistent; instead, collective forms of local decision-making dominate.

Conclusions: persistence or change in local and regional democracy?

Following historical institutionalism, with its emphasis on path-dependency, one would expect to see a great deal of continuity and not much change in the institutions of subnational democracy in Europe. This theory would predict institutional change to be the exception and institutional stability the rule. However, from the perspective of sociological institutionalism, it would be less surprising to see political institutions change in periods of significant technological, economic or social shifts, in particular those that concern the legitimacy of the institutions of democracy.

What do we see in the empirical realities of subnational democracy in Europe? On the one hand, there are countries that exhibit comparatively limited pattern-changing reforms and relatively high levels of institutional stability. This group includes Switzerland, Austria and Luxembourg (in the Rhinelandic group); Sweden, Norway and Finland (in the Nordic group); Portugal, Greece and Malta (in the Southern group); and Ireland (in the British Isles). Indeed, there have been institutional changes in these countries, but they have primarily constituted variations on the same theme, rarely pattern-changing reform.

On the other hand, there are also European countries that have undergone significant pattern-changing reforms in subnational democracy, displaying much less stability and much more change than the former group. Here we could point to all the 'new democracies' in Eastern Europe, the slightly older 'new democracy' of Spain and also to founding countries of the EU such as Germany (significant shifts towards more direct democracy), Belgium (wholesale federalization) and Italy (democratic reform and a new party system).

Finally, there are country cases that fall between these two extremes. One good example is France, which has transformed itself into a decentralized and (to a large extent) regionalized unitary state, with some additions of participatory democracy, but also exhibits many institutional continuities. A similar process has taken place in the UK. Regionalization in Denmark has attracted a fair amount of attention because the 2007 reform was remarkably swift and far-reaching, but it has not had much effect on the country's governance tradition or its pattern of democracy.

Hence, within the set of European countries, as well as within particular country groups, both historical and sociological institutionalism would find supporting evidence: there are many path-dependent, stable institutions, but there has also been extensive institutional change and reform. The complexity of these developments underlines the need for a renewed research agenda on subnational democracy. There are almost 100,000 units of subnational government in Europe, but the activities taking place in these arenas tend to be overlooked in overall European decision-making. Comparative studies of subnational systems should be employed in order to fully grasp the significance of this often neglected level of governance.

Note

1   This chapter is based on the *Oxford Handbook of Local and Regional Democracy in Europe*, which we jointly edited (Loughlin *et al.* 2011). With experts from all countries covered, we analysed subnational democracy in the 27 EU countries, plus Norway and Switzerland. We acknowledge the input of all 47 authors who contributed to the *Handbook*.

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Part IV

Political elites in European politics

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24

The development of political elites in Europe

Luca Verzichelli and Maurizio Cotta

Political elites and long-term transformations in European politics

The history of European democracies is, to a large extent, a history of political elites. Between the last decades of the nineteenth century and World War I (WWI), when most of the European nation-states slowly began to experiment with pluralistic representation, the role played by political elites was crucial. According to Gaetano Mosca, Vilfredo Pareto and Robert Michels – the three scholars generally associated with classic elite theory – the process of political modernization was accomplished thanks to the formation of stable groups of national political elites whose awareness and capabilities enabled them to unify pre-existing scattered groups of local notables, thus dramatically redefining the profiles and the mission of European ruling classes. As has been extensively debated (e.g. Parry 1969: Ch. 2), classic elite scholars focused their attention on the explanation of the 'necessary gap' between the minority of the population taking the important political decisions and the rest of the ruled subjects. Whereas Mosca and Pareto were somewhat vague about the democratic nature of this process, Michels (the first elite scholar to envisage the crucial role of political parties in the selection and articulation of political leadership) stressed the fact that democratization could restrain but not oppose oligarchic tendencies, conceiving the democratic process as a compromise between oligarchies.

Other criticisms of classic elite theory should be noted, particularly those based on well-known episodes of apology for or sympathy with the authoritarian drift emerging after WWI exhibited by some of scholars involved in the debate. This controversial historical episode makes the link between elite theory and democracy rather difficult to reconstruct, but the impact of this school on the evolution of democratic theory (as evidenced by the interpretations of seminal American democratic thinkers, from Harold D. Lasswell to James Burnham and the neo-elitist scholars of the late twentieth century) is undeniable.

The foremost contribution of the first elite theory was to highlight the development of a cohesive group of political rulers as a fundamental factor in the emergence of a strong political community. According to this theory, the era of the first wave of democratization resulted in the creation of a strong link between a unified elite and the national community (Higley and Gunther 1992; Dogan and Higley 1998), a complex and not necessarily linear process whose timing and cost varied among European countries. Max Weber, who wrote his most important

works at the end of this extraordinary period of change, noted that the differences in the performances of European states were mainly due to the different capabilities and degrees of responsibility of their political elites. The synthetic 'implicit comparison' at the core of *Politics as a Vocation* – a crucial step in the articulation of the modern sociology of political elites – is primarily devoted to a description of the problems experienced by the German state in forming a political elite capable of preserving its unity and governing the processes of political change in the rational way that should characterize modern polities. The key qualities of politicians, according to Weber, are 'passion, a feeling of responsibility, and a sense of proportion' (Weber 1946 [1919]: 115).

The reality of European politics extended beyond the Weberian vision of the professional political elite, as the pace of the social and political transformations changing the relationship between ruling and ruled classes was much faster than Max Weber could have expected. However, the fundamental role of mass parties (in totalitarian and democratic versions) in producing strong political leaderships recruited from within (and legitimated by) a broader circle of professional politicians has probably been the most remarkable and widespread phenomenon of the twentieth century in Europe, whereby different types of organized parties (Duverger 1951) have produced influential and durable groups of leaders. The multi-dimensional composition of modern political elites foreseen by Weberian democratic elitism has recently been reassessed by Ian Pakulski (2012). The 'quadrangle of power', delimited by party-state leaders (often charismatic or populist), professional parliamentary politicians, top governmental bureaucrats and the expanding party officialdom, represents the ideal space in which different types of rulers can sustain one another and simultaneously limit one another, playing variable roles that depend on the nature of their linkages to the political community. In this perspective, the main differences across the geographical regions Weber had observed in his implicit large-scale comparison were already clear in his time: while in North America a leader-centred form of democratic polity was emerging, the primary feature of European nascent democracies seemed to be the party-centred nature of their elites. However, Weber could not foresee the different outcomes of the processes he had envisaged, the degree of variability in the transformation of democratic elites or the breakdown of some of the European pluralist polities (including his own Germany).

An exploration of the empirical analysis of the links between elite transformations and the development of European democracies would not be complete without reference to more recent contributions from political science, especially the works of Robert Dahl and Stein Rokkan. Indeed, it was Dahl (1970) who provided the first comprehensive study of the various modes of accomplishment of a sufficient 'democratic standard' (which he referred to as 'polyarchy'), highlighting different potential combinations in the extension of political and civil rights. The variable paths to polyarchy, dependent upon the trajectories of liberalization and political participation, could explain variations in the 'sensibilities' of the core elites, with consequently different outcomes in the processes of democratization and in elite–mass relationships.

During the same period, another master of modern comparative politics, Stein Rokkan, was producing his extraordinary historical map of the development of European democracies (Rokkan 1970). Focusing on the achievement of the required standards of liberalization, participation, parliamentary control and proportional representation (the 'Rokkanian thresholds'), he proposed to demonstrate that the differences in timing between countries in the passing of these thresholds had crucially contributed to shaping the rather divergent resulting political configurations within the context of an otherwise similar process of democratization across the European continent. Once again, the role of political elites in finding a viable solution and planning their specific version of liberalization, as well as adopting a more or less proportional system of parliamentary representation, was evident in the national effort

to create a 'model of democracy' that would be suitable for the culture and the nature of a given political system.

The impact of political elites on the process of democratization is therefore evident; however, we must also pay attention to the impact that different institutional arrangements have had in determining the subsequent transformations of European political elites. This link, extensively studied by political scientists, will be the focus of the next section, in which we review the main transformations of the European political elites occurring after WWII, during the period of full democratization. A brief review of the various interpretations offered by the literature on the long-term transformations of political elites in Europe, with an assessment of the main theoretical implications of this phenomenon, will follow. Our discussion on the similarities and dissimilarities of European political elites will conclude with the introduction of fundamental intervening variables, such as the breakdown of Communism and the political reunification of Europe; a detailed analysis of the consequences of these phenomena is covered in Chapter 25. The final section of our chapter will then illustrate another fundamental historical process that has recently emerged as a fascinating challenge for European elites: their convergence within a common political space and within the shared institutional setting of the supranational European Union governance.

Measures of elite convergence in Europe

What general trends of transformation have characterized the consolidation of democratic political elites in Europe during the twentieth century? And what is the state of European political elites after the decisive waves of democratization – the first following WWII and the second during the 1970s – that completed the re-democratization of Western Europe, removing the totalitarian regimes established in the inter-war period? Looking to the general profile of the ruling class, the evidence emerging from recent comparative studies confirms two traditional characteristics of political elites from around the world (Blondel and Mueller Rommel 2007): first, elites, as primarily male, relatively well-educated and relatively rich citizens, do not symmetrically represent the social composition of their represented universes; second, they tend to be self-interested and generally oppose any new challenger, selecting the most powerful political leader from among themselves. For the radical supporters of direct and participatory democracy, these characteristics have often been cited as indicating the structural limits of a purely elitist view of representative democracy; some of these criticisms have recently re-emerged with the new populist claims following the process of de-ideologization and the decline of mass parties (Meny and Surel 2002). However, if we examine the development of political elites in Europe over recent decades, it can be argued that the distance between representative elites and ordinary citizens is not completely crystallized, and that a number of attempts have been made to bridge this gap. For example, we should recall the slow but continuous increase in female representation at the parliamentary level (especially in Northern Europe), the debate over institutional devices intended to increase social representation (for instance the quota system for female representatives) and the introduction of specific procedures fostering transparency and participation in order to build new bridges between representative institutions and citizens (Leston Bandeira 2012). More recently, political parties have also attempted to resolve the problem of the low degree of intra-party democracy, experimenting with various modes of involvement for activists and sympathizers, both in the discussion of political purposes and in the selection of their leaders.

In fact, European democracies have been quite sensitive to the democratic deficit problem presented by the political elite. The most relevant unresolved question – the Achilles' heel of

current democratic regimes – concerns the very core of representative democracy: political elites. Political elites (in particular, professional politicians sitting in representative assemblies) across Europe are the principal target of repeated waves of mistrust and disenchantment, albeit with magnitudes varying from one country to another. The institutions least trusted in public opinion are those in which the centrality of professionalized political elites is most evident. Recalling Churchill's paradoxical view of democracy as 'the worst form of government except for all the others that have been tried', can we consider the persistence of a caste of politicians to be the price that must be paid to keep the democratic order alive in Europe?

However, a closer examination of long-term biographical and attitudinal data concerning European political elites shows that relevant changes have occurred over time: European political elites have been significantly transformed in response to a long series of challenges and crises. Some of these responses are similar across countries, while country–specific factors have motivated certain deviations that are peculiar to one polity or another. In this respect, we propose to first investigate the main similarities in the profile of political elites and then to analyse the most relevant dissimilarities emerging across countries and across party families.

The paths of professionalization of European political elites have fundamentally confirmed the predictions made by scholars of the elite theory and particularly by Max Weber: political parties have been the uncontested protagonists of this historical phase, with their officialdoms progressively replacing the 'notables' who had populated parliamentary institutions until the first decades of the twentieth century. The declining ranks of noblemen and lawyers (see Figures 24.1 and 24.2), balanced out by the increasing number of full-time paid politicians and union
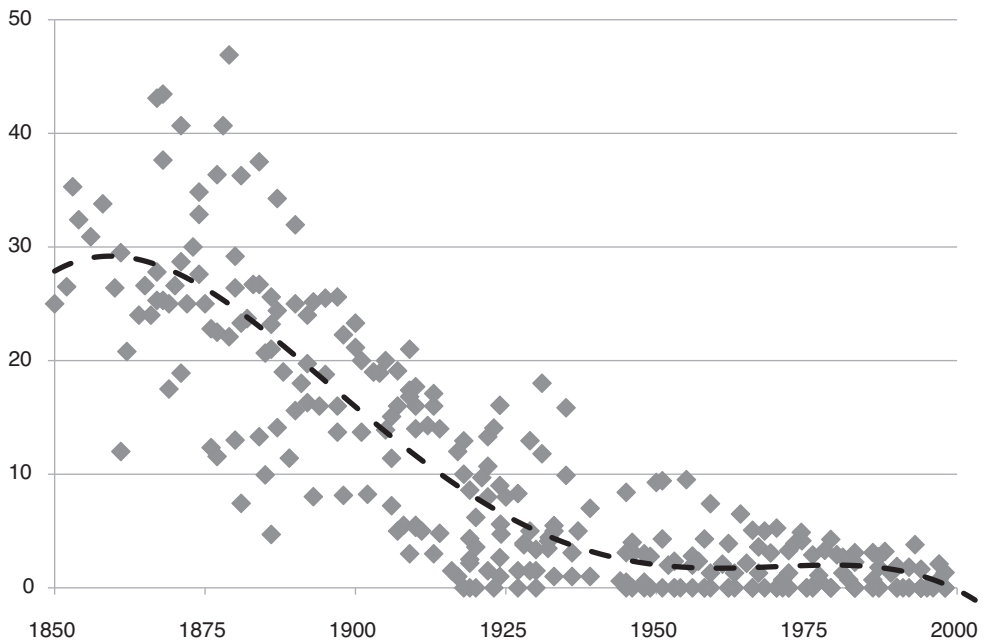
Figure 24.1 Distribution of percentage of nobility among European parliamentary elites in 12 countries (1850–2000)

Source: EurElite Cube File (1848–2000), compiled by authors.

Note: For this and all subsequent figures: countries included in the file are Denmark, Germany, Italy, the Netherlands, Norway, the United Kingdom, France, Spain, Austria, Portugal, Finland and Hungary.
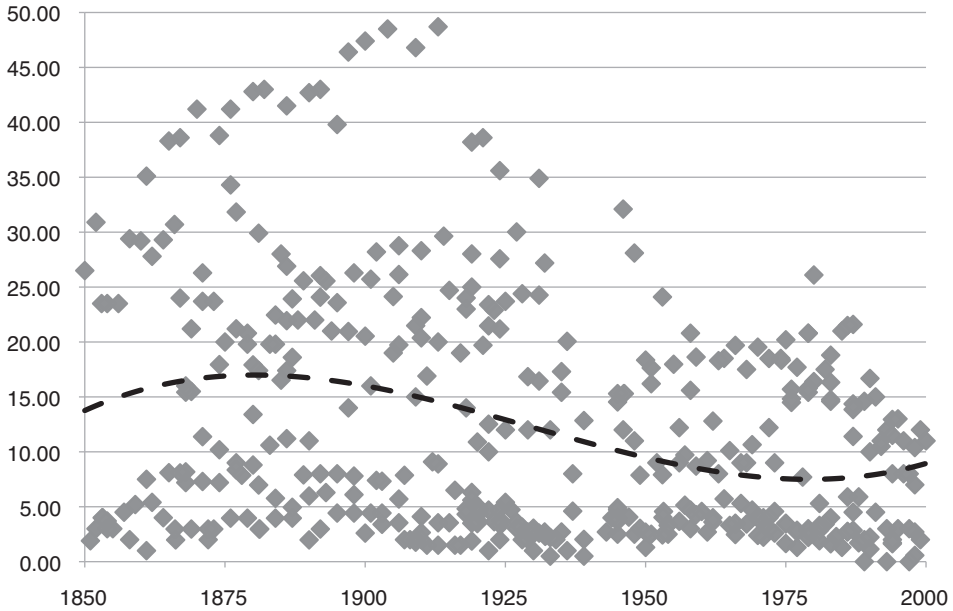
Figure 24.2 Distribution of percentage of lawyers among European parliamentary elites in 12 countries (1850–2000)

Source: EurElite Cube File (1848–2000), compiled by authors.

functionaries (see Figure 24.3), illustrate this process of replacement, which did not exhibit a high degree of variance across countries, as the analysis of the standard deviations of our aggregate data clearly indicates.

These figures provide a simplified but vivid representation of the path of historical convergence among European parliamentary elites; in most studies, this has been considered the best proxy for a broader process of homogenization among European political elites. However, thanks to recent research, we now have a fairly accurate picture of this important process of change. These recent studies have shown that political professionalization has in fact been a multi-dimensional and 'never-ending' process that must therefore be disentangled in a number of different *explananda* and analysed by employing a variety of data types and techniques. According to a recent collective study (Cotta and Best 2007), three main historical phases can be extrapolated from the last 150 years of historical transformations among European parliamentary representatives.

1   *First democratization and consolidation of a pluralistic political elite:* on average, we can locate this phase between the last two decades of the nineteenth century and the end of WWI. During this period, the previously dominant political role of the European upper classes within the representative institutions was challenged and reduced but not completely erased. This situation produced composite and somewhat fragmented national political elites – the German and the Italian cases being two paradigmatic examples of the lack of an 'elite settlement' – primarily composed of well-educated 'liberal' representatives. The strong presence of senior civil servants and a still remarkable number of noblemen were among the most frequently observed characteristics of parliamentary elites in many European countries.
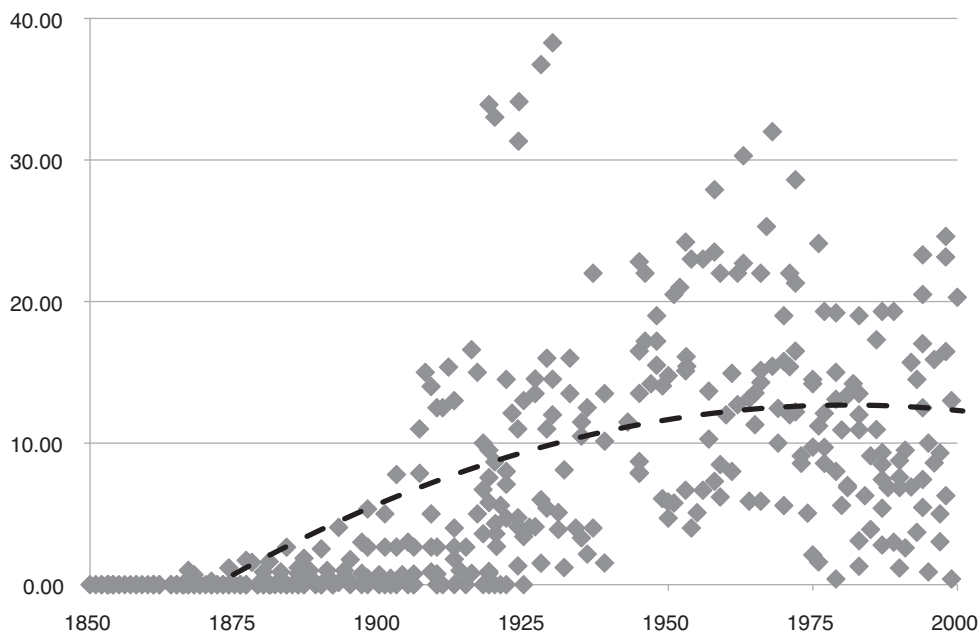
Figure 24.3 Distribution of percentage of full-time paid politicians among European parliamentary elites in 12 countries (1850–2000)

Source: EurElite Cube File (1848–2000), compiled by authors.

2   *Breakthrough and ascendance of the new mass parties (from the end of WWI to the 1960s):* the emergence of professional politicians and a more representative reflection of social stratification within parliaments are the most important features of this period; they coincide with the rise and success of new families of parties, namely the Socialist/social-democratic and the Christian-democratic families. The authoritarian and totalitarian regimes that were established in Europe during the inter-war period also promoted their own special type of party-centred political class; however, in these cases the inextricable association of party and state and the organization of the 'single-party' pyramid based on the notion of 'militia' rather than the traditional 'territorial unit' (Duverger 1951) produced a fairly distinctive type of professional politician.

3   *Mature democracy, marked by the decline of traditional mass parties:* only 20–30 years after WWII, European polities looked significantly different than they had in the early years of 'reconstruction'. This astonishing process of modernization was largely due to an accelerated rate of growth, but also to the transformation of the role of political parties: the third quarter of the twentieth century had been characterized by a further expansion of mass party organizations, but during the following period these structures generally lost ground in terms of their memberships and reduced their activities, but not the size of their professionalized elites. These elites have been able to stay in politics thanks to the generous systems of European public financing that have moulded the new model of the 'cartel party' (Katz and Mair 1995).

Within this general picture of convergence and 'contagion effects', the development of political elites in Europe also exhibits a number of significant dissimilarities, both across countries and

across different parties and party families. In order to provide a synthetic account of the most important lines of variation, we concentrate our attention upon three aspects that have been highlighted by the comparative literature: differences in the *forms of political professionalism*, dissimilar *patterns of elite circulation and career paths* and, finally, the *distinctiveness of political elites* vis-à-vis other relevant elite groups (i.e. economic elites, social elites, media elites, etc.).

With regard to the first aspect, it can be noted that the evolution of political professionalism has resulted in significantly different outcomes during the age of consolidated democracy. In his classic work on democratic legislatures, Jean Blondel (1963) observed that the profiles of representatives vary considerably on the basis of institutional and contextual variables, for example electoral regimes and the salience of the position of MPs within the constitutional framework. By analysing the impact of the different opportunity structures in political recruitment, a significant degree of variance among parliamentarians can be identified (both within the broader world of democracies and also in the narrower European landscape) in terms of political experience, party identification and social and political profiles (Norris 1997). When cultural variables are added to institutional factors in the explanation of historical change and cross-country variation, the challenges for the researcher increase even further. If we take, for instance, the rate of female representation in European parliaments (see Figure 24.4), we find both a common trend (an increase in the proportion of women in European parliaments) and some important cross-country variations in the timing and rate of growth of this process. The process of including women within representative elites started late (in some countries significantly later than in others), and it has faced much greater opposition in certain countries, as the high rate of deviation clearly shows. In attempting to explain these variations, we are still unable to make a definitive statement about the roles of cultural factors, specific ideologies, 'contagion effects' linked to the dynamics
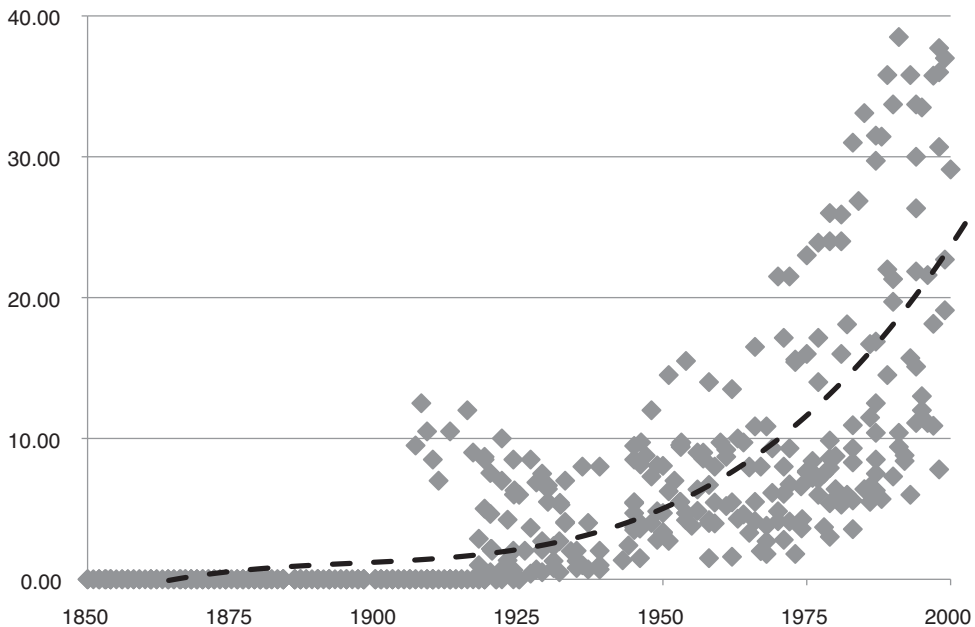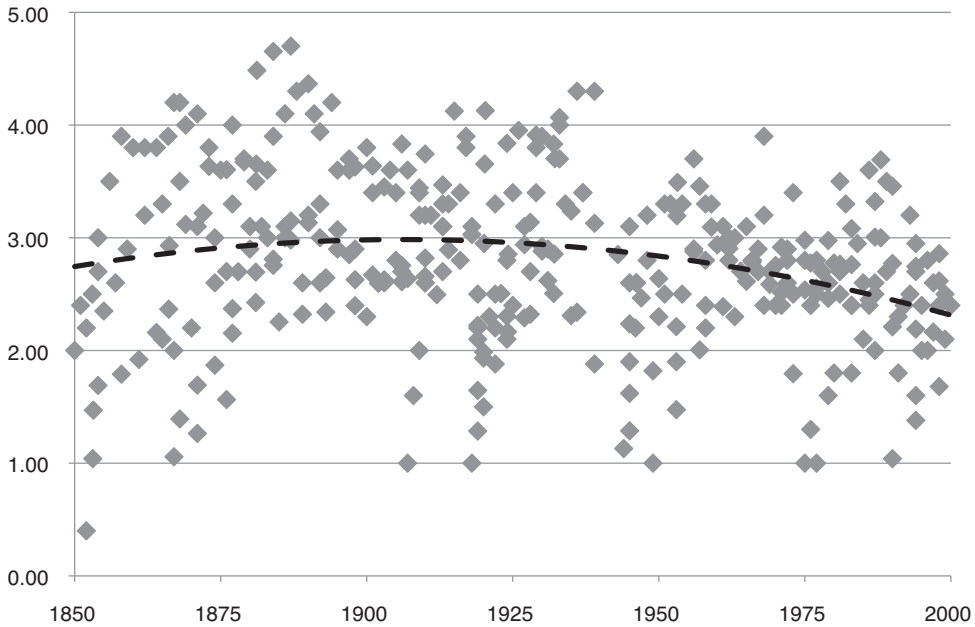

Figure 24.4 Distribution of percentage of female MPs among European parliamentary elites in 12 countries (1850–2000)

Source: EurElite Cube File (1848–2000), compiled by authors.

of political competition, or country-specific or institutional variables in facilitating (or hindering) increased female recruitment (Matland and Studlar 1996; Christmas-Best and Kjaer 2007).

A mix of domestic and exogenous factors affects other aspects of the profile of various European political elites, such as their territorial links. In this field of study, the distinction often taken for granted between 'European' parliamentarians and US congressmen does not completely survive an empirical test; in fact, researchers have determined that US congressmen can be rather similar in many respects to some European parliamentarians (Borchert and Zeiss 2003), and that a variable distribution of relatively autonomous 'entrepreneurs' and more disciplined 'back-benchers' can easily be found by scrutinizing the different European cases. Even more evident is the multi-dimensional explanation of the recruitment of full-time paid (party) politicians in a long-term perspective: although there was a general increase (during the age of mass parties) and a subsequent decrease (during the last decades of the twentieth century), a diachronic cross-country analysis of this phenomenon shows a number of interesting differences (Fiers and Secker 2007: 142), due to a mix of specific national settings, characteristics of parties (or party families) and processes of party institutionalization.

With regard to the second aspect introduced above – the changing patterns of elite circulation and career paths – a systematic analysis of the data on historical profiles of parliamentary elites in Europe (for instance Cotta and Verzichelli 2007: 421) confirms that a significant relationship exists between institutional change and the transformation of patterns of elite recruitment and careers. However, this relationship is not linear: the historical role of political parties as intermediary actors of representation and especially the influence of the organized mass party of the 'class' type seem strong enough to validate Weber's hypotheses. It should be noted, though, that these variables do not have the same impact across all countries, essentially because the success and the density of such party organizations have not been identical across the continent. Moreover, the continuity or discontinuity of a democratic regime clearly has a considerable impact on the long-term consolidation of political recruitment and political careers. Countries enjoying a continuous institutional development tend to experience more incremental transformations in their parliamentary elites; in contrast, abrupt interruptions in the democratic experience have entailed a significant amount of instability in the elite profiles of some European countries.

Another particularly important aspect in most of the European democracies with a parliamentary system of government concerns the different forms of ministerial selection and de-selection and the relationship between ministers and the pool of parliamentarians. More than 20 years ago, the studies included in Blondel and Thiebault (1991) offered evidence in support of the idea that there was substantial homogeneity among European government ministers in terms of parliamentary and party background. However, some interesting long-term variations were also noted that could be explained in terms of country-specific factors – for instance, top politicians from 'consensus democracy' coalition governments were more likely to have a relatively unstable ministerial career, and 'majoritarian' democracies were more likely to have an 'expertise-based' system of ministerial recruitment. Today, although these long-term trends do not seem to have dramatically changed, new research avenues have been opened, searching for (among other things) explanations of other irregular phenomena such as ministerial reshuffles and the presence of technocratic and non-partisan ministers within the executive branch (Dowding and Dumont 2009).

The distinctiveness of the political elite from the rest of the 'ruling class' is another fascinating topic that captured the interest of social scientists during the phase of democratic consolidation in the second half of the twentieth century. The 'power elite' studies produced by the supporters of the neo-elitist theory in North America and later widely replicated in Europe (with the

extensive use of surveys) stressed a rather mutable set of tendencies among politicians with regard to collaboration and/or integration with other elite groups. A relevant point of reference remains the work of Robert Putnam (1976), which was preceded by an intensive comparison between two very different types of European political elites (British and Italian; Putnam 1973) that showed a fluctuating range of attitudes on the part of politicians toward the administrative elite and the rest of the political system.

New challenges for the 'old' European political elites

After WWII, while the European democratic regimes, stabilized by a fairly homogeneous framework of plural demands articulated by catch-all-parties and ruled by professional representatives increasingly resembling ambitious career politicians (King 1981: 279), became consolidated, the pluralist societies of Europe were changing at a rapid pace. This rapid evolution is probably largely responsible for the dissatisfaction of citizens in democratic polities with their representatives; at times, these citizens may be tempted by alternative or complementary forms of democracy or even by spontaneous and non-institutional forms of expression. The current problems of democratic representation seem to be strongly connected to the asymmetric development between political elites and political communities. Indeed, the development of democratization has meant that representatives have increasingly become, via a profound process of professionalization, a true 'political class' separate from society; this has inevitably increased the distance between citizens and elites, opening a broad space for mistrust (Dogan 2005).

What are the main challenges for the political class after the consolidation of democratic order during the second half of the twentieth century? We will propose just a rough outline here, as the overall change in political elites cannot be analysed without taking into consideration two crucial phenomena of recent decades: the breakdown of Communist regimes and the epic enlargement of the European Union to include a number of Central and Eastern European countries. Even without specifically discussing these phenomena (see Chapter 25), we can highlight the factors that had an impact upon the long-term transformation of political elites during the pre-1989 order. These effects were then combined with the more impressive and immediate consequences of the revolutionary events that began with the fall of the Berlin Wall.

The rise of post-materialism must surely be considered a potentially relevant factor of change for the established relationship between political elites and their followers. The infiltration of post-materialist values into Western societies (Inglehart 1971) and the demands for wider participation in critical decisions and for more open circulation between elites groups represented a challenge to the traditional political elites. The immediate outcomes in terms of the transformation of the representative political class were perhaps not so impressive, since not all the new left and Green parties that had expressed some of these new demands were able to find a sufficient representative space within their political systems, but the innovative aspects of their parliamentary delegations – in terms of both social backgrounds and political experience – were undeniable (Tronconi and Verzichelli 2007).

A second element of tension arising during the last decades of the twentieth century can be found in the attenuation of some of the traditional features of political professionalism in conjunction with the organizational and financial crisis experienced by traditional mass parties (Mair *et al.* 2012). The so-called 'cartelization' of political parties has unquestionably balanced out the decrease in the 'bottom-up' flow of resources coming from party members and activists, providing other means for sustaining large groups of professional politicians, but it has also profoundly changed the nature of their professionalism; this political class has become almost entirely dependent on the public financing of political actors and the availability of public offices.

The inversion of the trend in the recruitment of parliamentarians who are already employed as full-time paid politicians (see Figure 24.3) is a clear indicator of this tendency.

A third factor of change that should be mentioned here concerns the decline of the 'nation-state' as a central (if not the unique) arena for the political class. The immediate post-war phase was dominated by important issues of economic reconstruction and international security, which helped national leaders to ensure their monopoly of the political space. Political parties – especially those with governmental responsibilities – belonged to a narrow core of 'party families' with fairly similar patterns of elite selection and circulation. At the same time, the guidance of the process of European integration functioned according to a typical intergovernmental frame-work, thus stressing the roles of a few domestic leaders belonging to the same political cultures. With the passing of time, this simplified scenario has been replaced by a more complex structure of values and opportunities: in many European countries, and particularly in the largest ones, demands from ethno-regionalist parties have grown, and processes of political devolution have been implemented even where the notion of the unitary state seemed to be indisputable (for instance in Italy during the 1970s, in France during the 1980s and more recently in the UK). The results of this slow process of 'hollowing out' the state in terms of political and electoral behaviour are quite well known (De Winter and Tursan 1998), but their interesting conse-quences for the processes of legitimation, circulation and the structure of the European ruling classes have only more recently been observed. A recent assessment conducted by Borchert (2012) has highlighted the extent to which territorially integrated political careers and different kinds of political ambitions have become increasingly relevant in the European landscape, as politicians now have the additional opportunity to 'move through the labyrinth' of a multi-level polity. This also applies to certain extra-European federal systems, such as the US, Australia and Canada.

Within the more restricted landscape of the European Union, the progressive consolidation of the role of supranational institutions has added another relevant level for political opportunities. A new destination – namely, a well-paid seat in a reputable institution at the supranational level – has been added to the ideal 'target list' of our ambitious professional politicians. However, career politicians do not necessarily seek a specialist role within the EU institutional system; instead, they can use the EU institutions as a stepping stone for further 'domestic' political commitments, thus choosing a somewhat innovative 'bidirectional' political career path. In any event, the overall number of national politicians who spontaneously opt for a supranational career is limited (Hubé and Verzichelli 2012), as is the number of European Parliament representatives who 'go native' as Europeans, 'changing their mind' during their mandate and becoming fully socialized as authentic representatives in a supranational political order (Scully 2005).

Finally, we should mention another relevant challenge for the European political elites that stems from the increased space acquired (especially within the executive branch of government) by new modes of technocratic expertise. The introduction of outsider 'experts' in specific positions, in particular as finance ministers or ministers for administrative reforms, is not actually a recent development: after the fiscal crisis of the early 1990s, several technocrats were recruited to fill positions in European governments in order to cope with the emerging problems. Today, a similar tendency seems to be on the rise, especially where the normal patterns of policy-making have proven to be incapable of tackling the challenges of the economic and financial crises. For example, the number of technocratic ministers in Portugal and Italy has clearly increased over the past few decades (Costa Pinto and Tavares de Almeida 2009; Verzichelli 2009), but even the emblematic case of 'parliamentary selection' in Westminster has recently exhibited some similar tendencies (Yong and Hazell 2011).

The relevance of elite transformations in the study of European politics

Thus far, we have briefly reviewed some of the main branches of comparative literature addressing the long-term transformations of European political elites, devoting particular attention to the social composition of these elites and their patterns of political recruitment. It should be noted that elite scholars have also stressed the importance of elite transformations as an independent variable that can be used to interpret certain crucial phenomena of European politics. We could cite, for instance, the attempts to explain the diachronic transformations of a given political system based on the pace of modernization of its political elite (see, e.g., Best 1982 for an analysis of the German case).

More generally speaking, following the Rokkanian approach, the use of long-term transformation of elites as a critical variable in explaining changes within the European scenario has been evident in a number of comparative studies, from the first influential analyses of welfare state transformation (Flora and Heidenheimer 1981) to the reconstruction of the leftist mobilization in Europe (Bartolini 2007). More recently, the remarkable progress in the field of comparative politics has included investigation of the impact of gender representation upon policy-making and democratic quality in Europe (Mateo Diaz 2005).

These studies have paved the way for a number of relevant comparative projects focusing on European political changes, more or less connected to the discussion of the transformation of political elites. However, their focal points are significantly distant from our interests here, and they are addressed in other chapters of this volume. Therefore, we will limit our survey to the discussion of studies on the linkages between elite attributes and the performance of democratic governance. In this respect, there are two fields of study that have been particularly relevant over recent decades. The first concerns the development of certain typologies of democratic regimes and the subsequent discussion of the appropriateness of various democratic models. The second field includes studies on the role of elites in improving the quality of democracy.

In the first direction, Arendt Lijphart's lifelong reflection on patterns of democracies (see Lijphart 2012) deserves a special mention. European political systems, while similar in many respects, exhibit a good deal of variance along the conceptual space defined by the two polar types of democratic governance developed by the Dutch-American scholar: Westminster and consensus democracies. Lijphart began by reflecting on one of these types – so-called (at that time) 'consociational' democracy – focusing on the past role of social and political elites in the Netherlands (Lijphart 1969, 1977). According to Lijphart, the politics of accommodation typical of this country (and of pluralistic/power-sharing democracies in general) should be seen as a consequence of the ability of segmented and non-territorially defined elites to effectively cooperate, bridging societal cleavages and ensuring the quality of the country's (consensus) democracy. Broad coalitions, the mutual recognition of veto powers, the proportionality rule and the segmental autonomy of the different cultures were the crucial instruments used by these elites to settle old historical conflicts and keep democracy functioning.

In a broader perspective, departing from a reappraisal of the classic elite paradigm, the consequences of elite settlements and elite convergence for democratic consolidation in Europe and elsewhere have been extensively researched by Higley and his associates (for a recent comprehensive analysis, see Higley and Burton 2006). In particular, these studies have stressed the importance (and the difficulties) of achieving a pluralistic and consensual unity among elite groups.

At the same time, the study of the variable institutional settings of European democracies has revealed an increasingly troublesome problem for the incumbent ruling classes: how can

they cope with the growing demand for institutional reforms and with priorities that are not easily acceptable to traditional professional politicians? It is no surprise that these elites have increasingly come under attack in many democratic countries (see, for instance, Borchert and Zeiss 2003). This question is also relevant for the comparative scholars involved in the analysis of another crucial issue: the study of the quality of democracy (Diamond and Morlino 2005). As highlighted by Morlino (2012), the analysis of the role of elites is a fundamental aspect for both the empirical measurement and the theoretical assessment of democratic quality. Whichever approach we decide to follow – from the 'classic' long-term analysis of democratic dynamics to the analysis of survey data on 'democratic auditing', or even elaboration of some of the long-term patterns in democratic performance observable in the extensive databases available (for example Polity IV, Freedom House or the recent Bertelsmann indexes) – we will have to deal with the crucial question of the elite role in the enforcement of key democratic qualities.

Can the 'need for improved elite capabilities' that has repeatedly emerged from criticisms of European democracies be satisfied by the traditional methods of elite selection and circulation? At least three indicators currently under investigation by scholars may provide some empirical evidence in response to this question. The increasingly problematic legitimacy of political leaders appointed in elitist contexts (such as traditional party organizations) is the first. The calls for intra-party democracy have clearly grown louder over the past decades, and in some cases successful alternative methods of leadership selection have been developed (Hazan and Rahat 2010; Cross and Blais 2012). However, the adaptation of party structures in Europe (and particularly in some former mass parties from the popular and social-democratic traditions) appears to be more problematic and time-consuming in the European scenario, where the consequences of the personalization of politics (Blondel and Thiebault 2009) for the structure of political elites have yet to be carefully analysed.

The second indicator is the strong new wave of demands for accelerated elite turnover, the best proxy of which is probably the average percentage of newcomers in the European parliaments. It is true that values for this indicator have remained on average under the threshold of 40 per cent newcomers at each election (which we may consider to be the cut-off point between a normal and a critical election), but the trend over recent decades shows a slow but steady increase, resulting in an additional decrease in the number of senior members within European parliaments (see Figure 24.5).

Finally, one should keep in mind the impressive data from all across Europe (although with remarkable variance between countries) indicating the declining rate of trust in the political elites (von Beyme 2000; Dogan 2005). The significant divide between the caste of politicians and civil society has been an issue at least since the early 1990s, when the massive *mani pulite* ('clean hands') scandal underscored the crisis in the traditional Italian party system; other European democracies also suffered less intrusive but significant problems due to the unnecessary privileges of political elites. The extent of this problem within the classic European party democracies is still obvious, and it will probably remain a priority, barring significant rearrangements of party organizations and new sets of rules concerning public financing and ethical issues in politics (Katz 2011).

The implications suggested by the different but complementary approaches to the study of the linkage between elites and democracies in Europe are highly diverse, and we certainly cannot summarize them in this limited space. However, even such a short review should be sufficient to support the argument that the problems of elite convergence and stability (and, more generally, the question of democratic accountability that can only be resolved by a reduction in the gap between elites and public opinion) are more apparent now than they were during the era of democratic consolidation. This explains the recent upsurge in various biographical and

Figure 24.5 Distribution of average value of MPs' seniority among European parliamentary elites in 12 countries (1850–2000)

Source: EurElite Cube File (1848–2000), compiled by authors.

Note: The measure of seniority is derived from the mean number of successful elections.

behavioural studies of European political elites, which will be reviewed in Chapters 25 and 26. In the next section, we will concentrate our analysis on a more focused question: the role of political elites in the development of a supranational dimension of politics, and the consequent emergence of a European institutional scenario as a crucial arena for the adaptation of domestic political actors.

Europe of elites: elite transformation as a motivator for European integration

In the introductory section of this essay, we mentioned the importance of the process of elite convergence as the basis for European economic and political integration. In this specific regard, a large body of literature can be cited, ranging from the dispute between competing integration theories to the recent debate on the concept of multilevel governance. We cannot develop a systematic review here, as it would necessarily be superficial, but we can briefly recall some recent contributions that have confirmed the delicate and fundamental role of elites (among others) in the evolution of an 'ever-closer Europe'. Building on a broad empirical knowledge about the current supranational entity, Hooghe and Marks have recently (2009) focalized the impact of elites on the process of European integration in a rather pragmatic way: elites have been and still are important (which is absolutely consistent with all the grand theories of integration), but their autonomy in shaping supranational governance depends on the degree of permissiveness allowed by European national populations. According to Hooghe and Marks (2009), 'permissive consensus' would therefore have been the predominant attitude in public

opinion in Western European countries during the second half of the twentieth century, especially in those countries where the goal of European integration functioned as a driver for modernization and political rehabilitation and recovery. With the passing of time, and with the emergence of various problems for the political equilibrium and the financial sustainability of the project, due to both deepening and widening processes within the EC/EU, the permissive consensus has been partially replaced by a kind of 'constraining dissensus'. The European elites must therefore deal with a much more heterogeneous mix of feelings and attitudes, which they tend to represent in different ways. This has paved the way for a number of evident trans-formations, which now constitute some of the most relevant puzzles for students of European politics. Among them, we should emphasize the following:

1 the increasing degree of Euroscepticism within the political elites;
2 the problematic persistence at the supranational level of a mainstream party system based on the traditional party families, challenged by the emergence of new forms of national populism and by new clusters of parties that appear to be less loyal to the perspective of integration;
3 the limited cultural preparation of European policy-makers to deal with issues related to the problems of international and global governance;
4 the limited capability of the elites representing the European 'people' within the communitarian institutions to impose and maintain themselves as an autonomous ruling class at the supranational level.

These problematic issues do not mean that we are witnessing the end of a historical perspective of elite convergence as a motivator of closer integration. Furthermore, we should certainly not stop regarding the perspective of future integration as an elite project, as it always has been in the past (Haller 2008). However, the number of constraints that need to be taken into account in disentangling the complex phenomenon of the relationship between elite transformations and European integration has clearly increased.

The crucial aspect that lies at the very root of the problems enumerated above is that the convergence of the European domestic elites has not provided the necessary conditions for the stability of a prospective European elite. In other words, the processes of selection and recruitment for all the European policy-makers are still largely organized at the 'domestic level', using national pools of aspirants, national selectorates, and national rules and procedures. This fundamental aspect, which makes the evolving European polity particularly weak in a comparative perspective (Cotta 2012), is evident when we look at the central policy-makers in the inner circle of the political elite – from the members of the Commission to the members of the European Parliament – but also when we examine the number of high representatives, diplomats and experts who populate the complex system of the EU's 'comitology'.

Over the past few decades, a number of studies have addressed the problematic relationship between domestic political elites and the complexity of supranational governance in the European Union. Some of these have explored the distance between national and supranational representatives, confirming the impression of a multifaceted and fragmented situation: studies from a project on European representatives conducted during the years of the adoption of the single currency (see Katz and Wessels 1999) produced some cautious but optimistic evidence regarding the chances of the emergence of a new and identifiable European parliamentary elite. However, the same studies also clarified that the path towards a genuine process of convergence of all the domestic elites from the member states to a common pattern of elite values and attitudes would be more complicated than what had been observed at the national level one century before.

A recent attempt at a comprehensive analysis of this complexity comes from a broad survey covering a large sample of European national politicians in the context of the IntUne project (Best *et al.* 2012). In this study, the attitudes of domestic politicians towards the future perspective of the European Union were extensively analysed on the basis of a broad and multi-dimensional concept of Europeanness that encompasses both the classic 'pro-Europeanist' attitudes (trust in EU institutions, favourable vision of closer and deeper integration, etc.) and other cognitive and emotive attitudes of belongingness and attachment to a supranational entity. Once again, the compound nature of the elite vision emerges from the data: in addition to certain expected findings (such as the confirmation of a more pronounced anti-Europeanism among the representatives of non-core European party families and within some newer and more sceptical member states), interesting evidence of a changing situation was also observed. Indeed, the distribution of the preferences and attitudes of European politicians delineates a number of ideal clusters, some of which exhibit a good deal of cross-national convergence, from a more typical federal model to a clearly anti-Europeanist model, with some compound models in between (Cotta and Russo 2012).

Conclusions: the European political elite in times of crisis

The emergence of a profound economic crisis that has been particularly problematic for European countries and within the Eurozone (Cotta 2012) has triggered a debate over the adequacy of the current European political elites. As described in other chapters of this volume, most of the above-mentioned indicators of a state of sickness within the *traditional* European elites have been more and more marked during recent years. In a very roughly outlined list of troubles, the following should be emphasized:

- the frequent occurrence of critical elections (both in terms of strong electoral de-alignments and low electoral turnout);
- a new resurgence of mistrust of political elites and institutions;
- the increasing number of technocratic actors replacing political leaders within core executive roles;
- the dissolution of many party systems in Europe and the persistent incapability of the heirs of the traditional mass party organizations to establish new credible and stable leadership capable of bridging the gap between political elites and the public.

All of these issues seem particularly complex and critical, although the magnitude of their effects obviously varies from one country to another. For instance, in the Southern political systems that have been especially penalized by the crisis, the emergence of the technocratic challenge has represented a threat to the survival of the traditional ruling class: are the technocrats complementary actors or real competitors for the existing political elites? However, in principle this problem is applicable to a number of European countries, since the European 'central' bureaucratic elites who play a crucial role in ensuring the implementation of many political decisions are in fact technocratic; sooner or later, these actors could come into conflict with the domestic political elites, who seem particularly reluctant to renounce their autonomy.

Overall, the perspective for political elites within the context of European democracies in the twenty-first century looks particularly interesting, but also incredibly complicated. The political developments of the past two decades seem to have introduced a number of intervening variables and additional obstacles to the stable and productive process of settlement.

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25

The development of parliamentary representation in post-1990 Europe

Heinrich Best and Elena Semenova

The following chapter takes a synoptic look at the changes in the recruitment and careers of national political elites in Europe since 1990. In the context of *The Routledge Handbook of European Politics*, this focus on the *national* elite level is justified by the contractual nature of the European Union. National parliaments and governments still play a pivotal role in the ongoing process of European integration, which is fundamentally a 'sequel and system of treaties' (Best *et al.* 2012: 3). They also have the ultimate say with regard to who occupies top positions in EU institutions. The national level serves as the springboard for the careers of supranational elites in the multilevel system of European governance (Verzichelli and Edinger 2005). On the other hand, if European integration can be conceptualized as an elite process (Haller 2008), this raises the question of whether the structures of national political elites in different European countries are compatible, and to what extent the trajectories of their evolution are convergent or at least synchronized. The assumption here is that the process of institutional integration is fostered by the structural assimilation of national political elites; profound structural differences between European political elites would thus represent an impediment to European integration.

The chapter starts with an outline of the trajectories and dynamics of structural change in West European representative elites since the end of the Second World War. We will show that, although significant differences remain, the dynamics of change have been guided by synchronizing influences. In the period between the 1940s and 1990, a *consensus challenge* shaped the development of West European representative elites. Following the elimination of the 'communist threat', a *legitimacy challenge* has directed the evolution of West European representative elites over recent decades. In Central and Eastern Europe, post-1989 changes have been shaped by the challenges resulting from the turmoil of transition, the needs of democratic consolidation and the countries' adaptation to the Western model of representative democracy. Finally, we will discuss whether a common European type of representative elites has emerged from these developments.

Patterns of parliamentary representation in Western Europe since the 1940s

Even when we apply the most general form of the concept of democratization to post-Second World War Western Europe, the results are seemingly contradictory.

Although West European parliaments have long since ceased to be exclusive clubs for the wealthy and high born, with women increasingly finding their way into national assemblies (see Figure 25.1), other barriers have arisen to replace those of class and gender. These new barriers and filters no longer translate the status hierarchies and value systems prevalent in society at large into modes of recruitment; they are now located within the narrower realm of political systems (Cotta and Best 2000: 493–526). The gradual exclusion from the ranks of MPs of those with a background in productive or distributive economic activities (such as workers and agriculturists), the corresponding increase in the number of public servants and officials from pressure group organizations and parties, the growing accumulation (sequential and simultaneous) of local and regional offices, and the increasing embedding of contenders within the upper ranks of party hierarchies all point in this direction. The elimination of formal barriers of access to European parliaments has thus been counteracted by the establishment of an informal insider–outsider differential, firmly guarded and perpetuated by selectorates and party organizations. Those who are available (in terms of their time constraints and the security of their jobs) for elective public office, who have qualifications and skills deemed useful for a political career (preferably certified by an academic degree of some kind) and who are willing and able to implant themselves in local or party offices have stood a greater chance of penetrating the filters and overcoming the barriers blocking the way to a parliamentary seat (see Figure 25.2).
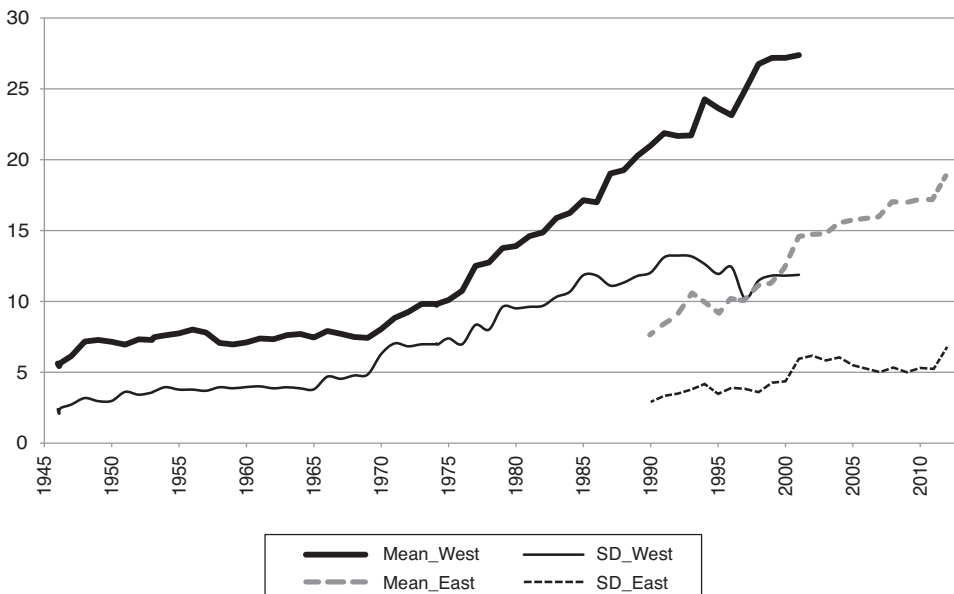
Figure 25.1 Female legislators in European parliaments (1946–2012)

Source: West European DataCube, East European DataCube, authors' calculations.
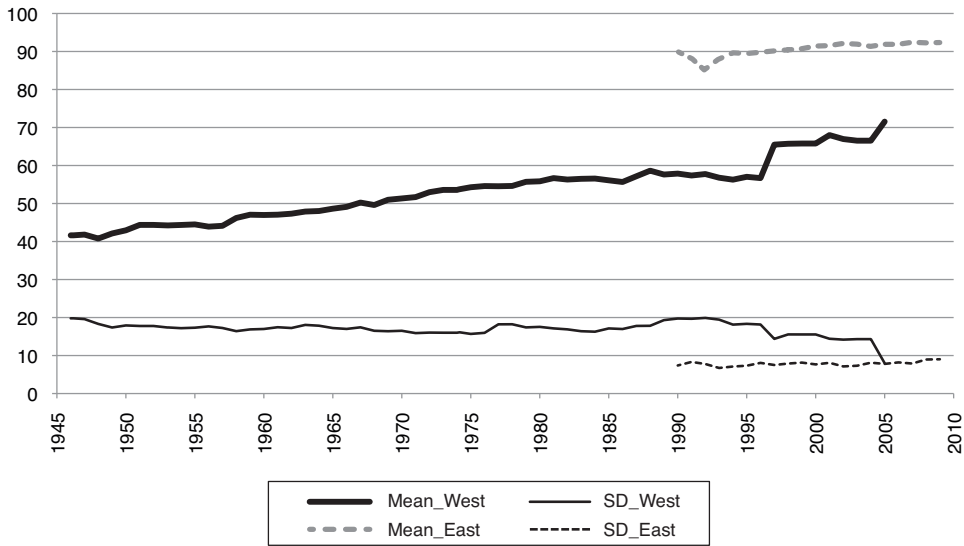
Figure 25.2 Legislators with a university degree in European parliaments (1946–2009)

Source: West European DataCube, East European DataCube, authors' calculations.

The public service has become the primary societal sector for parliamentary recruitment. This development could be linked to the main challenge West European polities faced in the bipolar global situation after the Second World War: namely, the establishment of consensually unified polities and societies as a primary condition for the containment of communism. The mediation of conflicts and the integration of society were the order of the day, and corporate interest mediation and particularly the extension of welfare state benefits were the most important consensus-creating policies. The *consensus* challenge was reflected in parliamentary recruitment, with redistribution specialists (predominantly found in the public sector) prevailing during this period (Best 2003; Figure 25.3).

However, the single most important factor that synchronized the development of post–Second World War West European democracies – the communist challenge – suddenly disappeared between 1989 and 1990. According to the law of challenge and response, one would expect that this disappearance of the communist threat would result in a change in legislative recruitment and career patterns. In particular, this change would be expected to affect legislative recruitment from the public sector, which was the pivotal consensus-fostering element in the representative elites of Western Europe after the Second World War. Our data confirm this expectation. The time series for public sector representation in West European parliaments reached a turning point at the end of the Cold War, with figures decreasing considerably since then (see Figure 25.3). This development has been evident in polities such as Germany, where the share of public sector representation was particularly high in comparison to other West European countries.

Public sector representation among MPs in the *Bundestag* declined by 37 per cent or 19 percentage points (from 51 per cent to 32 per cent) between 1990 and 2009. This levelling of extremes has reduced differences between West European polities, as confirmed by the observation that after the turn of the millennium the standard deviation for public sector

Figure 25.3 Legislators with a public sector employment background in European parliaments
(1946–2005)

Source: West European DataCube, authors' calculations.

representation reached its lowest level since the Second World War (see Figure 25.3). Changes in representation are even more pronounced in the case of the teaching profession, which is the single most important subcategory among MPs from the public sector. Since its peak at the beginning of the 1990s, the average share of members of the teaching profession in the parliaments of Western Europe has dropped by more than 20 per cent, signifying that this group has lost about half of its gains from the 1970s and 1980s (see Figure 25.4). This process was accompanied by a levelling of differences in the legislative recruitment of teachers and professors across West European polities. Although MPs with a professional background in the public service are still strongly represented in West European parliaments, a pluralization of recruitment channels can be observed. Assets such as certified loyalty towards the established political order and expertise in the policies of redistribution – qualities that can be ascribed to contenders from the public service – have become less valuable with the elimination of the consensus challenge.

These trends in legislative recruitment patterns were accompanied by a sharp increase in the turnover rates for individual MPs, whereby the average turnover rates in West European parliaments nearly doubled between the end of the 1980s and the mid-1990s (see Figure 25.5).

The time series for newcomers reached a distinct peak during these years that was only exceeded during the periods of crisis recruitment after the First and Second World War. Although turnover rates have levelled off since the mid-1990s, they are still above the average levels of the post-Second World War era. In the late 1990s, incumbency (measured by the mean number of elections) plunged to its lowest level since the mid-1950s and it has not yet recovered. Standard deviations for both indicators have remained at relatively low levels, indicating that the increase in turnover and the decrease in incumbency were synchronous in West European polities. We consider these developments to be signs of a disturbance in the pre-1990 regime of legislative recruitment that has affected the established patterns of reproduction of West European
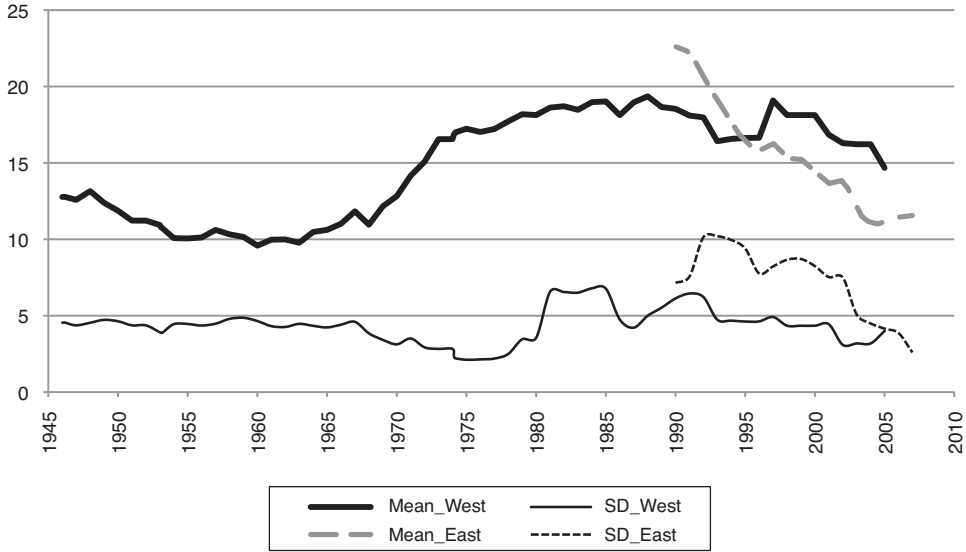
Figure 25.4 Teachers and university professors among legislators in European parliaments (1947–2007)

Source: West European DataCube, East European DataCube, authors' calculations.
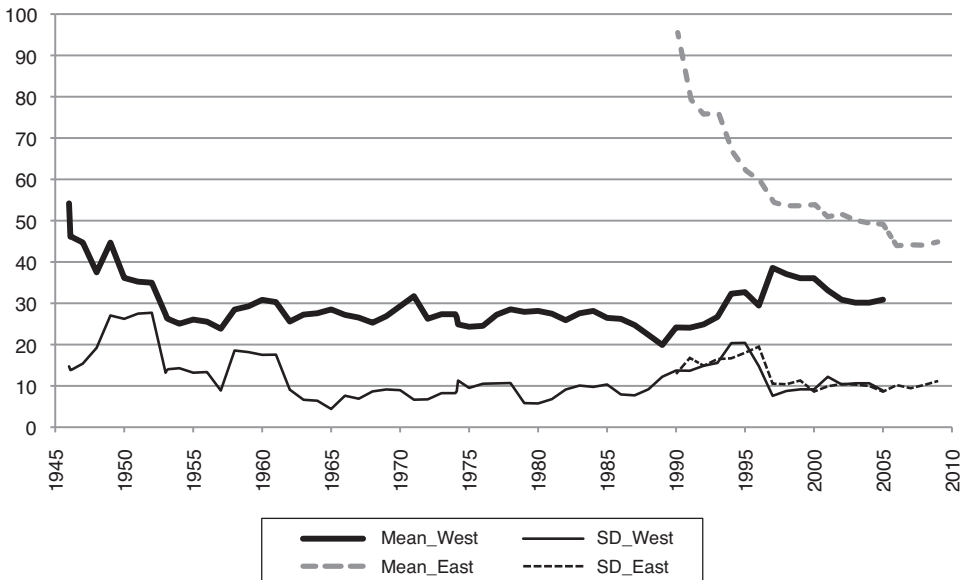
Figure 25.5 Newcomers among legislators in new European parliaments (1946–2010)

Source: West European DataCube, East European DataCube, authors' calculations.

representative elites. It is no coincidence that these changes occurred during and after the period of regime transition in Eastern Europe: the fall of communism there marked the end of the *consensus challenge* here.

Contemporary West European democracies are facing a new challenge today. This challenge does not stem from enemies within or outside the nation; rather, it is related to the growing distrust in politicians, scepticism with regard to democratic institutions and disillusionment about the functioning of the democratic process among citizens (Dalton 2004: 1). Research on West European legislators has shown that Russell Dalton's observations concerning waning political support in modern democracies can be connected to the emergence of a representative elite that is both a producer and the product of the enforcement and expansion of representative democracies during the past 150 years. The application of a market model based on 'free competition for a free vote' (Schumpeter 1959: 259, 269) to the process of establishing a democratic leadership did not result in a thorough 'opening of political societies' or in a linear 'expansion of choice opportunities' (Blondel 1997: 96). Instead, the evolution of representative democracies was basically a process of establishing an autonomous field of political action characterized by a wide gap between insiders and outsiders. The process of 'democratization' was at least partially counterbalanced by a socially exclusive process of political 'professionalization'. The contradictory co-evolution of participatory democracy and political professionalism can be best understood in terms of the challenge–response model in which selectorates and electorates interact, offering and demanding political personnel capable of addressing the fundamental problems of the polity and society. New challenges, however, do not lead to indiscriminate access to the representative elite; rather, they bring about focused responses by selectorates through limited adaptations of the 'recruitment function' to changing demands. Developments follow paths directed both by democratization (i.e. the extension of the social niches from whence the electors and the elected are drawn) and by professionalization (i.e. the establishment of a fairly autonomous field of political action with specific, albeit generally informal, rules for access and reward). Democratization and professionalization are contradictory, in that they create a division between spheres of insiders and outsiders. Thus, long-term trends in West European parliamentary recruitment have not resulted in a harmonious community between electors and the elected, but instead in the inherently conflictual (although in most cases peaceful) coexistence of professional politicians who live from and for politics and amateur politicians (to use Max Weber's term) – that is, the rest of us who are only incidentally involved in politics (Weber 1947). Much modern criticism of politicians' alleged distance from the electorate and their ruthless pursuit of self-interest is based on the contradictory logic of the processes of professionalization and democratization (Best 2003).

Patterns of parliamentary representation in Eastern Europe since 1990

As it turned out, the fall of the Iron Curtain was not the 'end of history' (Fukuyama 1992), nor was it the starting point of a universal and irreversible process of democratization. More than 20 years after the collapse of communism in Central and Eastern Europe (CEE), some formerly communist countries have joined the European Union, while others remain hybrid regimes or have even downgraded to the level of consolidated autocracies. In addition to institutional developments and the corresponding rise in economic and political interdependence on the continent, can elite convergence be observed?

Under communist rule, the nobility and religion were severely oppressed, and these aspects of society have not become political divides following the demise of the old regimes. Instead, other barriers based on socio-economic status, ascriptive characteristics (e.g. gender and ethnicity)

and professionalization have structured parliamentary elite formation in former communist countries.

In West European parliaments, early democratization was characterized by the inclusion of disadvantaged social groups, particularly through leftist parties. Central and Eastern European parliaments, in contrast, essentially remain closed to these groups. East European parliamentarians have an impressively high level of formal education (see Figure 25.2). Even in the early 1990s, the proportion of university-educated MPs in CEE parliaments was around 90 per cent on average. Since then, virtually all CEE parliaments have experienced an influx of highly educated candidates (including those with academic titles). Because education has become a *de facto* pre-requisite for a parliamentary position, groups and individuals with fewer cultural and economic resources (such as blue-collar workers and candidates with no post-secondary education) have been excluded from the pool of eligible candidates. At the same time, the representatives of teaching professions (i.e. teachers and professors) have gradually disappeared from CEE parliaments. In the 2000s, educators accounted for fewer than 10 per cent of MPs in CEE states (see Figure 25.4). The influx of teachers and liberal professionals (e.g. doctors and artists) into CEE parliaments in the early 1990s stemmed in part from the successes of the Umbrella Movements in the Baltic States. The subsequent declining recruitment of educators to parliaments in CEE parallels developments in Western Europe, where only about 15 per cent of MPs were educators by 2000 (Best 2007: 101).

In some CEE countries, the parliamentary ranks have slowly begun to open up to women and ethnic minorities. Out of all the CEE countries, only three parliaments (e.g. Slovenia, Macedonia and Serbia; IPU 2013) have achieved 30 per cent female representation, a number that is perceived as a threshold for effective female participation in politics (Christmas–Best and Kjær 2007: 77). Although more women have been recruited as parliamentarians with each new election in the Baltic countries, the Czech Republic and Poland, the share of female MPs in Romania, Ukraine and Hungary has continually hovered below the CEE average (Semenova *et al.* 2014: 289).

The first democratic elections have resulted in surprisingly diverse patterns of ethnic representation in CEE parliaments. In the parliaments of post-Soviet states (Russia, Ukraine and Moldova), ethnic minorities have been overrepresented in comparison with their proportion of the general population (Edinger and Kuklys 2007). In contrast, ethnic representation in the Baltic states was low during the early 1990s due to nationalist sentiments and restrictive citizenships laws. Since the late 1990s, the share of minority MPs has increased across the Baltic parliaments, especially in Latvia (Kuklys 2014: 130). Central and Eastern European countries use various instruments to ensure parliamentary representation for ethnic groups, ranging from the establishment of 'reserved seats' (e.g. Romania and Slovenia) to the sanctioning of ethnic parties (e.g. the Democratic Alliance of Hungarians in Romania) or parties with a strong ethnic component (e.g. the Movement for Right and Freedom in Bulgaria). In contrast, Russian law has prohibited ethnic and religious parties since the mid-1990s. Instead, pro-presidential parties (such as United Russia) serve as a vehicle for ethnic parliamentary candidates in Russia (Gaman-Golutvina 2014: 250).

One of the major challenges to former communist polities has been the transformation of planned economies into market-oriented economies (Bartlett and Hunter 1997). After the collapse of the old regimes, the new democracies experienced massive economic problems (e.g. the breakdown of local production) that have motivated them to pursue privatization and the liberalization of prices. Internal economic challenges have had international ramifications, with some CEE countries facing external financial pressure to pay off the debts of the 'old' regimes or demands from foreign companies to provide access to their new markets.

The establishment of free markets resulted in the emergence of entrepreneurs, who quickly became integrated into the new parliamentary elite. The extent of this development is a feature unique to CEE parliaments. Whereas the overall proportion of West European MPs with an entrepreneurial background has remained between 10 and 15 per cent (Best 2007: 99), the proportion of businessmen in CEE parliaments was as high as 23 per cent by the early 2010s (Semenova et al. 2014: 292). The overall increase in the number of entrepreneurs among CEE parliamentarians primarily reflects trends in Russia and Ukraine, followed by Latvia and Lithuania. The Russian and Ukrainian parliaments in particular have been 'captured' by these new economic elites, who enjoy good chances of election and re-election to parliament for multiple terms (Semenova 2011: 913–14; Semenova 2012: 554–6).

The collapse of communism has also provided new opportunities for state-building and the establishment of the institutions of representative democracy. The reorganization of communist administrative and political structures has been the major institutional impetus of the new regimes. Administrative elites have not suffered from substantial changes in personnel, as many members of the communist administrations and ministries remained in similar positions after 1990 (Szelényi and Szelényi 1995). In contrast, political elites experienced substantial turnover after the communist *nomenklatura* system was abolished, putting an abrupt end to predictable career paths. The disempowerment of the Communist Party has stimulated the formation of multiparty systems and the emergence of professional politicians in post-communist countries. The gradual consolidation of party systems in CEE has strengthened the role of political parties as the major selectorates for political offices. Throughout the post-communist period, the interdependence among administrative, political party and parliamentary personnel has continually increased, thereby integrating elites across different societal sectors. This development is fairly unsurprising in the CEE countries that adopted a parliamentary or parliamentary-presidential form of government (e.g. the Czech Republic, Slovenia and Hungary). Strong connections between civil servants and parliamentarians also exist in presidential–parliamentary regimes (e.g. Russia and Ukraine). Overall, high-ranking civil servants and professional politicians made up more than one-third of CEE parliamentary elites by 2009 (Semenova et al. 2014: 291–2). It seems that political expertise and proximity to the 'political class' have become increasingly important to the selectorates.

Institutional changes in CEE countries, including the legitimization of elites through elections and the emergence of new political parties, have increased the uncertainty of parliamentary careers. In order to improve their career opportunities, many MPs have begun to gain political experience before moving into national politics. The first post-communist parliaments were replete with political amateurs, i.e. MPs without any experience. By 2009, inexperienced MPs accounted for up to 40 per cent of these parliaments (see Figure 25.5). For CEE parliamentarians, the most important prior political experience is a leading position in their political party or election to regional political office (Semenova et al. 2014: 294–5). The share of MPs who had gained either of these types of political experience increased to more than 35 per cent by the late 2000s. These patterns of professionalization are more pronounced in some countries than in others. For instance, prospective MPs holding a leadership position in their party are particularly frequently recruited to the Polish, Croatian and Romanian parliaments. In contrast to many other CEE countries, prior local political experience has been of little importance for Bulgarian and Slovenian MPs since the collapse of communism.

The gradual emergence of a career ladder stretching from local political positions to the national level is one aspect of parliamentary professionalization (Squire 1992). Another aspect involves intra-parliamentary professionalization, which is manifested in the re-election of MPs to multiple legislative terms. A long tenure allows MPs to 'learn' the practical mechanisms of parliamentary

decision-making and to build stable professional relationships. By the late 2000s, some 20 per cent of MPs in CEE parliaments had remained in office for at least three terms (incumbents). Simultaneously, the average influx of newcomers to CEE parliaments had declined from two-thirds to one-half (Semenova *et al.* 2014: 293).

However, these developments have not affected all CEE parliaments to the same extent (Edinger 2010: 129–52), as shown by the increasing standard deviation. In some countries (e.g. Romania and Croatia), the turnover rate has consistently remained over 50 per cent. At the other extreme, the Czech and Hungarian parliaments have been characterized by low turnover rates and high proportions of incumbents since the late 1990s. Because of substantial turnover, the proportion of politically inexperienced MPs has remained significant in Slovenia and Russia, among other countries. In some CEE countries (e.g. Lithuania and Estonia), incumbent parliamentarians do not always have better chances of intra-parliamentary promotion (Crowther and Matonytė 2007: 294–5), unlike, for example, American legislators (Praino and Stockemer 2012: 273).

In addition to challenges stemming from institutional developments, how politicians have chosen to handle the communist past of their country has been viewed as critical for democratization (Letki 2002: 529). Strategies for coping with the legacy of communism have varied widely (Semenova *et al.* 2014: 286–7). For example, in Poland and the Czech Republic lustration policies were implemented, whereby former communist politicians were excluded from the pool of eligible candidates for post-communist political positions. In Latvia, legal measures required former partisans of the old regime to identify themselves publicly. A different logic applied in those countries where the post-communist transformation was accompanied by nation-building processes. Because certain communist elites had supported nationalist movements (and occasionally even led them), their communist affiliations were less disadvantageous for their later careers. This pattern can be observed in Slovenia and even in the Baltic parliaments. Finally, communist affiliation has not negatively affected the survival opportunities of Russian, Ukrainian and Moldavan parliamentary elites.

These differences in dealing with the past have affected the quality of available information on politicians' former allegiances. Since 1990, there has been an overall decline in the number of CEE parliamentarians with former communist loyalties. Since such experience is contingent on the age of the politician, this trend comes as no surprise. Across all CEE countries, it has been rare for the communist elite to retain their old positions during the post-communist transition – that is, there has been virtually no *direct* reproduction. At the same time, the promotion of the second echelon of the communist elite to higher positions in post-communist regimes (*vertical* elite reproduction) was much more common. Former members of the national *nomenklatura* retained influence via the *horizontal* reproduction of power, moving laterally to parliaments. Most strikingly, despite the many prominent politicians (e.g. Václav Havel and Lech Wałęsa) who attained power through mass protest movements, political dissidents had almost completely disappeared from the CEE parliamentary arena by the 2000s.

Generally speaking, many developments in post-communist elite formation have been appropriated from West European parliaments. One obvious example is the rise in the levels of female representation. Although the proportion of female MPs in CEE remains lower than that in Western Europe (Palmieri 2011), a slow convergence is underway. By 2009, CEE parliaments reached a level of female representation (almost 20 per cent) on a par with the level that existed in Western Europe during the late 1980s. Across Europe, however, the standard deviation has increased (Semenova *et al.* 2014: 289).

In the long history of West European parliaments, representatives have typically been associated with public service, agriculture and business (Best 2007: 104). In post-communist

Central and Eastern Europe, approximately half of the MPs have been drawn from education, public administration, business and professional politics (i.e. political parties or interest groups). However, the decline in the proportion of teachers is the only converging tendency among CEE parliamentarians; cross-country differences in the recruitment of other occupational groups have become more pronounced (Semenova *et al.* 2014: 290–1). The parliamentary elites of Western Europe have been more stable and less volatile than their CEE counterparts. Furthermore, with respect to parliamentarians' level of prior political experience, the countries of CEE have now reached approximately the same stage that Western Europe had achieved shortly after the Second World War (Best 2007: 102). Whereas over the past 50 years the average West European MP has enjoyed a long legislative tenure – between two and three electoral mandates – the average tenure of post-communist parliamentarians stands at two mandates (up to 2009).

Conclusions

We interpret recent developments, such as the increasing pluralization of recruitment patterns, as responses to a *legitimacy challenge* that has emerged *within* the political systems of Western and Eastern democracies, rather than through the external confrontations that have characterized all the earlier challenges in the history of these polities (Best 2007). We relate this argument to Toynbee's (1946: 60–79) theorem, which states that in facing external challenges, collective actors produce internal challenges that surface after these actors have prevailed over their initial challengers. These new internal challenges target elite quality, i.e. the ability of a representative democracy to produce efficient and accountable political elites. Institutional settings for elite recruitment, such as the cartel party based on arrangements between politicians to appropriate and share the resources of the state (Katz and Mair 1995), might be suitable to meet a *consensus challenge*, thereby creating a consensual political elite united by common material interests. In the long run, however, this would undermine the legitimacy of representative democracy, as the ingroup/outgroup differential would become too large to be justifiable by the achievements of the incumbents. The true nature of democracy is blurred if the competitive struggle for power is impeded. Due to the logics of its internal functioning, which is based on the balancing of interests, patronage, loyalty and discretion, the consensus model favours the trustee conception over the delegate conception of representation and prioritizes symbolic and relational assets over deferential and instrumental assets for legislative recruitment. Although it would be inappropriate to describe parliaments under the reign of the consensus model as assemblies of string-pullers and token representatives, some elements of truth can be recognized in this unpleasant scenario. Corruption and favouritism can be linked to a pattern of parliamentary representation which increases the insider–outsider differential and decreases the effectiveness of internal parliamentary controls. The emergence of the *legitimacy challenge* indicates that there may be more consensus in a consensual political elite than a consolidated democracy can endure. The closure of the political market through political professionalization and the pooling of interests between formally competing parties is an autocatalytic process that may jeopardize the workings of democracy. In this respect, the emergence of the *legitimacy challenge* is a promising indication that there are countervailing mechanisms of democracy that can infuse new competition into the system, thereby increasing the risk involved in the political profession.

The *legitimacy challenge* has far-reaching consequences for the unification of Europe. The Euroscepticism which could be found in small segments of the national political elites has become widespread in the general population (Best *et al.* 2012: 6). Disillusionment with European

institutions has reinforced the disengagement of the general population from supporting further integration. Public hostility towards the distant Eurocracy and labyrinthine European institutions provided a breeding ground for national populism and the electoral success of populist parties across Europe (e.g. the People's Orthodox Rally in Greece and ATAKA in Bulgaria). In some ways, national political elites have found themselves between a rock and a hard place. On the one hand, they have to work hard to protect their decision leeway from interference by supranational institutions and pursue their careers in the national arena. Furthermore, they have become more exposed to bashing and (sometimes violent) mass protests. The range of possible strategies that elites can use to respond to the *legitimacy challenge* varies from the enforcement of populist sentiments (e.g. Jobbik in Hungary) to the transfer of political responsibilities to technocrats (e.g. technocratic governments in Italy and Latvia). On the other hand, embeddedness in the European institutional structures can also be a resource and help political elites to implement their country-specific conceptions of Europe and profit from the benefits of the EU membership (Best *et al*. 2012: 240). These are incentives for complying with European legislation and pushing through unpopular austerity policies.

The endogenous character of the *legitimacy challenge* will probably reduce the structural differences between Eastern and Western Europe. However, it will not lead to further European integration or the adoption of a pan-European identity. Delegitimized political elites may face difficulties in promoting and securing the integration of Europe. Whether the response strategies used by political elites will be sufficient to grant them new legitimacy in representative democracies is a question to be answered by future developments.

Acknowledgements

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26

Selection and de-selection of ministers

Patrick Dumont and Luca Verzichelli

Studying the core of European politics

To a large extent, the questions connected to the processes of making and breaking governments that have attracted a considerable group of scholars since the rebirth of the discipline of political science after World War II (WWII) are reminiscent of some of the crucial issues traditionally raised in the works of 'classic political science' dating back to the late nineteenth and the early twentieth century.

In particular, a clear connection is evident between the empirical study of the contemporary class of rulers and the normative questions at the core of the so-called 'classic elitist school' on the distinction between ruling classes and ruled people and the maintenance of links between the two. Similarly, the arguments raised by Max Weber in his political writings – the claim for a strong parliament legitimating and controlling executive leaders, and the view of parliamentary arenas as ideal environments in which to grow responsive classes of professional politicians selected by modern and organized parties – have nurtured the democratic theories that emerged during the past century, inspiring different generations of scholars who have built the discipline of the empirical analysis of political phenomena.

The crux of representative democracy is the accountability of government through the electoral process. In parliamentary democracies, which was the typical form of democratic government in Europe for most of the post-1945 period (see Chapters 17–20), all executive power is responsible to the legislature, whilst in the semi-presidential forms chosen in most of the new Central and East European democracies and already well established in only a few West European ones, a cabinet headed by a prime minister is accountable both to the president and to parliament. The relevance of these executives, given their dominance over the legislative branch in policy-making and the not straightforward – indirect – link between electoral outcomes and government composition due to the frequency of 'minority situations' ('hung parliaments', in Westminster parlance) in fragmented West European parliamentary assemblies, has boosted the interest of generations of political scientists and led to the development of a sub-field dedicated to explaining and predicting government composition in parliamentary democracies, what is usually referred to as 'coalition formation' studies. After about five decades of research by game theorists, country experts and comparative politics scholars on why some

coalition governments form while others do not, how they distribute office and policy payoffs to their components, how they make arrangements to guarantee a certain level of stability, how they eventually collapse and the electoral consequences of their downfall, this field has become highly developed. This maturation can be seen in terms of the diversity of theoretical approaches and models that are competing, their degree of formalization, the sophistication of statistical methods applied and the richness of data sets used for testing hypotheses derived from theory. However, in a 'state of the art' piece on parties and government, De Winter (2002: 205) pointed out that of all the aspects of government formation – party composition, definition of the government policy platform, allocation of ministerial portfolios among partisan actors and ministerial personnel selection processes – the last had received least attention from scholars. Even more recently, Strøm *et al.* (2008) rightly argued that what happens between government formation and collective termination is still poorly documented and understood. This is all the more true when one considers the motivations, actions and fates of the individual ministers De Winter (2002) referred to, those who form, populate and leave cabinets. What do they actually represent? Can they personally impact upon policy, to what extent are they individually accountable for their own actions or the actions of their department? How do they relate to the actors who selected them, be they prime ministers (or presidents in semi-presidential systems), party or faction leaders who could also decide to end their ministerial term, and how do they fare with the convention of collective responsibility in cabinet?

In a nutshell, political scientists, but also sociologists, anthropologists, historians, psychologists, economists and lawyers and the public at large should be interested in studying executive government and the individuals who populate governments because of their relevance to the decisions that may affect diverse aspects of our lives. Taking the contribution of political science to this study into consideration in the context of this *Handbook*, there are a number of reasons why our knowledge remains limited. First, our discipline is still young and its continental Europe brand has long been dominated by constitutional lawyers and their formal and often parochial approach to the specificities of the legal and institutional setting under study. Second, institutional accounts – even when they are explanatory and not merely descriptive, as in the research tradition just referred to – are bound to be incomplete. Although they provide incentives for actors involved in them, institutions leave some scope for human agency, as seen by the comparative successes and failures experienced by individual elites evolving either in the same cabinet, succeeding ones in the same country or across similar institutional contexts. Such a basic observation suggests both agency for individuals and also strategic behaviour on the part of the relevant actors. The former in turn raises methodological and epistemological problems for political scientists having to deal with phenomena which have to be connected to many *explananda*, are not easily comparable from one case to another and are less amenable to systematic enquiry, such as individual personality, competence or 'style'. In addition, both discovering such idiosyncratic characteristics and tracing the strategic moves of elites involved is rendered particularly difficult given the level of secrecy surrounding the high circles of executive politics. Collecting and coding biographical data and policy documents is a long and often frustrating job; getting interviews from ministers and witnesses of governmental practices is also painstaking, and the propensity of these actors to report somewhat biased accounts of events in order to justify their behaviour or overstate their personal impact must be accounted for. Such an intensive type of research has long prevented large-scale comparative projects with potential from developing. The situation has recently changed, with the development of international networks of scholars dedicated to the systematic collection of data and therefore extending the number of cases and variety contexts under study, allowing for the use of sophisticated statistical methods to confront alternative hypotheses in multivariate tests. Innovative techniques of data collection are also increasingly available, which

can, for instance, help in inferring party or individual preferences from automatic content analysis of the massive amounts of official documents, in reconstructing chronologies of events with a mention of the presence or actions of individual actors from press accounts, or yet other potentially powerful (yet sometimes messy) techniques of *data mining*, retrieving information from a variety of websites. All these tools are now in the toolkit of scholars dealing with the study of executives, including ministerial selection and de-selection.

In this chapter we aim to illustrate the main questions arising from the literature, some significant findings and the questions still under discussion in what concerns the comparative study of selection and de-selection of ministerial teams in Europe. Given the complexity of the problems and the vastness of the relevant literature, we operate a somewhat drastic choice and reduce the scope of the chapter to the three following dimensions, which are of course very much interrelated:

- the selection of cabinet ministers, ministerial circulation and the career paths of European ministers;
- the allocation of portfolios and the individual accountability of ministers within European cabinets;
- the patterns of governmental and ministerial stability, dismissals, resignations and reshuffles within European cabinets.

Hence, we will start with works dedicated to the selection of democratic rulers, mainly derived from the classic elite theory, then move to another traditional question: 'Who gets what?', that is the study of portfolio allocation and of the other possible payoffs distributed during the process of government formation. Later, we will get into more recent developments in comparative analysis of government formation, developed along the lines of the principal–agent theory. A short final section will provide ways forward in the study of ministerial selection and de-selection.

First, however, we need to delineate the object under study: ministers are cabinet members, the cabinet generally consisting of around 20 senior officials, sitting in weekly meetings chaired by a prime minister (PM), through which all major policy initiatives from the government pass and receive final and collective approval. This body is considered to be the highest decision-making level of government in parliamentary democracies. One of the main differences from presidential systems such as the US one is that the cabinet, with the technical resources of the different departments of the civil service at its disposal, has the exclusive right to draft and present the budget to parliament for ratification. Individual ministers cannot go to parliament on their own to seek funds for their department; they are bound to the collective deal arrived at and presented as such to the parliament, to which the cabinet is collectively accountable. Therefore a cabinet can be defined by its respective organs: the PM, individual ministers and the collective body which is also referred to as the council of ministers. Generally ministers have voting rights (even though actual voting does not often take place) at the table of the council, they take part in specialized cabinet committees related to their assigned policy jurisdiction and they head a government department; hence their role is to initiate and then implement policy in their department, provided that in the meantime they convince their colleagues to adopt the policy in question collectively in a cabinet meeting. But all these typical characteristics need not be met for a variety of ministers who either do not head a department because they were attributed no ministerial portfolio, or are not *de jure*/permanent members of the council but may be invited to address issues related to their policy remit, such as junior ministers, who often are delegated full responsibility for specific sectors by the PM or the holder of relevant ministerial portfolio. Given their importance in terms of apprenticeship and therefore in the career paths of senior

ministers, as well as their role as an oversight/monitoring mechanism in coalition governments, we consider junior ministers as well in our account of the selection and de-selection of ministers in Europe.

Selection and circulation of ministers in Europe: a late reappraisal

Nemo propheta in patria. No other dictum can be more appropriate to describe the imbalance in the spread of ideas of the classic social scientists between the two sides of the Atlantic. This applies indeed to Gaetano Mosca and Wilfredo Pareto – the most celebrated classic elitists – but to a large extent even to other authors like Robert Michels and Moisei Ostrogorski, whose reflections on the structure of political parties were extremely influential, and even to Max Weber, whose works on the selection of the 'top layer of the society' were analysed and deeply re-elaborated by a number of American scholars.

The debate on elitism and the diffusion of the *myth of the ruling class* (Meisel 1962) and the development of the behaviouralist movement paved the way for a massive body of research in the study of political leadership and top political elites in North America. Some of the American (or *Americanized*) scholars who during the 1960s were among the protagonists of the 'revolutionary age' of social sciences in the North American academic environment included, to some extent, the study of government formation and ministerial elites in some Western European democracies, thereby ensuring some comparative dimension in their research (see, for instance, Stanley Hoffman, Samuel Barnes, Joseph Schlesinger, Donald Matthews and, later, Robert Putnam, amongst others). In 1967 Lewis Edinger, probably one of the most representative researchers in the field, published an important edited collection titled *Political Leadership in Industrialized Societies* where the topic of governmental leadership was explored in several comparative chapters.

However, critical aspects of the formation of executive bodies such as the characteristics of the elite people involved in these processes were still almost completely neglected. If this was true for research on US politics, where the Congress and the presidency represent the two pillars around which most of the literature is concentrated, the gap in knowledge was even greater in the European context: here, the predominance of parliamentary systems and the role played by strong political parties, collective actors considered to behave as unitary ones, in the processes of government formation (Laver and Schofield 1990) made the analysis of these processes at the individual elite level appear less relevant. In an oft-quoted book from the mid-1980s which marked a first general worldwide assessment on the topic, Jean Blondel argued that the study of ministers and ministerial careers was still in its infancy (Blondel 1985: 8). At that time, only a handful of single-country studies had been produced, focusing on the biographical and motivational characters of cabinet ministers in European democracies. Some were foundational, such as the research by Bruce Headey on British cabinet ministers (Headey 1974a), which led to a first discussion of the different ministerial skills in a comparative perspective (Headey 1974b). But the most active scholar in the comparative study of ministerial selection was probably Mattei Dogan, the French founder (1971) and first chair of the Research Committee on Elites of the International Political Science Association. Dogan was particularly proactive in the construction of a systematic 'trans-Atlantic' comparison between European and North American elite systems (Dogan 1975, 1989) that significantly strengthened our knowledge of the specific patterns of leader selection and ministerial careers in Europe.

The 1980s marked a turning point in the study of comparative government and the widespread occurrence of coalition governments in Europe (Browne and Dreijmanis 1982; Bogdanor 1983). The specific topic of governmental leadership was explored in a trilogy written

by Jean Blondel during that decade (Blondel 1980, 1985, 1987). In his 1985 book dedicated to the components of governmental teams, Blondel explored the similarities and differences among ministers of democratic regimes after 1945 and laid down some fundamental questions about the growth of the scope and the increasing specialization of ministerial personnel that can be considered as the skeleton of a broader research agenda he later led on the internal life of West European cabinets (Blondel and Müller-Rommel 1988, 1993; Blondel and Thiébault 1991). This enterprise marked the first pan-European attempt of systematic data-gathering on the careers and the circulation of ministers in Europe as well as on the internal workings of cabinets. This provided for rich edited volumes that built a body of empirical research marrying detailed country expertise and genuine comparative analysis, for instance on the differences in decision-making processes between and within single-party and coalition cabinet types.

A study of the characteristics of individuals involved in the cabinets of 13 European countries was undertaken in *The Profession of Government Ministers in Western Europe* (Blondel and Thiébault 1991). Among the main findings of this volume, we may mention the variety of typical ministerial backgrounds across European countries, between those where many *outsiders* – ministers with no parliamentary and leading party background – are recruited in government and those where the traditional paths from the parliamentary (and the party) ranks to the ministerial *inner circle* are strictly observed (De Winter 1991). In the first group we find the Netherlands, some Nordic democracies and the semi-presidential systems, while Italy, Denmark, Belgium and Ireland are good examples of the second type. A second intriguing result is the variety among European countries with regard to ministerial duration. As was also documented by Dogan (1989) and in previous country studies, certain groups of ministers last much longer in office than the cabinets they were hired for, and through these successive appointments they can provide some continuity in state leadership even in times of cabinet instability (such as inter-war Belgium or the French Fourth Republic). It was found that, on average, West European ministers remain in office twice as long as cabinets survive, even though this rate may be much greater in some cases, such as in post-WWII Italy.

Widening and deepening the analysis of an increasingly complex elite: recent developments

The phenomena of ministerial selection and ministerial careers studied in the seminal works mentioned above have undergone a series of transformations over the past three decades or so. The collapse of the Berlin Wall and the emergence of new democracies in Central and Eastern Europe have led to an increase in the number and variety of comparable cases to be analysed.[1] Other relevant phenomena impacting on the processes of elite selection and circulation were the deepening of European integration and the reforms introducing decentralization or federalization of powers in some European countries, and phenomena of de-alignments and realignments of European electorates, leading to an historical decline in support for some of the most stable parties in the traditional Western European political landscape. This has determined new patterns in the party composition of governments (see Chapters 17, 20 and 27). All these aspects affect in many ways what goes on in – and therefore what we should expect to observe in terms of the skills, the scope of action and the durability of ministerial personnel evolving in – these transforming secret rooms of our political systems.

The wave of democratization in Central and Eastern Europe has not simply broadened our perspective in terms of enlarging the number of 'comparable cases' for the study of democratic governments and their ministerial elites. The characters of the elites and the conditions of the rise of some patterns of cabinet government show a number of similarities with the West European

democracies, but the resilience of the past administrative and political structures, as well as the presence of very different party systems, explains the high level of diversity in the making of democratic governments in Central and Eastern Europe today. This is the main conclusion from the first systematic comparative assessment of the experience of the first two decades of democratic governance in ten countries from the CEE area stimulated, once again, by Jean Blondel (Blondel *et al.* 2007). Evidence suggests a difficult and somehow uncertain process of consolidation of one or more pattern(s) of government formation, and the role played by country-specific factors and difficult institutional circumstances. All these reasons appear to account for a low average ministerial duration, which is, contrary to what was found in Western Europe, only marginally higher than average duration of cabinets as a whole, so that government instability could not be compensated for by ministerial experience. This greater turnover in personnel was reported to be particularly felt in the phase of transition following the demise of communism (Blondel *et al.* 2007: 50–2), but again differences loomed large between ministerial terms of less than two years in countries such as Bulgaria and Lithuania and the more stable ministerial terms found in Slovenia, Slovakia and the Czech Republic. Fettelschoss and Nikolenyi (2009) provide further information on the reasons why ministers leave office (80 per cent of the time at the end of a cabinet rather than during its term in office) and relate national patterns to the institutional settings of the countries studied.

The background and careers of the core ministerial elite evolved somewhat in long-standing democratic Europe as well. Broadly speaking, we could mention a number of trends that are not limited to the European experience, such as an increased popular scrutiny of executives through the media and, in recent years, internet-based social media. This has led to a gradual modification of the notion of individual responsibility in a series of countries (see Dowding and Dumont 2009, 2014; Berlinski *et al.* 2012), testified to by a greater number of 'affairs' or 'scandals' involving ministerial elites being uncovered by the press (we see both an evolution of and a variety of thresholds and criteria for ministerial personal misconduct leading to ministerial exits, with, for instance, Scandinavian ministers being expected to resign for reasons that may be seen as minor by public opinion in other countries), discussed by the public and debated in parliament. For instance, Dowding and Dumont's edited volume (2009) reports the increasing numbers of resignation calls and their actual consequences in the UK, Germany and Iceland, amongst others. The other side of the coin when it comes to the increasing importance of political communication is the perceived personalization of politics and the so-called 'presidentialization' of politics (Poguntke and Webb 2005). Although this terminology is widely debated (see the debate in *Parliamentary Affairs*, 2013), and indeed qualified in a number of the country chapters in Dowding and Dumont's (2009) volume, a greater degree of autonomy of PMs with regard to their party and parliament may have emerged in some contexts, aided by a number of other factors.

Another main cross-national transformation of the past few decades involves the (still slowly) improving representation of women in cabinet. This has been triggered in some systems by the imposition of quotas on electoral lists and in some cases by the inclusion of new parties, such as the Greens or new Left parties campaigning for gender equality in European cabinets. Incoming chief executives in France or, more recently, in Italy (2014) have, for instance, tried to showcase an alleged drastic renewal of political personnel by appointing younger and more female ministers. The supply of greater numbers of citizens with high levels of education since the democratization of university studies has led to a path to ministerial office which is increasingly characterized by a university or even PhD degree. The education gap between elites and the general population therefore cannot be said to have been much reduced, and the differences in both

political preferences and levels of trust in politics between poorly and highly educated citizens may be increasingly worrisome in ever more complex and interdependent polities.

Relatedly, a characteristic that emerged in those democracies where anti-party sentiments and the populist challenge have developed the most has been to employ a growing number of *independents* within (as ministers) and around (in different advising and consulting roles) ministerial teams in Europe. This 'technocratic' solution is therefore seen as an answer to the deficit of responsiveness showed by the political parties in many European polities (Mair 2008), especially when governments have to cope with economic policies of retrenchment, but also when other and more ethical decisions concerning the individual sphere and civil rights are being discussed. Thus it is not only in some systems (semi-presidential democracies, because the cabinet not only relies on parliament), such as France, where presidents often refrain from selecting majority parliamentary heavyweights, in 'difficult democracies' such as Italy, or in more recent democracies combining some of the preceding characteristics with a popular distrust in political parties and the political class, like Portugal or Romania, that we see a higher recourse to different sources of expertise and technical personnel. Indeed, such a trend has been felt even in the most stable models of party government, as seen in Gordon Brown's 'government of all talents' in the UK (Yong and Hazell 2011).[2] The situation is even more complicated when the head of government position is temporarily offered to a non-political actor, who can therefore select a whole team of independent personalities which can be made up of ministers with quite varied skills, or by mixing politicians and non-politicians together, in a sort of technocratic-led cabinet. Such a situation of full abdication of political parties of their essential function of leadership selection has occurred during the recent financial and economic crisis in Europe, when different countries have been ruled by fully technocratic governments (among the most notorious, the Monti government in Italy and the Papademos government in Greece, governing the two countries during the peak of the crisis, between 2011 and 2012) which were not pure caretaker cabinets given the stakes they faced and the scope and complexity of the decisions they had to consider. Such an interesting variance and the local and general explanations of the increasing and multifold phenomenon of technocratic governance are currently being studied, and comparative contributions are particularly useful in this respect (Costa Pinto *et al.* 2014).

Finally, one must mention the effects of the progressive construction of a multi-level institutional system, particularly relevant in the EU area. First, the process of ministerial selection has now to do with a system of multifold institutions where a unidirectional pattern from the local to the national and supra-national political level can no longer be seen as the 'norm', but just one of the possible paths (Borchert 2012), and where a national executive position may not be seen by all ambitious politicians as the ultimate prize anymore. Ministers appointed at the national level can indeed be tempted to move to a higher level, which in many European countries is represented by EU institutions. This may only concern a small group of senior ministers, but has been reported to be among the reasons why some Irish or Belgian ministers resign from national office. In addition, the existence of a relevant policy-making level above national institutions has been said to reinforce national executives to the detriment of national parliaments (due to the lack of control of the former's EU-linked activities) and the autonomy of member states' PMs with regard to their cabinet colleagues, given their participation in (ever more numerous) European summits and meetings. On the one hand, this increased standing of national executives may actually reduce the odds of seeing office-holders aim at another position (note, however, that research on the characteristics of the appointed members of the European Commission and the attendant system of portfolio allocation within this institutional arena has only been undertaken in recent years; see Döring 2007; Wonka 2008; Franchino 2009). On the other hand, due to this very same increased autonomy of government leaders and because

more sector-specific expertise is valuable for handling the technical complexities of issues dealt with at the EU level, we may observe gradual changes in the backgrounds of national ministers (Bäck *et al.* 2009). Second, as was already seen in previous works, executive experience at the sub-national level is valued in national ministerial selection, especially in federal countries such as Germany, for instance. This has been increasingly the case in systems that have accelerated and deepened their decentralization or federalization processes, such as Spain or Belgium, where the opportunities of heading largely autonomous regions have correspondingly become attractive for high-level politicians.

Who gets what? Portfolio allocation and individual delegation within the cabinet

In the introduction to his chapter on another classic question in the study of government formation – the one about 'who gets what' – Verzichelli makes the link between the selection of ministerial elites and portfolio allocation explicit: 'Cabinet ministers are among the most important policymakers in parliamentary democracies, and ministerial offices are one of the most important pay-offs available to political parties. Political parties care about the ministries at their disposal and so do individual politicians' (Verzichelli 2008: 237). The first reason why both parties and ministers value portfolios is the power and prestige these positions bring them at the apex of government. As the typical 'battlefield' of the coalition environment where different parties play the game of portfolio allocation is located in the parliamentary democracies typically found in Europe, an early test by US scholars (Browne and Franklin 1973) of a prediction originally derived by Gamson (1961) showed, indeed, that West European parties tend to distribute cabinet positions proportionally to their shares of parliamentary seats with respect to the overall coalition. This strong 'parity norm' with a slight underrepresentation of the formateur (usually largest) party was later confirmed using different periods and country samples as well as refined operationalization of the prizes bargained for. Druckman and Warwick (2005) lifted the assumption of portfolio equivalence (earlier studies assumed that ministerial portfolios could be traded indifferently among parties as each of them would convey the same value in government and across different countries) by collecting data on the relative weights of ministerial portfolios typically found in cabinets. Using their portfolio- and country-specific (but time-invariant) measure of saliency they found this proportional relationship again (Warwick and Druckman 2006). Druckman and Roberts (2005) further found a similar pattern in the more advanced Eastern European countries among the younger liberal democracies and therefore discovered some traces of European convergence with regard to this empirically robust but theoretically puzzling link between party seat and executive portfolio shares.

Another line of research, starting with the most influential studies in the field of coalition theory and democratic governments that emerged in the 1990s (Budge and Keman 1990; Laver and Shepsle 1990, 1996; Laver and Budge 1992), departed from this original 'quantitative' empirical question of the repartition of portfolio shares by considering that the control of ministerial portfolios was a crucial intervening link between party preferences and government policy; therefore parties valued portfolios not only for the office perquisites they represent to them and their leading members but also because they are policy-seeking actors. Budge and Keman (1990) showed that socialist, conservative, liberal, etc. party families tended to consistently receive the policy remits corresponding to their respective foundational party priorities and traditional clienteles when in cabinet. Laver and Shepsle (1990, 1996) had a more ambitious agenda as they built a whole theory aimed at explaining the party composition and stability of governments made up of policy-seeking parties on the assumption that the allocation of

particular policy sectors to particular ministers creates a division of labour within cabinet such that any portfolio holder is able to implement his preferred position in his policy remit. Assuming this, key actors can then anticipate which policy any government could carry on according to the allocation it makes of particular ministries to particular parties. In their early work on this 'portfolio allocation' model, the authors had suggested, further, that individual ministers could well matter and that their personal reputation for being more or less socially conservative, or economically left or right oriented, could then be seen as the likely policy of the government if they were assigned a portfolio related to the relevant policy dimensions; intra-party reassignments of portfolios would then make a difference (Laver and Shepsle 1990). However, the volume these authors edited to assess a number of their proposals (Laver and Shepsle 1994) led them to revise such a claim in favour of an empirically verified propensity to see ministers in parliamentary democracies behaving as pure agents of their respective well-disciplined parties, to which they owe their current status.[3] Ministers are therefore not fully autonomous in their department; they are 'constrained optimizers' pushing the party line in cabinet rather than 'global maximizers' or 'policy dictators'.[4]

New theoretical propositions linking electoral competition to portfolio allocation (Bäck *et al.* 2011) or suggesting that parties set up mechanisms of coalition control at formation stage by appointing watchdog junior ministers in the ministries held by coalition partners (Thies 2001; Verzichelli 2008; Lipsmeyer and Pierce 2011; Carroll and Cox 2012), based on the same premises that ministerial portfolios allow parties to implement their policies preferences were then empirically tested in large-N studies covering a wide range of European countries. Results showed that parties indeed tend to claim and receive the policy portfolios most salient to them according to the manifestos they present to voters in electoral campaigns. This makes for an as yet underappreciated level of electoral responsiveness in the outputs of government formation, characterized by an indirect link between voters and rules in parliamentary democracies where no single party reaps a majority of seats in parliament (Bäck *et al.* 2011). The earlier proposition made by Thies (2001) that parties can control each other in order to contain potential policy losses, which the author found most likely to be linked with the presence or absence of institutional checks and for portfolios of greater salience, was verified empirically in the most established and complex coalition systems (with a bicameral parliament and polarized fragmented party systems) of the Netherlands, Italy and Belgium (Verzichelli 2008). Since the 2000s this phenomenon has also been found in other West European countries such as Norway, Germany and Austria (while one can observe a reduction of the occurrence of watchdog ministers in Belgium), as well as in the new coalition systems of Estonia, Latvia, Hungary, Slovakia and the Czech Republic (Carroll and Cox 2012).

Ministerial de-selection and governmental stability

We have already mentioned that the length of individual ministerial terms in office may be quite different from the length of the cabinet. Whilst governments come and go, a proportion of ministers may not 'survive' until the collective end of ministerial functions marking a change of cabinet. On the other hand, some ministers may survive across different cabinets, either with the same or different portfolios. What contributes to government durability (Laver 2003) is therefore no guide for the study of individual ministers, a point empirically demonstrated by Huber and Martinez-Gallardo (2008), who showed that ministerial stability is largely independent of cabinet stability. Berlinski *et al.* (2007) undertook an early investigation of the effects of individual ministers' characteristics on their chances of survival, while Berlinski *et al.* (2010, 2012) added the assessment of individual and collective performance on these same odds.

Definitions, methodological issues and factors affecting ministerial duration are summarized by Fischer *et al.* (2012). But one way of identifying relevant variables affecting the probability of ministerial selection and stability is to study the wide variety of constitutional, partisan and strategic constraints facing actors in charge of putting together and maintaining governments (Dowding and Dumont 2009). Constitutional provisions or customs may regulate who is in charge of choosing ministers to fill cabinet positions, and the roles of the head of state and PM may vary substantially according to the regime types (democratic experience varies within Western Europe as well as in the new democracies of Central and Eastern Europe), governmental systems (essentially parliamentary democracies and semi-presidential systems) and government types (the latter being distinguished mainly across single-party and coalition types, relying or not on a majority in parliament) one finds in post-WWII Europe. Formal and informal rules directly affect the hiring and firing of ministers in terms of what is allowed or required in the construction of a cabinet. For instance, in Westminster systems the recruitment pool is limited to members of parliament; in Belgium, the constitution since 1970 specifies that the council of ministers has to be made up of an equal number of French-speaking and Flemish ministers (the PM may be excepted from this), but one could imagine appointing actors being constrained in their choice due to the obligatory representation of other minorities (women, ethnic or religious communities). And the small size of the country and/or the size of the pool from which to choose ministers appears to have an effect on the doctrine of collective responsibility and make for greater stability in ministerial personnel, as seen in Ireland, Iceland but also in Luxembourg, for instance.

Second, the role of parties in European representative democracies has often made party leaders the crucial actors in the appointment of ministerial delegations to coalition governments, and party factions influential in the choice made by the chief executive to be in single-party cabinets. The organizational rules and conventions within parties thereby also enable and constrain the construction of cabinets in ways which vary across countries (for instance, the impact of parties differs between long-standing and newer democracies) and parties within countries. PMs in coalition systems are neither able to choose ministers from the junior party nor free to sack or demote those ministers put under pressure by the opposition or the media, in the way they might in single-party cabinets in the hope of safeguarding their popularity and that of their cabinet (Dewan and Dowding 2005). Nor is it common for coalition cabinets to undergo mid-term reshuffles in which some tainted ministers are discretely ousted or portfolio ranks and policy remits reallocated among incumbent ministers to offer a refreshed image to voters. It is because coalitions usually rely on subtle equilibria that PMs would rather reconsider such moves given potentially their large transaction costs; they would prefer to keep on good terms with leaders of their coalition partners to avoid government collapse due to the withdrawal of one of its components. The same phenomenon does not materialize to the same extent for single-party governments, even if the party is divided in strong factions, as the latter have a common electoral fate and therefore greater incentives to behave cohesively to enhance the probability of party success in returning a majority in the next election. As a result, and as shown empirically by Huber and Martinez-Gallardo (2008), sacking of individual ministers during a government term is much less frequent in coalition than single-party governments, where PMs are less constrained. The direction of the empirical relationship between the type of government and ministerial stability is therefore the opposite of that found in the literature on cabinet duration.

The third element concerns the strategies that might be adopted by actors in charge of constructing and maintaining cabinets, as these will delegate power to ministers and must then ensure that the latter will not work against their interests. In parliamentary systems the relationship between the PM and her ministers is more complex than a simple principal–agent

one (Strøm 2000, 2003; Berlinski *et al.* 2012). Indeed, to some extent all ministers are at once agents of the cabinet through the PM and therefore individual members of their collective principal (Andeweg 2000), inevitably creating tensions between these two roles when it comes to individual and collective responsibility. In the other common type of system in Europe, semi-presidential, ministers may be the agents of the president in the event of a unified majority and of the PM in the event of a divided government (Bucur 2013). In addition, in coalition governments ministers of the junior parties are likely to be pure party agents (as in Laver and Shepsle's 1996 conception), owing their selection to their party leader or internal bodies rather than to the PM. As a result, ministers of junior parties in a governing coalition which does not include the party of the president may well need to respond to three masters: their party (leader), the PM and the president (Bucur 2013). As argued earlier, presidents in unified governments are less likely to be constrained by their party in the appointment of specific personalities having broad internal support, and may be freer to move and sack their ministers as they see fit, whilst coalition governments, in constrast, would lead to an expectation of longer ministerial terms. Kam *et al.* (2010) even bring the identity of the principal into question in the allegedly simpler case of a parliamentary democracy typically governed by single-party cabinets as their study concentrates on ministerial selection to British cabinets (and shadow cabinets). Their finding that appointments are more closely related to the collective preferences of their parliamentary party caucuses than to those of the party leader may simply reflect the fact that the latter strategically selects ministers that match the overall profile of backbenchers to increase her chances of not being deposed by her own party. However, this leads us back to the possibility that intraparty organizations may have the upper hand, or at least influence the selection of ministers. Actually, in a survey of country specialists of 17 Western European countries, De Winter (1995: 131, table 4.3) found – when allowing for multiple responses – that the most frequently cited ministerial selectorates (individual or collective actors exercising a significant influence on the selection of ministers) were internal party factions or interest groups close to the party. Only in Denmark and Luxembourg were the latter reported not to play a role. Party executives came second, before individual actors such as parliamentary party leaders and PMs (the latter were actually reported to be important actors in ministerial selection in fewer than half of the 17 countries studied).

   In addition, cabinets are made up of ambitious politicians who may not wait for a principal to sanction them but can also decide to leave the cabinet voluntarily. Some of these politicians will see heading a department as the pinnacle of their career; others might hope for a more important post or aspire to the premiership (or presidency) itself. Refusing a ministerial appointment that does not fit with personal preferences or strategies and voluntarily resigning from office to embarrass the incumbent prime minister may be tactical moves to reach their own goals. Chief executives and party leaders need to anticipate these goals when composing or reshuffling their ministerial team, while keeping an eye on their own. These goals may be to strike a balance within and between parties or to signal policy changes or renewal (this may be done through the appointment of experts with known competencies or policy positions v. generalists with a long-standing party background) to external actors (such as international markets and organizations during the current financial crisis) and their ultimate principals, voters. But these choices may in turn cause principal–agent problems affecting ministers' durability. Most of the recent literature applying a principal–agent framework has focused on the latter dependent variable (or some variation such as the occurrence of reshuffles) and explain its variation by the (lack of) talent of the agents selected, a problem generally referred to as 'adverse selection' (Huber and Martinez-Gallardo 2004, 2008; Dewan and Dowding 2005; Dewan and Myatt 2010; Berlinski

et al. 2012), or by their actions while governing (Indridason and Kam 2008), generally called 'moral hazard' in the literature (see Dowding and Dumont 2014 for a new distinction between principal–agent problems).

Ministerial selection and de-selection: some ways forward

Given the relevance of institutional settings in providing implicit incentives to actors involved in the formation of cabinets, such as presidents, PMs, party leaders and ministers, we need sustained efforts at building comparative data sets and arenas in which country specialists, together with more theory- and methods-oriented scholars, exchange information on the most relevant variables and operationalizations needed to test hypotheses on a large-N scale. The interactive Parliament and Government Composition Database and Political Data Yearbook internet platforms (http://parlgov.org/; http://www.politicaldatayearbook.com/) are excellent tools that, combined with the collective work of scholars dedicated to the development of common codebooks, exchanges and the dissemination of studies of ministerial elites (http://sedepe.net), pave the way for building such a systematic data collection and analysis through sophisticated techniques. Such a comparative data set could be mixed with others on other aspects of leaders' careers and complemented with information on their post-office fates (which can be quite different across regimes, from a more or less entrenched 'revolving door' system in some democracies to the violent ends of leaders in autocracies; see Theakston and de Vries 2012 for former PMs), and become of wide use for both the academic community and the public at large. But we also need to get our hands dirty and collect first-hand testimonies and accounts of ministerial selection and de-selection to understand the motivations of actors and see how these fare with theoretical advances in the field that can only be probed with more qualitative data (see, for instance, Dowding and Dumont 2014). In other words, better data, through a variety of techniques of collection and for a variety of uses, as well as the coordination of research efforts, are crucial to further scholarly advances on ministerial selection and de-selection.

Notes

1 Note that Blondel (1985) had already studied the composition and circulation of elites in autocratic systems and noted long ministerial duration as a rule under communism, but this line of research was hindered by the limited availability of public data.
2 Note that this trend has not materialized over all European countries. To the contrary, the Netherlands have increasingly relied on ministers with a parliamentary background after having been one of the systems with most 'outsiders' as referred to above.
3 On the minister–party relation, note that Laver and Shepsle (2000) later suggested depriving the small parties that happened to be favoured in terms of policy in their portfolio allocation model of government formation of their ability to form a single-party minority cabinet on the grounds that such parties would not have enough 'ministrable material' to credibly fill all the ministerial portfolios such a cabinet would comprise.
4 This has not led Michael Laver to abandon investigating whether individual ministers affect policy in an article showcasing his computer-assisted content analysis technique to infer the policy position from documents (here, ministers' speeches in a single Italian government) and leading him again to a more positive answer than the one country specialists had given him in the previous decade (Giannetti and Laver 2005). A quite different method was used by Chabal (2003) to analyse the efficiency of different individual ministers' styles in bringing about policy reforms in the context of government alternations in Britain, France, Germany and Spain at the beginning of the 1980s, with similarly more optimistic results for the hypothesis that individual ministers matter. This is also a line of research recently put on the agenda by political economists (Hallerberg and Wehner 2013). The debate is therefore not yet over.

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Part V

Party systems and political parties

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27

European political parties

Changing forms, increased vulnerability

Steven B. Wolinetz

Introduction

Political parties are central to European politics: by organizing parliaments they provide the building blocks on which cabinets rest, and by contesting elections they provide voters with choices of who will govern and what policies they will pursue. There is little doubt regarding the ability of parties to perform their governmental functions. Most parties in public office are sufficiently disciplined to sustain cabinets and provide them with the support that they need to govern. Parties' links to society are another matter: rates of party membership are declining (van Biezen *et al.* 2012), and the proportion of the electorate identifying with parties has also declined (Dalton 2000: 25–9; Rohrschneider and Whitefield 2012: 25–7). Eurobarometer data show that Europeans – like their counterparts elsewhere – expressed lower confidence in parties and politicians than other actors or institutions (Dalton and Wattenberg 2000: 265).

European citizens are not the only ones to have doubts about parties. Katz and Mair (1995) argue that European parties have become cartel parties: unable to recruit or retain members or finance their activities with their dues, parties have instead come to rely upon subventions from the state. In the process, they have become increasingly remote from their members. Parties that once represented segments of society to the state and later mediated between state and society have thus become part of the state. At best, they serve as public utilities and a service provided by the state (Katz and Mair 1995, 2002, 2009); at worst, they have become self-referential and rent-seeking (van Biezen and Kopecký 2007: 250–2).

However, others have suggested that parties are actually more robust. Data collected by the Manifesto Research Group indicate that parties offer voters a wide range of alternatives, and that party positions have remained consistent over time (Volkens and Klingemann 2002: 165–6; Budge 2006: 426–30). Two recent studies demonstrate that parties in competitive democracies not only perform the linkage functions attributed to them (Dalton *et al.* 2011) but also represent both the partisans who identify with them and the independent voters who support them (Rohrschneider and Whitefield 2012).

In this chapter, we examine European parties, exploring their variety as well as the ways in which they differ from parties in other parts of the world. We begin with the literature, examining

the central role that European parties play in it; we then consider how we can differentiate parties and identify the ways in which they may be changing. Operating at multiple levels of governance, European parties are complex organizations. Some may be detached from their members, but others are not. We consider their focus – whether they emphasize policy, office-holding or votes (Strøm 1990) – as well as the problems many parties face. These include retaining members and navigating the policy environments that constrain the programmes they can offer. Parties operate in increasingly competitive electoral environments, in part because the electorates of belonging on which many relied have shrunk. Mainstream parties – those that in Gordon Smith's (1989) terms constitute the 'core' of the party system – compete not only with each other but also with smaller parties on their flanks. Populist parties pose a particular challenge: articulating anti-immigrant, anti-European Union and anti-establishment themes, some such organizations have not only siphoned support away from mainstream parties but also become influential political actors in their own right. This makes it risky for parties to remain as remote from their members and voters as Katz and Mair (1995) suggest.

What we know and how we know it

The literature on parties is one of the oldest branches of research in the field of Political Science. European parties and party systems constitute its core. Until recently, Western Europe was one of the few places in which relatively similar parties in liberal democracies could be compared. Similarities among parties reflected late nineteenth and early twentieth century mobilization. Many European parties mobilized around deep-seated cleavages (Lipset and Rokkan 1967: 26–8; Bartolini and Mair 1990: 213–20), borrowing programmes and doctrines and modes of organization from each other. On the left, parties and trade unions were intertwined in a system underpinned by extensive networks of societal organizations. Christian Democratic parties drew support from similar networks, as did Agrarian parties in Scandinavia (Einhorn and Logue 2003: 131). Other parties were less extensively organized, but similar kinds of parties appeared in many countries across Europe (Duverger 1954: 1–3ff.; Epstein 1967: 111, 130–8; von Beyme 1985: 159–66, 191–6).

Although Europe is no longer the only setting in which parties in competitive systems can be studied, it still provides fertile ground for comparative analysis. This reflects not only the presence of similar parties in many countries but also their exposure to similar forces. Factors framing party competition in Europe have included depression and war, as well as the sustained economic growth that characterized the 1950s and 1960s and the slower rates of growth in subsequent decades. In Western Europe, Social Democratic parties had to grapple with the consequences of growth and the challenges that managed economies presented. Parties on the right had to come to terms with the success of state intervention and the welfare states built by Social Democrats and Christian Democrats. Christian Democratic parties had to cope with decreasing religiosity.

Political factors were also important. The Cold War divided Europe, indirectly fostering the networks, alliances and transnational institutions that brought Western Europe closer together; it also deepened the divide between Social Democrats and Communists. Initially, only Socialist and Communist parties were organized in transnational federations, but after World War II Liberals and Christian Democrats across Europe began to cooperate as well. From its inception, members of the European Parliament organized in party groups rather than in national delegations; such cooperation increased as the European Parliament acquired more power (Hix and Lord 1997: 11–13), reinforcing links among kindred parties.

Nor was this the only impact of Europe: expanding EU competences subjected member–state parties to similar constraints with regard to the policies they could pursue. Transitions to democracy in Southern and Central and Eastern Europe introduced more countries and parties into established networks. As democratizing countries applied for EU membership, transnational federations and the parties affiliated with them provided assistance to kindred parties, and parties in the newer democracies became members of established party families. Europe is no longer the only setting in which parties in competitive democracies can be studied, but it still provides fertile ground for comparative analysis, especially since more is known about its parties than their counterparts elsewhere.

The literature

The literature on European parties is vast. It includes research on parties as well as party systems, drawing not only on national literatures but also on related literatures on legislative behaviour, coalition formation, mass attitudes and electoral behaviour. Older foci include how parties have developed and changed, attempts to make sense of their variety, party positions and ideologies, party organization, the role of party members, who wields power within parties, and parties in relation to democracy. More recent foci include Europeanization and the changing relationship between parties, the state and society. Early studies focused primarily on parties in larger democracies, but, beginning in the 1960s, parties in smaller democracies were also investigated. In the late 1970s, parties in Southern Europe began to be incorporated into studies as well, and from 1989 onward parties in former Communist countries were included. Reflecting the different circumstances under which parties emerged, the West European (WE) and Central and East European (CEE) literatures are subsets of a broader literature. However, many studies treat them as one category.

Not only the geographic scope but also the ways in which parties are studied have changed. Earlier scholars relied on description and analysis, sometimes extracting bold conclusions from a handful of cases, as Kirchheimer (1966) did – or, as Michels (1962) famously did, from only one case. The earlier literature was primarily the work of individual scholars, many of whom used case studies to examine how parties operated. This produced rich material, but the range of parties studied was limited. The literature contains multiple studies on British parties (e.g. McKenzie 1955; Jennings 1960; Pulzer 1967; Minkin 1980; Ball 1981; Kavanagh 1982; Seyd 1987; Shaw 1988, 1996, 2007; Pelling 1991; Seyd *et al*. 1996; Whiteley and Seyd 2002), the Social Democratic Party in Germany (Schorske 1955; Roth 1963; Chalmers 1964; Hunt 1964; Braunthal 1983, 1994), Communist parties in France and Italy (Tarrow 1967; Blackmer and Tarrow 1975; Amyot 1981; Jenson and Ross 1984; Hellman 1988) and other parties of the left (e.g. Barnes 1967; Simmons 1970; Clift 2003), but far fewer on Christian Democratic parties (Kalyvas and van Kersbergen 2010) and parties of the right. Despite their importance in national politics, studies of the Christian Democratic party family (Fogarty 1957; Einaudi and Goguel 1969; Irving 1973; van Kersbergen 1995; Kalyvas 1996; Kselman and Buttigieg 2003) outnumber studies of individual parties (Leonardi and Wertman 1989). Liberal and conservative parties outside Britain and France (Knapp 1994) fare no better: Kirchner (1988) addresses the former, Layton–Henry (1980, 1982) the latter.

Contemporary scholars frequently draw on the work of their colleagues, share their knowledge in workshops, collaborate on team projects and take advantage of the large datasets available to them. Scholars who used to be limited to national election studies to frame analyses of parties and their electoral prospects can now draw on public opinion polls, such as the EU's

Eurobarometer (2014), which has posed similar (although not necessarily identical) questions to citizens of member states since 1973, as well as cross-national and longitudinal datasets. These include the World Values Survey (2014), its European counterpart, the European Values Survey (2014) and the European Social Survey (2014).

Party specialists also make use of specific datasets that they have generated. Examples include the data on parties' election manifestos since 1945 assembled by the Manifesto Research Group (2014) and the Katz–Mair data on party organization (Katz and Mair 1992). In addition, scholars use expert surveys to poll their colleagues in order to systematize and aggregate hands-on knowledge of specific parties and party systems. Examples include Castles and Mair (1984), Benoit and Laver (2007), Marks *et al.* (2007), Steenbergen and Marks (2007), Whitefield *et al.* (2007) and, more recently, the expert surveys underpinning Rohrschneider and Whitefield (2012). What is novel here is not the sharing of information, but rather the use of devices such as expert surveys to ensure comparability and reliability.

The availability of large datasets and the capacity to analyse them has resulted in a literature that is much more data-driven than before. Scholars of parties now know more about a wider range of parties than they did in the past. In addition, *what* they know is different. Case studies have not disappeared, but they constitute a small portion of the contemporary literature. This shift has not been without its costs: case studies allow scholars to investigate parties in the context in which they operate. Exchanging depth for breadth, the contemporary literature now treats facets of parties rather than parties as a whole.

Significant gaps remain. As indicated, some parties have been studied in greater detail than others. Although party organization is central to the field – classics such as Ostrogorski (1964) and Michels (1962) concentrated on this aspect – we know less about party organization and the internal politics of parties than we should. Only recently have scholars begun to study candidate selection (Hazan and Rahat 2010). Panebianco (1988) and Katz and Mair (1992, 1994) stand out for their focus on party organization. Panebianco (1988) applies the precepts of organization theory to parties; however, his work occupies a peculiar place in the literature. His assertion that parties remain true to their genetic types is often cited, but his classification is rarely applied.

Katz and Mair (1992, 1994) and their colleagues have used parties' rules and procedures to determine how parties in ten European democracies and the United States are organized. Their research reveals not only the dominant position that parties in public office have assumed but also parties' growing dependence on subsidies for a substantial portion of their revenue. Van Biezen (2003) extends their approach to parties in four newer democracies. Updating the Katz–Mair data and extending it to an even broader range of countries, the Party Organization Database (2014) that Susan Scarrow and Paul Webb are developing will ensure that we know more about a larger number of parties, but considerable challenges remain. One obstacle is the sheer number of parties to be studied. Another involves going beyond 'the official story' (Katz and Mair 1992: 6–8; 1994: vi) to explore the extent to which actual practices correspond to formal rules and procedures. In many instances they do, but in some cases (for example clientelistic parties) they may not. Also missing are detailed studies of parties in electoral competition. In contrast to the American literature – with the exception of Bowler and Farrell (1992), Farrell (2002), Farrell *et al.*(2002), Plasser and Plasser (2002) and Bowler and Farrell (2011) – there have been few studies of election campaigning or the increasing role that political consultants are thought to play. The literature on political marketing (Wring 2005; Lilleker *et al.* 2006) does more to highlight than fill this gap: focused on the extent to which the precepts of marketing are followed, it takes scant account of the parties' role in the marketing.

Classifying parties

Students of European parties use two kinds of schemes to differentiate parties. The first scheme groups parties according to the families to which they are thought to belong. The second uses ideal types to differentiate key features and highlight suppositions about how they have changed.

Party families

The most common way to differentiate European parties is by party family. Often (but not always) indicated in parties' names and transnational affiliations, party family suggests a common lineage and shared perspectives and beliefs. Not only researchers but also commentators and practitioners use party family to frame comparisons of similar parties in different countries and as a basis for broader comparisons. Examples of the former include Fogarty (1957), Paterson and Thomas (1977, 1986), Kirchner (1988), Moschonas (2002) and Cronin *et al.* (2011); examples of the latter include Camia and Caramani (2012) and Rohrschneider and Whitefield (2012). One advantage of party family is that it requires minimal explanation: researchers (as well as informed observers and citizens) already know the major party families, what they stand for and who their supporters are likely to be, although this can be a mixed blessing. Party families are under-theorized, the criteria for demarcating families vary and researchers disagree on their number (Mair and Mudde 1998: 214–15ff.). In addition, there is a degree of variation not only among party families but also within them.

Mair and Mudde (1998) distinguish four approaches to party families: classification according to their origins and political sociology, transnational affiliation, current ideology and party name. Classification according to origins and sociological factors is useful, but many parties have shifted considerably from their original position. Affiliations with transnational or European-level federations are subject to change and may represent little more than a convenience; although membership is usually contingent on meeting certain conditions, parties may be admitted because the federation has no local affiliate or denied because it already has one. Classification according to party ideology taps into underlying predispositions but requires considerable effort to discern. Finally, classification according to party name can be problematic because names may mask as much as they reveal (Mair and Mudde 1998: 214–18, 220–1). Mair and Mudde (1998: 223–5) recommend using either party origins and political sociology or ideology to differentiate party families. Party origins and political sociology establish baselines from which change can be traced; in contrast, ideological distinctions facilitate comparison across countries.

The party families present in Europe include the Communists, Social Democrats, Agrarians (in a few countries), Christian Democrats, Liberals and Conservatives. However, the party families represented in some countries may be absent in others. In addition, important changes have occurred over time: in many countries, Green and left-libertarian parties and a new breed of left socialist parties have supplanted the Communists, who (apart from the Portuguese, Spanish, Cypriot, Finnish, Czech and French parties) have all but disappeared. An older extreme right that includes parties such as the *Republikaner* and the National Party (NPD) in Germany persists, but a new family, the Populist Radical Right, has emerged in some, though not all, countries. Populist parties have also appeared in other parts of the political spectrum. In addition, regional and nationalist parties are found in countries as diverse as Britain, Belgium, Italy and Spain.

The bases used for the identification of party families differ. In some instances – Communists, Social Democrats and Christian Democrats in Western Europe – the parties share not only an ideological patrimony but also a common history and a history of interaction. In other cases – the Conservatives, for example – what is shared may be little more than a political position

rather than a distinct mode of thinking that is sometimes but not always articulated. Appearing in the 1970s and 1980s, Green and left-libertarian parties share concerns about the environment, quality of life and intra-party democracy that the established parties were initially reluctant to embrace. Although some are much older, populist radical right parties gained prominence in the 1990s and 2000s. Their commonalities include the populist style employed by their leaders and some of the issues they raise. Such parties are usually anti-immigrant, anti-Muslim, anti-EU and, more generally, anti-establishment. Their leaders claim to be defending the people against an establishment that has forgotten their concerns (Mudde 2007: 23; Mudde and Kaltwasser 2012: 8–9).

Party families can provide important clues about how parties view themselves, the ideas and patrimony with which they grapple and their bases of support, as well as the parties with which they interact in transnational settings. However, it is easy to shift from one definition of party family to another. For some purposes (for example comparing how similar parties respond to problems), it makes sense to define party families in terms of origins and political sociology. In other cases (e.g. comparing parties from the same family in Western and Central and Eastern Europe), it is more logical to define families in terms of current ideology and affiliations. Whatever approach is used, caution is advisable: although some parties, such as the Czech Christian Democrats, draw on a common Christian Democratic heritage, party development in Central and Eastern Europe was interrupted by 40 years of Communist rule. In some instances, older parties were allowed to exist on the fringes of systems otherwise dominated by a single ruling party. Several 'successor' parties contested elections after the fall of Communism, but of these only the Czech Christian Democrats have survived. However, this has not prevented other parties from appropriating labels in the hope that it will enhance their position. One consequence is that parties that appear to share common origins may not actually be related: another is that there are important differences between Western European and Central and Eastern European party systems. In the former, Christian Democratic parties have often occupied pivotal positions, able to ally both with Social Democrats to their left and Liberal and Conservative parties to their right, although this has varied from country to country. For a long time, the Christian Democrats had a minimal presence in Scandinavia, where the Social Democrats were typically the dominant party.

The picture is different in Central and Eastern Europe: outside the Czech Republic, Christian Democrats have only had a minimal presence (Grzymala-Busse 2013: 320–1). In contrast, the Social Democrats are well represented in CEE party systems; however, with the exception of the Czech Social Democratic Party (SSD), most of these organizations are former Communist parties that have rebranded themselves as Social Democratic parties (Grzymala-Busse 2002: 169–88; Hloušek and Kopeček 2010: 37–9). In Hungary, the Social Democrats opened their party structures in an effort to distance themselves from the past (van Biezen 2003: 124–5). Other parties followed suit, but not necessarily in the same way. Many CEE parties of the right originated from the civic platforms that emerged during the transition to democracy or, in the case of Poland, from the Solidarity trade union movement. As Lewis (Chapter 29) points out, only a few of these organizations have survived. Those that did had to decide how to define and position themselves. In the case of *Fidesz*, the principal party on the right in Hungary, its choices reflected a conscious decision by leaders to reposition the party – originally a youth movement – further to the right as a conservative nationalist party (Enyedi and Linek 2008: 456).

What identification with an ideology or a party family actually means varies. In many parties, ideology and familial identity provide points of reference against which positions on issues can be assessed, but ideology rarely serves as a blueprint from which positions are derived. Instead,

parties position themselves on the specific issues and problems confronting them. However, factions within parties and competitors may use ideology as a point of departure to launch critiques of party positions. In addition, parties interact in European and transnational federations. Data on party manifestos indicate that the positions parties take are relatively consistent from election to election, changing gradually if at all. As Budge (2006: 422–3ff.) indicates, this can be taken to reflect either a programmatic orientation or a strategic calculation to maintain consistent positions (as Downs [1957] argued that parties should). Among older parties with a clear ideological heritage, there is a good chance that this consistency reflects underlying values. Even so, most parties have moved a considerable distance from their initial points of origin.

Types and typologies

Types and typologies are central to the literature. Classificatory schemes differentiate similar cases from those that diverge. Typologies operate in a different fashion: rather than relying on a single characteristic or dimension, types (or ideal types) isolate clusters of characteristics that all or most cases share. Highlighting differences and similarities, types are useful because they set key characteristics off in sharp relief. However, cases fitting a type rarely conform to all the characteristics delineated. Inevitably, some conform more closely than others and not all share the same characteristics (Kaplan 1964: 82–3; Lange and Meadwell 1991: 86–7).

Typologies in common use include Duverger's distinction between cadre and mass parties (Duverger 1954); Neumann's (1956) distinction between parties of individual representation, parties of mass integration and parties of total integration; Panebianco's (1988) distinction between mass-bureaucratic and electoral-professional parties; and Katz and Mair's (1995) distinction between elite parties, mass parties, catch-all parties and cartel parties. Originally part of a broader scheme that included militia and cell parties, Duverger's typology not only differentiates parties but also predicts a progression from cadre to mass parties. Neumann's distinction between parties of individual representation, parties of mass integration and parties of total integration references the same kinds of parties as Duverger but focuses on the functions that parties perform (Wolinetz 2002: 139–40).

Kirchheimer's catch-all party occupies an unusual place in this literature. Kirchheimer (1966) argued that former parties of mass integration were transforming themselves into catch-all parties. He attributed this shift to affluence and the parties' realization that they could no longer win support in the ways that they once did. In response, the parties abandoned ideology and their defence of a *class gardée*, emphasized the qualities of their leaders and bid for the support of interest groups (Kirchheimer 1966: 184–90; Wolinetz 1979: 4–6). Reflecting on the ways that he thought major European parties were changing, Kirchheimer was not specifying a type, but the catch-all party has been turned into one and the transformation he described has been grafted onto earlier classificatory schemes (Wolinetz 2002: 145–6).

More recent typologies include Panebianco's distinction between mass-bureaucratic and electoral-professional parties and Katz and Mair's re-specification of earlier distinctions between cadre (or elite), mass and catch-all parties, to which they add the cartel party. Concluding his discussion of different types of party organization, Panebianco (1988) argues that mass-bureaucratic parties are under pressure to become electoral-professional parties. Panebianco specifies several differences between the two: mass-bureaucratic parties are inwardly focused, internally financed by membership dues and collateral organizations, have strong vertical ties and promote up through the ranks. In contrast, electoral-professional parties are vote-seeking, more loosely structured, financed externally by interest groups, led by professionals who take on specialized tasks, and give greater prominence to leaders and elected officials (Panebianco

1988: 262–7). Cast in this way, the electoral-professional party is a variant of the catch-all party, but it could also be considered to be a hybrid, sharing characteristics of both the catch-all and the cartel party.

The most recent typology is Katz and Mair's (1995) distinction among elite, mass, catch-all and cartel parties. This scheme not only adds an additional type, the cartel party, but also reaches backward, re-specifying elite (or cadre) parties, mass parties and catch-all parties (Wolinetz 2002: 148). Unable to enlist as many members as they once could or rely on them for financial support, cartel parties become increasingly reliant on public subsidies stemming from election finance regimes that they, collectively, put in place. In the process, they become not only increasingly professional but also more distant from their members and activists. Party organization is no longer closely integrated, but instead stratarchical. Katz and Mair argue that this disengages the middle levels, in which party activists are presumed to have wielded greater influence. In addition, the status of party members is downgraded: although members gain additional rights in some parties – they are allowed to participate in the selection of leaders – supporters are accorded the same privilege. Party members are no longer seen as an army whose efforts might be engaged in election campaigns, but instead as a cheering section whose primary role is to legitimate the party leadership. Rather than relying on their members, cartel parties use public money and privileged access to the media to spread their message (Katz and Mair 1995: 15–21).

Katz and Mair (1993) differentiate three faces of party organization: the party in public office (elected representatives), the party in central office (its headquarters or staff) and the party on the ground (its members). Katz and Mair (1995) argue that these three faces have become distant from each other. Power is concentrated at the top. Parties in public office are increasingly well staffed and professionalized, and dominate not only parties on the ground but also parties in central office. Katz and Mair (1995) argue that fundamental changes in the relationship between parties, the state and society have occurred: elite parties originated within the state, but mass parties originated in society and were an expression of it. In contrast, catch-all parties positioned themselves between the state and society and mediated between the two. However, cartel parties are part of the state and function more like public utilities than vibrant representatives of the public. Katz and Mair associate each type with distinct historical periods; of these types (the authors assert), only the catch-all party, dating from 1960, and the cartel party, dating from 1990, continue into the present. Although elite, mass, catch-all and cartel parties can co-exist, most parties today should be either catch-all or cartel parties. (Katz and Mair 1995: 8–23; 2002: 113–26).

By extracting key characteristics, types and typologies help us think about different kinds of parties. Unusually, they are rarely used to classify contemporary parties or to examine the extent to which they share common characteristics. One reason for this is that we do not know enough about a sufficiently large number of parties. Another reason may be the strong suggestion, built into these typologies, that most parties are changing in similar ways: if all parties end up the same, then there is less need to sort or classify them. Unfortunately, this makes it difficult to determine the conditions under which different types of parties are likely to be more or less prevalent (Wolinetz 2002: 138–9, 148–49).

Katz and Mair's assertions have provoked considerable discussion. Critics such as Koole (1996), Kitschelt (2000), Pierre et al. (2000: 12–22), Detterbeck (2005) and Koss (2011: 22–4, 204–10) have tried to chip away at parts of their argument, while supporters have amassed evidence of declining party membership, weakening ties to society and parties' growing entanglement with the state. We will consider these factors after we explore differences and similarities among Europe's parties.

European parties today

Most European parties are policy centred, membership based, compete in multiparty systems and depend on the state for at least a portion of their funding. Most also compete on local, regional, national and European levels, but their presence at the European level is different from that observed in domestic politics. Parties organize around national and sub-national elections, and it is here that they deploy most of their resources. At the European level, most parties are affiliated with transnational federations and the equivalent party groups in the European Parliament (Hix and Lord 1997: 14–16, 27–32). However, European Parliamentary elections are contested not by European parties but by member-state parties competing on domestic issues (Mair 2000: 38–9, 46). In addition, many parties operate in regulated environments that impose conditions on their internal organization. One consequence is that in some countries – Germany is a notable example (Poguntke 1994: 210–11) – the ways in which parties are organized have converged.

State support and state regulation do not necessarily mean that parties have become identical to one another or that they all behave like cartel parties. A close reading of the chapters on party organization in individual countries in Katz and Mair (1994) suggests that parties that were once mass parties have retained some of the features associated with them, such as greater organizational depth. This was particularly true of parties in Scandinavia (see Bille 1994: 136–9; Pierre and Widfeldt 1994: 336–43; Sundberg 1994: 161–7, 177–8ff.; Svåsand 1994: 304–14ff.), as well as in certain other countries, such as Austria (Müller 1994: 59–67). The country experts surveyed by Rohrschneider and Whitefield (2012: 123–5) corroborate this point: asked to evaluate parties on different scales, most were able to distinguish mass parties from others.

However, retaining features of mass party organization does not mean that parties have retained masses of members. Data on aggregate numbers of party members per country by decade have been assembled since the late 1980s (Katz 1990; Mair and van Biezen 2001; van Biezen *et al.* 2012). These present a stark picture: membership levels, which were not very high at the end of the 1980s, declined in the two subsequent decades. In 2010, the average percentage of European voters who were party members was 4.7 per cent, but only 3.5 per cent of voters in newer democracies were party members. Among former Communist states, the figure was 3.0 per cent. In Western Europe, only Austria, Cypress and Finland had notably higher levels than average, and only Spain registered an increase. Britain and France registered sharp declines. As expected, the data show that the percentage of voters belonging to political parties declined in most countries (including some, like Austria and Belgium, where it was once higher) and remained low in others – for example in Eastern Europe, where it was never high in the first place (van Biezen *et al.* 2012: 27–9).

The country chapters in Katz and Mair (1994) investigated links between parties and society. These indicated that formal links to societal organizations were weaker than in the heyday of the mass party. Formal ties between Social Democratic parties and trade unions had for the most part been severed. Only the Danish Social Democrats enrolled trade unionists as indirect members (Bille 1994: 139). Links between Christian Democratic parties and Christian organizations were also weak; only in the Austrian People's Party (ÖVP) did earlier forms of corporate membership persist (Müller 1994: 56–60). Drawing on the data assembled for the Katz–Mair study, Poguntke (2006: 400) found that although many parties retained youth and women's associations, formal links to societal organizations had all but disappeared.

In contrast, there is considerable evidence of a growing orientation towards the state. Parties in most countries receive some form of state subsidy, but the proportion of party expenses covered and the parts of the party funded vary (Koss 2011: 18–19). In Britain, only opposition parties

receive subsidies. In the Netherlands, party research bureaus and educational foundations receive subsidies, but until 1999 parties received no money for election campaigns or operating expenses. In addition, the offices of members of parliament and parliamentary caucuses are well staffed (Koole 1994: 291–2). German parties and party foundations affiliated with them receive extensive subsidies (Poguntke 1994: 191–7).

European parties are also subject to a growing body of regulation, set out in constitutions or party laws specifying not only their role but, in many instances, how they are to operate (Müller and Sieberer 2006: 438–9; van Biezen and Kopecký 2007: 239–40; van Biezen and Rashkova 2012). Investigating the regulation of parties in 33 European democracies, van Biezen and Rashkova found that 28 included parties in their constitutions; in addition, 20 countries regulated parties through party laws and another 19 had enacted laws regulating their finances. Regulation is often a *quid pro quo* for state financing (Katz and Mair 1995: 15–16), but in Germany, where it first originated, and in new democracies, it also reflects attempts to ensure that parties fulfil the roles assigned to them (Poguntke 1994: 189–91; Müller and Sieberer 2006: 436–9). This reinforces Katz and Mair's (1995: 21–2) assertion that parties have become regulated public utilities (Epstein 1986: 156–8) and a service provided by the state. Nevertheless, both the programmatic orientation of many European parties and the increasingly uncertain circumstances under which many parties in Europe compete raise questions about the validity of the cartel thesis and the durability of cartelization (if it has indeed occurred).

Programmatic orientation

Unlike many parties in other parts of the world, most European parties are programmatic or policy-seeking. All parties pursue votes in order to gain power, but they place varying emphases on policy, office-holding and votes (Strøm 1990). Policy-seeking parties emphasize policy goals more than office-seeking or vote-seeking parties do. Office-seeking parties seek votes in order to enjoy the spoils of office; they typically use government largesse to reward followers with jobs or other preferments and, in so doing, maintain themselves in power. For vote-seeking parties, maximizing votes is an end in itself. An emphasis on one orientation does not preclude the presence of the other two: vote- and office-seeking parties may use policies to win support, and policy-seeking parties sometimes resort to office-seeking (Strøm 1990: 570). This is particularly true of larger and more broadly based parties.

Unfortunately, there are no systematic data on the incidence of vote-, office- and policy-seeking parties in European or other democracies. Nevertheless, there are ample reasons to suspect that parties in Europe are more policy-focused than parties in other parts of the world. These include the origins of many parties in deep-seated cleavages, the ideologies around which they initially mobilized and the attention that these parties devote to election manifestos, as well as the trade-offs and bargains struck in coalition-building. Their policy orientation should also be reinforced by the kinds of members and candidates whom they attract and the issue-based competition in which they engage. Although parties have difficulty attracting and retaining members, some are specifically attracted by programmes and positions; declining rates of membership mean that parties must rely more heavily on such 'high intensity members' (Scarrow and Gezgor 2010: 827–8; Whiteley 2011: 25–6). Active members include not only careerists and functionaries but also others motivated by policies and positions. Although parties may be placing greater emphasis on their leaders, as Kirchheimer (1966) argued, several streams of data indicate they also compete on the basis of their programmes (Dalton *et al.* 2011: 143–55, 217–18; Rohrschneider and Whitefield 2012: 82–5; see also Wolinetz 1991).

Whether parties emphasize policies, office-holding or votes depends on the ways in which they mobilize support and entrench themselves in political life. Parties that rely on patronage may find it difficult to wean followers from the flow of benefits to which they have become accustomed. In contrast, parties that emphasize ideology or policy are likely to have neither the means nor the inclination to shift to a patronage system. Shefter (1994: 27–32) argues that the early development of an autonomous bureaucracy capable of resisting politicians' attempts to allocate selective benefits and the timing of civil service reform can limit parties' access to patronage. Because this happened earlier in Northern than in Southern Europe and later and differently in Central and Eastern Europe (where the sudden collapse of Communism in 1989 confronted newly formed parties with both the challenge of privatizing economies and opportunities to use the state for their own purposes), we should expect different patterns of party formation and change over time.

If we follow this line of argument, we would expect a greater incidence of policy-centred parties in Northern and Western Europe than in Southern and Central and Eastern Europe. However, such a generalization should be regarded with caution: the strong policy focus apparent to many observers of parties in the Netherlands, Scandinavia, Germany and the United Kingdom is less evident in France, Belgium and Ireland. In France, both the Gaullists, currently organized as the Union for a Popular Majority (*Union pour une Majorité Populaire*, UMP), and the Socialist Party (*Parti Socialiste*, PS) are broad formations incorporating divergent factions and tendencies (Knapp 2004: 57–61ff.). Originating as a bloc supporting de Gaulle, various incarnations of the UMP – it has been reorganized several times – have attempted to incorporate most, if not all, of the French right (Knapp 1994: 32–4; Haegel 1998: 27–8; Knapp 2004: 238–71). In order to compete effectively with this organization, François Mitterand united the remnants of the former Socialist Party (*Section française de l'Internationale ouvrière*), SFIO, smaller parties and political clubs in the *Parti Socialiste*. To accomplish this, party rules allowed factions and tendencies to compete within the party (Sawicki 1998: 71–3). Parts of both parties may be policy focused, but the broad coalitional character of both the UMP and the PS suggests that if either has a dominant orientation it is vote-seeking rather than policy- or office-seeking. Operating in a system in which regional, ethno-national and segmental interests must be carefully balanced if majorities are to be attained, Belgian parties display a mixture of orientations, with office-seeking more prominent than in Dutch, German or Scandinavian parties. Irish parties are different again. Until recently, the dominant party, *Fianna Fail*, combined elements of vote- and office-seeking, as did its principal opponent, *Fine Gael*. The smaller Labour Party is policy-focused.

Differences in state formation and levels of economic development have led to different patterns of party development in Southern Europe. In Italy, parties such as *Democracia Cristiana* (DC) developed as hybrids, operating differently in the north from in the underdeveloped south, where they relied on clientelism. DC was not alone in this; its principal opponent, the Italian Communist Party (PCI), behaved in a similar fashion (Tarrow 1967: 81, 210–17). Governing throughout the First Republic (1945–94), DC and its partners colonized the state (Hellman 1987: 364–6). Neither the clientelistic orientation of DC and its coalition partners, nor the vote-seeking of *Forza Italia* (FI) and its successor, People of Liberty (PdL), in post-1993 Italy indicate that policy has been a primary goal. In post-1974 Greece, both PASOK and New Democracy established themselves as broad coalitions of disparate elements. Characterizations of both parties suggest a mixture of orientations, styles and postures (Pappas 1998: 222–5, 230–2; Spourdalakis 1998: 203–12; Pappas 2009: 317–20ff.). In Spain, both the Spanish Socialist Party (PSOE) and the Popular Party (PP) are broadly based, but they are more policy focused than parties in Italy or Greece. Studies of parties in Central and Eastern Europe indicate that many rely on patronage to assert control over the state; nevertheless, despite the opportunities that

the transition to market economies has presented, recourse to patronage to win electoral support has been less common (Kopecký and Mair 2012: 361–6ff.). Examining the ways in which states were rebuilt in former Communist countries, Grzymala-Busse (2007: 182–6, 193–4) confirms the prevalence of rent-seeking: in Central and Eastern European countries in which governing parties were not challenged by 'robust opposition parties', parties did not use policy in order to build support, preferring instead to reap side payments from states, whose reconstruction they delayed.

Differentiating European parties

In this exploration of whether European parties are more likely to be policy-, vote- or office-seeking, we have examined key aspects in which parties differ, not only from each other but also from parties in other parts of the world. Other dimensions along which parties vary include age, institutionalization and their organization and construction. Some variation has already been identified in the smaller universe of Western European parties around which the literature crystallized. More divergence has been introduced by transitions to democracy and the entry of newer parties in Western Europe.

Organizational density: how much party?

Reflecting the degree to which parties build extensive organizations and populate them with members and officials, organizational density is one of several dimensions along which Europe's parties can be compared. In their introduction to *Political Parties and Political Development*, LaPalombara and Weiner (1966: 5–6) defined political parties as continuing rather than intermittent structures that seek popular support in order to govern, organize at the national and local levels, and maintain regular communication and interaction between these levels. They excluded loosely structured cadre parties and flash parties that disappeared soon after their entrée. LaPalombara and Weiner set a high bar: if we were to apply their definition to contemporary parties, many parties would be excluded. Nevertheless, they provide us with a prototype of a dense or 'thickly' organized party.

Organizationally dense parties are well-staffed entities organized at all levels of governance. Examples include the highly articulated mass parties that Duverger (1954) and others have described, as well as the political machines that have dominated some American cities. Organizationally 'thin' parties include parties with either fewer layers or layers that exist only on paper. We can illustrate the difference by contrasting Italian parties before and after the 1993–4 collapse of the country's party system. Larger parties, such as the DC, the PSI and the PCI, had well-staffed mass organizations (Barnes 1967: 72–4ff., 91–3; Zuckerman 1979: 92–105; Hellman 1988: 122–8ff.; Leonardi and Wertman 1989: 125–32, 136–45); the post-1993 parties are pale shadows of their predecessors. Although many of them recombine elements of pre-1993 parties, most are weakly articulated, with uncertain lines of communication between local, regional and national parties (Di Mascio 2012: 383, 390–1).

Contemporary European parties are more thinly organized than their predecessors, but there is considerable variation among them. Older parties tend to be more densely organized than newer ones. Former mass parties, such as Social Democratic and Christian Democratic parties, continue to organize at local, regional and national levels, but they mobilize a smaller proportion of the electorate than before. Some may marginalize their members, as the cartel hypothesis argues, but most maintain the pretence that members should be active and engaged. This holds true for the Liberal and Conservative parties as well, but not to the same extent. Newer parties

fitting this pattern include Green and left-libertarian parties, many (but not all) left socialist parties and most populist radical right parties. Relying primarily on volunteers, few have the resources to build or maintain dense organizations. Nevertheless, there is considerable variation across families: Green and left-libertarian parties often opt for more open and direct forms of organization. When first established, such parties can be difficult to control; as seen in the case of the Greens in Germany, it may be necessary to modify rules in order to govern (Poguntke 1987: 81–2, 1994: 210). However, elements of direct democracy and thinner organization often persist.

Left socialist and populist radical right parties face similar constraints, but some organize more densely than others. Some left socialist parties mimic older organizational forms; for example, combining mass organization with a populist appeal has helped the Socialist Party (SP) in the Netherlands challenge the position of the mainstream Social Democratic Party (PvdA). Whether the SP can sustain this degree of organization is another matter. Many populist radical right parties tend to be leader-centric. Art (2011: 20–1) argues that those that succeed are necessarily well organized: tight control is required to screen candidates and ensure that parties stay on message. Although Art does not specify what forms this takes or whether this authority reflects rules or sheer force of personality, populist leaders end up with considerable freedom to define and redefine party positions. However, this freedom is not without limits: as in Austria's Freedom Party, personal authority and the strains of governing can lead to splits (Luther 2003: 139–41, 2011: 459–67). In addition, the extent of organization varies considerably. Bolstered by its own network of societal organizations in areas in which it is strong, the *Front Nationale* (FN) in France resembles parties of mass integration (Simmons 1996: 187–92; Ivaldi 1998: 56–61). In contrast, the Dutch Freedom Party (PVV) has only one member – its leader, Geert Wilders.

Parties in newer democracies tend to be less densely organized than parties in older democracies. Examining parties in Portugal, Spain, Hungary and the Czech Republic, van Biezen (2003: 161–2, 214–15) found that parties in central office dominated parties in public office, and that few attempts had been made to build or extend constituency organization. This reflects the different circumstances in which these parties formed. Early parties of mass integration were organized in countries grappling with multiple strains. Parties organized not only in response to the strains of industrialization but also to demand democratization. The 'antebellum' parties of mass integration whose passing Kirchheimer (1966) mourned were instruments of mobilization as well as agencies providing services to people who needed them. None of these conditions were present following transitions to democracy in late twentieth-century Europe: citizens were fully enfranchised, and former Communist regimes provided substantial services to their citizens. Gaps appeared as the state contracted, but few expected parties to fill them. Moreover, parties emerged rapidly, and their leaders had minimal incentives to build elaborate organizations. Enjoying access to the media and public subventions, parties had little need for members as a source of income or organization as an instrument of mobilization. Instead, most remained thinly developed, with weak links between parties at the centre and parties on the ground. However, van Biezen (2003: 161–2, 214–15) also found that central offices played a larger role than either parties in public office or parties on the ground.

Alternative party forms

Central and Eastern European parties have been slow to institutionalize. Poland, for example, has seen a dizzying array of parties. Initially, this was confined primarily to the right and the political forces that succeeded the Solidarity trade union movement; however, more recently, the left has splintered as well (Millard 2009: 787–8). In the Baltic countries, politicians have

sometimes abandoned the political formations from which they had been elected to compete in new ones as elections approached (Kreuzer and Pettai 2003: 84–6; Millard 2004: 133–4). Parties in Hungary and the Czech Republic institutionalized earlier than parties in other countries, but van Biezen (2003: 210) found that local organizations had not been established in substantial portions of either country.

'Thinner' party organization is not confined to Central and Eastern Europe. As described above, the parties established in Italy after the 1993–94 collapse of its party system are quite different from the mass parties that dominated the First Republic's party system. Although many recombine elements of pre-1993 parties, most parties are more thinly constructed than before. Reflecting changes in the electoral system, parties on the left and right compete in loosely aligned blocs or clusters. On the left, the progressive parties grouped together in a loose electoral alliance, *L'Ulivo* (Olive Tree), with a substantial portion of the former Communist Party – renamed the Democratic Left, PDS and later DS – as its core. Further reorganizations and mergers resulted in the establishment of the Democratic Party (PD) (Bordandini *et al.* 2008: 304–9). However, despite changes in the electoral law, the bipolarization of the party system persists. On the right, competing under diverse banners, are the populist *Lega Nord* (Northern League) and the *Popolo della Libertà* (PdL), established through the merger of Berlusconi's *Forza Italia* with the *Alleanza Nazionale* (National Alliance, AN, a sanitized version of the former neo-fascist party, the Italian Social Movement or MSI) and smaller parties and factions. Divided among competing factions, the PdL is a loosely structured entity that has served as an electoral vehicle for its founder, Silvio Berlusconi, and as an umbrella organization for most of the right (Paolucci 2006: 166–7ff., 2008: 470–5). Initially an extension of Berlusconi's media empire, *Forza Italia* has been described as a business–firm party (Hopkin and Paolucci 1999; Paolucci 2006: 167–8), but, along with PdL, it could also be classified as either an elite party (Katz and Mair 1995) or a modern cadre party (Koole 1994: 297–300). However, neither label captures its factional structure or internal organization. To classify the PdL, we would need to know more about how it recruits candidates, maintains cohesion and connects local organizations and regional structures with its headquarters, legislative caucus and leader. Complicating matters, Silvio Berlusconi re-established his earlier vehicle, *Forza Italia*, in 2013.

Understanding the links between national parties and their local and regional affiliates is only a part of the problem. Both the PdL and the Democrats participate in broader electoral alliances (Diamanti 2007: 735–9; Forestiere 2009: 580–7). To fit either into broader categories, we must find out more about their relationships with other parties and how these differ from comparable alliances in other countries. The most obvious comparison is to France, where competition between left and right blocs is an enduring feature of the Fifth Republic party system. There, both the *Parti Socialiste* and the Union for a Popular Majority (the dominant party on the right) are broad umbrella-like parties that unite disparate groups in order to compete more effectively within the confines of a majoritarian electoral system. Both have been part of larger blocs whose composition, although it has varied over the decades, has been more durable than the left and right in Italy. Clustering and competition between blocs has occurred in Fifth Republic France and post-1993 Italy, but it has also taken place in Poland. In order to understand this observation, we must consider not only types and institutionalization, but also alternate forms of competition in which parties cluster in larger blocs (Wolinetz 2006: 58–60).

Vertical bargains and multilevel governance

Until recently, scholars of parties paid little attention to how parties managed the challenge of operating at multiple levels of governance, but the regional issues and internal nationalism in

countries as diverse as the United Kingdom, Belgium, Italy and Spain have changed this. Well before the European Union added an additional level of governance, most European parties were multilevel organizations operating at local, regional and national levels. Parties manage their relationships among levels of organization in different ways. At one extreme, hierarchically structured organizations operate as though they were in unitary systems. At the other, sub-national units operate autonomously, with little regard for policy or positions of party leaders or directives from party officials. Most European parties fall in between these two extremes. Scottish and Welsh parties are separate from the national party organizations, but there is frequent communication and some degree of coordination. Formerly unitary Belgian parties split into separate Flemish and Wallonian parties in the 1960s and 1970s; however, there is extensive coordination between regional- and national-level organizations in both Flanders and Wallonia (Deschouwer 2012: 102–5). The same is true in semi-federal Spain and the Federal Republic of Germany. In the Spanish case, Detterbeck (2012: 174–6, 195–7) discovered that national party central offices maintained considerable control over provincial organizations, although this was tempered by negotiations to accommodate regional perspectives. The representation of *Länder* governments in the upper chamber, the *Bundesrat*, ensures similar coordination in the Federal Republic of Germany (Detterbeck and Jeffery 2009: 70–3, Detterbeck 2012: 191–3).

The European dimension has received considerable attention. However, attempts to demonstrate the impact of Europe on national parties have not changed the portrait we sketched earlier: European channels are important as a source of information, but the European-ization of member-state parties has been limited. Unlike parties in most federations, the centre of gravity remains at the national or member-state level rather than the supra-national or European level (Mair 2000: 37–41; Poguntke *et al.* 2007: 765–7; Carter and Poguntke 2010: 319–20). If Europe is having an impact, it is through the increase in Euroscepticism, a phenomenon that is accelerating as a result of both the growing success of populist parties and the increasingly visible role of the EU enforcing budgetary norms on its member states.

European parties in the twenty-first century: catch-all, cartel or something else?

Political parties are vehicles for electoral competition. Unlike catch-all parties, whose impetus came from the exigencies of competition, cartel parties are not parties focused primarily on electoral competition, but rather parties that shy away from it. Cartelization stems from the difficulties that parties experience in attracting members and the increasing cost of campaigning, and results in increased professionalization. However, the key process leading to change involves state subsidies for parties. Katz and Mair (1995: 483–4) argue that cartel parties are content to allow others to enjoy subsidies and share power as long as they benefit from the former and have regular access to the latter. Other changes, such as increased staffing, increased orientation towards the state and regulation by it, and weakening ties to society, flow from this.

Katz and Mair (1995: 491–3) acknowledge but nevertheless understate the vulnerable position in which many mainstream parties find themselves. Rates of electoral volatility have increased. Many parties operate in policy environments that make it difficult to put together packages of policies that are likely to increase support: EU member states are constrained by EU policies that limit their freedom of action, as well as by the costs of existing entitlements and, for Eurozone members, EU budgetary norms. Although parties of the right and centre may be able to benefit from these constraints, parties of the left cannot (Cronin *et al.* 2011: 351–60). Many parties have also had to reinvent themselves to take new issues and concerns and the changing composition of the electorate into account. In addition, electorates of

belonging – the tried and true voters on whose support parties can always rely – have shrunk, and mainstream parties face competition for these voters not only from each other, but also from smaller parties on their flanks. Some, such as populist radical right parties, have proved adept at drawing support from a wide range of parties. They do so by focusing on issues, such as immigration and multiculturalism, that mainstream parties prefer to ignore, employing a populist style that pits the people against a putative establishment indifferent to their concerns. In addition, many populist parties have proved to be nimble, shifting their positions on secondary issues in order to maximize support. Some, such as the PVV, have incorporated the defence of welfare state entitlements against planned cutbacks into their policy repertoire.

Parties can respond to these challenges in different ways. One option is to withdraw further into the state. A second is to rely even more heavily on slickly designed, highly professional electoral campaigns. A third response is to stress their managerial capabilities. A fourth is to emphasize the qualities of their leaders, and a fifth is to recast the party's appeal so that it can be seen as representing the interests of key social groups. The first four options are consistent with the literature on cartel parties, but the fourth and fifth are also consistent with the ways in which Kirchheimer (1966) expected that catch-all parties would behave.

The view of European parties that emerges from the cartel hypothesis should be surprising to anyone who thinks of parties as vehicles for electoral competition. Arguing that political parties are not only oriented towards the state but effectively a part of it, the literature on cartel parties describes parties that have either withdrawn from electoral competition or have ensured that their access to the state will not be harmed by engaging in it. In contrast to the catch-all thesis, in which the transformation of parties was spurred by electoral competition, the cartel hypothesis says relatively little about electoral competition. Instead, it suggests that parties are willing to, in Herbert Simon's (1997: 119) terminology, *satisfice* – i.e. accept sub-optimal election results in exchange for greater security and continued access to patronage.

Whether parties behave in this way and whether it is sustainable if they do is open to debate. European parties now face electorates that are at best weakly aligned. Few can rely on electorates of belonging, and populist parties, sometimes but not always on the right, have demonstrated that they can be effective challengers for support previously won by parties across the spectrum. In many countries, rates of electoral volatility have increased. Under such circumstances, satisficing may be insufficient. Instead, some if not all parties may be tempted to defect from their cartel and use the resources at their disposal to compete more effectively.

The picture of European parties sketched by Dalton, Farrell and McAllister (2011) differs from the perspective of Katz and Mair described above. Using data from the first module of the Comparative Study of Electoral Systems (CSES) and from the Comparative Manifesto Project, the authors show that political parties in the 36 countries studied perform the linkage functions attributed to them. Dalton, Farrell and McAllister's study is one of the few to actually investigate the extent to which parties link voters. Examining data from European and non-European countries, they demonstrate that (1) parties play a central role in the recruitment of candidates, (2) voters are able to place both their own positions and those of the political parties on left-right scales and (3) parties play a central role in election campaigns, not only by providing voters with essential information but also by encouraging them to vote. Dalton, Farrell and McAllister also show that parties act on what they promise, and that government policies do indeed reflect voter preferences (Dalton *et al*. 2011: 217–18).

Investigating representational strain, Rohrschneider and Whitefield (2012) reach similar conclusions. They argue that parties try to represent not only their partisans, but also independent constituents who have supported them. In order to do so, they must offer coherent policy packages relevant to both kinds of supporters. Using data from the 2004 and 2007 European Social Survey

and a survey of specially selected country experts, the authors show that parties in ten Central and Eastern European countries and fourteen Western European countries do so, albeit in different ways. Parties in Western Europe must navigate a two-dimensional policy space, positioning themselves both on distributional issues and along a cosmopolitan–traditionalist divide. The parties that represent partisans and independent constituents most effectively are those that country experts flag as retaining mass party organization. Parties in Central and Eastern Europe diverge in this regard: none have developed mass organizations, but the policy space they must navigate is simpler. Both dimensions are present, but the cosmopolitan–traditional dimension loads on the left–right dimension. However, parties on the right take cosmopolitan or libertarian positions, whereas parties on the left do not. Parties manage to represent voters by targeting not only partisans but also independent voters who are positioned closer to the centre (Rohrschneider and Whitefield 2012: 172–9).

Both studies suggest that parties are neither as remote nor as self-referential as Katz and Mair argue. Confirming this is another matter. There have been few detailed studies of how parties, past or present, plan and execute election campaigns. The presumption is that the former mass parties not only acted as instruments of mobilization but also engaged their members in election campaigns. Clearly, they shaped and reinforced allegiances and preferences, but this may not have required enlisting most members in campaigns. Arguably, it was not necessary to do so. Today, parties would benefit if they could actively engage members in election campaigns and other activities (Scarrow 1996: 171–3), but television and other media provide parties with other ways to get their message across.

Relying on members is one of several ways in which parties can maintain contact with society. Focus groups and survey research provide another way to find out what voters are thinking, as does contact between elected representatives and citizens and organized interests. We assume that the ways in which mass parties were structured provided parties with contact with society, but those contacts were necessarily selective. On the left, the interpenetration of parties and trade unions ensured that the party leadership knew what the leaders of trade unions and other affiliated organizations were thinking, but this did not necessarily reflect the perspectives of members or other elements of society. Organizing across social classes should have put Christian Democratic parties in touch with a broader range of interests and demands, but these were filtered according to religious beliefs.

Ultimately, it may be the electoral process that ensures that parties take account of voters and what they want. In focusing only on how parties are organized or how many members they have, we forget that parties are engaged in electoral competition. Doing so, they may be deaf to what voters are actually thinking. Prominent examples include the 2002 elections in the Netherlands and the Dutch and French referenda on the EU's draft Constitutional Treaty. In the first case, the Pim Fortuyn List put the question of immigration on the agenda in a way that parties that had previously raised the issue had not. Similar shocks resulted from the 2005 referenda: parties in both the Netherlands and France appeared to be unaware of voter preferences, but, particularly in the Netherlands, some parties shifted positions after the referendum in an attempt to align themselves more closely with the electorate. Even so, it would be a mistake to think that parties position themselves solely on the basis of public opinion polls or electoral shocks. We know from manifesto data that party positions have remained relatively consistent over time. Ideology and political orientation limit the range of positions that parties are likely to take, but parties react to voters and competitors within this range. More information is needed about the ways in which parties formulate and revise their manifestos and about how they package themselves. This means a more intense focus on parties, whom they recruit and nominate, and the ways in which they plan election campaigns.

It is difficult to separate modern European parties from the competitive environment in which they operate. There is a disconnect between the placid image of the cartel party, reliant on state support for its funding and increasingly remote from its members and followers, and the uncertainties that parties face in an electoral environment in which they lack electorates of belonging and are vulnerable to challenges not only from mainstream parties but also from new competitors. Part of this disconnect can be explained by parties' remoteness from their members, but there has been no examination of what parties do if they are not content to rest on their laurels and simply survive. Some might choose to do so, but others will be driven to innovate, either by taking new positions or by changing the ways in which they campaign for office. One alternative is to imitate New Labour and consider policies and positions in terms not only of the problems they are meant to solve but also of their implications for support. Parties that follow this model may become vehicles for permanent spin. However, this is only one option. Another, chosen by some parties in the Netherlands, is to roll with the punches and hope that sharp losses in one election will be reversed in the next. Still another option is to innovate, developing new means to present themselves and connect with voters. American parties, relying more extensively on targeting voters and using new campaign techniques, have proceeded further in this direction. Parties in Europe have adopted some but by no means all of these techniques. Clearly, there is work to be done, both for European parties, which face multiple problems, and for those who seek to study and classify them.

Conclusions: parties and democracy

In concluding, let us return to where we began. Citing Schattschneider (1942: 1), political scientists insist that liberal democracy is impossible without political parties. In formulating the dictum 'no parties, no democracy', Schattschneider was referring to parties in the United States, but Europe is no different. European citizens have several channels through which they can make their views known to the multiple tiers of governance that frame their lives. National and sub-national governments are more susceptible to popular control than the complex structures of European governance, but, with the partial exception of mass protest, that control depends on parties' abilities not only to shape but also to respond to popular sentiment. Without their intercession, governments would be less likely to take public opinion or popular outrage into account.

From its inception, the literature on parties has been preoccupied with the ability of parties to respond to the common weal. Both Ostrogorski (1964) and Michels (1962) worried about the distorting effects of the parties that had interposed themselves between citizens and their government. Searching for the internal democracy that was nowhere to be found in the pre-World War I SPD, Michels (1962) formulated the iron law of oligarchy and charted the de-radicalization of bureaucratized parties of mass integration. We can draw a direct line from the outrage expressed by Michels (1962) to Katz and Mair's (1995) critique of cartel parties based on their marginalization of members and aloofness from the society they are supposed to represent. It is less certain whether parties can do everything that we expect them to. Charged with aggregating interests (Almond 1960: 38–40; Almond and Powell 1966: 102–3, 114–27) and mediating between citizens and their governments, parties are pre-programmed to disappoint. Forced to compromise in order to maintain cohesion and build majorities, parties cannot do everything that everyone wants. Forced to rely on a small number of members, parties must also do more with less. Some professionalization is inevitable, as is a degree of distance from publics that choose not to participate or opt to participate in other ways.

Whether parties can afford to be remote from their remaining members is another matter. The threat of exit – if not to competing parties, then to other organizations – should give weight to members and voters' voices (Hirschman 1970), as should electoral volatility. The problem is not whether parties are oligarchical *per se*, but rather whether they can find ways to respond to members, organized interests and the larger public. Whether parties can do so while posing meaningful choices and governing in ways that both lead and follow remains to be seen. Citizens in liberal democracies have a right to expect more; whether parties can provide it is an open question.

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Party system change in Western Europe

Richard S. Katz

Introduction

Although there appear to be many definitions of 'political party', beyond a few questions at the margins the referent of the term 'political party' is rarely in doubt. The same cannot be said with regard to 'party system', and hence the first step in analysing party system change must be specification of what it is that might be changing.

At a minimum, a party system consists of a number of parties; for some scholars that number need not be greater than one, while for others a one-party system is the negation not only of 'system', but of 'party' as well. The last one-party systems in Western Europe disappeared with the end of the *Estado Novo* in Portugal (1974) and the Franco regime in Spain (1975), and in Europe more generally with the end of Communist rule in Central and Eastern Europe (1989).

Even limiting the focus to systems with more than one party, there are a variety of understandings of what the defining characteristics of a party system are, and hence of how typologies of party systems should be constructed and what empirical variations might signal 'party system change'.

The first class of typologies might be identified as *katagraphical* (from the Greek καταγραφω, meaning 'to record or catalog'). Katagraphical typologies are based on lists of the parties found in a political system. Archetypically, these include typologies based on the number of parties (e.g. two-party systems versus multiparty systems), but typologies based on the presence or absence of specific party types (e.g. mass parties) or members of particular party families (e.g. radical right parties) would also be included. At the extreme, the katagraphical approach might lead one to conclude that there had been party system change whenever the 'list' of parties changed – that is, whenever a new party arose or a previously existing party disappeared. Given the importance of the list of parties to these typologies, a central concern is the rule by which parties are included or counted.

The second class of typologies, which might be referred to as *relational*, are based not on the particular (number of) parties, but rather on the patterns of relationships among them. The classic statement of this position comes from Sartori:

> The concept of system is meaningless – for purposes of scientific inquiry – unless (i) the system displays properties that do not belong to a separate consideration of its component

elements and (ii) the system results from, and consists of, the patterned interactions of its component parts, thereby implying that such interactions provide the boundaries, or at least the boundedness, of the system . . . Parties make for a 'system', then, only when they are parts (in the plural); and a party system is precisely the *system of interactions* resulting from inter-party competition.

(Sartori 1976: 43–4)

Because it is the nature of the interactions among parties rather than the specific identity of the parties that are interacting that defines the system, a party system may shift from one relationally defined type to another without any change in the 'cast of characters'.

Socio-structural typologies are based on the relationships between the parties and the society in which they operate. Here, one might differentiate between, for example, class-based party systems and party systems based on a religious cleavage. In reality, socio-structural cleavages are not mutually exclusive, and the most influential socio-structural typology of party systems, that of Lipset and Rokkan (1967), is based on the combination of four social cleavages: centre/periphery, state/church, land/industry and owner/worker. Recognizing that the ties between social structure and party are better described as matters of degree rather than differences of kind, quantitative measures of association (e.g. Alford's 'Index of Class Voting' (Alford 1963: 79–86) or Rose and McAllister's 'Index of Determination' (Rose and McAllister 1986: 38)) may be employed, with party system change identified by a significant change in the appropriate index.

Finally, another common set of conceptualizations of party system change is not based on a typology, but rather on changes in quantitative assessments of the approximation of a party system to an ideal type. Two such 'ideals' have been particularly prominent. One is the ideal of electoral stability (the opposite of which is volatility), most frequently measured by the Pedersen (1979) index or any of a host of variants derived from it. The other is the ideal of uniformity, in terms of either electoral 'swings' or patterns of electoral support, often identified as 'nationalization' (Caramani 2004; Stokes 1967).

Although each of these methods of defining party system change is conceptually distinct (in the sense that one can imagine scenarios under which any one of them would indicate substantial change while the others would indicate no significant change), the general expectation is that they will be closely related empirically. Indeed, party system changes as defined by one of these schemes are often theorized to be the direct cause or direct effect of party system changes as defined by the others. For example, a significant weakening in the ties between social structure and parties (an 'unfreezing of cleavages', in the terms of Lipset and Rokkan [1967]) might be expected to open the electoral market to new parties (a katagraphical change), increase the range of politically acceptable coalitions (a relational change) and also increase both electoral volatility (due to weaker ties between voters and parties) and nationalization (because voters become relatively more sensitive to national political personalities or issues).

This chapter first presents a review of the major typologies of party systems and the measures used to assess party system change. It then uses those tools to chart the major examples of stability and change in the party systems of Western Europe since the 1970s.

Katagraphical typologies

The simplest kind of typology of party systems classifies them on the basis of the number of parties; the simplest of these divides party systems between two-party and multiparty types. An additional category, that of hyper-fragmented systems, might be added, although the border

between multiparty and hyper-fragmentation is nowhere near as (apparently) clear as that between two-party and multiparty.

The more difficult question for katagraphical typologies is whether the identity of the parties or merely their number is determinative. The more parties there are, the less likely it is that the addition or subtraction of one of them will be regarded as defining a new party system. At the other extreme, however, it is possible to consider *every* change in the list of parties as defining a new party system, as, for (a non-European) example, when it is asserted that the US has seen no fewer than five distinct two-party systems (Chambers and Burnham 1967: 3, 9, 298, 302); the equivalent European question would be whether to count the nineteenth-century Liberal v. Conservative and twentieth-century Labour v. Conservative British two-party systems as representing party system change.

Finally, one might consider the addition or subtraction of a party of a particular type to represent party system change. Here it might be argued, for example, that the transition of a party from cadre to catch-all party form (e.g. the British Conservative Party over its long history) or the conversion of a liberal party into a right-wing populist party (e.g. the Austrian Freedom Party under Jörg Haider) would constitute a new party system, even if the nominal list of parties remained unchanged.

Counting parties

The first problem for katagraphical typologies is to determine which parties (or organizations calling themselves parties) are to be counted – and how they are to be counted. The simplest answer to the counting problem is, of course, to count them all, and to count each party as '1', although even here one would have to decide whether to limit attention to officially registered parties (assuming that there is an official party register) or to parties that actually field candidates or win seats in one or more elections at one or more levels of government, or alternatively to count any organization that claims to aspire to registration or to contest elections at some point in the future (or that has done so in the past). The problem with any of these 'liberal and egalitarian' counting rules is that they consider a party like the Dutch *Lijst Pym Fortuyn*, which in November 2006 won 0.2 per cent of the vote and no seats, to be the equivalent of the *Christien-Democratisch Appèl*, which in the same election won 26.5 per cent of the vote and over 27 per cent of the seats.

A number of strategies to 'correct' for this problem have been proposed. One is to establish a threshold, in terms of either votes (generally 0.5 per cent, 1 per cent or 5 per cent) or seats (generally 1) that a party must achieve (sometimes in the election for which the count is being made, sometimes at least once over some longer time period) before it is counted. A second strategy, derived from Sartori's more relational understanding of party systems adapted for katagraphical typologies, is to count 'relevant' parties; that is, those with either *blackmail potential* or *coalition potential* (Sartori 1976: 123). The follow-up question here is whether to assess this (as Sartori does) at the level of national government formation or at the level of individual election districts (e.g. Katz 1980); the latter implies either that many more parties will be counted as relevant or that each district or other sub-national unit will be assumed to have its own party system, even though these local party systems are clearly interdependent.

A third possibility is to count all parties, but to weight them according to their strength, yielding a measure of the 'effective number of parties' (ENP; Laakso and Taagapera 1979), based either on their vote shares in elections (ENP_v) or on their seat shares in the legislature (ENP_s). While this has become the most common way of counting parties, it can be misleading in several respects. Most obviously, the distinction between two-party and multiparty becomes blurred,

with 'two-party' generally operationalized as a range between 1.5 and roughly 2.5; however, the latter value – and indeed any value greater than 2 – can be reached only if there are in fact more than two parties. The result can be especially misleading when applied to seat shares. Consider, for example, a parliament in which three parties have 48, 48 and 4 seats, respectively. The ENP_s in this setting is 2.17, reflecting the small size of the third party, but if one were to assume any coalition of two parties to be politically as well as mathematically possible and base the effective number of parties on Shapley and Shubik (1954) or Penrose and Banzhof (Penrose 1946; Banzhof 1965) power scores rather than simple seat counts, the effective number would be 3, reflecting the fact that no one party has a majority but any two do (and thus each of the three parties has *the same* power). If, however, one assumed that political reality would make a coalition between the first and third party impossible, then even if the seat distribution was 51, 42 and 7, the 'truly effective' number of parties would be closer to two, even though the ENP_s score would be higher, at 2.27.

Relational typologies

The last example is relevant to katagraphical typologies in that it addresses the appropriateness of using the ENP as the counting method for identifying two-party systems. More generally, however, it derives directly from the concerns of relational typologies, which are particularly sensitive to coalition possibilities and patterns.

Sartori's typology

The most widely cited relational typology is that of Giovanni Sartori (1976), who, if one excludes single-party systems, proposes four basic types of party systems (ibid.: 288): twopartism, moderate pluralism, polarized pluralism and predominant party. While each of these has a number of parties associated with it as an indicator or cause – Sartori indicates that he is open to either interpretation (ibid.: 287–90) – the defining concern is 'the *mechanics* – how the system works' (ibid.: 128, italics in original).

The *twopartism* type is, as the name implies, associated with the existence of two significant parties. In advancing Australia as an example of twopartism (ibid.: 187), despite the fact that one of the two 'parties' was in fact a coalition of two parties (Liberal and Country), Sartori highlights the difference between system *format* (raw number of parties) and *mechanics* (relations among them): because Liberal and Country parties were always in government or in opposition together, and because they did not compete against each other in the electoral arena, the mechanics of the system mimicked that of the British system of Labour v. Conservative (in which the Liberals were essentially irrelevant to government formation – at least at the time when Sartori was writing). Twopartism is also associated with alternation in office (essentially as a defining characteristic, in contrast to a predominant party system) and with low ideological distance or segmentation (as an expectation, which might be violated by a subtype that Sartori called 'twoparty polarized').

Moderate pluralism is associated with three to five parties, none of which is likely to have an electoral or parliamentary majority; as a result, 'the major distinguishing trait of moderate pluralism is coalition government' (ibid.: 178). However, it is not just coalition government but the real likelihood of alternative coalitions – the potential to 'mix and match' in multiple ways – that characterizes moderate pluralism. Moreover, with moderate pluralism ideological distance is constrained (although greater than with twopartism) and (because) competition is centripetal, with parties appealing to the centre.

Polarized pluralism is primarily defined by the intensity of conflict, in particular due to the 'presence of relevant *anti-system parties*' (ibid.: 132), although it is also defined numerically as more than five significant parties.[1] A second characteristic is the existence of *bilateral oppositions* (ibid.: 134). This means that the political centre is occupied, and so rather than drawing parties toward the centre, competition instead is centrifugal, with the characteristic trend being 'the enfeeblement of the center, a persistent loss of *votes* to one of the extreme ends (or even to both)' (ibid.: 136).

In a *predominant party* system, the defining factor is not the aggregate number of parties, but the presence of one party that 'simply happens . . . to win, over time, an *absolute majority of seats* (not necessarily of votes) in parliament' (ibid.: 195).[2] In the terms applied by Baumol *et al.* (1986) to economic markets, the political market remains contestable, but it is not effectively contested. A record of single-party majorities may be the obvious indicator of predominance; however, like Pempel's (1990: 3–4) definition, this has the disadvantage that it can only be recognized after the fact.

Patterns of cooperation

Sartori's typology is based primarily on patterns of competition among parties. In writing about the French Fifth Republic, Karlheinz Reif (1987: 30–1) drew a contrast between two models of party government based additionally on patterns of cooperation. Katz (1987: 12–13) elaborated Reif's dichotomy into a trichotomy (dividing Reif's 'type B' between coalitional and dominant party systems), based on patterns of coalition formation. To these three types, a fourth can be added: the cartel party system (Katz and Mair 1995).

Bipolar systems are typified by two-party systems, but are not necessarily restricted to them. Rather, the defining condition is that the parties are aligned such that a general election not only decides the partisan balance of the parliament, but also directly decides who will head the government without further post-election negotiation among the parties. In other words, the electorate is choosing the government, not just choosing those who will, subsequent to the election, choose the government. In contrast to Sartori's twopartism, the components of the two blocs may compete against one another, even as they are collectively competing against the other bloc.

In a *coalitional system*, the expectation is that no party or reliably pre-announced coalition of parties will win a parliamentary majority. As a result, a general election is only the first step in the process of selecting a government. Once the electorate has established the relative strengths of the parties in parliament, the leaders of these parties then negotiate among themselves to determine the composition of the governing coalition.

In this scheme, a *dominant party system* is one in which, although no party wins a majority of the parliamentary seats, over time there is one party that is the necessary senior partner in *every* politically conceivable government. The actual composition of the government may change, and indeed the dominant party may even yield the premiership to one of its coalition partners, but the possibility that it will be forced into opposition is effectively nil. Pempel's 'one-party dominant party regimes', although adding a 'historical project' (Pempel 1990: 4), are of this type.

Whereas these types are concerned with patterns of interparty cooperation in the form of coalition formation within systems that are still primarily characterized by patterns of competition, Katz and Mair have suggested a type – the *cartel party system* – in which the dominant interparty relationship is cooperation. Although electoral competition continues, it is primarily spectacle (LaPalombara 1987; Manin 1997), with the core parties (i.e. all parties that can reasonably hope

to occupy national office or a significant share of sub-national offices) cooperating, first, to close the electoral market both to new competitors and to competition over potentially destabilizing issues, and, second, to protect their own positions, whether in office or in opposition, thereby reducing their dependence on both their own members and civil society in general. Parties that are not part of this tacit cartel (identified by Katz and Mair as 'anti-party-system parties') may exist, but they are irrelevant to the government.

Ad-hoc bipolarity

Although not explicitly included in the definition, there is an implicit assumption in the Reif/Katz bipolar system that when there is not simply a two-party system the pre-announced coalitions between which voters are asked to choose will be reasonably stable over time. (In the case of Sartori's twopartism, this assumption is part of the definition.) Conversely, it is implicit in Sartori's moderate pluralism (and explicit in Reif/Katz's coalitional system) that the parties will *not* present voters with two predetermined alternatives, even at a single election. The increasingly common pattern of what might be called 'ad-hoc bipolarity' – in which competition at particular elections is structured between two pre-announced coalitions, but in which these coalitions are not stable over time – does not fit either of these patterns. The 'coalitional promiscuity' (Mair 1997) with which this type is associated (in particular, the frequent rise and demise of novel coalitional formulae) means that electoral rewards and punishments based on performance become more problematic, as the same coalition may not be available at subsequent elections to be rewarded or punished.

Socio-structural typologies

Both katagraphical and relational typologies are defined only with reference to the parties themselves. Socio-structural typologies of party systems, on the other hand, are defined by the correspondences (and possible direct organizational connections) between the parties and social structure.

Lipset and Rokkan

Particularly with regard to Western Europe, the best-known socio-structural typology is that developed by Lipset and Rokkan (1967). This typology is based on the idea that the patterns of elite alliance and opposition that evolved during the process of nation-building were translated into patterns of political party support during the period of suffrage expansion. Moreover, the authors suggest, after the advent of universal (manhood) suffrage by the 1920s and the occupation of both national and local political offices by the parties existing at the time, resources were no longer available for new elites to mobilize alternative patterns of support, leading to the famous 'frozen cleavages' hypothesis and the observation that '*the party systems of the 1960s reflect, with few but significant exceptions, the cleavage structures of the 1920s*' (ibid.: 50, italics in original).

The Lipset and Rokkan typology is based on four cleavages: centre/periphery, secular/clerical, land/industry and owner/worker. Altogether, Lipset and Rokkan identify eight patterns actually found in Europe based on the first three of these four cleavages, with the additional overlay of a more uniform pattern of competition between whichever of these patterns exists in a particular country, on the one hand, and one or more parties of the left derived from the owner/worker cleavage, on the other hand.

Aside from the fact that the Lipset and Rokkan typology does not fit the history of every European country, the typology and the frozen cleavages hypothesis raises a number of questions. First, is the typology focused on the generic cleavages that structure party competition, or on the specific parties themselves? Second, what is the essential nature of a cleavage, and is it possible for new cleavages to form? In particular, does the division between materialist and post-materialist values signal a cleavage that would require revision of the typology, and might the evolution of the European Union represent a new form of 'nation-building' that could generate new cleavage structures, in both cases notwithstanding that they post-date suffrage expansion? Third, what is the effect on the socio-structural typology of party systems of the evident fact that the social divisions on which the typology is based are becoming weaker or more porous? Clearly, the Protestant/Catholic cleavage in Northern Ireland has very little to do with Catholicism or Protestantism as religions, but is it generally true that the utility of the typology will survive the decline in religiosity or the increase in interclass mobility that have typified the last 50 to 70 years?

Single-cleavage typologies

Although the class cleavage is included in the Lipset and Rokkan model, a more parsimonious typology would simply categorize party systems based on a single predominant cleavage, thus contrasting, for example, class-based systems and religion-based systems. Perhaps the most unambiguous statement of this position is Peter Pulzer's (1967) claim that 'class is the basis of British politics; all else is embellishment and detail'. Similarly, the party system of Northern Ireland in the 1970s was structured by one basic cleavage, whether it was identified as religion or republicanism (Rose 1971).

A variant, or intermediate case, would be a situation featuring one dominant cleavage, but with separate party systems on each side of the cleavage. The obvious approximation would be the current Belgian party system(s), for which the language cleavage defines an uncrossable barrier (for institutional as well as attitudinal reasons), with separate multi-dimensional party systems within each of the two major language communities.

Cross-cutting cleavages

Each of these socio-structural typologies assumes a society structured by at least one cleavage that is sufficiently 'deep' that individuals are very unlikely to support a party from the 'other' side of the cleavage. Such societies might be described as 'segmented', and to the extent that this segmentation makes accommodation among differing segments impossible it may make stable democracy impossible as well. Lijphart's (1975 [1968]) model of consociational democracy, in which accommodation at the elite level compensates for deep segmentation at the mass level, offers a possible escape from this trap.

The alternative, assumed by pluralist accounts of democracy but also perhaps what one would expect if Lipset and Rokkan's frozen cleavages were to 'melt', would be a pattern of cross-cutting cleavages. In fact, this term is somewhat misleading, in that what is required is less that the social differences reflected in the party system cut across cleavages (e.g. that there be both working-class and middle-class Catholics) than that the connections between the resulting identities and political parties be sufficiently fluid (such that, for example, a working-class Catholic might at times support a labour party on the left of the political spectrum but at other times support a Catholic party on the right). With this type of party system, there is still a connection between parties and social groups, but it is much more fluid and contingent.

Approximations of stability and uniformity

Two additional dimensions of party systems have also been significant in attempts to assess change over time. *Stability* (although generally characterized in terms of its opposite, volatility) refers to the degree to which the strength of parties remains constant from one election to the next; *nationalization* refers to the degree of uniformity across space. In a perfectly stable system, there would be no change in party strength over time; in a perfectly nationalized system, there would be no variability in party strength over space.

Stability/volatility

The primary tool for the assessment of stability is the Pedersen index of volatility, computed as one-half the sum of the absolute differences between party vote shares at two points in time (Pedersen 1979). This index would take the value 0 if every party received the same share of the vote at both elections, and 100 if every party in the first election lost all of its votes (and all were replaced by new parties). As with any index based on aggregation, there is the possibility that a party's gains in one area will be compensated by losses in another, giving a false appearance of stability, a possibility that increases with the number and heterogeneity of the subunits. In the limiting case, the question is whether the Pedersen index (which, because it is computed from aggregate election returns, has the advantage of being usable even in places and times lacking survey data) can be employed as an indicator of (changes in levels of) individual volatility. While Bartolini and Mair (1990) argue that it can, Katz (2001) presents data showing a negative correlation between the Pedersen index and individual-level volatility as estimated from survey data.[3]

The Pedersen index has been widely used to assess the validity of the Lipset and Rokkan frozen cleavages hypothesis, based on the presumption that increased volatility would be indicative of 'melting' cleavages. As Bartolini and Mair (1990) point out, however, if there is more than one party on each side of a cleavage (e.g. both a socialist and a Communist party representing the working class), then shifts in support among these parties would be irrelevant to the relationship between cleavages and parties; this led the researchers to propose a distinction between within-block volatility and inter-block volatility.

One problem with the Pedersen index is that it implicitly assumes a constant cast of parties, or at least that the identity of a party that remains in competition from one election to the next is unchanged. It does not distinguish between changes in the distribution of votes resulting from the entry, exit, split or merger of parties and those that reflect changes in support among a fixed set of parties. While it may be possible to compare the vote share of a party at time 1 to the sum of the vote shares at time 2 of the parties into which it split (and conversely for mergers), or to identify the 'successor party' of a party that has disappeared, reality is rarely as simple as this approximation implies. If, however, one understands volatility to be important because it is an indicator of the strength of attachment of voters to their parties – and therefore of the degree to which parties can depend on a stable base of support – then the meaning of a high volatility score attributable to the entry or exit of organized factions or other subgroups would be quite different from high volatility attributable to a large number of 'floating voters'.

Nationalization

In its simplest sense, nationalization refers to movement from a politics based on localities (in which even the parties competing would vary over space and the primary question would

be: 'Who will represent this territory in contradistinction to and competition with the representatives of other territories?') to a politics in which the same parties would compete everywhere on the basis of a common set of 'functional' rather than 'territorial' issues (Caramani 2004: 15–17). In more detail, however, as Caramani points out (ibid.: 58–9), this general definition has given rise to two quite distinct types of measures focusing on two very different senses of 'nationalization'.

One set of measures concentrates on uniformity of change between one time and another, on the presumption that high correlation among responses must indicate some common underlying stimulus. The simplest such measure operationalizes nationalization as a uniform 'swing' across constituencies (e.g. Butler and Stokes 1969: 135–7, 303–12). A more complex (and data-hungry) measure is based on analysis of variance (Stokes 1965, 1967): nationalization is defined as the proportion of the variance in constituency-level election results that can be expressed as a nationally uniform linear function of national-level results (understood to indicate national electoral forces). Finally, I have suggested that the Stokes measure, which assumes a uniform response to national forces, is too restrictive, given that different constituencies (depending on their composition) might be expected to have diametrically opposed responses to the same national force;[4] I have thus proposed that the parameter of the linear function linking national and local returns should be allowed to vary (Katz 1973).

The other set of measures is based on 'the extent to which the *levels of electoral support are homogeneous* across all constituencies' (Caramani 2004: 61, italics in original). There are a great number of these measures, differing primarily in the way they adjust (or not) for party size and the number of constituencies. In comparison to the first set of measures, they all have the advantages of being computable on the basis of a single election (and thus not being disrupted by boundary changes) and of being computable for multiparty systems (as opposed to requiring at least dichotomization between two stable coalitions). Their primary disadvantage stems from the identification of total nationalization with complete political uniformity even in a context of social and economic diversity.

Changes in West European party systems since 1970

As the preceding analysis demonstrates, there are far too many ways of conceptualizing party system change for a single article to review them all for all of the countries of Western Europe. This section will therefore of necessity concentrate on broad trends, with particular attention devoted to the larger countries. However, the empirical examination of party system change in Western Europe can be effectively framed by a more detailed, albeit still brief, examination of the party systems of two countries, Switzerland and Italy – the systems that have arguably experienced the least and the greatest change, respectively.

Switzerland and Italy

The case for Swiss stability rests first and foremost on the relations among parties with regard to government formation. The 'magic formula' (two seats to the Free Democrats, two to the Christian Democrats, two to the Social Democrats and one to the Swiss People's Party), first used in 1959, defined every Swiss cabinet until 2003, when the Swiss People's Party gained one seat at the expense of the Christian Democrats. The effective number of parties in the National Council, which in 1971 stood at 5.5, had scarcely moved by 2011, standing at 5.6.

Beneath this apparent stasis, however, there have been some changes worthy of note. Although the effective number of parties in the National Council barely changed, the effective number of parties in the electorate nearly doubled, rising from 6.2 in 1971 to 11.5 in 2011. Electoral volatility also increased significantly, from 5.2 in 1975 to 9.7 in 1999. Although the 'magic formula' for government formation has remained intact, the share of the votes won collectively by the four governing parties dropped from 81.0 per cent in 1971 to only 72.7 per cent in 2011, reflecting in part the rise of the Greens as a new party family in Swiss national politics.[5] While not substantially altering the relations among parties defining the party system, several of the governing parties experienced either mergers with or the defection of small parties. Moreover, during the 1990s, the Swiss People's Party underwent two significant changes relevant to katagraphic typologies: a strong shift in the direction of a radical right populist agenda, and a great increase in national centralization (in contrast to the traditional Swiss model of national parties as loose confederations of cantonal organizations). Of note primarily for international comparative purposes, the Swiss Communists (*Partei der Arbeit*) dropped from 2.5 per cent of the vote in 1971 to only 0.9 per cent in 2011 (for three parties together).

In contrast to the stability of the Swiss party system, the party system in Italy underwent a virtually complete collapse and reconstruction (still in progress) between 1972 and 2008. From the relational perspective, in 1972 Italy was the archetype of polarized pluralism (or Pempel's 'one party dominant' type): although governments between 1948 and 1993 were short lived, all were dominated by the Christian Democrats (DC) and were composed of parties that collectively became known as the *pentapartito*, the DC plus some combination of the Socialists (PSI), Social Democrats (PSDI), Republicans (PRI) and Liberals (PLI). To the left of this centre bloc there was a large non-coalitionable Communist party (PCI – 28.1 per cent of the vote), and to its right there was a significant (9.1 per cent) and equally non-coalitionable neo-fascist party (the MSI). This created the pattern of bilateral opposition that Sartori argued leads to a centrifugal pattern of politics, such that in 1972 the *pentapartito* parties won a collective 61.6 per cent of the vote, and only the DC was numerically necessary to form a majority government, while in 1992 they only totalled 53.3 per cent, and effectively all five parties were needed to form a majority. The index of volatility, which was below 10 until 1987, rose to 16.2 in that year (13.7 in 1992), peaking at 41.4 in 1994.

In katagraphical terms, the shift was similarly dramatic. Between 1992 and 1994 the DC disappeared, while the PSI dropped from 13.6 per cent of the vote to 2.2 per cent; between 1987 and 1992 the *Lega Nord* went from 1 per cent (as the *Lega Lombarda*) to 8.7 per cent, and then to 10.1 per cent in 1996 (and finally down to about 4 per cent in 2013); in 1994 *Forza Italia* won some 20 per cent of the vote in its first election, while the MSI, after reforming itself into *Alleanza Nazionale*, won 13.5 per cent of the vote (up from 5.9 per cent in 1987). In 1991 the PCI dissolved itself, evolving into the Democratic Party of the Left (*Partito Democratico della Sinistra* – PDS), which in 2007 further transformed into the Democrats of the Left, replacing the hammer and sickle flag of the PCI in its party symbol with the red rose of the Party of European Socialists; by 2013 the remaining Communists (the Party of Italian Communists and Communist Refoundation) had become part of the Civil Revolution alliance, which altogether won only 2.3 per cent of the vote. While the effective number of parties was actually a bit lower in 2008 than it had been in 1972, there was a dramatic peak during the 1990s (both ENP_v and ENP_s over 7.5 in 1994, and then over 5 in each election until 2008). The ties between social structure (and social-structural organizations) and parties, which had been stable not only in the post-1946 era but even back in the pre-fascist period (Galli and Prandi 1970: 19), became notably 'unstuck'. In particular, the disappearance of the DC meant a dramatic diminution in

the significance of the secular/clerical cleavage, severing the ties between organizations formally connected to the Catholic Church and an explicitly Christian party.

The rise of the *Lega* was also significant in katagraphical terms, in that it was the first significant regional party (as opposed to a party representing one of Italy's two small linguistic minorities). One result was that although the 1994 election ushered in an essentially bipolar system, the conservative pole actually consisted of two separate and regionally specific alliances: *Polo del Buon Governo* (primarily *Forza Italia* and *Alleanza Nazionale*) in the south, and the *Polo delle Libertà* (*Forza Italia* and the *Lega Nord*) in the north, with *Alleanza Nazionale* competing separately. Although this regionalization proved temporary, the composition of the two major alliances was renegotiated at each election, reflecting a kind of ad-hoc bipolarity. The other major katagraphical change in 1994 was the rise of *Forza Italia* as a new type of party, which Hopkin and Paolucci (1999) identified as the 'business firm party'.

General trends

This brief review of party system change in Switzerland and Italy highlights a number of trends that have characterized party systems in much of Western Europe. Table 28.1 summarizes the trends with respect to the number of parties for the 16 larger democracies of Western Europe (the EU-15 minus Luxembourg but with the addition of Norway and Switzerland), 13 of which were already well-established democracies in the 1970s and three of which (Greece, Portugal and Spain) only joined the ranks of democracies in that decade. In each case except volatility, Table 28.1. shows the average figure for elections taking place between 2004 and 2011 as a proportion of the corresponding average for elections held between 1974 and 1981 (for volatility, the date ranges are 1990–9 and 1974–82, respectively).

Table 28.1 Average for elections 2004–11 as a proportion of average for elections 1974–81

	Raw no. of parties winning votes	Raw no. of parties winning seats	ENPv	ENPs	Volatility (1990–99 v. 1974–82)	Vote for top two parties
Austria	1.75	2.17	1.88	1.72	9.89	0.67
Belgium	0.96	1.05	1.33	1.28	2.26	0.68
Denmark	0.91	0.71	0.98	0.99	0.81	1.05
Finland	1.40	0.89	1.01	0.97	1.55	0.93
France	1.86	1.14	0.92	0.62		1.25
Germany	1.42	1.50	1.67	1.88		0.70
Ireland	1.56	1.75	1.32	1.20	1.50	0.70
Italy	0.96	0.87	1.24	1.23	3.52	0.83
Netherlands	0.96	0.87	1.37	1.50	1.65	0.70
Norway	0.95	1.08	1.25	1.40	1.86	0.74
Sweden	1.67	1.50	1.31	1.25	2.94	0.94
Switzerland	1.12	1.00	0.98	0.98	1.34	0.95
United Kingdom	1.50	1.50	1.22	1.15	0.76	0.85
Greece	0.93	0.88	0.01	1.27	0.25	1.17
Portugal	2.13	0.71	1.14	0.98	1.34	0.90
Spain	0.71	0.85	0.72	1.15	0.49	1.21

Source: Author's compilation.

Katagraphic changes

The first obvious trend is that parties have become more numerous, particularly at the electoral level. Considering only parties winning reportable numbers of votes, the number of parties grew by at least 10 per cent in 9 of the 16 countries, and declined by at least 10 per cent in only one – Spain, which started its democratic 'career' with a highly fractured party system (18 parties in 1977). The increased fragmentation is even more obvious with respect to the effective number of parties in the electorate (ENP_v), with 10 of the 16 countries showing increases of at least 10 per cent, plus two trivial increases, and again only Spain with non-trivial consolidation. Only in Greece, Spain and France did the two largest parties (not always the same two) account for a larger share of the vote in the 2004–11 period than in 1974–81. Turning from the electorate to the parliament, the increased fragmentation of West European party systems is also clear, particularly with regard to the effective number of parliamentary parties (ENP_s). While the number of parties winning at least one parliamentary seat rose in only 8 of the 16 countries, the value of ENP_s rose by at least 10 per cent in 11 of the 16 countries and only declined significantly in France.

One frequent development has been the collapse of the non-coalitionable (primarily Communist) left. In the 1970s, Communist parties averaged at least 5 per cent of the vote in Finland (17.6 per cent), France (21.0 per cent), Greece (10.8 per cent), Iceland (23.7 per cent), Italy (30.7 per cent), Luxembourg (8.2 per cent), Portugal (16.1 per cent), Spain (10.1 per cent) and Sweden (5.1 per cent); notwithstanding their electoral strength, these parties were generally considered ineligible for inclusion in government (the SKDL in Finland being a notable exception). By the period 2000–4, the corresponding list included only Finland (9.9 per cent), Greece (5.7 per cent), Italy (6.7 per cent), Portugal (6.9 per cent), Spain (5.5 per cent) and Sweden (8.4 per cent) – all parties except Sweden's having experienced a loss of at least 40 per cent, and in most cases surviving only in alliance with other left-wing parties or movements and/or by having repositioned themselves as non-Communist left parties (Gallagher *et al.* 2006: 235; Mackie and Rose 1982). Green parties, which barely existed in the 1970s (e.g. 1.5 per cent of the vote in Germany in 1980), won over 5 per cent of the vote in Austria, Belgium, Finland, France, Germany, Iceland, Luxembourg, the Netherlands and Switzerland by the end of the first five years of the 2000s (joined by Sweden later in the decade); Green parties have now been included in national governments in Belgium, Finland, France, Germany, Ireland and Italy.

On the right pole of the conventional left–right spectrum there has been a dramatic growth of far-right and radical right populist (RRP) parties. In the 1970s, such parties averaged at least 5 per cent of the vote only in Denmark and Italy, and were (even more than the far left) regarded as being beyond the pale. By the 2000s, they were winning over 10 per cent of the vote in Austria, Belgium, Denmark, Finland, France, Italy, the Netherlands and Norway, and at least 5 per cent in Sweden and the United Kingdom (BNP plus UKIP).

An alternative method of characterizing the rise of Green and RRP parties (to placing them on the far left and far right, respectively) is to suggest that they reflect the evolution of a new dimension along which parties might be placed. Initially characterized as the materialist/post-materialist dimension (Inglehart 1990), this has more recently and more generally been identified as GAL/TAN (Green–Alternative–Libertarian/Traditional–Authoritarian–Nationalist) (Hooghe *et al.* 2002). An additional new dimension that increasingly has given rise to the formation of new parties is that of Euroscepticism. Originally (and somewhat ironically), Eurosceptic parties, such as the Danish People's Movement against the EU (*Folkebevægelsen mod EU*) were significant only in European Parliament elections. In conjunction with the series of crises and bailouts in

the Eurozone, Eurosceptic parties (whether anti-EU or merely anti-euro) are entering the national political arena in a number of countries.

Obviously, the disappearance of the DC, the creation of *Forza Italia* and the *Lega Nord*, and the substantial party reconstructions (of the MSI into *Alleanza Nazionale* and of the PCI into first the PDS and then the DS) represent major katagraphic change in Italy. A similarly significant katagraphic change took place in Belgium, beginning at the end of the 1960s. In 1968, the Christian Social Party (PSC-CVP) dissolved; it was replaced by two separate parties, one in Flanders (CVP) and the other in Wallonia (PSC). This was followed in 1971 by a similar division of the Liberals into separate Flemish (PVV) and Walloon (PRL) parties, and in 1978 by a split of the Socialist Party into the *Parti Socialiste* and the *Socialistische Partij*. When the Greens entered Belgian national electoral politics, it was as two separate parties, *Ecolo* in Wallonia and *Agalev* (now *Groen!*) in Flanders. Since 2000, there have been some significant changes in party names, further differentiating the Flemish and Francophone party systems. On the Francophone side, for example, the PSC changed its name to *Centre Démocrate humaniste* (CDh) in order to be more appealing to non-believers – leading to some defections, and the establishment of the new *Chrétiens Démocratiques Francophones* (CDF). With the addition of specifically regional parties such as the *Volksunie*, *Vlaams Blok* and then *Vlaams Belang* in Flanders and the *Rassemblement wallon*, the result has effectively been to give Belgium two independent regional party systems that only come together in the national parliament.

Relational changes

These katagraphic changes have caused or been accompanied by a number of relational changes; however, there has been no clear overall pattern.

Most obviously (in terms of Sartori's typology), the changes in the Italian party system in the first half of the 1990s (the dissolution of the PCI and its transformation into the PDS; the collapse of the DC; the taming of the MSI and its transformation into *Alleanza Nazionale*) spelled the end of the last system of polarized pluralism in Europe. Earlier, in 1976, Sweden had elected its first non-socialist prime minister in over 40 years, moving it out of the dominant party system categories of Pempel, Reif and Katz.

Two systems that had been strictly bipolar shifted from Sartori's twopartism category into (or at least towards) moderate pluralism. Perhaps most dramatically, because it had for so long been regarded as the archetypical two-party system, in 2010 the United Kingdom experienced its first post-war coalition (Conservative and Liberal Democrat) government; polls suggest (at least in mid-2014) that the era of alternating single-party majorities may be at an end, and there is speculation that the Liberal Democrat's choice of alliances might have as big an impact on government formation as shifts in public preferences among the parties.[6] This represented the culmination of the trend first noted by Crewe (1974), whereby both of the major parties were observed to be losing support.[7]

A less dramatic but perhaps substantively larger change took place in Ireland. From the founding of the Irish Free State in 1922 until the aftermath of the election of 1989, the Irish party system had aptly been characterized as '*Fianna Fáil* versus the rest'; indeed, it was clear that *Fianna Fáil*, as a matter of principle, preferred to be in opposition rather than even consider entering a coalition government. In 1985, the formation of a new party, the Progressive Democrats (PD), primarily by liberal (on divorce, contraception and privatization) dissidents from *Fianna Fáil*, had no immediate impact on this attitude: *Fianna Fáil* won a solid single-party majority in 1987, although the PD temporarily replaced Labour as the third-largest party in the *Dáil*. The 1989 election left *Fianna Fáil* just short of a majority, and the party decided to form a coalition government with the PD. The truly transformative change in party system dynamics

came in 1993, however, when a coalition government of *Fianna Fáil* and Labour (traditionally allied with *Fine Gael*) took office. In 1994, there was a coalition of *Fine Gael*, Labour and (a new entrant to government) the Democratic Left; in 2008, another new coalition formula emerged, this time *Fianna Fáil* plus the Greens.

A similar transformation occurred in Norway in 2005. From 1945 to 2005, Norwegian governments had alternated between single-party Labour governments (since 1961, always minority governments that depended on but excluded the Socialist Left) and bourgeois governments that usually included the Centre Party. In 2005, the Labour Party formed a coalition government that represented a departure from that norm in four respects: it was the first time since 1945 that Labour had participated in a coalition government; it was the first Norwegian majority government since 1985; it was the first government to include ministers from the Socialist Left; and it was the first government since 1945 in which the Centre Party was in coalition with Labour.

The so-called 'two-and-a-half' party system of Germany (CDU/CSU versus SPD, with the FDP normally allied with the Christian Democrats, but in coalition with the SPD from 1969 to 1982, when they returned to coalition with the CDU/CSU), became more fully twopartist in Sartori's terms (bipolar in the Reif or Katz typologies) in 1998, when an SPD–Green government was formed, thus apparently eliminating the possibility of government change being brought about by the coalition choices of the FDP. With the rise of *Die Linke* (formed by the merger of the East German Communist successor PDS and a left-wing breakaway from the SPD), replacing the Greens as the fourth largest party in the *Bundestag* after the 2009 election and raising the possibility of a novel coalition formula on the left, the bipolar nature of German government choice appears to have been solidified.

By the beginning of the 1970s, two of the four consociational systems of government by grand coalition had disappeared. According to Lijphart, 'the politics of accommodation in the Netherlands came to an end around 1967' (Lijphart 1975 [1968]: vi) in reaction to dramatic electoral losses by the 'Big Five' parties in 1967 (down 8.8 per cent in total, followed by the loss of another 7.8 per cent in 1971, when for the first time since 1946 a party that was not one of the Big Five entered the cabinet). In 1966, the first Austrian government since 1945 that was not a grand coalition of the Austrian People's Party (ÖVP) and the socialist party (SPÖ) took office: a single-party ÖVP government that lasted four years, followed by 13 years of single-party SPÖ governments. After a four-year coalition of the SPÖ and the then-liberal Austrian Freedom Party (FPÖ), Austria returned to the old pattern of SPÖ–ÖVP coalition until 2000, when a coalition of the ÖVP and the now-right-populist FPÖ took office.

Change in the Belgian system is hard to characterize in terms of the standard relational typologies, but it has nonetheless been substantial. The first step was the obvious consequence of the split between the Flemish and Walloon wings of the major parties; this meant that every coalition had many more partners, making the process of negotiation more difficult, notwithstanding the expectation that the two linguistically specific successors of each of the old major parties would enter or leave government together. Over time, however, the interests, strategies and electoral fortunes of Flemish and Walloon parties of the same family began to diverge, such that the interim Verhofstadt III government formed at the end of 2007 and the Leterme government that followed it (after the second-longest post-election coalition negotiations in post-war European history, 194 days) both included the Walloon Socialists, but not their Flemish counterparts. After a record-smashing 541-day process, the Di Rupo government took office in December 2011, including both Flemish and Walloon social democrats, Christian democrats and liberals – but lacking a majority in the Flemish language group.

Social structural

As illustrated by the distinction drawn by Bartolini and Mair (1990) between inter-block and total volatility, or by the distinction between '*a* working-class party' (most of its members or supporters are working class) and '*the* party of the working class' (most of the working class are members or supporters), the assessment of the relationship between parties and social structure is open to a variety of interpretations. Nonetheless, there are some general trends and certain national developments that pass the 'interocular impact test' regardless of subtleties of interpretation.

The most general trends are the obvious decline in the importance of social class (in particular, membership in the unionized industrial working class) and religion as the defining cleavages of European party systems, even though labels such as 'labour party' and 'Christian democratic party' remain prominent. Based on the Alford index of class voting, for example, Dalton (2008: 148) presents data on trends in class voting from the late 1940s through the early 2000s for Great Britain, France and Germany (as well as for the US) that can only be described with words like 'collapse'; although Dalton's data with regard to religion (ibid.: 159) are less striking, the overall trend is clearly downward. For both class and religion, the most obvious reason for the declining relevance of the social cleavage is the decline in the size of the cleavage-based clienteles: there are simply fewer industrial workers and fewer committed Christians. For example, between 1989 and 2009 mass attendance by German Catholics fell by more than half, from 28 per cent to under 14 per cent (St Leger 2009); between 1967 and 1992, the proportion of Germans claiming to attend church 'every or almost every Sunday' fell even more dramatically, from 25 per cent to 10 per cent (Dogan 2002: 143); in 1988, the industrial working class, which in 1951 represented 51 per cent of the French electorate, had fallen to only 30 per cent (Dogan 2001: 101). But even within these natural clienteles, there is less group solidarity.

Less decline than redefinition, there have been two other noteworthy changes in the relationship between religion and party systems. Particularly in the Netherlands, the cleavage between Protestant and Catholic (two of the three pillars of the Dutch consociational system) was bridged by the 1980 merger of the Calvinist Anti-Revolutionary Party and Christian Historical Union with the Catholic People's Party into the Christian Democratic Appeal (although a number of small Protestant parties – SGP, *ChristenUnie* – continue to win a few seats in parliament). In contrast, the Nordic countries, where the secular/clerical cleavage was short-circuited by the triumph of the state-allied Lutheran church, have seen the development of conservative Protestant parties, basically opposed to the liberalism of the established church (e.g. *Kristent Samlingsparti* in Norway, *Kristdemokraterna* in Sweden, *Frihedspartiet* in Denmark).

Finally, as described above, the relationship between language and party has fundamentally changed in Belgium. In the 1960s, language might have been described as a secondary cleavage, important to politics but contained within each of the national parties. Since then, it has become the primary cleavage, dividing two separate party systems.

Volatility and nationalization

Although it is questionable whether increased volatility should be interpreted as evidence that previously 'frozen' cleavages are 'melting', the general trend of increasing volatility is unmistakable. The Pedersen index increased in 10 of 16 countries in Table 28.1 between 1974–82 and 1990–9, while declining in only four (figures are not available for France and Germany, although graphs presented by Dassonneville and Hooghe [2011] show increasing volatility in these countries as well). Moreover, the four countries in which volatility declined were all among

the five with the highest measured volatility at the beginning of the period. In the two cases (Greece and Spain) in which the decline in volatility appears to have been greatest, the cause was elections with extraordinarily high volatility in the period immediately after the restoration of democracy, when the newly (re)established party systems were in flux. The same possibly would have been true for Portugal, had the initial point of comparison been the 1980s (the Portuguese 'meltdown' occurring only in the country's fifth democratic election). In the other two cases of decline, volatility was high in the first period (third and sixth among the 16 countries), and the declines were nonetheless to levels above the longer-term norm in those countries.

With regard to territorial homogenization (in Caramani's sense of nationalization – the Stokes and Katz measures of nationalization are, as noted above, extraordinarily data-hungry and not readily adaptable to multiparty systems), two observations can be made. The first is that, with minor deviations in a few countries, the trend between the 1960s and 1990 was a modest decrease in territorial heterogeneity, whether assessed by nation or by party family (Caramani 2000: 78, 87). The exception is for specifically Protestant and specifically Catholic parties, for which territorial heterogeneity has increased since the 1940s (ibid.: 88). The other observation, again with Protestant and Catholic (but not inter-confessional) parties as the exception, is that the modest declines in heterogeneity since the 1960s pale in comparison to the major declines of the previous 100 years.

Conclusions

Although there has been no universally consistent model for the evolution of West European party systems (as the contrast between the Swiss and Italian systems illustrates), as long as one remains cognizant of the sometimes quite significant exceptions it is still possible to identify some general trends.

In katagraphic terms, there has been a near-universal decline in the socialist far left, and a general decline in the strength of the big parties of the centre. This has been accompanied by significant growth in the 'post-materialist' left and the radical/populist right; significantly, Eurosceptic parties also are becoming more prominent actors in national elections. As indicated by both of the two measures of effective number of parties, there are simply more parties out there.

With respect to relational characterizations of party systems, there has also been a general movement toward bipolarity and away from polarized pluralism (which is, at least for the moment, a relic of the past). However, in some cases there has also been a shift away from strict bipolarity toward a more coalitional form of moderate pluralism or towards a version of ad-hoc bipolarity.

In Belgium, the relationship between social structure (in this case, the language divide) and the party system has become stronger, but in most other cases it has weakened, whether assessed by the capacity of social-structural characteristics such as class or religion to predict voting or by organizational ties between parties and unions or church-related organizations. Even more generally, there appears to be a growing separation between parties and society, as reflected in declining party membership (van Biezen *et al.* 2012), party identification (Dalton and Wattenberg 2000) and electoral turnout. At the same time, and in reaction to these trends, there are also a growing number of niche parties, often appealing to deeply held religious convictions (especially evangelical or Calvinist Protestant) or to ethnic minorities.

Finally, both nationalization and volatility are generally increasing.

Richard S. Katz

Notes

1 In the table on p. 288, Sartori (1976) lists 'More than 5 parties' as one of the characteristics of polarized pluralism. On p. 132, however, he says, 'the border line is not *at* five (or at six), but *around* five (or six)'.

2 The requirement that a predominant party win an absolute majority of the parliamentary seats makes Sartori's definition of predominance both stronger and weaker than Duverger's (1954: 308) definition of a 'dominant party', which need not always win an absolute majority, but which must have a political project that is identified with and dominates an epoch. Thus, the Italian Christian Democrats and the Swedish Labour Party – each in power and defining the political space for at least 30 years – qualify as dominant parties in Pempel's (1990: 3–4) adaptation of Duverger's definition (more seats than any other party; a dominant bargaining position; in office for at least 30 years; having an historical project), although neither would qualify as a predominant party for Sartori.

3 Note, however, that the survey-based measure depends on the (questionable) validity of vote recall responses.

4 For example, agricultural areas might be expected to reward governing parties for trade policies that would elicit a negative response in industrial areas.

5 The Swiss Green Party was founded as a local party in Neuchâtel in 1971 and won its first National Council seat in 1979. In 2011, the two Green parties (the Green Party of Switzerland and the Green Liberal Party) collectively won 13.8 per cent of the vote.

6 It should be noted that, from the relational perspective, the accuracy of such speculation is less significant than the change in expectations that makes it even plausible.

7 When Crewe first noted this trend, he observed that it was unique to Britain. Since then, the tendency for *all* 'parties of government' (not just those actually in office at the time of a particular election) to lose support has become more general.

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Parties and party systems in Central and Eastern Europe

Paul G. Lewis

Introduction

Although the end of communist rule in Central and Eastern Europe (CEE) and the inauguration of democratic politics (characterized by free elections contested by independently organized parties) are often associated with the fall of the Berlin Wall in November 1989, the process actually began some years earlier. It was probably in 1986 that the Soviet leader Mikhail Gorbachev took the decision to abandon the support of communist rule in CEE by force and communicated this to the satellite leaders, who then had to explore the possibilities of maintaining their rule without direct Soviet assistance. It was in this context in Hungary during 1987–8 that moves were made to establish independent political parties, opening up prospects for a new era of democratic party politics – although the practice of party politics is still by no means ubiquitous across the region, nearly 30 years later.

In September 1987, a meeting was held to set up the Hungarian Democratic Forum (MDF), a distant predecessor of the party of the same name that played a major role in the country's party politics in the 1990s. In March 1988, the Association of Young Democrats was established, which eventually evolved into the contemporary FIDESZ. In November of the same year, the Association of Free Democrats (SZDSZ) was founded, surviving as a parliamentary party throughout the post-communist period until the elections of 2010. Elsewhere, however, parties were far slower to emerge and were founded in a range of different contexts. In Belarus, which has been the only post-communist European country to develop a resolutely authoritarian form of post-communist regime, parties have barely evolved at all and play only a very minor role in the political process. The region is therefore characterized by great diversity in terms of democratic achievement, which has major implications for party development and the emergence of party systems.

The vast majority of parties in post-communist CEE have been relatively weak, and party systems in the region have been quite unstable. In section two of this chapter, we survey the different kinds of party that emerged after 1989 and examine the major works that chronicled the development of independent parties and the emergence of post-communist party systems. The general nature of the political organizations that have been founded to contest elections

in most countries in the region are discussed, as is the extent to which they resemble or differ from those in established Western democracies and other recently established democratic systems. Overall, parties and party systems in CEE share certain notable features: electoral turnout has been low, while volatility has remained high; identification with parties is limited, as are membership levels (less so in the case of the former communist parties, whose membership levels have nevertheless declined rapidly); party organization is poorly developed and anti-party sentiment is high. Party system institutionalization is therefore quite limited.

However, the picture has not been completely consistent. In section three, we focus on the different patterns of party development found in the region and the forms that party systems have taken in the various countries. Fairly consistent patterns of party system development seemed to appear at an early stage, but the relative stability observed in some countries did not last, and over time electoral volatility has again increased. There are various reasons underlying these contrasting patterns of development; key factors will be examined, such as voter turnout in relation to party system stability, electoral volatility and the rate of party formation, trust in parties, the organizations' implantation in the electorate and the nature of the process of party institutionalization.

Section four directs attention to the changing research agenda and to the new topics of analysis that have emerged to supplement the major questions posed at the beginning of the post-communist transformation. These include the context of electoral participation and the existence and impact of political cleavages. Furthermore, with the accession of ten CEE countries to the EU between 2004 and 2007, questions of Europeanization and the impact of the EU have increasingly become the subject of research. Issues of corruption and party funding have come to the fore in some CEE countries, as they have in certain West European countries as well. Broad models of party development continue to raise questions about the nature of institutional change, while new issues have also emerged – such as the role of parties in the economic crisis that struck in 2008 and continues to exert a major influence on the nature of political life. The overall relationship between party development and democratization remains pertinent, particularly in view of recent events in Hungary and the rise of political extremism.

Party development in CEE: surveys of the process and landmarks in the comparative literature

Party origins and development

Among the parties that emerged as communist rule came to an end, there was considerable diversity in terms of their nature and the ways in which they were formed. The emergence of parties from an active civil society and an enlightened communist establishment, as took place in Hungary, was very much the exception rather than the rule. In other countries, anti-communist movements such as Solidarity in Poland and Civic Forum in (the former) Czechoslovakia served as incubators for parties. Solidarity spawned a range of parties, including the Democratic Union (UD), the Centre Alliance (PC), the Congress of Liberal Democrats (KLD) and Catholic Election Action (ZChN). Although none of these parties still exists, major contemporary politicians – including Prime Minister Donald Tusk and the opposition leader Jaroslaw Kaczynski – began their careers in Solidarity-based or -allied organizations when the communist regime collapsed. In the Czech Republic, on the other hand, the Civic Democratic Party (ODS) arose from Civic Forum to score a victory in the initial elections of 1992 and has remained a major player ever since.

Other parties on the left emerged as the ruling communist parties reformed and reconstituted themselves as broadly social-democratic organizations. This occurred most rapidly in Poland (with the Democratic Left Alliance, SLD) and Hungary (with the Hungarian Socialist Party, MSZP), but this model was also followed in Lithuania (by the Lithuanian Democratic Workers' Party, LDDP). In Poland, the communist-allied United Peasant Party similarly reconstituted itself as the Polish Peasant Party (PSL), having merged with descendants of the pre-communist era party of the same name, and has remained a parliamentary force ever since.

In all three countries, the anti-communist opposition emerged victorious in early elections but was soon defeated by this reconstituted left. In other countries, such as Bulgaria, the ruling party (Bulgarian Socialist Party, BSP) implemented more superficial changes and managed to hold on to power. There were also parties of a 'historic' character that could trace their roots directly back to parties of the pre-communist period, including the Czech Social Democratic Party (CSSD, which continues to maintain a significant parliamentary presence) and the Hungarian Smallholders Party (FKGB, which was represented in parliament during the first post-communist decade).

From the very start of the post-communist transformation process, there were contrasting visions of party development and diverse views on whether the new Eastern party systems would follow the Western model. One early view, superficial and rather obviously politically biased, predicted that the lifting of the Iron Curtain would result in a 'return to Europe' and a process of change with only one possible conclusion: a 'transition to democracy' in which properly organized parties would be quickly established and compete for power. The East would thus become Westernized in fairly short order. Other scholars, particularly social and political scientists, were more sceptical; an early representative of this perspective was Ralf Dahrendorf, who published his *Reflections on the Revolution in Europe* in 1990.

Dahrendorf viewed the growth of civil society (which would provide the context for party development) as the key factor, and he stressed that this was a lengthy and uncertain process: at least a generation would be required, and even that might not be enough. We note that we are now nearly one generation removed from the key events of the late 1980s. Further questions have been raised in this context, most notably by Peter Mair, who asked, 'What Is Different about Post-communist Party Systems?' (presented in paper form in 1993 but not published until 1997). His answer: quite a lot, which did not bode well for the process of party development. Here again, the absence of a genuine civil society was critical (particularly in situations in which the public was already politicized), as were the lack of strong cleavage structures and the consequences this might have for the nature of the electorate, a context of competition in which elites were likely to exhibit little organizational loyalty, and a pattern of competition likely to produce high levels of conflict with few consensual modes of behaviour.

However, both these points of view were articulated when post-communist party development had just begun, largely without any empirical evidence. A second stage of analysis became possible when there was actual data on CEE party development; as evidence became available towards the end of the 1990s, more nuanced conclusions could be drawn. Kitschelt *et al.* (1999: 402–3) found 'a great deal of structure and only limited randomness in the patterns of representation and governance', concluding that 'many features of the East European party systems resemble attributes of established Western democracies'. Around this time, a broad survey also noted that 'patterns of party representation in eastern Europe quite closely resemble those of the west' (Lewis 2000: 160).

Tomas Kostelecky (2002: 177) similarly asserted that 'obvious convergence tendencies were observable when one compared the development of Western European and Eastern European party systems'; however, by the end of the 1990s paths of party system development seemed

to be parallel rather than converging. The conclusion to the Lewis and Webb volume entitled *Pan-European Perspectives on Party Politics* stated that party development in the East 'does not diverge greatly' from the model seen in established democracies (Lewis and Webb 2003: 233), although this was truer of the Central European systems than others in the region.

Slightly later, in the mid-2000s, Jungerstam-Mulders (2006: 248–9) expressed a modified view of convergence tendencies, arguing that the evidence now seemed to suggest that party systems in post-communist countries were adapting to modern society 'with a different set of ideological dimensions and salient issues, and a new political style'. This represented a major shift in perspective, because at the same time she pointed to a different kind of convergence between the two parts of Europe, that of 'party failure' (or, perhaps more accurately, the failure of party development in the East). Characteristics of party life observed in post-communist countries might well be 'lurking around the corner for western parties'. However, more recently, Webb (2011) has identified a range of challenges to the political party throughout Europe, but notes that the scores of the new democracies in CEE still diverged from those of the established Western democracies across a range of key indices – electoral turnout and volatility, party identification, membership and anti-party sentiment.

Regional outcomes

After two decades of free elections, average turnout in the new post-communist democracies stood at 61.8 per cent, which was significantly lower than the rate seen in Western Europe (75.9 per cent, although this has also been in decline) (Webb 2011: 66). Slightly later figures from 2012 indicate that turnout has fallen still further, to a level of 60.9 per cent in the ten new EU member states (IDEA Voter Turnout 2013). Electoral volatility in the CEE democracies also remains strikingly high, at 28.2 per cent, in comparison to the far lower level of 13 per cent in Western Europe (Enyedi and Casal Bertoa 2011: 133).

Party identification stands at 39 per cent in the new democracies, compared to 49 per cent in the established democracies of the West. Party membership in CEE totalled 3 per cent after two decades of post-communist change and was declining steadily in all countries except Estonia; at 5.6 per cent, membership was nearly twice as high in Western Europe, although this has also fallen dramatically in recent years (van Biezen *et al.* 2012: 29). Finally, anti-party sentiment is stronger in the East, and trust in parties is lower than in the West. The overall level of trust in parties in CEE was 12.3 per cent in 2011, in comparison to an only slightly higher EU average of 14 per cent; trust significantly declined across Europe in the context of the current economic crisis (Eurobarometer 2013).

The high level of electoral volatility seen in the region and the continuing capacity of the political process to generate new parties reflect the fact that the process of party system development has also been problematic and that stability in this area has been similarly limited (Casal Bertoa 2012). One leading approach to this topic has involved a focus on party system institutionalization, a process originally studied in relation to the new democracies of Latin America at a similar stage of development, which can therefore be readily applied to CEE. This factor has been argued to have a profound impact on the quality of democracy in any political system.

Four aspects of the institutionalization process have been identified: stability in the rules and nature of inter-party competition, parties' ability to put down stable roots in society that help provide a measure of regularity in how people vote, the legitimacy of parties and electoral processes in the eyes of the major political actors, and the ability of party organizations to acquire an independent status and value of their own. Measures of volatility, partisan attachment and

membership, and levels of trust provide some indication of the first three aspects of party system institutionalization and suggest that the degree of institutionalization is generally quite low in CEE. Information on party organization is limited, although there is no indication that it is well developed. Broadly speaking, the evidence available on CEE party development suggests a relatively low level of institutionalization (Lewis 2011: 8–13).

In addition to the conclusion that party institutionalization is not well developed in the newer democracies (in Eastern Europe or in Latin America), there are no signs that the development of party politics in these areas follows any simple logic of convergence with established democracies (Webb and White 2007: 350). In general, Latin American parties are a little more consolidated than those in CEE, which suggests that the sheer passage of time since the transition from authoritarianism may play some role.

However, it is not clear that there are significant differences in the overall strength and reach of parties between new and established democracies, particularly in light of extensive evidence of the weakening of parties in older democratic systems. Major parties are reasonably well funded in most areas, and state-provided resources have now become widely available. CEE has followed the prevailing trend in party organization towards state-dependency and professionalization. However, in a study of party organization in the new democracies of Southern and East-Central Europe, van Biezen (2003: 203) found a large degree of variation and a striking level of dissimilarity rather than any general trend in patterns of party organization.

The party spectrum in Central and Eastern Europe

Despite limited evidence of the convergence of CEE party systems with those of the Western democracies, the spectrum of parties now seen in the region is not so different from established European patterns. In view of the fact that the origins of the parties that contested the first elections of the post-communist period were intimately tied to the process of regime change, it is not surprising that there were extensive and rapid changes in the two decades that followed. Parties that grew out of anti-communist movements either underwent a process of major overhaul to become significant right-wing actors or faded away as the communist regime itself became a distant memory. None of the parties that grew out of the Solidarity movement in Poland survived to contest the 2011 election, although the two major parliamentary parties at present – both right-wing – have strong roots in the organization. Civic Platform (PO, the governing party) is positioned more towards the liberal right, whereas Law and Justice (PiS, the main opposition) is more clerical-nationalist.

The Czech Civic Democrats, on the other hand, have remained the leading right-wing force in the country ever since the founding elections. In Hungary, FIDESZ survived to win an overwhelming electoral victory in 2010. In Slovakia, the conservative Christian Democratic Movement (KDH) has maintained a constant, though minor, parliamentary presence since the early post-communist period; the leading right-wing force in recent years has been the Slovak Democratic and Christian Union (SDKU-DS, founded in 2000), although in 2012 this party won only 6 per cent of the vote. However, during the 1990s, in the early years of Slovakia's existence as an independent state, the government was dominated by Vladimir Meciar's nationalist Movement for a Democratic Slovakia (HZDS), which, unusually for a right-wing party, had roots in the former regime.

In Romania, the Democratic Liberal Party, a right-wing party that won 32.4 per cent of the vote in 2008, similarly had ties to the former regime, but changed political direction in 2004 (in 2012 it formed part of a less successful electoral coalition). In Bulgaria, in contrast, the leading right-wing party, winning 30.5 per cent of the vote in 2013, is Citizens for the European

Development of Bulgaria (GERB), whose establishment in 2006 clearly reflected the importance of imminent EU membership in the political process. In Estonia and Lithuania, the main right-wing parties, Pro Patria and Res Publica Union (IRL) and Homeland Union – Lithuanian Christian Democrats (TS-LKD), had partial roots in the anti-communist nationalist movements that formed as the communist regimes crumbled. The National Alliance (NA, an alliance between All For Latvia and Fatherland for Freedom) had similar origins.

On the left, rapidly reconstituted former ruling parties dominated during the early years, most notably in Poland, Hungary and Lithuania. The Hungarian Socialists maintained a dominant position until 2006, after which their position was drastically weakened, as was that of the Polish Social Democrats after 2001. Following the conflicts of the 1990s, the Croatian League of Communists was also reformed; as the Social Democratic Party of Croatia (SDP), it scored a notable victory in the 2000 election. In the Czech Republic, the historic Social Democratic Party has prevailed on the left for much of the post-communist period, while in Slovakia, Robert Fico's more populist SMER-SD (established in 1999) won majorities in both the 2006 and 2010 elections. The historic socialist organization in Serbia also survives as the Democratic Party (DS) and has performed strongly in recent elections.

The Czech Communist Party (KSCM) has been one of the rare former ruling parties to survive in relatively unreconstructed form, winning a steady 11–12 per cent of the vote in recent elections. The former regime party in Bulgaria underwent only modest reforms; as the Bulgarian Socialist Party it performed well in early elections but has been less successful in recent years. The Romanian communist regime was also slow to reform, and different groups have split from the former ruling party, with the Social Democratic Party (PSD) continuing to perform strongly in the 2012 election.

Liberal parties – i.e. those belonging to the ELDR/ALDE family – are less prominent in CEE, although in Estonia the Reform Party (RE) and Centre Party (K) have been particularly successful. In Bulgaria, the National Movement for Stability and Progress (NDSV, formerly the Simeon II Movement) had great electoral success in 2001 but was unable to sustain this performance. The Romanian National Liberal Party (PNL) is a historic party that has maintained a significant presence in a range of electoral coalitions. In Slovenia, the Liberal Democracy (LDS) played a central role in a sequence of governing coalitions but faded out with electoral failures in 2004 and 2008. It was also distinctive in having its origins in the youth movement of the former regime.

Parties representing minority ethnic groups constitute another category. Significant examples of this type include parties representing the Hungarian minorities in Slovakia (the Bridge Party, MH) and in Romania (the Alliance of Hungarians in Romania, UDMR). Turks in Bulgaria are represented by the Movement for Rights and Freedoms (DPS). The Harmony Centre (SC) in Latvia was originally a vehicle for Russian representation but later broadened its political appeal. Most other party systems include some form of minority ethnic representation, including that of Poles in Lithuania and Germans in Poland, but the representation of one of the most politically prominent minorities in the region – the Roma – is more limited.

Other parties on the margins have a more extremist character and reflect populist/nationalist tendencies, often gaining part of their momentum precisely from opposition to attempts to defend and promote the rights of minorities. This fuelled the rise of ATAKA in Bulgaria, the Slovak Nationalists (SNS) and the Party of Greater Romania (PRM), and also helped sustain the prominent role played by the Radicals (SRS) in Serbia. The electoral breakthrough of the extremist JOBBIK (Movement for a Better Hungary) in Hungary in 2010 was accompanied by numerous anti-Roma and anti-Jewish slogans and demonstrations (see Table 29.1).

Table 29.1 Major parties in Central and Eastern Europe

Europarty affiliation	EPP (conservative/ Christian Democrat)	PES (socialist)	ALDE (liberal)	AECR (conservative/ Eurosceptic)	EL (communist/ left)	EGP (green)	AENM (far right)	None
Bulgaria	Citizens for European Development of Bulgaria (31%), Democrats for a Strong Bulgaria (3%)	Bulgarian Socialist Party (27%)	Movement for Rights and Freedoms (11%)					ATAKA (7%, far right), Order, Lawfulness, Justice (2%, nationalist conservative)
Croatia	Croatian Democratic Union (35%), Croatian Peasant Party (3%)	Social Democratic Party of Croatia (41%, with People's Party, Pensioners' Party, IDA)	Croatian People's Party, Istrian Democratic Assembly, Croatian Social Liberal Party (3%)					Croatian Party of Pensioners (centre), Croatian Labourists (5%, centre-left), Democratic Alliance of Slavonia and Baranja (3%, nationalist)
Czech Republic	Tradition, Responsibility, Prosperity (17%), Christian and Democratic Union (4%)	Czech Social Democratic Party (22%)		Civic Democratic Party (20%)	Communist Party of Bohemia and Moravia (11%)	Green Party (2%)		Public Affairs (11%, direct conservative)
Estonia	Fatherland and Res Publica Union (21%)	Social Democratic Party (17%)	Estonian Reform Party (29%), Estonian Centre Party (23%)			Greens of Estonia (4%)		Conservative People's Party (2%, national conservative)
Hungary	FIDESZ – Hungarian Civic Party (53% with Christian Democratic People's Party)	Hungarian Socialist Party (19%)		Hungarian Demo-cratic Forum (3%)		Politics Can Be Different (8%)	JOBBIK (17%)	
Latvia	Unity (19%)	Social Democratic Party 'Harmony' (28%, with Latvian Socialist Party)	Latvia's First Party/ Latvia's Way (2%)			Latvian Green Party (12%, with Centre Party)		Reform Party (21%, centre-right), National Alliance All For Latvia (14%, nationalist), Latvian Socialist Party (communism), Centre Party

Country					
Lithuania	Homeland Union – Lithuanian Christian Democrats (15%)	Lithuanian Social Democratic Party (18%)	Labour Party (20%), Liberals' Movement of the Republic of Lithuania (9%), Liberal and Centre Union (2%)	Electoral Action of Poles in Lithuania (6%)	Way of Courage (8%, populist), Order and Justice (7%, national conservative), Peasant and Greens Union (4%, centrist)
Poland	Civic Platform (39%), Polish Peasant Party (8%)	Democratic Left Alliance (8%)		Law and Justice (30%)	Palikot's Movement (10%, social liberal)
Romania	Democratic Liberal Party (17%, with Christian Democratic National Peasants' Party and CF), Democratic Alliance of Hungarians in Romania (5%)	Social Democratic Party (59%, with NLP, CP, NUPR)	National Liberal Party		Conservative Party (social conservative), National Union for the Progress of Romania (social democratic), Civic Force (liberal conservative), People's Party – Dan Diaconescu (14%, populist)
Serbia	United Regions of Serbia (6%)	Democratic Party (22%)	Liberal Democratic Party (7%)		Serbian Progressive Party (24%, national conservative), Socialist Party of Serbia (15%, socialist), Democratic Party of Serbia (7%, conservative), Serbian Radical Party (5%, extreme nationalist)
Slovakia	Christian Democratic Movement (9%), Slovak Democratic and Christian Union (6%)	Direction – Social Democracy (44%)	Freedom and Solidarity (6%)		Ordinary People and Independent Personalities (9%, conservative), Bridge (7%, Hungarian minority), Slovak National Party (5%, nationalist)
Slovenia	Slovenian Democratic Party (26%), Slovenian People's Party (7%), New Slovenia – Christian People's Party (5%)	Social Democrats (11%)	Civic List (8%), Liberal Democracy of Slovenia (2%)		Positive Slovenia (29%, not defined), Democratic Pensioners' Party of Slovenia (7%, centrist), Slovenian National Party (2%, nationalist)

Source: author's compilation.
Note: In parentheses: proportion of vote received in the most recent election.

Patterns of party system development: regional differentiation

General observations about the region as a whole depict only one aspect of party development and party system emergence in the region. As Kitschelt *et al.* (1999: 389) pointed out at an early stage of the empirical analysis, 'structured diversity' was apparent in the region and there were important features of regional differentiation. For much of the post-communist period, on the basis of indices of electoral volatility and patterns of party competition, Hungary was regarded as having a relatively stable party system; the Czech Republic also displayed substantial consolidation, as did Slovenia and Estonia. Overall, this group was identified as having more highly institutionalized party systems.

Several indicators led to this conclusion. Total electoral volatility over the post-communist period stood at 21 for Hungary and the Czech Republic and 25 for Slovenia and Estonia, in contrast to 41 for Lithuania and 36 for Latvia. Romania's volatility only reached 19, but its score on other measures indicated a much lower level of institutionalization (Enyedi and Casal Bertoa 2011: 134). Although diverging slightly, Kneuer's calculations (2011: 146) also indicate that Hungary, the Czech Republic and Slovenia have had the lowest volatility. Another distinction may be drawn between volatility caused by vote-switching between existing parties (Type B) and volatility associated with changes in the political system caused by the departure and entry of parties (Type A), which is more threatening to party system stability (Powell and Tucker 2013). Hungary also had the lowest effective number of parliamentary parties on average, at 3.0; the Czech Republic and Bulgaria had 3.9 and 3.1, respectively, and Latvia had 5.8. The regularity and predictability of patterns of coalition-making – 'closure' – provide another measure. Government closure averages were highest in Hungary and the Czech Republic, at 75.0 and 55.6; by way of contrast, Latvia's average was 27.1 (Enyedi and Casal Bertoa 2011: 131–3) (see Table 29.2).

These figures reflect the large number of new parties entering CEE parliaments, not just in the early years of the new democratic regimes (when the change of regime naturally entailed the establishment of new parties) but also well into the democratic era. By one calculation, only five major new parties emerged in Western Europe over the several decades after 1973, whereas

Table 29.2 Electoral volatility in Central and Eastern Europe

	Type A	Type B volatility	Total
Bulgaria	22	17	39
Croatia	19	11	30
Czech Republic	15	11	27
Estonia	30	17	47
Hungary	13	14	26
Latvia	34	17	50
Lithuania	56	14	69
Poland	28	18	46
Romania	38	7	46
Serbia	32	9	41
Slovakia	50	9	59
Slovenia	35	15	49
Average	31	13	44

Source: based on Powell and Tucker (2013).

11 were formed in CEE between 1995 and 2008, long after the initial formative period of the post-communist regimes (Lewis 2011: 8).

For example, in 2001 the former hereditary ruler (or tsar) Simeon II returned to Bulgaria and founded the National Movement, which won 42.7 per cent of the vote in an election held little more than two months later. Equally successful new parties entered parliament around the turn of the century in Estonia, Latvia, Lithuania and Poland, and the propensity of elites to form new parties has been a major factor sustaining the high levels of volatility seen in some countries in the region (Tavits 2008). The Baltic States have provided particularly fertile ground in this respect. Indeed, newness itself has been identified as a political resource that can be usefully deployed by ambitious politicians (Sikk 2012). This tendency became more obvious during 2010 in countries previously classified as stable, as later analysis will show.

Although Hungary has had the most institutionalized system on a number of counts, its voter turnout levels have been relatively low; at 57 per cent, it ranks eighth out of the ten post–communist EU members in this respect for the 1989–2012 period. In contrast, the Czech Republic has had the highest turnout (74 per cent), which would seem to correspond to its relatively consolidated status – at least until the upheaval of 2010 – and Slovenia is ranked third (IDEA Voter Turnout 2013).

Party membership and organization

There is also considerable variation in party implantation in the electorate across the region, from a relatively high party membership of 6.28 per cent of the electorate in Slovenia to lows of 0.99 in Poland and 0.74 in Latvia (using the latest data available). Figures in Hungary and the Czech Republic (1.54 and 1.99, respectively) are at the lower end of the spectrum (van Biezen *et al.* 2012: 28). On the other hand, in countries with more stable party systems trust in parties tended to be somewhat above the CEE average for the 2001–9 period as a whole, with 13 per cent declaring trust in Hungary and 12 per cent in the Czech Republic – although Estonia and Slovenia showed higher levels, at 17 and 15 per cent. Latvia and Poland had particularly low levels, at 8 per cent each (Kneuer 2011: 151).

However, as will be described later in this discussion, in key respects the relatively high institutionalization of the Hungarian party system came under threat from a sequence of developments that began in 2006. Indeed, in the early years of the new millennium (2001–6) Hungary exhibited relatively high levels of trust, at 18.8 per cent; confidence began to decline immediately after this period. Later survey results showed further swings, with Hungarian trust rising to 22 per cent in 2010 before falling to 15 per cent in 2011 (Eurobarometer, various years). Polish parties, on the other hand, were viewed with increasing favour by the electorate; trust in parties stood at 18 per cent in 2011, although care should be taken not to exaggerate the significance of the findings from any one survey. As we shall see, there are significant domestic political developments that can be associated with these shifting indicators.

Further distinctions can be made, not just between countries and different time periods, but also between different sectors of party activity within individual countries. In national party systems, for example, it was generally left-wing organizations with clear ties to the old regimes that inherited a sizeable membership from the old communist or workers' party. Some 20 years into the democratic period, the Democratic Left Alliance was still able to claim a membership of 73,000 in Poland; the largely unreformed Communist Party in the Czech Republic had a membership of 77,000, far above the levels in other parties. But many former communist party members who left were not being replaced, and thus overall party membership in most countries continued to decline.

Table 29.3 Party membership in Central and Eastern Europe

	Total membership as percentage of electorate	Change since late 1990s
Slovenia	6.28	−31.08
Bulgaria	5.60	−10.03
Estonia	4.87	+52.20
Romania	3.66	n.d.
Lithuania	2.71	n.d.
Slovakia	2.02	−47.79
Czech Republic	1.99	−40.70
Hungary	1.54	−28.61
Poland	0.99	−6.75
Latvia	0.74	n.d.
Average	3.04	

Source: Based on van Biezen et al. (2012).

Note: n.d. = no data.

In Estonia and Lithuania, membership levels after 2002–4 actually rose; this process was restricted to selected individual parties, thus the general impression of weak, poorly supported and organizationally passive parties was not true in all cases. In Hungary and the Czech Republic, membership increased in right-wing parties such as FIDESZ and the Civic Democratic Party, respectively – in the case of FIDESZ, by as much as three-fold over the ten-year period up to 2005 (Enyedi and Linek 2008: 462–3). Unsurprisingly, this also had some influence on the organizational strength of some parties, particularly in Hungary, where FIDESZ enjoyed an 'even more spectacular growth in the number of local organizations' (ibid.). It would be difficult not to link these changes to the party's striking electoral success in 2010 (Table 29.3).

However, in general, organizational structure has not always been associated with electoral success. In Bulgaria, the NDSV won the 2001 election with virtually no members and minimal organization, although this deficiency soon became apparent when the party performed poorly in the 2003 local elections. In similar fashion, the lack of financial resources does not preclude a strong performance at the polls, as the substantial numbers of new parties entering CEE parliaments amply demonstrates. Conversely, a close focus on organizational development has been no guarantee of electoral success or even political survival. For example, one of the paradoxes of the Polish election of 2001 was that the party that had devoted the most attention to issues of institutional development and invested the most effort in organizing a national structure – the Freedom Union (UW) – failed to reach the threshold and lost the parliamentary seats it had held since its formation in 1990.

Further party system instability

However, even the patterns of party development that were identified during the first two decades of post-communist change turned out to be quite short lived. When the results of the elections held in 2010 became known, it was immediately obvious that the pattern of regional differentiation in party system development that had seemed to be emerging had been seriously disrupted, and that the apparent patterns of instability were themselves unstable. In Hungary, the Socialist Party, which had been in power since 2002, suffered a massive electoral collapse,

and two established parties (the Free Democrats and Democratic Forum) lost parliamentary representation altogether. FIDESZ gained an overwhelming majority, and the extreme right JOBBIK and the green LMP (Politics Can Be Different) entered parliament.

Up until this point, the Hungarian system had been unanimously acknowledged as the most institutionalized party system in CEE. In the 2010 election, though, its electoral volatility rose roughly nine-fold. Earlier signals of this shift had been observed, such as the significant decline in popular trust in parties that was observed after 2006. This drop in trust occurred soon after the Socialists' second election victory in a row, when the prime minister was overheard and recorded saying that economic statistics had been fabricated for some time and that the practice now had to stop. This dealt a fatal blow to the status of the Socialist Party and, to a lesser extent, to the reputation of mainstream party politics in general.

Similarly, in the Czech Republic, whose party system was generally recognized as the second most consolidated in the region, volatility more than doubled. One established parliamentary party, the Christian Democrats, failed to reach the threshold and, for the first time since 1992,

Table 29.4 Party system change and election results in Hungary, Slovenia and the Czech Republic

	Percentage of vote, 2006–8	Percentage of vote, 2010–11
Hungary:		
Hungarian Socialist Party	43.2	19.3
FIDESZ – Hungarian Civic Union/Christian Democratic People's Party	42.0	52.7
Union of Free Democrats	6.5	with HDF
Hungarian Democratic Forum	5.0	2.7
JOBBIK – Movement for a Better Hungary	2.2	16.7
LMP – Politics Can Be Different	–	7.5
Slovenia:		
Social Democrats	30.5	10.5
Slovenian Democratic Party	29.3	26.3
ZARES – For Real: Social Liberals	9.4	0.7
Democratic Pensioners' Party of Slovenia	7.5	7.0
Slovenian National Party	5.4	1.8
Slovenian People's Party	5.2	6.9
Liberal Democracy of Slovenia	5.2	1.5
New Slovenia – Christian People's Party	3.4	4.8
Positive Slovenia (List of Zoran Jankovic)	–	28.5
Civic List (List of Gregor Virant)	–	8.4
Czech Republic:		
Civic Democratic Party	35.4	20.2
Czech Social Democratic Party	32.3	22.1
Communist Party of Bohemia and Moravia	12.8	11.3
Christian and Democratic Union	7.2	4.4
Green Party	6.3	2.4
Tradition, Responsibility, Prosperity	–	16.7
Public Affairs	–	10.9

Source: author's compilation.

the two leading parties (Civic Democrats and Social Democrats) failed to capture 50 per cent of the vote between them. Two new parties, TOP09 (Tradition, Responsibility, Prosperity) and VV (Public Affairs, promoting an anti-corruption policy), entered parliament and also joined the new Czech government. However, the participation of Public Affairs was short lived, as its party leader Vit Barta was convicted of corruption in April 2012.

Pre-term elections were also held in 2011 in Slovenia, another country previously identified as having a relatively well-institutionalized party system. Here, too, the election brought fundamental change and provided further evidence that the stability previously detected in some countries was not lasting, and that patterns of regional differentiation appeared to be changing. Parties formed in Slovenia only a few months before the votes were cast (LZJ-PS and LGB) received nearly 37 per cent of the vote. These parties were very much vehicles for individual politicians and were identified, respectively, as the List of Zoran Jankovic and the List of Gregor Virant (although they were quickly renamed). This was not the end of the signs of growing instability. Governments fell and pre-term elections were called in Slovakia and Latvia, although as these were countries with less stable party systems, this might not be regarded as surprising.

At the same time, in Poland, a country identified as having one of the least stable and least institutionalized party systems in CEE, the 2011 elections were the first to feature a low level of voter volatility; Donald Tusk, the incumbent, was returned to government as the leader of the PO. The previous election in 2007 had not seen any new parties enter parliament; in fact, the extremist Self-Defence (SRP) and League of Polish Families (LPR) parties (both of which had even entered government for a while) were excluded. Popular trust in parties also rose with these developments, and it began to look as though the country's party system was finally becoming more institutionalized (see Table 29.4).

Issues and debates: the continuing research agenda

Thus, certain patterns of party development and party system stabilization have emerged in CEE, although it is not clear precisely why the level of party system institutionalization has been relatively low in some respects – not just in comparison to established democracies, but also relative to other new democracies and emerging party systems at equivalent stages of development (Bielasiak 2002). There has also been considerable differentiation within the new democracies of CEE; in addition, in light of the elections of 2010–11, the patterns of consolidation that had been detected in some countries have now turned out to be less stable than originally thought. The precise sources of change and the motors of development with regard to party system stability and institutionalization therefore remain unclear in many respects, and debate continues on the implications of several topics already discussed in this context, such as electoral volatility, the origins of new parties and the role of cleavages.

Electoral turnout, volatility and institutionalization

The role of electoral turnout in party system consolidation has emerged as one of the more problematic issues in the CEE context. Although Hungary had the most institutionalized system for much of the post-communist period on a number of counts, at 57 per cent its turnout levels have been relatively low. The Czech Republic and Slovenia, in contrast, exhibited levels of turnout that seem to match their relatively consolidated status – at least until the upheaval of 2010–11 – and the general theory of how a developed participatory democracy functions. Thus, the relationship between stability and turnout is uncertain. Regarding the relationship between party systems and voter turnout, this reflects what Robbins and Hunter (2012: 919) describe

as a theoretical impasse, where some analysts have concluded that larger or multi-party systems encourage higher turnout and others have claimed the opposite. Another line of analysis has asserted that the vibrant electoral competition seen in the more effective post-communist democracies has actually had the effect of increasing disillusion with political parties and thus restraining participation. This is argued to be an aspect of the Leninist legacy that has not previously been identified, although it is not clear that it applies in all cases (Ceka 2012).

The survey conducted by Robbins and Hunter also shows that former communist countries have the highest volatility levels (28 per cent on average, with Latvia at 47 per cent), in comparison not only to OECD and Latin American countries, but also to countries in Asia and Africa; the authors establish a clear relationship between this factor and party system stability. Interestingly, unemployment rates are also a consistent predictor. The understanding of stability in this area is also associated with the analysis of the relationship between electoral volatility and the appearance of new parties (and the circumstances of their emergence). This topic has been approached from different angles.

One (more conventional) starting point has been to examine new party emergence in relation to demand from the electorate for greater participation and more effective representation, whereas another has directed attention to elite choice and the decisions of politicians to form new organizations. Recent analysis suggests that the second explanation may be more robust (Tavits 2008). From another perspective, Sikk (2012) has emphasized the role of party newness as a distinct political resource in its own right, contrasting this view with established understandings of the role of political cleavages as the primary context for party formation and institutional differentiation in processes of representation.

An associated approach to party system institutionalization also focuses attention on the role of cleavages and the way they are structured in relation to one another. In this context, party system institutionalization can be articulated in terms of the degree of governmental alternation, whether or not a party or combination of parties has governed before and access to government as measured by an index of closure. On this basis, Casal Bertoa (2012: 23) finds that the number, the type and the strength of the cleavage have no relation to the degree of party system institutionalization. However, overall institutionalization is fostered when cleavages are structured such that they coincide and cumulate rather than cut across one another, which diminishes the likelihood of parties identifying ideologically similar partners. It should also be noted that some analysts have continued to argue (following earlier observers such as Mair) that the experience of communist rule eradicated much of the politically relevant social structure and that significant cleavages are now almost non-existent in CEE.

The elections of 2010–11 and their outcomes in Hungary, Slovenia and the Czech Republic have raised questions about the general perception of party system institutionalization and the pattern that had seemed to emerge during the first two decades of post-communist change. There can be little doubt that these three countries had the most stable party systems for a lengthy period, but that this observation is now seriously qualified. In statistical terms, the outcome of one election among six or so should not be overemphasized, but there are signs that the overall trajectory of party system development in these countries (and indeed elsewhere) can no longer be understood as it was previously. The results of the premature elections in the Czech Republic held in 2013 indicate continuing instability. As of yet, there is no clear understanding of why this has happened, and further analysis of these developments now constitutes a key item on the research agenda.

Moreover, these changes pose a challenge to the concept of party system institutionalization itself and its assumed consequences. Stable party systems have generally been thought to discourage populism and enhance the quality of a regime's democratic practices. The highly

institutionalized Hungarian system, however, has witnessed growing populist tendencies in its two main parties and a rapid rise in 2010 in votes for JOBBIK, the most extreme right-wing party in the region. The post-2010 behaviour of FIDESZ has also raised significant doubts about the party's commitment to democracy and its capacity to maintain post-communist political achievements.

Europeanization

In a not unrelated development, as 11 post-communist countries acceded to the EU between 2004 and 2013 the issue of Europeanization also appeared on the research agenda, producing a range of perspectives and contrasting conclusions. The extension of the EU into the territory of CEE will probably continue, as Serbia, Montenegro and Macedonia have also been recognized as official candidates (although only Montenegro is currently engaged in accession negotiations). The requirements of democratic conditionality and the adherence to the Copenhagen criteria that the EU demands of prospective members have meant that parties, like other institutions and political procedures in the CEE states, have been subject to the steady influence of the EU, although no particular party model or mode of party behaviour is promoted or specified by the EU authorities.

Indeed, EU norms exercised influence over the course of CEE party development from an early stage. Confirmation of the democratic credentials and institutional identity of a post-1989 party by one of the party groups in the European Parliament (EP) or by international federations has often represented a significant advantage for the party in securing its position and enhancing its status over competitors in the same area of the political spectrum – in addition to financial support and other advantages. During the post-communist period, the CEE party spectrum has indeed exhibited a growing resemblance to the party families seen in Western Europe and in the EP, and the identities and ideological positions of this spectrum have broadly evolved to correspond to European norms.

Most major parties in the successfully democratized CEE countries are now integrated with the leading European People's Party (EPP), Socialist (PES) and Association of Liberals and Democrats (ALDE) groups (see Table 29.1). In countries with dubious democratic credentials and no immediate prospect of EU membership, such as Ukraine and Kosovo, leading parties are less likely to have direct EU affiliations. Nationalist parties such as ATAKA in Bulgaria, the Slovakian Nationalists and the Serbian Radical Party have also failed to integrate with any EP group, as have a number of populist parties, most of which were only recently established. The extensive changes that have taken place in recent years and the rise of new parties mean that some quite prominent parties lack any Europarty affiliation. This is the case for Positive Slovenia (which ran in the 2011 elections as the List of Zoran Jankovic), Latvia's Harmony Centre (a social-democratic alliance still marked by its close links with the Russian minority) and Zatler's Reform Party, and the Serbian Progressive Party (which split from the strongly nationalist Radical Party in 2008).

In conjunction with this process, a growing literature on Europeanization has focused on EU impacts and particularly on the consequences of EU accession. It became clear at a relatively early stage that any related process was neither uniform nor one-directional in its effects, and EU influence was probably less strong than many analysts had anticipated (Lewis and Mansfeldova 2006). The less consolidated CEE party systems have unsurprisingly been more open to EU influence (Sedelmeier 2011: 20).

Recent regional studies have similarly concluded that there has been little direct EU influence (Haughton 2011; Lewis and Markowski 2011). A comprehensive analysis of Poland within the

EU found little significant impact on the country's party politics, but rather the successful assimilation of 'Europe' into the logic of Polish domestic party politics (Szczerbiak 2012: 183). However, this view is not uncontested, and other scholars have claimed to demonstrate a distinct EU influence on the birth of new parties in Poland (Markowski and Tucker 2010: 538–41). Vachudova (2008) also argues that EU accession has had a clear impact on CEE party systems.

Documented cases of the EU or its institutions exerting a direct influence on CEE party systems are indeed rare. The negative consequences of the critical 'demarches' delivered on Slovakian democracy for Meciar and his HZDS during the 1990s are one of the best-known examples – even though the question of whether there was direct EU influence has been challenged by some country experts (Henderson 2006: 155). The same country provided another example of EU influence when the Party of European Socialists suspended SMER after it brought the National Party, deemed to be intolerant and racist, into a government coalition in 2006. The suspension was lifted in 2008 after the party leader Robert Fico committed the government to respecting minority rights; the party gained full membership in the EP group the following year. More recent cases of EU unease and the struggle to maintain what are regarded as European standards in CEE party activities primarily concern two countries.

Following the massive victory of FIDESZ in the 2010 Hungarian election, charges were made that, as the virtually unchallengeable governing party, it was attempting to entrench its power by changing the rules of the democratic game through amendments to the electoral system, removing institutional checks and balances (in the judiciary and constitutional court) and enhancing its influence (particularly in the media) in order to secure future parliamentary majorities. At present, the tension between the EU and the FIDESZ government remains unresolved; consequently, the influence of the EU in this area and the degree to which 'European' standards have been breached have yet to be fully demonstrated. It could be argued that the opportunities offered and pressures exerted by the process of EU integration contributed to the 2010 'earthquake election', helping to undermine party system stability (Lewis 2013). However, this diverges from any standard understanding of 'Europeanization'.

Further EU anxieties arose over what was interpreted as an attempted *coup d'état* in Romania in July 2012, when the left-wing coalition government took steps to impeach the right-wing President Basescu, an action that followed a period of government instability as austerity measures were applied. European Commission (EC) President Barroso stated that party political competition could not justify overriding core democratic values; following the EU's reaction, Prime Minister Ponta moderated his actions. His overwhelming victory in the elections of December 2012 opened another chapter of this story. Although Basescu had previously stated that he would never reappoint Ponta as prime minister, Barroso again intervened to assert that this was precisely what he expected, since Ponta's coalition had clearly won the election. Basescu's subsequent reappointment of Ponta seems to demonstrate that EU authorities do indeed exert some influence over CEE domestic politics, thus supporting the Europeanization hypothesis.

Problems of party government

This area of debate is linked with others, such as political responses to the current economic crisis and its impact on CEE political processes. Despite the perception that CEE politics provides fertile ground for populist developments and the rise of extremist parties, it is Western Europe that has witnessed more extremist activity in recent years, although the presence of JOBBIK in the Hungarian parliament represents a significant exception. However, there have been consequences for party government and the capacity of parties to perform their traditional functions in the changed economic environment. As in Greece and Italy, the standard processes

of party government in Hungary, Bulgaria and the Czech Republic were thought to be incapable of maintaining stability and implementing the requirements for economic austerity, and caretaker governments under non-party leadership were installed for a time. Following economic meltdown in Latvia in 2008, a technocratic government was installed under an MEP to cope with the crisis, as normal party government seemed to be incapable of performing its established functions.

Increasingly, it seems, parties have lost the 'the capacity to translate possession of the highest formal offices of a regime into operational control of government' (Mair 2008) – or perhaps this capacity was never fully acquired in CEE. This is not a wholly new development, however. The Czech party system, for example, has experienced political deadlock on a number of occasions, particularly after the 2006 election. The coalition government that was installed collapsed after little more than two years, and a caretaker government remained in office until the 2010 election. Whether the singular course of developments in Hungary runs counter to the decline of party government in the sense generally understood remains open to debate.

Corruption

Another issue that continues to be prominent in EU relations concerns the role of corruption and patronage in party politics. As the demotion of Greece to the status of most corrupt EU nation in the 2012 Transparency International ranking suggests, the ongoing economic crisis has not helped matters. As evidence emerged in 2013 of a looming banking crisis in Slovenia, Ernst and Young announced that the country ranked the worst in the EU in terms of corporate graft. In 2011, it was Bulgaria that was ranked as most corrupt, and since their accession in January 2007 the level of perceived corruption in both Bulgaria and Romania has been a constant source of preoccupation among EU authorities. This topic has diverse aspects (including outright criminality, inappropriate business practices and the bribery of state officials), but it also plays a specific role in party practices.

In October 2012, for example, the EC expressed its concern about the continuing inadequacy of the Bulgarian judicial system because (in contravention of standard procedures) new members of the Constitutional Court were being appointed without any parliamentary debate. This, it transpired, was enabled by behind-the-scenes deals between the ruling party and opposition forces – i.e. party corruption. Indeed, Bulgaria has a lengthy track record in this area, with a former minister being indicted in 2010 for the biggest theft of the transition period (involving €5.5 million stemming from corrupt land transfers) and a serving minister accused of corruption in the assignment of flu vaccine contracts in the same year.

Neither have the corrupt practices of politicians been restricted to national parliaments. In July 2012, a Romanian MEP was accused of accepting bribes and siphoning €436,000 from the EU budget. Just prior to this, in June, former Romanian Prime Minister Nastase was convicted of corruption in the context of illegal political fund-raising during his 2004 election campaign. In 2011, a decision was taken that Romanian politicians under investigation for fraud should be excluded from their party, although the EC noted in February 2012 that six such individuals were still sitting on party benches in parliament. Even in Croatia, a country generally regarded as a major success story in the West Balkans and a member of the EU since July 2013, former Prime Minister Ivo Sanader – who had managed to transform the aggressively nationalist Croatian Democratic Union (HDZ) into a viable European partner – was arrested in 2010 on charges of major corruption. Perhaps the best that can be said is that such scandals have become public knowledge, and that EU agencies have often played a part in this transparency. However, there are few signs that such malfunctions are actually being fully eradicated.

Conclusions

It is now nearly a generation since the first independent parties of the contemporary period, capable of operating in a pluralist system and designed to compete in free elections, were established in Central and Eastern Europe. For the vast majority of younger people in Europe, the idea of monopolistic rule by a single party is now barely conceivable. By 2007, half the countries in the region had joined the European Union and were practising a form of party politics that, although not above criticism, did not diverge greatly from that seen in the more established democracies making up the rest of the EU.

However, the citizens of the post-communist democracies do not appear to be enthusiastic supporters of the new parties. They are even less likely than citizens in the old democracies to join parties or even to identify with any particular party. They turn out to vote less often and exhibit even lower levels of trust in parties than the rest of the EU. Electoral volatility is higher and party systems are less stable than those of older democracies, and there is a greater likelihood of new parties being established and achieving parliamentary representation.

There are also significant differences within the region. The development of party politics has been somewhat retarded in the East European states that were part of the former Soviet Union (although far less so in the Baltic countries), as well as in most of the countries emerging from the former Yugoslavia. For much of the post-communist period, party systems were relatively more stable in Hungary, Slovenia and the Czech Republic. Electoral volatility was lower in these countries, and their parliaments included fewer small parties. But turnout levels have been consistently low in Hungary, and party membership levels also remain low in Hungary and the Czech Republic.

Some of the former communist parties have been quite successful in retaining their membership, and other selected organizations have attracted a significant number of new members. The picture is therefore mixed. It became even more diverse when the 2010–11 elections brought about substantial change in the composition of parliaments and governments in Hungary, Slovenia and the Czech Republic. This suggests either that the party systems in these countries had been less institutionalized than presumed or that levels of institutionalization had suddenly dropped. At the same time, the Polish party system began to show signs of unusual stability.

Such changes continue to produce a lively research agenda. The issue of party system institutionalization now seems more open than it did several years ago, and related topics (such as the role of electoral turnout in the process and the reasons underlying the continuing emergence of substantial numbers of new parties in the region) continue to attract attention. Questions of Europeanization are also addressed, and the accession of 11 post-communist members to the EU has not resolved the debate. There is disagreement over how far-reaching EU influence has been, and over whether European integration has actually served to strengthen democratic party politics or has introduced new factors that are disruptive for existing party processes. The increasing openness of CEE economies to transnational forces has entailed new material benefits and opportunities, but it has also exerted major pressures in the context of the global recession and the continuation of the Eurozone crisis, various combinations of which represent serious challenges to party government.

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30

Electoral and party systems in Europe

Pedro Riera

Does anyone believe that the United States would remain a two–party system if it adopted Israel's electoral rules? Can we satisfactorily explain the presence of almost absolute party unity within the Spanish Parliament without taking into account the closed-list system employed to elect its members? Despite the underdevelopment of the field of comparative electoral systems observed by Arend Lijphart in 1985, the clear correct answer to these two questions is no. It is important to study electoral systems because they affect the answers to these questions, among others (Taagepera 2007b). Nowadays, there is no longer a lack of comparative studies on electoral rules; in fact, in Matthew Shugart's view, the field could already be considered mature as of a few years ago (Shugart 2005). However, there is still room for improvement. In this chapter, I will briefly discuss the state of the art of this research. To this end, I will first elaborate on the definition and classification of electoral systems. I will then conduct a longitudinal review of the most important contributions in the field, starting with classical approaches and then focusing on more recent developments.

In the second part of the chapter, I will briefly describe empirical data on the variation in electoral systems across countries and over time within democratic Europe, not only with regard to their higher or lower stability but also in terms of their different typological classifications. Moreover, I will demonstrate the extent to which electoral systems fundamentally shape certain important political outcomes. In this regard, we cannot simply ignore the impact of electoral institutions on the behaviour of actors and on the configuration of institutions such as party systems, parliaments and governments. Finally, I will devote the last part of the chapter to outlining some of the main challenges ahead for the science of electoral systems. Despite the significant progress made in this field over the last three decades, I am firmly convinced that better theory, methods and data are required if we want electoral systems to become a 'Rosetta Stone' for political science (Taagepera and Shugart 1989).

In sum, the goals of this chapter are basically twofold. From the theoretical perspective, I aim to offer a comprehensive review of the different ways in which electoral systems have been studied in the past and could (and should) be studied in the future. To this end, I will attempt to summarize the most relevant topics to date in the field and to identify the main remaining gaps that, in my view, should be addressed by researchers in the coming years. Moreover, from the applied point of view, I would like to elucidate the most significant empirical patterns

observable in contemporary Europe with regard to electoral systems. Thus, this chapter seeks to examine whether electoral rules on the European continent have become more or less stable, permissive and candidate-centred in recent times.

However, before proceeding with the rest of the chapter, two caveats should be noted. First of all, I will review several strands of the literature, but I primarily focus on studies that limit themselves to descriptions of how things 'are', as opposed to how they 'should be' (Hume 1890 [1739]). Hence, mine is a positive rather than a normative approach, despite the advocacy orientation of the first comparative studies on electoral systems. Second, I will largely concentrate on those works that are 'comparative', broadly defined as those that either examine the selection and/or operation of electoral systems in at least two countries or do so within one country that either has reformed its electoral institutions or uses two different sets of rules simultaneously.

In terms of scope, the analyses are confined to democracies[1] from one particular region of the world (i.e. Europe) between 1945 and 2010. More specifically, I study the rules that shape electoral outcomes at the national level. However, an explanation is in order concerning countries that elect more than one office at the national level. With regard to bicameralism in parliamentary and semi-presidential democracies, I choose to focus on the rules employed to elect the chamber of parliament that is mainly responsible for providing confidence to the national government. However, problems begin to arise as soon as we start to consider countries in which cabinets must win confidence votes in both chambers in order to remain in office (as in Italy). In such cases (not that many, to be frank), I take into account the rules employed to elect the chamber that is traditionally considered the lower house.[2] The same solution applies to those presidential countries that are bicameral.

The study of electoral systems

Definition, components and basic typology

Although it is widely argued that there is no such thing as the ideal electoral system (Carey and Hix 2011),[3] and that the answer to the question of which electoral system is the best depends on 'who you are, where you are, and where you want to go' (Katz 1997: 308; see also Norris 1997), this has not deterred specialists from proffering advice on where to place greatest emphasis in electoral system design and reform (for a recent illustration, see Taagepera 2002), and trying to discover the particular electoral system towards which the specialists are themselves leaning (Bowler *et al.* 2005). In fact, the study of electoral systems began with advocacy pieces for specific sets of rules, such as those of Hermens (1972 [1971]) and Lakeman and Lambert (1955). This type of work formed the foundation upon which the field would later be built.

But what is an electoral system? According to a classic definition, 'electoral laws are those which govern the processes by which electoral preferences are articulated as votes and by which these votes are translated into distributions of governmental authority (typically parliamentary seats) among the competing political parties' (Rae 1971 [1967]: 14).[4] Despite their apparent equivalence, it is clearly necessary to distinguish between *electoral* (or election) *laws* and *electoral systems* (Farrell 2011 [2001]). Electoral systems are undoubtedly a major component of election laws, but they are not the only element (Massicotte *et al.* 2004). In this view, electoral systems are only a subset of election laws (Blais 1988); the latter include innumerable details vital to the administration of elections without necessarily being of strategic importance to parties and/or candidates − such as the forms of restriction on universal suffrage, the methods of compiling and updating electoral registers and the various types of central electoral administration in use (Katz 1997).

Gary Cox (1997: 38) understands an electoral system 'to be a set of laws and party rules that regulate electoral competition between and within parties'. As in the previous definitions, here electoral systems are equated with the set of rules that translates citizens' political preferences into votes and votes into seats, but now they also include party rules rather than only electoral laws. Even more importantly, Cox introduces the important distinction between the *interparty* and the *intraparty* dimension of electoral systems. According to Shugart (2005: 37), electoral systems should be conceived of as functioning along two different dimensions: the interparty dimension, which corresponds to the allocation of seats to *parties*, and the intraparty dimension, which concerns the allocation of seats to *candidates*. Although the former is at least as important as the latter (Grofman 1999), the intraparty dimension of electoral systems has been largely neglected by scholars in the field (Colomer 2011). While the interparty dimension affects features such as the degree of proportionality of electoral outcomes or the number of parties winning votes and seats, research on the intraparty dimension has concentrated on, for example, the representation of women (Norris 1985) or the candidates' incentives to cultivate a personal vote (Carey and Shugart 1995).

A second step that needs to be taken in the comparative analysis of electoral systems is the description of their different features (or 'dimensions'), as well as the elaboration of a typology.[5] Surprisingly enough, almost all electoral system experts provide their own list of variables to characterize a given set of electoral rules. Despite this apparent disagreement, there is broad consensus among the community of scholars who address the causes and consequences of electoral institutions that the most important components of electoral systems are the electoral formula, the legal threshold, the ballot structure and the district structure. The first two elements are expected to have a significant impact on the proportionality of electoral outcomes, whereas the third is the most important variable in explaining candidates' incentives to cultivate a personal vote. Finally, the district structure is comprised of at least two of the traditional features of the electoral systems (i.e. the district magnitude and the assembly size), and can have an important effect in both dimensions.[6]

The electoral formula is the mathematical method used to translate votes into seats (Taagepera and Shugart 1989: 19). Confronted with the task of reducing the incredible heterogeneity of electoral systems to an acceptable typology (Farrell (2011 [2001]: 4), analysts have traditionally decided to categorize electoral institutions according to the formula they employ. In this regard, Bormann and Golder (2013) classify legislative electoral systems into three main categories – majoritarian, proportional and mixed – based on their electoral formula. The key feature that characterizes a system as majoritarian is that its electoral formula requires the winning candidate to obtain either a plurality or a majority of the votes (M. Golder 2005). Majoritarian systems can be classified in terms of the number of votes that candidates or parties must receive to win, the number of votes cast per voter, the number of seats allocated per district and the use (or lack) of lists. The single-member plurality rule (i.e. first past the post), the single non-transferable vote (SNTV), the block vote, the majority-runoff and the alternative vote are the most common majoritarian systems.

Proportional representation (PR) systems are, by contrast, quota- or divisor-based systems utilized in multi-member districts. All proportional systems except the single transferable vote (STV) employ party lists. Quota-based systems first calculate a quota by dividing the total number of valid votes in a district by the district magnitude plus the modifier of the quota. The number of seats a party is guaranteed is determined by their total number of votes divided by the quota. Divisor-based systems divide the total number of votes won by each party by a series of numbers (divisors) to obtain quotients. Seats are then allocated according to which parties have the highest quotients. There are five different quotas (i.e. Hare, Hagenbach–Bischoff, Imperiali, Reinforced

Imperiali and Droop) and three different divisor systems (D'Hondt, Sainte-Laguë and Modified Sainte-Laguë) in common use. Quota systems can be further classified in terms of the three ways in which remainder seats are typically allocated (i.e. the largest remainder, the highest average or the modified highest average).

Finally, there are two different ways of defining mixed (or 'mixed-member', in Shugart and Wattenberg's terminology) systems.[7] Following Matt Golder (2005), I will characterize as mixed those systems that employ a combination of majoritarian and proportional electoral rules. According to Massicotte and Blais (1999), mixed systems differ in terms of whether their majoritarian and proportional components operate independently or dependently. Independent and dependent mixed systems come in three (i.e. coexistence, superposition and fusion) and two (i.e. correction and conditional) forms, respectively. By contrast, Shugart and Wattenberg (2001: 13) identify two broad subtypes of mixed systems, which they call mixed-member majoritarian (MMM) and mixed-member proportional (MMP). The crucial variable in distinguishing between these subtypes is the absence or presence of a linkage between tiers in the allocation of seats.

The second main component of electoral systems on which this chapter will focus is the legal threshold. Significant vote thresholds that parties must cross in order to win any representation are devices traditionally used to limit the degree of proportionality of electoral results (Gallagher and Mitchell 2005b). Electoral thresholds can be imposed at the national, the regional or the district level. In this regard, Cox (1997: 62–3) differentiates between two main categories of threshold: those defined at the level of the 'primary district' and those defined at the level of the 'secondary district'. Almost every PR system employs some kind of threshold. By contrast, non-PR systems do not generally have rules specifying a threshold, mainly because they do not need it. As Taagepera and Shugart (1989) point out in their discussion of thresholds, the low magnitude of single-member districts makes the costs of entrance to parliament prohibitively high for small parties. For that reason, Lijphart (1994: 12) claims that 'legal thresholds and district magnitudes can be seen as two sides of the same coin'. The concept of *effective threshold* neatly illustrates the functional equivalence between these two elements of electoral systems. According to its most recent formulation, the effective threshold should be estimated by the formula $(75/(m + 1))$, where m refers to the district magnitude (Lijphart 1994). A party must win a percentage of votes higher than the effective threshold in order to be likely to win at least one seat in a particular constituency. If the legal threshold (i.e. the legally stipulated minimum percentage of votes parties must win to be entitled to a seat in parliament) is higher than the result of this calculation, the legal threshold becomes the effective threshold.[8]

The third element, ballot structure, is one of Douglas Rae's (1971 [1967]) three basic dimensions of electoral systems. According to Rae, there are two types of ballots: categorical and ordinal. The former 'asks the voter to decide which one of the parties he prefers' and the latter 'allows the voter to express a more complex, equivocal preference by rank-ordering the parties' (Farrell 2011 [2001]: 17). Unfortunately, this typology fails to grasp the full complexity of ballot structure in the real world (Blais 1988). For example, permitting simple-vote splitting and enabling voters to rank-order candidates are two different features (Gallagher and Mitchell 2005b). However, Rae wrongly lumps electoral systems allowing voters to do each of these things together under the same label. Partly for this reason, Taagepera and Shugart (1989: 14) argue that the distinction between categorical and ordinal ballots is not clear cut; rather, the authors suggest that there is a continuum between these two ideal types.

I believe that the distinction between categorical and ordinal ballots is still valid. However, it only addresses two aspects of the ballot structure: the number of votes allowed, which may range from one to the number of candidates, and the type of information the voter is asked to

provide, which can be nominal, ordinal or cardinal. In this regard, Blais (1988) warns his readers that sources of variation in the ballot structure cannot be reduced to these two aspects because they only identify how voters are asked to reveal their preferences. In his view, it is also necessary to indicate whom the citizens can vote for. To address this problem, Shugart and Wattenberg (2001) distinguish between nominal and list voting (see also Farrell 2011 [2001]). Under the former, citizens cast votes for candidates by name and seats are allocated to individual candidates on the basis of the votes they receive, whereas list votes are pooled among multiple candidates nominated on a list submitted prior to the election by a party, alliance or other political organization. This distinction has important practical implications, since 'Caligula's horses' are less easily elected with single-person voting than with list systems in multi-member constituencies (Sartori 1997 [1994]: 17).

Over the course of time, descriptions and classifications of electoral systems based on ballot structure have gained importance. In fact, most scholars, once they have established the main categories of electoral systems based on allocation rules and district magnitude, employ the three aspects of ballot structure I have just described to refine their classification. In this regard, Taagepera and Shugart (1989: 24) distinguish between PR closed-list systems, in which the voter can only choose one of the party symbols or names (and hence automatically votes for all candidates of that party), and PR preferential-list systems, in which the voter is able to choose specific candidates individually. In the same vein, Farrell (2011 [2001]) divides list systems into closed and open, and Colomer (2004b) distinguishes between open ballot (*panachage*), preferential voting for individual candidates and categorical voting. Finally, Shugart (2005) extends the classification between closed and open lists by splitting preferential-list systems into four categories: open, flexible, quasi-list and latent list.[9] It is important to note that the logic behind the classifications of Colomer and Shugart differ: while the former highlights the voter's degree of freedom with respect to choosing individual candidates, the latter also takes into account the presence (or absence) of other determinants of candidates' rank on the list besides preference votes. On this basis, the former does not differentiate between open and flexible lists.[10]

In fact, one of the most significant changes in the literature on the intraparty dimension over the last few years has been the more frequent adoption of the voters' perspective. Following the emergence in the mid-1980s of the first studies to address these questions, one point of view (that of the candidates) and two particular scholars (Carey and Shugart) largely dominated the literature.[11] However, this approach is increasingly being complemented by a second strand of research that emphasizes what Farrell and Gallagher (1998: 56) call the 'openness' of the electoral system, by which they mean 'how much choice is given to voters' (Farrell and Gallagher 1998: 56; Renwick and Pilet 2011). Similarly, Trigo Pereira and Andrade e Silva (2009) have developed an index that measures citizens' freedom to choose their representatives. To this end, they take into account three different elements of the electoral system: voters' 'options' (the cardinality of the choice domain), 'choices' (the number of revealed preferences for either candidates and/or parties) and 'information' (on candidates' characteristics).

In summary, there is no universally accepted method of classifying electoral systems based on ballot structure. In addition, some scholars do not consider ballot structure at all (e.g. M. Golder 2005) and others consider it to be a minor element of electoral systems (e.g. Lijphart 1994). However, most authors today would strongly agree with the idea of establishing two main categories of electoral systems (majoritarian and proportional) based on the formula employed. According to Dieter Nohlen (1984a), electoral systems lean towards the majority/plurality or the proportional principle of representation. In the same vein, Giovanni Sartori (1997 [1994]: 42) distinguishes between *strong* and *feeble* electoral systems. However, there is a fundamental difference between Nohlen and Sartori's conception of electoral systems: the former

considers the principles of majority/plurality and PR to be antithetical, while the latter defines them as the two extremes of a unipolar continuum on which all electoral systems can be located.

As explained above, electoral systems have traditionally been classified on the basis of their formulas. Several scholars, however, emphasize the role played by district magnitude, which is defined as 'the number of representatives elected in a district' (Lijphart 1994: 10). Although district magnitude is characterized as 'the decisive factor' by Taagepera and Shugart (1989: 112), Blais (1988) and Cox (1997) propose the broader concepts of constituency and district structure, respectively, in order to capture not only the size but also the nature of the district.[12] In this regard, it is crucial to first distinguish between districted electoral systems, in which the country is divided into areas within which popular votes are converted into assembly seats (i.e. electoral districts), and at-large electoral systems, in which it is not (Engstrom and McDonald 1986). Second, Rae (1971 [1967]) identifies two kinds of districts based on their magnitude: single-member, which return one officeholder to a legislature, and multi-member, which return more than one. Unfortunately, this distinction is not sufficient, as it neglects the substantial variations that exist within the category of multi-member districts (Blais 1988). Third, it is important to take into account how divergent magnitudes are across districts (Monroe and Rose 2002). Finally, whether seats are distributed among districts according to the size of their population or not (i.e. the levels of malapportionment observed) is also an important feature of the electoral system (Farrell 2011 [2001]; Samuels and Snyder 2001; Taagepera and Shugart 1989). In short, the fact that the potentially consequential features of districts cannot be reduced to their magnitude leads me to use the broader concept of district structure.

Effects in the interparty dimension

It seems fair to credit Maurice Duverger with being the most distinguished French political scientist of the last century (Benoit 2006). His chief contribution deals with party politics and electoral systems; it can be summarized in what have come to be called *Duverger's Law* and *Duverger's Hypothesis* (Duverger 1964 [1954]). Since his seminal contribution, the vast majority of published works on electoral systems have revolved around two main questions: how do the electoral rules shape the party system? And to what extent are voters influenced by electoral systems? According to Duverger, the negative consequences of restrictive electoral rules on party system fragmentation can be understood as the result of two mechanisms. First, minor parties are typically awarded a much smaller share of seats than the share of votes they receive. Second, the existence of this *mechanical effect* creates incentives for *electoral coordination*. As defined by Cox (2000: 49), electoral coordination 'refers to a variety of processes by which groups of voters and politicians coordinate their electoral actions in order to win more legislative seats or executive portfolios' (see also Riker 1982). Therefore, we expect electoral restrictiveness to decrease the number of parties by generating incentives for strategic entry or withdrawal on the part of political entrepreneurs and tactical voting on the part of voters (Cox 1997). Duverger refers to these behavioural consequences of non-permissive electoral laws for party system size as *psychological effects*.

However, the effects of electoral rules are not as straightforward as most institutional studies suggest (Benoit 2001; Blais and Carty 1991; Duverger 1964 [1954]; Lijphart 1994; Rae 1971 [1967]; Sartori 1997 [1994]; Taagepera and Shugart 1989). Recently, some prominent scholars have successfully argued that the *strength* of electoral rules interacts with the number of sociological cleavages to shape party systems (Amorim Neto and Cox 1997; S. Golder 2006; Ordeshook and Shvetsova 1994; Taagepera 1999). This research suggests that the district-level number of parties should be an interactive function of the number of social cleavages and electoral

permissiveness. If this general conclusion were valid, multipartism would arise as the joint product of many exploitable cleavages and a permissive electoral system. Unfortunately, this proposition is largely untested at the district level, even though that is the level at which the relevant pressures are expected to act.

The second source of deviation from *Duverger's Law* among single-member districts (SMDs) with a plurality rule has an exclusively institutional origin. Strategic entry and tactical voting assume the complete independence of a majoritarian system from other sets of electoral rules; however, most of the time this assumption simply does not hold. In fact, some prior research has shown that there are *interaction* or *contamination* effects between the different kinds of electoral systems used in a given country (Ferrara and Herron 2005). Although the existence of contamination has previously been demonstrated in scenarios of incongruent bicameralism (Lago and Martínez 2007), presidential systems (Shugart and Carey 1992), multilevel polities (Lago and Montero 2009) and in cases of high district magnitude variance under PR rules (Lago 2009), recent literature has been particularly successful at showing evidence of this type of effect in mixed-member electoral systems between their PR and SMD tiers (Cox and Schoppa 2002; Crisp *et al.* 2013; Herron and Nishikawa 2001).[13]

A second important effect of the interparty dimension of the rules of the game is, of course, the disproportionality of electoral outcomes, defined as 'the deviation of parties' seat shares from their vote shares' (Lijphart 1994: 57). This deviation has been at the core of a growing body of literature that has measured it, identified some of its main determinants and discussed its consequences for several political outcomes (e.g. Anckar 1997; Benoit 2000; Carey and Hix 2011; Taagepera and Shugart 1989). In the last century, Rae (1971 [1967]: 86), arguably one of the founders of the science of electoral systems, emphasized the relevance of disproportionality as the main consequence of electoral systems, depicting them as the Sheriff of Nottingham, 'apt to steal from the poor and give to the rich: strong parties usually obtain more than their proportionate share of legislative seats while weak parties receive less than their proportionate share of seats'. As he argued later (Rae 1971 [1967]: Ch. 9), while most electoral systems share the same directional pattern of redistribution, there are still very important differences in terms of its strength and degree.

Further work on the direct effects of the interparty dimension of electoral systems has built upon Duverger's contribution, cumulating in a literature that has produced findings on the number of wasted votes (Tavits and Annus 2006; Uggla 2008), the emergence of new political parties (Harmel and Robertson 1985; Hug 2001; Lago and Martínez 2011; Tavits 2006) and the formation of pre-electoral coalitions (S. Golder 2005, 2006). In a nutshell, the more inclusive the electoral formula, the higher the district magnitude and the lower the legal threshold, the fewer votes may be wasted, the more new parties may emerge and the fewer pre-electoral coalitions may be formed. As an explanation of some of the consequences of electoral rules, most of these findings suffer from two important shortcomings: either they lack an adequate econometric basis or they do not use information at the district level.[14]

Effects in the intraparty dimension

Turning now to the main consequence of variations in the intraparty dimension, electoral systems have also been found to have an impact on the *personal vote*, typically defined as 'that portion of a candidate's electoral support which originates in his or her personal qualities, qualifications, activities, and record' (Cain *et al.* 1987: 9). The personal vote may therefore be based either on actual behaviour or on assigned attributes. Some empirical studies have examined the impact of variations in the rules of the game on the characteristics of candidates. If the electoral system

promotes a personal vote, candidates will exhibit personal attributes that may attract preference votes away from co-partisans, or even from candidates of a different party. By contrast, if citizens cast votes strictly for a political party with little or no regard to or evaluation of the individual(s) representing that party in electoral contests, there is no personal vote. Shugart *et al.* (2005) provide the first comparative empirical evidence in this regard. Using data from six PR cases in Europe, they find that the probability that a legislator will display personal vote-earning attributes (PVEAs) – operationalized as local birthplace and prior representative experience at the municipal or regional level – is higher when specific institutional characteristics of the intraparty dimension of electoral systems that foster candidates' incentives to cultivate a personal vote are present, but lower when these are absent.

Second, there clearly are behavioural consequences of the intraparty dimension of electoral systems that go beyond parties' incentives to nominate candidates with diverse characteristics and profiles that appeal to constituent subgroups. For example, Heithusen *et al.* (2005) examine the constituency focus of MPs in six legislative chambers spanning a variety of electoral systems. In the same vein, Bowler and Farrell (2008 [1993]) suggest that institutional variables of electoral systems affect the frequency with which members of the European Parliament engage in constituency service. By contrast, the contribution of Scully and Farrell (2003) on members of the European Parliament counter-intuitively suggests that those members elected from open lists place more emphasis on traditional parliamentary activities.[15] However, this effect tends to disappear as district magnitude increases.

The intraparty dimension also has an effect on the types of bills that legislators initiate. In this regard, Crisp *et al.* (2004) provide evidence that perfectly fits with the incentives allegedly generated by the electoral system to cultivate a personal vote, showing that the probability that a legislator will initiate a local bill is higher in candidate-centred rather than party-centred systems. Another interesting recent avenue of research in the field has been the analysis of the assignment of legislators to committees. To my knowledge, there are at least two papers that consider committee assignments in relation to the tier (nominal or list) by which a member was elected in Germany (Sieberer 2010; Stratmann and Baur 2002). Likewise, Pekkanen *et al.* (2006) show that members of the Japanese Parliament elected from PR lists and single-member districts are assigned different types of positions, reflecting their distinct electoral incentives. Unfortunately, it remains untested how voter interests correspond to the committee system in closed-list PR systems (Shugart 2005: 48). Jones *et al.* (2002) provide the only study on committee assignment under party-centred electoral rules that I am aware of, but they do not explore district magnitude as an explanatory factor. Finally, the electoral connection between legislators and voters also affects the extent of party unity within legislative chambers. Legislative factionalism is higher in countries where candidates compete against members of their own parties for personal votes (either in primaries or in the general election) than where nominations are controlled by party leaders and electoral lists are closed (Hix 2004; Sieberer 2006). In other words, where legislators only have to please one principal (that is, the party leader), defections do not exist in practice (Carey 2009).

Nor are intraparty effects of electoral systems confined to legislative behaviours or merely to aspects of electoral campaigns or parliamentary functioning. Broadly speaking, there are two main alternative perspectives as to which electoral system generates more opportunities for incumbents to advance narrow interests over general interests and extract political rents. On the one hand, Lijphart (1999) advocates the use of PR systems to avoid political corruption. On the other hand, Persson and Tabellini (2005) argue that the freedom to choose individual candidates (rather than party lists) is associated with less corruption. Likewise, Kunicová and Rose-Ackerman (2005) find that rules that reduce individual accountability (i.e. proportional

representation systems) are associated with higher corruption.[16] Chang and Golden (2007) provide the most recent test to date on the relationship between electoral rules and corruption, examining a large sample of democratic nations. In contrast to previous research, they find that open lists can either increase or have no effect on political corruption, depending on district magnitude.

To sum up, although its scope is increasingly comparative, the literature that examines the relationship between electoral systems and personal vote across countries has long been hampered by variation in the numerous intervening variables that influence candidates' behaviour. As a consequence, several scholars have examined whether personal vote exists (or not) in single-country studies that focus on a particular electoral system: single transferable (Marsh 2007) and non-transferable (Hirano 2006) vote systems, closed-list (Crisp and Desposato 2004) and open-list (Golden 2003) proportional representation, mixed-member proportional and majoritarian rules (Canache *et al.* 2000), and single-member districts with a plurality rule (Gaines 1998). In the same vein, Johnson and Hoyo (2012) argue that personal vote-building is likely to occur in ways that promote good vote divisions where strong vote division incentives are present (e.g. under Japan's former SNTV system). Other political scientists have taken advantage of the recent proliferation of countries adopting mixed-member systems and of the existence of bicameral systems in which members of the two chambers are elected according to different rules to compare two systems within the same country, thereby reducing the number of intervening variables (e.g. Desposato 2006; Moser and Scheiner 2004). Despite this extensive literature, Morgenstern and Swindle (2005) find only limited evidence that electoral systems affect the personal vote.

The origins of electoral systems

As Duverger (1984: 34) argued some time ago, '[electoral systems] are strange devices – simultaneously cameras and projectors'. However, as a research topic the consequences of electoral laws are considerably more developed than the study of their causes; Shugart (2005: 51) considers establishing a body of theoretically driven comparative work on why one electoral system is used rather than another to be a 'research frontier for the twenty-first century'. Following Benoit (2007), I will organize the main studies explaining electoral system adoption and reform according to three criteria. The first key question concerns the actors and the forces involved in the design. By addressing the issue of who or what affects the electoral system, we can distinguish between party-centred (Benoit 2004; Birch *et al.* 2002; Boix 1999; Colomer 2004b), non-party-centred (Hazan 1996; Remington and Smith 1996), democratic (Blais and Massicotte 1997), technocratic (Benoit and Schiemann 2001), economic (Cusack *et al.* 2007; Katzenstein 1985; Rogowski 1987), geographical (Dahl and Tufte 1973), historical (Elster *et al.* 1998) and societal (Lijphart 1992; Rokkan 2009 [1970]) approaches to electoral adoption and reform.

Second, the analysis of electoral system adoption and change points to another traditional division in comparative politics concerning the number of countries analysed. A comprehensive review of the studies that address this topic requires that we take into account not only non-quantitative (e.g. Birch *et al.* 2002; Elster *et al.* 1998; Ishiyama 1997; Jones Luong 2002; Lijphart 1992; Renwick 2010; Sakamoto 1999) and quantitative (e.g. Best 2012; Colomer 2005; Harfst 2013) examinations of multiple cases, but also propositions inductively generated from single case studies (e.g. Bawn 1993; Kaminski 2002; Lago and Montero 2005; Moraski 2007; Remington and Smith 1996).

Finally, four broad categories of the contexts in which the origins of electoral systems are rooted can be identified. The first category links electoral system adoption and change to the extension of suffrage in Western Europe in the years immediately before and after World

War I (e.g. Ahmed 2010; Andrews and Jackman 2005; Blais *et al.* 2005; Boix 1999; Calvo 2009; Carstairs 1980; Cusack *et al.* 2007; Kreuzer 2010; Penadés 2008; Rokkan 2009 [1970]). I consider this group of studies to be at the core of the research on the origins of electoral systems. The analysis of electoral reform in well-developed democracies constitutes a second category of studies that take the electoral system as the dependent variable (e.g. Hazan and Rahat 2000; Katz 1996; Renwick 2010; Renwick *et al.* 2009). Third, scholars have also examined the adoption of a new electoral system in the context of a democratic transition (e.g. Bawn 1993; Elster *et al.* 1998; Jones Luong 2002; Kaminski 2002; Lago and Montero 2005; Lijphart 1992; Remington and Smith 1996). Finally, several studies address electoral system changes in new democracies (e.g. Birch *et al.* 2002; Dawisha and Deets 2006; Harfst 2013).

Electoral systems: empirical patterns

Having presented the theory that logically leads from electoral systems to political outcomes, in this section I will offer some empirical evidence on whether these ideas actually reflect reality. Figure 30.1 shows the proportion of democratic elections employing majoritarian, proportional and mixed electoral systems in five-year periods between 1946 and 2010. This figure indicates that the use of proportional electoral systems has significantly declined, while that of mixed systems has increased (at least until 2005). Before the 1950s, majoritarian, proportional and mixed electoral systems were employed in about 32 per cent, 62 per cent and 6 per cent of democratic elections, respectively. By the middle of the first decade of the 2000s, proportional systems were employed in 'only' 46 per cent of elections, whereas mixed systems were employed in 21 per cent.

The geographic distribution of electoral systems around the world is shown in Figure 30.2. The impact of colonial rule is obviously still felt today, with former British and French colonies
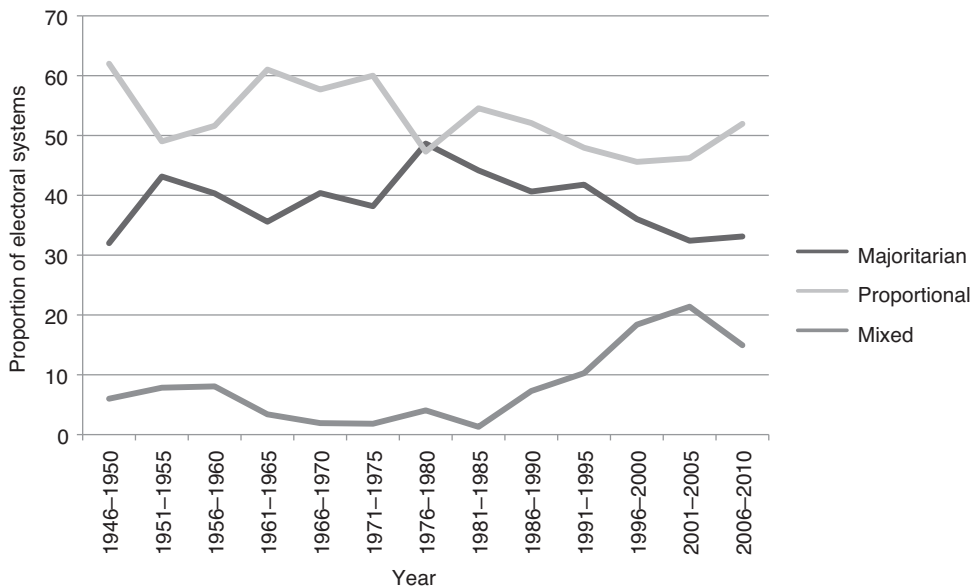
Figure 30.1 Proportion of electoral systems in democracies over time (1946–2010)
Source: Bormann and Golder (2013).
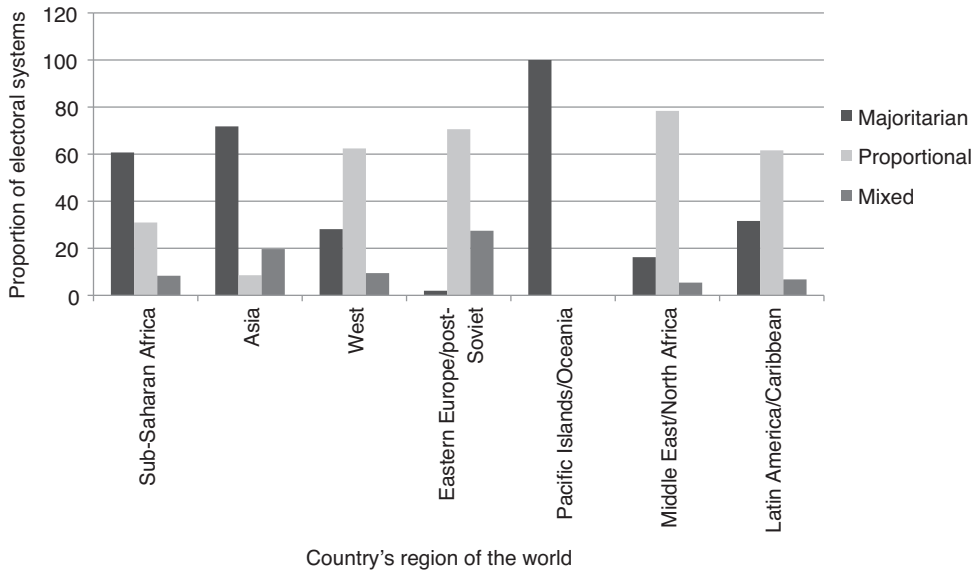
Figure 30.2 Proportion of electoral systems in democracies by world region (1946–2010)

Source: Bormann and Golder (2013).

from Sub-Saharan Africa, Asia and Oceania typically employing majoritarian electoral systems like their past colonial rulers (Blais and Massicotte 1997; Lundell 2009). Proportional systems have historically predominated in South America, Europe and the few democracies that exist in the Middle East and North Africa. Finally, since 1989 many of the new democratic countries in Eastern Europe have adopted mixed systems. In addition to their prevalence in post-communist countries, mixed systems are now also common in Asia, a trend driven by democracies such as Japan, South Korea and Taiwan.

An overview of European electoral systems in terms of the main dimensions of variation and the significant changes that have taken place since World War II is provided in Table 30.1, in which a number of general patterns can be identified. In overall terms, most of the electoral rules used in Europe today are proportional representation systems. There are also five mixed systems (two compensatory in Germany and Romania, and three non-compensatory in Bulgaria, Hungary and Lithuania) and two majoritarian systems (the two-round system in France and the first-past-the-post regime in the United Kingdom).

Although PR systems differ from one another with respect to the specific formula in use, the D'Hondt method (within the highest averages subtype) and the Hare quota (within the quota subtype) are the two most frequently employed. However, the seat allocation method is only one dimension of variation within PR systems; a second and often more important dimension is district magnitude. Some countries, such as Ireland, Malta, Austria, Greece and Spain, employ relatively small constituencies (i.e. district magnitude averages less than 7); others, such as the Netherlands and Slovakia, use large constituencies. In fact, in each of these two latter cases the entire country forms one giant district of 150 seats.

There are also important variations with regard to legal thresholds. The best-known example is that of Germany. German parties must obtain at least 5 per cent of the national vote in order to be allowed to participate in the allocation of list seats.[17] Up to ten European countries use

Table 30.1 Electoral systems in Europe (2010)

Country	Year	Lower-tier allocation formula	Lower-tier district magnitude	Legal threshold	Assembly size	Choice of candidate within party	Significant changes since 1945/1990
PR systems							
Austria	2008	Hare quota	4.26*	4% national vote/ 1 constituency seat	183	Yes	Several; the last one, in 1992, involved the introduction of a third tier, the restructuring of the other two and the reinforcement of the preferential vote system
Belgium	2010	Hare quota	13.64	5% district vote	150	Yes	Several; the last one, prior to the 2003 election, involved the abolition of the higher tier, a reduction in district magnitude, the introduction of a legal threshold and the reinforcement of the preferential voting system
Cyprus	2011	Hare quota	9.33*	1.8% national vote/ 1 constituency seat	56	Yes	Several: electoral formula, assembly size and legal threshold
Czech Republic	2010	D'Hondt	14.29	5% national vote	200	Yes	Several, in both the interparty and the intraparty dimension
Denmark	2011	D'Hondt	13.5*	2% national vote	179	Yes	Many minor changes, but mainly focused on the interparty dimension
Estonia	2011	Hare quota	8.42*	5% national vote	101	Yes	Introduction of preferential voting in the upper tier before the 2003 election
Finland	2011	D'Hondt	13.3	x	200	Yes	Change from multiple to open lists
Greece	2009	Hare quota	4.25*	3% national vote	300	Yes	Many minor changes, in both the interparty and the intraparty dimension
Iceland	2009	D'Hondt	10.5*	5% national vote	63	Yes	Several, in 1959, 1987 and 2000
Ireland	2011	Single transferable vote	3.86	x	166	Yes	None
Italy	2008	Hare quota	23.73	4% national vote	630	No	Many, with major changes in 1953, 1954, 1993 and 2005
Latvia	2011	Sainte-Laguë	20	5% national vote	100	Yes	Increased legal threshold prior to the 1995 election
Luxembourg	2009	Hagenbach-Bischoff quota	15	x	141	Yes	None
Malta	2008	Single transferable vote	5	x	69	Yes	Introduction of the majority-vote and the plurality-vote guarantees in 1987 and 1996, respectively

Table 30.1 continued

Country	Year	Lower-tier allocation formula	Lower-tier district magnitude	Legal threshold	Assembly size	Choice of candidate within party	Significant changes since 1945/1990
Netherlands	2010	Hare quota	150	0.67% national vote	150	Yes	Increased assembly size in 1956 and several reinforcements of the preferential voting system
Norway	2009	Modified Sainte-Laguë	7.89*	4% national vote	169	Yes	Change of formula in 1953; addition of national seats before 1989 election (increased before 2005 election)
Poland	2011	D'Hondt	11.22	5% national vote	460	Yes	Many minor changes in 1993, 2001 and 2002
Portugal	2011	D'Hondt	10.45	x	230	No	None since 1975
Slovakia	2010	Droop quota	150	5% national vote	150	Yes	Several, in both the interparty and the intraparty dimension
Slovenia	2011	Droop quota	11*	4% national vote	90	Yes	Introduction of 4% threshold and abolition of national lists prior to the 2000 election
Spain	2008	D'Hondt	6.73	3% district vote	350	No	None since 1977
Sweden	2010	Modified Sainte-Laguë	10.69*	4% national vote/ 12% district vote	349	Yes	Change of formula in 1952; introduction of higher-tier seats in 1970; introduction of meaningful preference voting in 1998
Switzerland	2011	Hagenbach-Bischoff quota	7.7	x	200	Yes	None
Mixed systems							
Bulgaria[a]	2009	Plurality	1	4% national vote	240	No	Change from mixed to pure PR before 1991 election; change from pure PR to mixed before 2009 election
Germany[b]	2009	Plurality	1	5% national vote/ 3 constituency seats	622	No	Many minor changes in 1953, 1956, 1985, 1990 and 2008
Hungary[a]	2010	Two-round system	1	5% national vote	386	No	Increased legal threshold prior to the 1994 election
Lithuania[a]	2008	Two-round system	1	5% national vote	141	Yes	Many, in both the interparty and the intraparty dimension
Romania[b]	2008	Two-round system	1	5% national vote/ 6 constituency seats	334	No	Several: progressively higher threshold and introduction of nominal seats prior to the 2008 election
Majoritarian systems							
France	2007	Two-round system	1	x	577	No	Many; major changes in 1958, 1985 and 1986
UK	2010	Plurality	1	x	650	No	None

Note: In the case of new democracies, only changes since democratization are noted. * Indicates country has 'complex districting', i.e. higher-tier constituencies to iron out discrepancies arising from lower-level constituencies. In these circumstances, it is difficult to provide a meaningful figure for the district magnitude, as the units in which people vote may have no significance when it comes to the allocation of seats. a Indicates a parallel mixed system. b Indicates a compensatory mixed system.

Source: Bormann and Golder (2013) and Riera (2013b).

the same threshold. Although European electoral systems differ considerably in terms of the total number of seats allocated, this feature is largely explained by country size. For example, the assembly size in large countries such as the United Kingdom, Italy and Germany (all more than 600 seats) is much bigger than that of small nations like Cyprus, Iceland and Malta (all less than 70 seats). Table 30.1 also provides some information on voters' degree of freedom with regard to the exact identity of the candidates finally elected. According to Table 30.1, only three PR systems in Europe (i.e. Italy, Portugal and Spain) are non-preferential, in the sense that the order of candidates drawn up by the party is a fixed ranking that voters cannot alter (the so-called 'closed-list' system). In contrast, non-preferentiality is common among mixed and, obviously, majoritarian systems.

In Table 30.2 I provide descriptive statistics on the number of times European democracies changed their electoral systems between 1945 and 2010. Here, I define electoral reform as a significant change in at least one of the following elements of an electoral system: the electoral formula, the number of districts, the assembly size, the electoral threshold, the presence (or absence) of a ban on pre-electoral coalitions and linked lists, and the number of and linkage between electoral tiers.[18] These criteria represent a slightly amended version of Lijphart's concept of electoral reform (M. Golder 2005). However, the identification of an instance of electoral system change without specifying the direction in which the rules of the game are modified is clearly insufficient. On this basis, it is very useful to distinguish between permissive and restrictive reforms, which decrease and increase the overall disproportionality produced by the electoral rules, respectively (Taagepera and Shugart 1989), and between party-centred and candidate-centred reforms, which decrease and increase candidates' incentives to cultivate a personal vote, respectively (Carey and Shugart 1995).

An electoral reform is coded as *permissive* in the following cases: first, the replacement of the existing formula by one that is intended to create less deviation of seat shares of parties from their vote shares; second, a reduction of at least 20 per cent in the number of districts; third, an increase of at least 20 per cent in the assembly size; fourth, a reduction of at least 20 per cent in the electoral threshold; fifth, the implementation of an additional tier to allocate seats in PR systems; sixth, an increase of at least 20 per cent in the percentage of seats that are allocated in the PR tier in mixed systems; and, seventh, the introduction of linkage between tiers in

Table 30.2 Types of electoral reform in democracies by European region (1945–2010)

	No reform	Permissive reform	Restrictive reform	Ambiguous reform
Western Europe	267 (84.49)	24 (7.59)	12 (3.79)	13 (4.11)
Eastern Europe	32 (45.07)	16 (22.53)	17 (23.94)	6 (8.45)
	No reform	Party-centred reform	Candidate-centred reform	Ambiguous reform
Western Europe	267 (84.51)	9 (2.84)	15 (4.74)	25 (7.91)
Eastern Europe	31 (43.67)	16 (22.53)	12 (16.9)	12 (16.9)

Source: author's dataset.

multi-tier or mixed systems. A change in the opposite direction in any of these elements is coded as *restrictive*. Finally, *ambiguous* reforms are not supposed to change the overall disproportionality produced by the existing electoral rules, either because they only affect the intraparty dimension of the system or because they simultaneously combine permissive and restrictive elements of change.[19]

For example, the electoral reform passed in France in 1985 is considered to be permissive because it replaced the two-round single-member majoritarian system employed in that country since 1958 with a PR system. In contrast, the Polish electoral reform of 2002 is considered to be restrictive because the D'Hondt method replaced the Sainte-Laguë formula in use in the previous election. Finally, the introduction of the plurality-vote guarantee in Malta after the 1992 election is a case of ambiguous electoral reform in the interparty dimension.

An electoral reform is coded as *party-centred* in the following cases: (1) an increase in the degree of control party leaders can exercise over ballot rank; (2) an increase in the contribution that votes cast for one candidate of a given party makes to the number of seats won in the district by the party as a whole; (3) certain specific changes in the number of votes citizens are allowed to cast and the level at which they may cast them; (4) an increase in the number of districts when the electoral formula itself fosters personal vote behaviours; (5) the elimination of a nominal tier in PR systems; (6) the introduction of or an increase in the size of the PR-tier in mixed systems; (7) a reduction in the size of the so-called 'personal tier' in multi-tier systems; (8) a reduction in the number of preferences a voter can express in preferential-list allocation methods; and (9) a reduction in the degree by which preference votes may change the party-provided ranking in flexible-list systems. A change in the opposite direction of any of these elements is coded as *candidate-centred*. Finally, *ambiguous* reforms are not intended to change the candidates' overall incentives to cultivate a personal vote generated by the existing electoral rules, either because they only affect the interparty dimension of the system or because they simultaneously combine candidate-centred and party-centred elements of change.

For example, the reform that took place in Finland before the 1954 election can be categorized as candidate-centred because the multiple-list system in use until that point was transformed into an open-list system. In contrast, the reform passed in Bulgaria in 1991 was party-centred due to the elimination of the nominal tier in the mixed system used in the country's first democratic election. Finally, the formula shift (from Hare to Sainte-Laguë) in Germany in 2008 is a case of ambiguous electoral reform in the intraparty dimension.

Amongst West European countries, legislative terms in which an electoral reform does not take place are the rule rather than the exception, with relatively few countries changing the rules of the game. Overall, permissive reforms in the interparty dimension and ambiguous reforms in the intraparty dimension are the most common types of electoral system change registered in this group of countries. About 8 per cent of legislative terms include one of these two types of electoral reforms. By contrast, electoral system changes occur in 56 per cent of the legislative terms in Eastern Europe. Among electoral reforms in the interparty dimension, 23 per cent are permissive and 24 per cent are restrictive. Among electoral reforms in the intraparty dimension, 23 per cent are party-centred and 17 per cent are candidate-centred. Interestingly, the empirical evidence regarding electoral system changes in Eastern Europe differs significantly from the general trends towards greater permissiveness and greater personalization predicted by Colomer (2005) and Carey (2009), respectively.

If we return now to the information displayed in Table 30.1, we can see how European countries vary considerably in terms of the stability of their electoral systems. For example, some countries (such as Denmark, France, Germany, Greece, Italy, Lithuania and Poland) quite frequently reform the electoral system. Within this group, we must distinguish between
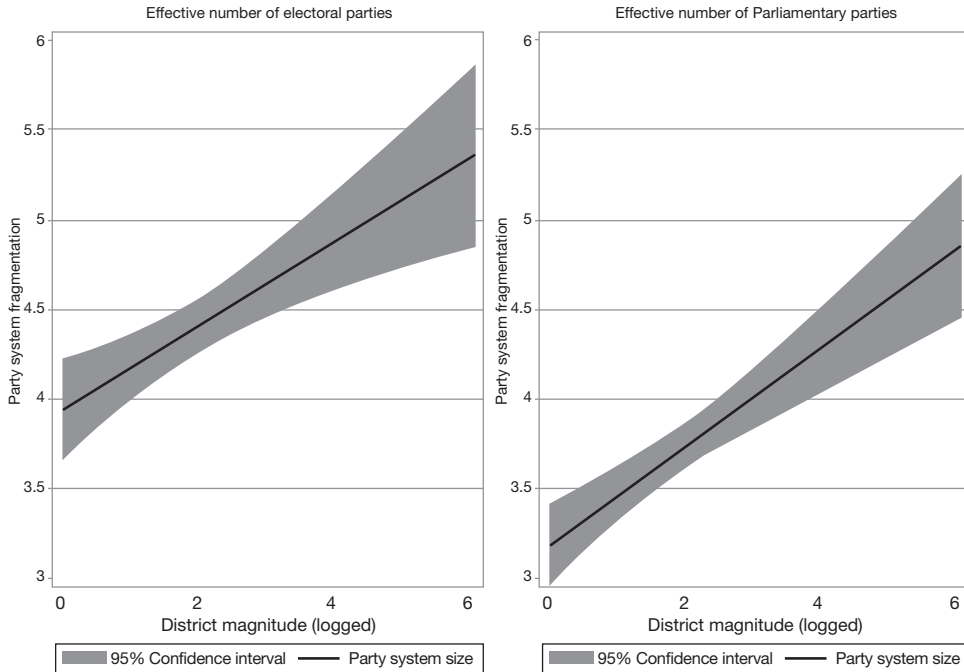
Figure 30.3 Party system fragmentation and district magnitude in Europe (1946–2011)

Source: Bormann and Golder (2013).

countries that have conducted major reforms (like France and Italy) and those that have primarily tinkered with somewhat less important dimensions of the electoral system. In contrast, we do not observe any changes in at least six countries: Ireland, Luxembourg, Portugal, Spain, Switzerland and the United Kingdom.

Figure 30.3 illustrates how the level of party system fragmentation varies in relation to district magnitude.[20] Specifically, I provide information on the effective number of electoral and parliamentary parties. This index, first introduced by Markku Laakso and Rein Taagepera in 1979, indicates 'the number of hypothetical *equal*-size parties that would have the same total *effect* on fractionalization of the system as have the actual parties of *unequal* size' (Laakso and Taagepera 1979: 4). Its exact operationalization corresponds to the inverse of the sum of the square of all parties' vote or seat shares,[21] ranging from 1 to infinity (in fact, to the number of parties that obtain at least one vote or seat, respectively). Although these plots ignore the important influence of social heterogeneity on party system size and only employ data at the national level, the evidence provided is consistent with the theories of Rae (1971 [1967]) and Taagepera and Shugart (1989). This is indicated by the fact that party systems under permissive electoral rules (i.e. with high district magnitudes) are consistently larger than those operating under restrictive rules (i.e. with low district magnitudes).[22]

Two plots summarizing the perceptions of corruption in Europe between 1996 and 2005 across party-centred and candidate-centred systems are shown in Figure 30.4.[23] Carey and Shugart's (1995) theory predicts that candidates' incentives to cultivate a personal vote will be higher under candidate-centred rules but lower under party-centred rules as district magnitude increases. Given this assumption, it follows that the level of political corruption should be higher
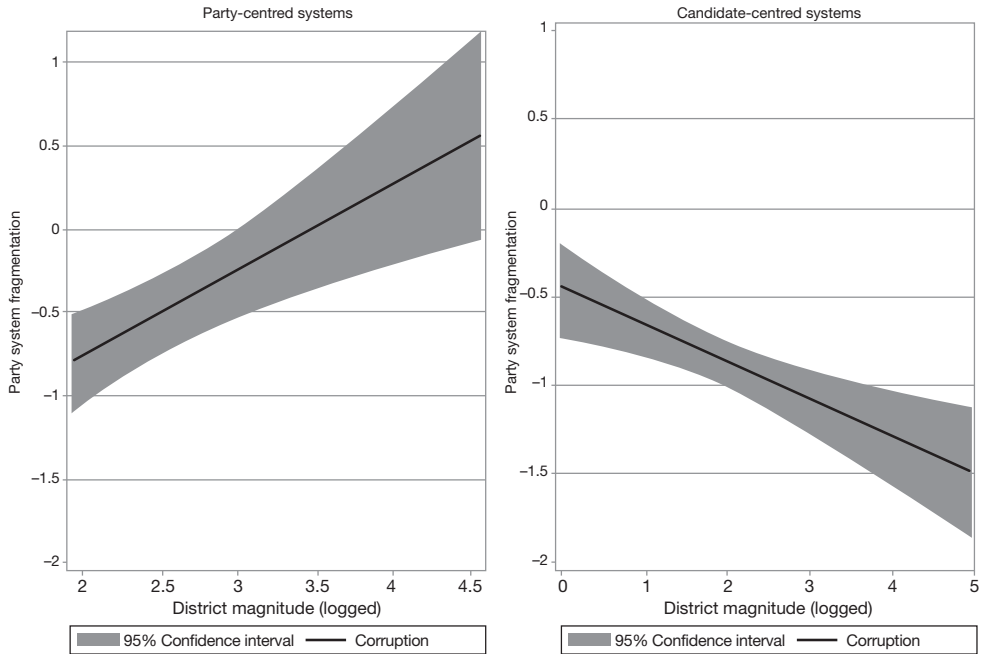
Figure 30.4 Perceptions of political corruption and incentives to cultivate a personal vote in Europe (1996–2005)

Source: The Word Governance indicators (2012, http://info.worldbank.org/governance/wgi/index.aspx#home) and Johnson and Wallack (2010 [2003]).

in candidate-centred systems but lower in party-centred systems as district magnitude increases (Chang and Golden 2007). The data in Figure 30.4 are broadly inconsistent with these predictions. Perceptions of the extent to which public power is exercised for private gain are higher in party-centred systems and lower in candidate-centred systems as district magnitude increases. These preliminary findings open up a further research agenda on how electoral institutions are linked to perceptions of political corruption.[24]

Challenges ahead

The significant development of comparative electoral systems research over the last 30 years does not mean that all the questions in this field have been answered. In the following pages, I outline four possible avenues for further research.

First, in response to the current trend towards design-based identification strategies, Adam Przeworski (2007) contemplates whether the study of comparative politics is even possible in an era of experimental political research. Although his conclusions are far more optimistic, Jonathan Rodden (2006) starts from the same point of departure. Despite these challenges, certain institutional settings offer an excellent opportunity for theory building and testing by providing us with quasi-experimental designs. At one time, scholars sought to define settings in which Mill's method of difference would apply – a world in which the instances in which the phenomenon of interest occurred and did not occur would have every circumstance in common save one. This is what enabled researchers to make causal inferences about the impact of institutions on outcomes. Unfortunately, it has become clear that such research designs are impractical, giving

rise to an emphasis on random assignment of the treatment. Within such a framework, careful attention to patterns of institutional variation appears to be particularly useful.

Most of the time, it is neither feasible nor politically correct to manipulate the institutional setting of two similar countries. However, it is always possible to find innovative ways to study the relationship between institutions and outcomes by taking advantage of controlled comparisons (e.g. the simultaneous operation of different electoral systems in a particular place) or by adopting an appropriate research design (e.g. the comparison of parties or candidates that have won or lost a seat by a small number of votes). The (non-trivial) requirement for causal inferences is a profound knowledge of the cases. In recent years, several such studies have been published. For example, Crisp *et al.* (2012a) examine whether contamination occurs across tiers of mixed-member systems in the United Kingdom by observing voting in the same (or very similar) districts under different electoral rules. Likewise, by taking advantage of the discontinuities generated by thresholds of representation at the national level in 37 countries, Dinas *et al.* (2013) analyse whether small parties that barely obtain parliamentary representation are more likely to politically succeed in the short term in comparison to those that do not enter the legislative chamber.

A second possible strand of future research involves the refinement of the study of Duverger's mechanical and psychological effects (i.e. the 'Duvergerian agenda') in democracies, as well as its extension to autocracies. The proposition that party system size should be larger in democracies with high district magnitudes and considerable ethnic fragmentation remains largely untested at the district level, even though that is the level at which the relevant pressures are expected to act.[25] Moreover, there is a general lack of theoretically driven comparative research on whether party system fragmentation can be driven by other sources of heterogeneity in terms of preferences (for example ideological differences). Likewise, uneven district magnitude in PR systems and the phenomenon of party system nationalization have traditionally been considered relatively minor topics in comparative electoral systems research, but they are now becoming increasingly important due to enormous improvements in the accessibility of sub-national data (e.g. Crisp *et al.* 2013; Penadés and Riera 2011).[26] Finally, the study of the consequences of electoral systems under dictatorships, also largely neglected thus far by the literature, should benefit from the increased availability of data.[27]

Third, electoral systems are thought to have a long list of consequences that likely extend beyond their interparty dimension. For example, candidate quality, legislative organization and parties' appointments may matter more under some institutional frameworks than others (Taagepera 2007b). These are empirically observable consequences of the rules of the game that have not yet been properly tested, mainly because of a lack of data (Shugart 2005). In the coming years, the extensive quantitative data collection in nine countries carried out by Krauss *et al.* (2008) will allow us to analyse how parties recruit and allocate personnel to electoral, party, legislative and executive positions.

Finally, the study of the origins of electoral systems is obviously still an open field from both the theoretical and the empirical perspective. A disadvantage of research addressing the causes of the adoption and reform of electoral rules is that the study of the effects of an institution is more conducive to systematic theorization (and quantification) than the study of its genesis (Shugart 2005). Moreover, it may sometimes be more difficult to assess why one electoral system is chosen over another because there are (naturally) relatively few cases of major shifts in systems to analyse (Rahat 2011).[28] For instance, in most systems featuring single-member districts and a plurality rule, the same electoral rules have been in use since their initial adoption. The same can be said about the PR and mixed-member systems of several countries, including Argentina and Japan. However, these cases are quite rare; as we have seen, electoral reforms are far from uncommon.

Conclusion

The significant development of the field of comparative electoral systems research from the quantitative perspective over the last 30 years has also involved a qualitatively important transformation in how scholars approach the field. The maturity that Shugart (2005: 25) refers to is reflected in the recent publication of several pieces that are significantly broader in the substantive sense and increasingly comparative and sophisticated from the methodological point of view. In the early days of the field, the analysis of electoral systems mainly focused on the consequences of the interparty dimension of electoral laws. Moreover, it lacked an adequately comparative approach and often fell short of sufficiently quantitative rigour. Fortunately, this is no longer the case.

Nowadays, the application of the proper statistical tools to the analysis of the operation of more than one electoral system, either in the same or in different countries, has become the rule rather than the exception. As a result of substantial advances in the study of the impact of electoral rules on the format of the party system and the behaviour of voters, some scholars have concluded that 'the agenda of proportionality and number of parties is largely closed' (Shugart 2005: 51). The progress recently made in this regard has been decisively assisted by enormous improvements in the accessibility of both electoral and institutional data.[29] Apart from these developments, the study of the intraparty effects of electoral rules and their origins are two additional sub-fields that have attracted the attention of political scientists over the last two decades.

Electoral reforms have been characterized as fairly uncommon in democratic regimes (Lijphart 1994; Nohlen 1984b; Norris 1995; Taagepera 2007a).[30] Nevertheless, electoral system changes actually occurred with some frequency in established democracies during the 1990s (e.g. Israel, Italy, Japan and New Zealand), and several governments' attempts to modify the rules of the game in the early 2000s led some scholars to conclude that 'the whiff of electoral reform is in the air' (Farrell 2011 [2001]: 172). In my brief overview of the data, we have seen that the use of proportional systems has significantly declined over time, while mixed rules have become increasingly common. Additionally, certain empirical patterns have clearly emerged with regard to the geographical distribution of electoral systems and the frequency and typology of electoral reforms. In overall terms, the rules of the game are becoming less stable (at least, in Eastern Europe), but there is no evidence of the general trend towards proportional representation or candidate-centredness over time that some authors predicted. There are no strong indications of how these trends will develop in the future. Finally, the data document two additional effects of electoral rules: first, party systems at both the electoral and legislative levels are consistently larger when district magnitude is high and, second, perceived levels of corruption are generally higher in party-centred systems with large districts as well as in candidate-centred systems with small districts.

In the last section of the chapter, I have sketched four avenues for further research in this field: the use of electoral institutions as a means of addressing potential problems of causality in the study of their effects, the refinement of the analysis of Duverger's mechanical and psychological effects (i.e. the Duvergerian agenda) in democracies and its extension to autocracies, the examination of intraparty effects and a focus on the origins of electoral systems. In the meantime, specialists will also continue to search for an ideal electoral system, despite Carey and Hix's (2011) claim of having identified the electoral 'sweet spot'. Whether the combination of low-magnitude districts and proportional formulas they advocate produces the best of both worlds still remains to be seen; in the end, it simply depends on what we want from an electoral system (Gallagher 2005: 568).

Notes

1 In particular, I only take into consideration nations where 'incumbents lose elections and leave office when the rules so dictate' (Przeworski *et al.* 2000: 54).

2 For example, in Italy, because the president of the Senate acts as the head of state when the president of the Republic must be replaced, the Senate is traditionally considered the upper house.

3 Just as Carey and Hix (2011) seek to identify a 'sweet spot' on the interparty dimension where the goals of representation and accountability are maximized, Bergman *et al.* (forthcoming) share a similar ambition for the intraparty dimension, pursuing the design of a non-transferable preference voting system in which a proliferation of candidates may mean that many voters will not be represented by a candidate of their choice.

4 Other scholars offer similar definitions. For example, Blais (1988: 100) defines electoral systems as 'those rules which govern the processes by which preferences are articulated as votes and by which these votes are translated into the election of decision-makers'. Likewise, Farrell (2011 [2001]: 4) concludes that 'electoral systems determine the means by which votes are translated into seats in the process of electing politicians into office'.

5 Although Lijphart (1994: 10) employs the term 'dimension' to refer to the different features of electoral systems, I prefer to confine the use of this word to the distinction between the *interparty* and the *intraparty* aspects of electoral rules.

6 The number and the ways in which electoral tiers are connected or not in cases of more than one tier are two additional features of electoral systems. Although their significance is often not necessarily negligible, I do not consider them here.

7 Shugart and Wattenberg (2001: 10) employ a slightly different definition, according to which mixed–member systems are 'a variant of such multiple-tier systems, with the specific proviso that one tier must entail allocation of seats *nominally* whereas the other must entail allocation of seats by *lists*'. Hence, they preclude the possibility that a system can be classified as mixed when it uses only one electoral tier. Moreover, their definition is based on the nature of the vote cast by the citizen and how it is employed to allocate seats (nominally versus lists) instead of the formula in use (majoritarian versus majoritarian).

8 A common mistake found in a surprisingly large number of highly regarded publications is the projection of the effective threshold from the constituency to the national level. It is obvious upon reflection that if we want to estimate the national-level effective threshold, we need to take the number of constituencies into account; whatever the effective threshold may be within each constituency and the more such constituencies there are, the lower the national-level effective threshold will be (Taagepera 1998).

9 *Open-list systems* are those in which the ballots provided by parties are unranked and preference votes alone determine the order of election from a party's list. In *flexible-list systems*, the allocation of candidates takes into account both the party-provided rank order and preference votes. *Quasi-list* and *latent-list systems* are two subtypes of open-list and flexible-list systems, respectively, in which the citizen only indicates preference votes.

10 In the 1980s, a similar controversy arose between Bogdanor (1983) and Marsh (1985). The former did not address the issue of the flexibility of lists (in Shugart's terminology) at all, while the latter proposed a differentiation between 'systems where seats are allocated between candidates purely on the basis of preference votes and those where the ordering of the list by the party is also a factor' (Marsh 1985: 376).

11 For example, Karvonen (2010: 35–40) applies Shugart's revised schema in order to assess the degree of 'personalization' of electoral systems.

12 Although I will not specifically address assembly size, it is obviously an important component of electoral systems because it decisively conditions district magnitude (Lijphart 1994; Taagepera 2007a).

13 Another systematic account of cases deviating from *Duverger's Law* among plurality systems involves what have come to be called 'sectionalist third parties'; that is, non-national parties that are sufficiently competitive locally to benefit from, rather than be punished by, *Duverger's Law* (Rae 1971 [1967]; Riker 1982). Because the central concern of this chapter pertains to party system size at the national level, I will not attempt to explain why the number of parties may be inflated at the local level (Chhibber and Kollman 2004; Cox 1999).

14 Finally, John Carey and Simon Hix (2011) posit that low-magnitude multi-member districts (the so-called 'limited PR systems') produce a distance between the median voter and the median

government (in the case of majority cabinets) or legislature (in the case of minority cabinets) party that is statistically indistinguishable from zero.

15 I believe that this is counter-intuitive; if the theory were true, representatives elected through open lists would be more focused on constituency service than on parliamentary activities.

16 For the authors, all proportional representation systems reduce individual accountability, but this is obviously not true if we also take into consideration preferential-list electoral rules. Unfortunately, they do not distinguish between the latter and closed lists.

17 Although quite exceptional in practice, German parties can also qualify for list seats by winning at least three constituency seats.

18 Birch (2003), Birch *et al.* (2002), Bowler and Grofman (2000), Colomer (2004a), Gallagher and Mitchell (2005a), Golder (2005), Grofman and Lijphart (2002), the Inter-Parliamentary Union website (www.ipu.org), Johnson and Wallack (2010 [2003]), Lijphart (1994), Lundell and Karvonen (2003), Renwick (2011), Shugart and Wattenberg (2001), Shvetsova (1999) and the electoral laws of each country.

19 Note that a reform that does not exceed any of the thresholds mentioned above is not coded as an actual reform in my data.

20 Golder (2005), complemented by Bormann and Golder (2013) and Gallagher's dataset (www.tcd.ie/Political_Science/Staff/Michael.Gallagher/ElSystems/index.php).

21 To be more precise, the formula is:

$$\frac{1}{\sum_{i=1}^{n} p_i^2}$$

where p_i is the percentage of votes obtained by party i.

22 For example, the district magnitude of the only electoral district in the Netherlands is 150, and the effective numbers of electoral and parliamentary parties in the 2010 election were 6.97 and 6.74, respectively. In contrast, in the 2010 election in the UK the exclusive existence of single-member districts resulted in effective numbers of electoral and parliamentary parties of 3.71 and 2.57, respectively.

23 The World Bank website (World Governance Indicators) and Johnson and Wallack (2010 [2003]).

24 Spain and Moldova are examples of party-centred systems with low and high district magnitude, respectively. In contrast, France and the United Kingdom are examples of candidate-centred systems with low district magnitude, and the Netherlands and Slovakia are examples of candidate-centred systems with high district magnitude.

25 See Crisp *et al.* (2012b), Hicken and Stoll (2011), Riera (2013a), Singer (2013) and Singer and Stephenson (2009) for research on this issue that employs data at the district level.

26 With regard to electoral data at the sub-national level, it is worth mentioning the Constituency Level Electoral Archive (CLEA) from the University of Michigan and the Constituency Level Elections (CLE) dataset from Washington University at St Louis.

27 For exceptions, see Gandhi and Lust-Okar (2009) and Lust-Okar and Jamal (2002).

28 Katz (2005: 74) warns in the same vein that, '[w]hile it may be possible statistically to estimate the probability of reform in any particular year, it would appear that even the "peaks" in predicted probability will be so low as to leave accounting for specific instances in the realm of historical reconstruction rather than statistical prediction'.

29 With regard to the former, see, for example, the volumes compiled by Nohlen and Stöver (2010) and Caramani (2000); with regard to the latter, see the handbooks edited by Colomer (2004a) and Gallagher and Mitchell (2005a), or the datasets of Bormann and Golder (2013) and Johnson and Wallack (2010 [2003]).

30 For an opposing view, see Colomer (2001).

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Party patronage

An old solution for new problems?

Carlos Jalali and Patrícia Silva

Introduction

Patronage presupposes a particularistic, non-commercial, asymmetric exchange between patrons and clients, the latter offering their support and loyalty in return for the benefits the patron can provide. As this definition suggests, it is not a recent phenomenon, nor is it limited to political exchanges.

In the analysis of political exchanges in the context of modern democracies, the role of the patron is generally seen as being played by the political party, which can distribute a variety of benefits, ranging from jobs to subsidies and legislation. Of these various types of patronage, jobs are generally seen as the most important, and it is this specific type of benefit that we will focus on in this chapter.

Given that political parties are empowered to act as patrons through their access to government, party patronage is closely related to party government. However, patronage has traditionally been a relatively underexplored dimension of the party government model, primarily analysed as an instrumental means of strengthening a party, be it in terms of its membership and of its wider support (Blondel 2002). Consequently, for a long time party patronage was associated (or even conflated) with clientelism, an instrument for mobilizing electoral support and rewarding the party faithful; and many scholars therefore predicted that the patronage system would eventually lose significance with political and economic modernization (see, e.g., Sorauf 1959: 119).

However, in recent years party patronage – specifically, political appointments to non-elected public offices – has been the focus of renewed interest (see, for example, the volume edited by Kopecký *et al.* 2012; and the volume edited by Peters and Pierre 2004). Two factors can be adduced for this re-examination of patronage. First, contrary to the expectations of much of the literature, it appears that patronage has not receded with modernization. Indeed, if anything, patronage appears to remain a feature of contemporary politics, even as governance processes are radically re-shaped. Second, although patronage has not disappeared over time, its form does seem to have changed. Indeed, a recent strand of the literature posits that patronage now functions not only as a means of 'greasing' party structures but also as a crucial instrument of policy control.

In this chapter, we chart the role of patronage in European democracies, drawing on the more recent research that examines the ways it interacts with parties and party government. As we will show, patronage remains a feature of European democracies (young and old), and a feature that increasingly interacts with contemporary processes of governance. On the one hand, partisan recruitment for positions in national and local public institutions is a key resource for political parties that can help entrench party organizations and cement their role as 'public utilities' (van Biezen 2004). But, in addition, such appointments provide parties with leverage over (and crucial information within) the increasingly fragmented and delegated processes of policy-making and governance (van Thiel and Yesilkagit 2011). As such, patronage has evolved into a relevant organizational resource for contemporary political parties and party governments – in a sense, an old instrument that allows parties to respond to the new challenges they face.

This chapter is structured as follows. We begin by analysing the concept of patronage and the extent to which the nature of patronage can interact with the goals of political parties. Then, in light of the close ties between patronage and party government, we analyse the evolving forms of patronage within the party government framework. The conceptual confusion and definitional imprecision associated with the concept of patronage have prompted several attempts to measure the extent and nature of party patronage. In the third section, we briefly consider some of the methods currently used to measure patronage and outline a recent approach based on face-to-face expert/elite interviews with respondents familiar with patronage practices. The fourth section delves into the original data employed by the various national studies in the volume edited by Kopecký *et al.* (2012). Specifically, we focus on the index of party patronage produced by this project, examining the patterns of patronage in 15 European democracies with regard to the extent of party patronage and the motivations behind it, as well as the criteria used in the selection of civil servants. Overall, these patterns indicate that patronage is a resource for policy control, albeit one that can also be used for rewarding supporters.

Defining patronage in contemporary democracies: party patrons and state benefits

The concept of patronage has a long tradition. Its origins can be traced at least as far back as Ancient Greece (Millett 1989) and Rome (e.g. Cloud 1989); indeed, the word 'patronage' is derived from the Latin *patronus* (patron, protector). The concept has been addressed by scholars from a variety of different perspectives (anthropological, historical, political), and the scope of its definition has varied over time and across spheres (social, artistic, political); however, these definitions tend to converge on characterizing patronage as a relationship between patrons and clients engaged in a particularistic, non-commercial, asymmetric exchange, with the former enjoying hierarchical superiority vis-à-vis the latter (Saller 1982: 1). Patronage thus entails a reciprocal exchange between patrons and clients, with the former assisting and protecting the latter in return for the latter's services (ibid.).

Turning to a more political notion of patronage, we can describe it as a relationship involving patrons who provide divisible benefits to clients in exchange for the latter's loyalty and support (see Shefter 1994: 21). Of course, the potential scope of such benefits is virtually limitless, and may well include benefits and goods directly procured by the political patron (e.g. money) in exchange for the client's support (e.g. vote). However, we are interested here more specifically in the benefits that political patrons can provide as a result of their access to political power. This is an important aspect of contemporary definitions of political patronage, reflected in Kopecký and Mair's (2012a: 4) definition of patronage as a relationship in which support is obtained in 'exchange of various public goods'. A broad range of benefits is at the political

patron's disposal, such as jobs, titles, contracts and licences, subsidies, grants and legislation (Müller 2000: 142–3). In the context of modern party democracies, these patrons are generally understood to be political parties (Shefter 1994), able to act as patrons through their access to government – either because they form part of the government or through their influence over governmental decisions. However, an individual politician may also serve as a patron, especially in systems involving weaker or less cohesive parties (Golden 2003).

Naturally, the implications of patronage – and the type and number of clients – will vary, depending on the kind of benefits that are provided. For instance, when we compare patronage of jobs and of contracts, we can see that they will have different clienteles, both in terms of their nature – that of jobs being comprised of individuals, while for contracts it also encompasses, perhaps primarily, firms and corporations – and of their extension, with jobs engendering a numerically larger clientele.

This is not to say that other forms of patronage do not exist; indeed, they are relevant and have merited examination (e.g. the role of patronage in Malaysian firms, Gomez and Sundaram 1999; in Chinese firms, Goetzmann and Koll 2005; and in the political economy of Africa, Tangri 1999). Moreover, recent research suggests that exchanges between parties and firms might be far less unidirectional than the conventional definition of patronage suggests, with businesses financing parties in exchange for at least a modicum of influence in defining public policy goods (McMenamin 2013). In such cases, businesses are not only the clients of parties but also their patrons. However, insofar as it directly mobilizes a larger cohort of clients and potentially impacts most substantially on public-sector resources,[1] studies of patronage tend to focus primarily on the distribution of jobs. Of the various types of patronage, the appointment to jobs is generally seen as the most important (Müller 2006: 190). Thus, for the purposes of this chapter, we define party patronage as party-driven appointments to positions in public and semi-public administrations.

Why do parties resort to patronage? In order to answer this question, an initial distinction must be drawn between 'service patronage' and 'power patronage'. Service patronage refers to the employment or promotion of the client in exchange for loyalty outside the sphere of the job involved (Müller 2006: 190). In this case, because it is related to rewards for services previously rendered or in anticipation of services to be rendered in the future, patronage is a non-simultaneous exchange (Landé 1983) that seeks to maintain or obtain political and electoral support (Piattoni 2001). This represents the clientelistic dimension of patronage, which functions as a means of distributing selective incentives in a dyadic and vertical relationship between patrons and clients. A typical service patronage exchange would be the exchange of jobs for votes – a type of patronage that is commonly associated with the notion of clientelism (Kopecký and Mair 2012a: 8–12). Since service patronage entails rewards for supporting patrons, it creates expectations regarding the profile of the appointees, with party affiliation or (when parties are weaker) a personal relationship with the politician central to the process.

In contrast, power patronage appointments are instrumental to attain policy goals. Power patronage thus occurs when the client is expected to render services to the party within the remit of the position to which he or she was appointed. In this context, the distribution of positions in public administration can become an instrument through which a party can reinforce its role in governance structures and processes. To borrow Kopecký and Mair's (2012a: 8) apt phraseology, in service patronage the patron tells the client, 'I give you this job so you will vote for me'; in power patronage, the patron tells the client, 'I give you this job so you will work for me.'

The distinction between service and power patronage is reflected in the types of jobs supplied to clients. Power patronage presupposes that the client's job will be of consequence and interest

to the patron. In the context of public administration, such jobs would tend to be positions that can influence policy orientation and implementation. As such, power patronage appointments will generally occur at higher hierarchical levels of the civil service, positions capable of generating leverage over governance for the patron. On the other hand, service patronage, employed as a method of attracting 'voters, contributors, and activists' (Shefter 1994: 21), will tend to involve appointments at the lower hierarchical levels, a potentially more effective way of increasing electoral support in a context of universal and equal suffrage.[2]

Partisan patrons, state resources and the (evolving) nature of party patronage

As noted in the previous section, the role of political parties as patrons in modern democracies stems from their access to government, either direct (by forming part of the government) or indirect (through their influence over governmental decisions). As such, patronage clearly interacts with the notion of party government. Indeed, patronage has been identified as an important dimension of the party government model, being considered as a crucial dimension of the analysis of the relationship between political parties and the government (Blondel 2002). However, the literature on the party government model has focused on the service dimension of patronage (Blondel 2002). Thus, the conventional conception of patronage refers to the distribution of jobs in public administrations in exchange for services rendered to the ruling party, or as a compensation mechanism should the governing party fail to convert its political preferences into political decisions (Blondel 2002; Kitschelt and Wilkinson 2007).

Patronage is thus viewed as a constitutive element of the relationship between the government and supporting parties, albeit an element that is separate from policy decision-making processes and the selection of the governments' highest officials (Blondel 1995: 131). From this perspective, patronage serves as a compensatory factor, offsetting the inability of the parties in government to convert political preferences into public policy (Blondel 2002: 242). The party government literature has thus associated patronage with the distribution of particularized state resources among the supporters of governing parties (Blondel 2002), a view that regards patronage as an 'alternative' to the ability to control public policy (Cotta 2000: 214) and as a 'palliative' (Blondel 2002: 253), mitigating any potential negative effects of government incapacity in the eyes of the electorate.

This perspective is consistent with traditional understandings of patronage. Patronage, as a means of distributing selective incentives in a dyadic and vertical relationship between patrons and clients, has been linked to clientelistic politics (Kitschelt *et al.* 1999; Piattoni 2001). According to this view, patrons who are in power provide clients with desired goods, protection and support; in return, patrons are furnished with other kinds of goods and services. Patronage is also seen as a personalized exchange between politicians and clients involving mutual calculable transactions (Kitschelt *et al.* 1999: 48), entailing votes and support in exchange for jobs and other benefits (Roniger 2004). In this sense, party patronage was initially associated with the occupation of bureaucratic posts as a form of rewarding supporters and servicing party organizations.

In this perspective, patronage is viewed in a negative light; critics of the system echo the arguments raised against patronage in ancient Athens, where it was seen as inimical to a properly functioning democracy because of the constraints it placed on individuals (Millett 1989). The extent of patronage was also expected to diminish with modernization: in theory, as individuals become economically more prosperous, protected by a universal welfare state and given access to educational resources, the supply of willing clients will decline. In a context featuring

competitive politics and a free and independent media, opportunities to exchange jobs for votes will be further limited.

However, the recent literature suggests that this perspective on patronage is incomplete. In particular, a different motivation for patronage can be identified, which suggests at least a partial reconfiguration of contemporary patronage in Europe away from service patronage towards power patronage. Thus, a more recent strand of literature has linked patronage to parties' policy-seeking objectives (e.g. Andeweg 2000; Bearfield 2009; Meyer-Sahling 2006).

Although the logic underlying patronage may have been transformed, the notion of patronage is still closely linked to party government. In this case, the implicit departure point is the idea (highlighted in empirical research on party government) that the main *raison d'être* of government activity is control over public policy (Blondel and Nousiainen 2000: 161). In such a context, parties will use appointments as an instrument to control the bureaucracy, in order to facilitate the implementation of their policy goals (Kopecký and Mair 2012a; Meyer-Sahling 2006). Patronage thus becomes a governing instrument (Meyer-Sahling 2006: 275), with parties concerned not only with the allocation of ministerial positions, but also with appointments to key positions in public administration departments that will allow them a degree of control over these and ensure that their policy goals will be implemented (Andeweg 2000). As Müller (2002) asserts, control over policy requires political executives who are both loyal to party goals and effective administrators. This policy-seeking rationale suggests that patronage may in fact serve to reinforce vertical accountability by facilitating the implementation of parties' manifestos once they are in power. As such, it helps reduce agency losses in the principal–agent relationship between party government (principal) and the bureaucracy (agent), as well as in the relationship between voters (principal) and party (agent), to the extent that this latter relationship is predicated on policy platforms chosen by voters.

This type of patronage may be seen as a consequence of the growing complexity and fragmentation of governance processes, together with the increasing influence of the upper echelons of the civil service in policy-making. These appointments provide parties and political actors with leverage over the policy process, be it in its conception, implementation or coordination. In fact, the growing complexity of governance processes and the creation of highly fragmented public sectors with the establishment of autonomous public bodies and enterprises may have compelled parties to exert greater influence over state institutions in order to reduce agency losses.

At a time when governance systems tend to be fragmented, making appointments to the upper levels of the civil service may allow parties to reduce risks by gaining greater control over the agencies, non-departmental organizations and enterprises that have assumed a growing importance in both the formulation and implementation of policies. This allows parties to access an important territory of policy-making power (Montricher 2003), allowing them to have 'a voice in, and gain feedback from, the various policy-making fora that characterise modern multi-level governance systems' (Kopecký and Mair 2006: 8). Indeed, the formal discretion of bureaucrats is certainly not unencumbered by input from elected officials (Calvert *et al.* 1989); on the contrary, bureaucratic choice seems to be 'embedded in a game' in which the appointment power 'provides potentially decisive influence over policy' (ibid.).

As Mair (2008) notes, party governments face increasing challenges, due (inter alia) to transformations in governance; this trend leads him to herald the 'waning of party government'. Patronage – in the sense of power patronage designed to gain leverage over policy processes – can thus become an instrument through which party governments respond to this challenge. In this way, patronage becomes a key resource for political parties dealing with a fundamental issue: how to retain their role in modern democratic governance. This also signifies that the

normative evaluation of patronage is not necessarily negative. Patronage can enhance parties' control of policy processes, as parties in government attempt to obtain a more responsible and accountable public and semi-public administration, and this can potentially have positive consequences for the pursuit of their policy goals (Andeweg 2000).

At the same time, parties' policy-seeking behaviour may coexist with less high-minded goals. However, while service patronage still exists, research on patronage suggests that it has evolved somewhat from the 'jobs for votes' exchanges traditionally associated with patronage. Notably, patronage has emerged as an organizational resource that can be used to bolster party organizations facing weakening social anchorage in older democracies (Katz and Mair 1995); in newer democracies, it may function as a mechanism to anchor nascent parties within the emerging political system (Kopecký and Mair 2006). As Ware (1996: 349) concludes, placing 'party supporters in administrative or quasi administrative positions over which the government has influence' provides the party in government with the means to strengthen the party itself. Such patronage can fulfil specific organizational goals, such as rewarding party members and generating cohesive parties. Focusing on the European setting, several authors have identified an increase in patronage practices, generating a 'state-centered party' (Blondel 2002) or 'public utilities parties' (van Biezen 2004). This trend is particularly evident in more recent democracies, with emerging parties prioritizing institutional resources above the anchoring of a mass following. Following Shefter (1994), there may well be path-dependencies for such parties; once in office, they may continue to rely on public resources and patronage practices to sustain their party organizations. Although the underlying logic of this patronage involves service, its goal is no longer obtaining votes – at least, not directly – but rather ensuring the organizational survival of the political party.

Overall, we can identify two broad accounts of patronage in the contemporary literature. One identifies patronage – the appointment to positions in public or semi-public administration – as an instrument that governing parties employ to attain their policy goals. This description refers to power patronage, with parties using appointments to control the policy process across departments, institutions and levels. The other perspective views this use of public posts as a method of servicing and sustaining party organizations. In a sense, this type of patronage functions as another form of access to the state resources that can help maintain parties, echoing Katz and Mair's (1995) influential analysis. Here we have a pattern of service patronage. In both cases, patronage presupposes the instrumental usage of appointment power; however, although the process may be similar, the motivations and nature of the two types of patronage differ considerably.

Methodological approach

Empirically analysing patronage patterns is not an easy task. Two factors can explain this difficulty; one is largely exogenous to the research, while the other is endogenous. The exogenous dimension concerns the nature of patronage: the exchange that it presupposes is not formalized, and as such can be difficult to measure. This problem is compounded by the fact that patronage is a phenomenon that tends to carry a negative connotation in public discourse, meaning that those engaged in patronage are less willing to discuss it. This exogenous difficulty is not unique to the study of patronage, but it is aggravated by a more endogenous issue related to the conceptual confusion and definitional imprecision of the concept of patronage outlined above.

As a result of the difficulties in obtaining data, in combination with distinct definitional assumptions, we find several different approaches to the operationalization and measurement of patronage in specific contexts and in comparative perspective. In general, these approaches

rely on proxies. Thus, the level of party patronage has been estimated via the percentage of total expenditures allocated by the central government and its ministries to spending on personnel (see, inter alia, Calvo and Murillo 2004; Gordin 2002), the increase in the absolute number of positions in the state administration[3] (Grzymala-Busse 2003; O'Dwyer 2006), the analysis of biographical data[4] (Meyer-Sahling 2008) and the use of corruption indices to estimate the extent of partisan rent-seeking behaviour, including patronage (Müller 2007).

While these proxies can give us an approximation of the patterns of patronage, they do not fully reflect the extent and nature of patronage practices, as they fail to grasp the ability and likelihood of parties to make appointments or the motives behind patronage practices. One method of circumventing these difficulties involves a systematic quantitative analysis of the actual patterns of the distribution of jobs in the upper and middle administrative ranks of public and quasi-public administrations, triangulated with interviews and analysis of legislation. This method allows a more detailed investigation of the main drivers and rationales for the politicization of the civil service, taking into account the considerable differences that exist between hierarchical levels. However, such studies require a very time-consuming process of data gathering on the patterns of job distribution, rendering large-scale comparative studies impractical.[5]

The most thorough comparative examination of patronage in Europe has been the project coordinated by Petr Kopecký and Peter Mair, which scrutinized patronage practices using structured face-to-face interviews with (former and current) ministers and state secretaries and (former and current) top civil servants from public and quasi-public administrations, as well as experts on specific policy areas and those with privileged knowledge on the relationship between parties and bureaucracy. This methodological research framework involved mapping out the state by policy area and institutional type; the former aspect is of particular interest. By dividing each of the nine policy areas into their different institutional settings – ministerial departments (e.g. core civil service), non-departmental agencies and commissions (e.g. regulatory and policy advising and devising agencies) and executing institutions (e.g. institutions involved in delivering services or in production) – the project was able to identify the precise institutional location of patronage appointments within each political system.

Kopecký and Mair's project conducted a total of 641 interviews across 15 European countries. These included closed-ended questions concerning the formal legal opportunity structures for patronage appointments. Interviewees were also asked to assess the range and depth of patronage appointments in each institutional type and the motivations behind party patronage. Based on this wealth of data on the practice of patronage, the project generated indicators for the extent, motivations and character of patronage.

The extent of patronage was assessed through an index of party patronage. This is a composite measure reflecting the range of patronage (the extent to which it occurs across institutions) and its depth, as evaluated by interviewees on the hierarchical levels at which party-driven appointments occur. This index was standardized to range from 0 to 1. High values on the index indicate that parties appoint across institutions and levels of the state administration, suggesting relatively pervasive patronage practices. Low aggregate levels imply a relative absence of party politicization of the state. In the following section, we analyse the results of this project, which provide an empirical overview of patronage in Europe.

Party patronage in contemporary Europe

The data from Kopecký and Mair's comparative study presents a nuanced picture of patronage in contemporary Europe. In this section, we provide a brief overview of the patterns of patronage
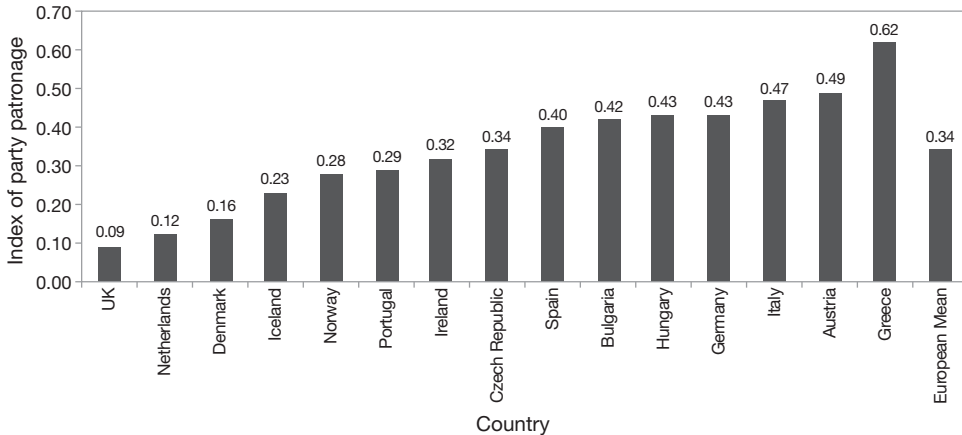
Figure 31.1 Index of party patronage in 15 European democracies

Source: Kopecký and Mair (2012b: 370).

in Europe, examining not only its extent but also its motivations and character. We begin by presenting the study's results with regard to the index of party patronage in the 15 European democracies, shown in Figure 31.1.

These results are largely consistent with findings from previous studies of patronage. The United Kingdom, the Netherlands and Denmark exhibit the lowest aggregate levels of party patronage, with values less than half of the European average. These countries are generally considered 'islands of excellence' (Jensen 2001) with virtually no evidence of party patronage; the countries' bureaucracies are strong and independent and are detached from the political elite (Müller 2000, 2006). In these cases, the professionalization of the bureaucracy tends to resist political interference.

It is interesting to situate these results within the context of the literature, which suggests a relatively greater politicization of the bureaucratic machinery in these countries. For instance, for the UK Sausman and Locke (2004) note the expansion of the political staff in the government, a trend involving the appointment of advisers to provide ministers with expertise and enhance responsiveness. The same pattern has been identified in Denmark, potentially serving as a mechanism to circumvent the neutrality of civil servants, perceived by the political elites as insufficiently responsive to the priorities of new parties in government (Jensen 2001: 71). The results presented in Figure 31.1 suggest that although such appointments do occur, they have not resulted in fundamental changes in the way the civil service is appointed in the UK and Denmark, as these countries (along with the Netherlands) maintain comparatively low levels of patronage.

Five countries display medium levels of party patronage, values that are less than the European mean but more than half of this mean. Three of these countries – Portugal, Ireland and Iceland – were considered patronage-ridden countries in the past; this suggests that patronage may be losing relevance to some extent, as the data from Portugal in particular indicate. The prevailing narrative concerning Portugal describes the politicization of personnel as widespread (Lopes 1997). Portugal, like its Southern European counterparts, has been widely perceived as a country whose appointments reach deep into the administrative hierarchy, largely motivated by partisan considerations (Diamandouros *et al.* 2006). The level of the index of patronage for Portugal suggests that the nature of Portuguese patronage is considerably more

nuanced than previous accounts have suggested, with parties primarily interested in the top levels of public administration as a means of gaining leverage over fragmented governance processes; the result is a more moderate level of patronage than previously reported (Jalali *et al.* 2012).

Substantial changes appear to have taken place in Ireland and Iceland, two countries also associated with pervasive practices of party patronage; this has been due in large part to a decrease in the demand side of patronage on the part of political parties (Kristinsson 2012; O'Malley *et al.* 2012). The same pattern can be identified in the Czech Republic, where (against the conventional narrative) patronage does not seem to be particularly pervasive (Kopecký 2012). The relatively restricted use of party patronage results from the parties' limited capacity to recruit candidates for appointed positions, due to their weak organizational presence on the ground. Overall, reductions in citizens' trust in political parties and the declining levels of party membership have diminished the demand side of patronage.

Conversely, the Norwegian case illustrates a tendency towards increasing politicization of top management structures. Conventionally, patronage was thought to be virtually non-existent in Norway, given its strong, professionalized administrative structures (Müller 2006: 189). However, as Allern (2012) argues, governmental actors have sought to politicize the Norwegian bureaucracy as a way to constrain its autonomy. This tendency seems to stem from the growing political staff surrounding ministerial private offices. Unlike in the UK and Denmark, this trend does appear to have resulted in a relatively high (although not excessive) level of politicization in the Norwegian civil service.

Seven of the 15 countries analysed exhibit high levels of patronage, which we define here as a value above the European mean. Of these, three are 'second-wave' democracies: Germany, Italy and Austria. In the German case, while patronage is not generally considered to be a salient feature at the federal level (Müller 2000: 145), it is of paramount importance at sub-national levels (*Länder*), where party political considerations play a significant role and 'the practice of party patronage frequently goes beyond the legal scope' (John and Poguntke 2012: 132), including as a result of middle-ranking civil servants who seek to use party membership as a strategy to advance their careers. For Austria and Italy, the results are not surprising. Austria has long been considered the 'heart' of patronage in Europe (Müller 2007: 252); the importance of patronage is a reflection of the *Proporz* system and its role in allocating positions across the civil service. Italy has a strong tradition of patronage and clientelism that has created a long-term dependence on particularistic benefits, resulting in an administrative system with low institutional capacity. This pattern seems persistent, even though patronage has become increasingly dependent on the personal loyalties of the appointees to individual politicians, a consequence of party weakening (Di Mascio 2012).

The extent of patronage is more pronounced in third-wave democracies. Of the six third-wave democracies in this study, four – Spain, Bulgaria, Hungary and Greece – are found in the high patronage category. Moreover, average values in the index of party patronage are higher among third-wave democracies (mean of 0.42, standard deviation of 0.11) than in older democracies (mean of 0.29, standard deviation of 0.15).

The literature suggests three factors as being responsible for the higher levels of patronage in new democracies. First, there is the legacy of the politicized recruitment system from the previous non-democratic regime that prioritized party loyalty above professional skills and merit. Second, in many cases this problem was compounded by the attempts of new parties in power to gain control over bureaucratic structures after transition to democracy (Goetz and Wollmann 2001: 879). As a consequence, the new administrative machinery tends to be incapable of resisting partisanship, creating favourable conditions for the large-scale use of patronage. Third, political

parties tend to be internally mobilized (van Biezen and Kopecký 2007: 237) – that is, they assume governing functions without having first institutionalized their own organizational infrastructure – and their social anchorage is generally fragile. In such cases, state structures seem to be particularly prone to party colonization, with patronage emerging as a valuable tool for attracting and keeping members.

Even though the new democracies analysed here (particularly the more recent EU members) have been subjected to considerable pressure from the EU to reform the administrative apparatus of the state (Goetz and Wollmann 2001), adaptation to the demands of the European integration process tends to occur in terms more of changes to the legal framework than of actual practices, with parties in government demonstrating little political will to relinquish patronage (Kopecký 2012: 79). One of the ways parties have circumvented European pressure involves resorting to patronage in policy areas that are less subject to external (European Union) or domestic scrutiny, as illustrated by the Bulgarian case. In Bulgaria, parties are free to appoint in the ministries of Culture, Health care and Welfare, as the EU has little oversight in these areas, which are considered to be fields of limited policy relevance (Spirova 2012: 59). At the same time, the example of Spain suggests that the nature of patronage can change over time. Spanish patronage has become a crucial asset for governing parties, especially given the polarized setting of party competition, in which new ministers tend to distrust civil servants and have an added incentive to replace officials inherited from previous governments (Gomez and Verge 2012).

In this group of high patronage countries, Greece stands out as an outlier, its index of patronage value close to doubling the European average. Here, the lack of autonomy in the bureaucracy, which has historically been subservient to the political sphere (Pappas and Assimakopoulou 2012: 147), is compounded by characteristics that facilitate an extensive and pervasive use of patronage: specifically, a strong partyocracy, with profound polarization in a two-party system, the considerable centralization of the Greek government and an expanding public sector, which has widened the scope available for patronage at both the lower and upper echelons of the bureaucratic hierarchy. The implementation of mechanisms to curb patronage (such as the creation, in 1994, of an independent body to supervise public administration hiring) has done little to effectively change the system; Greek parties simply designed legal loopholes that would allow them to circumvent the independent commission and continue their traditional patronage practices (Pappas and Assimakopoulou 2012: 149).

Overall, we find that the extent of patronage varies considerably across European democracies. However, this index of patronage does not allow us to assess the extent to which the motivations for patronage may have changed. In Figure 31.2 we present the results on the motivations for patronage generated by the Kopecký and Mair comparative study. The figure shows the proportion of respondents who indicated the different motivations. These percentages are disaggregated across the three categories of countries defined above (low, medium and high levels of patronage), in order to assess to what extent the level of patronage correlates with the motivations across Europe.

As outlined earlier, two main motivations can underpin party patronage. Patronage may be used as a means of distributing selective goods to supporters (service patronage) or as a method of strengthening control over particular sectors of the administrative apparatus (power patronage). As Figure 31.2 indicates, control emerges as the main motivation for parties to make appointments, irrespective of the extent of patronage. Control motivations (including respondents who answered 'both reward and control') stand at 64.6 per cent in low patronage countries, 80.6 per cent in medium patronage countries and 89.2 per cent in their high patronage counterparts. This pattern is consistent with the theoretical expectations that posit a transformation in the rationale for patronage.
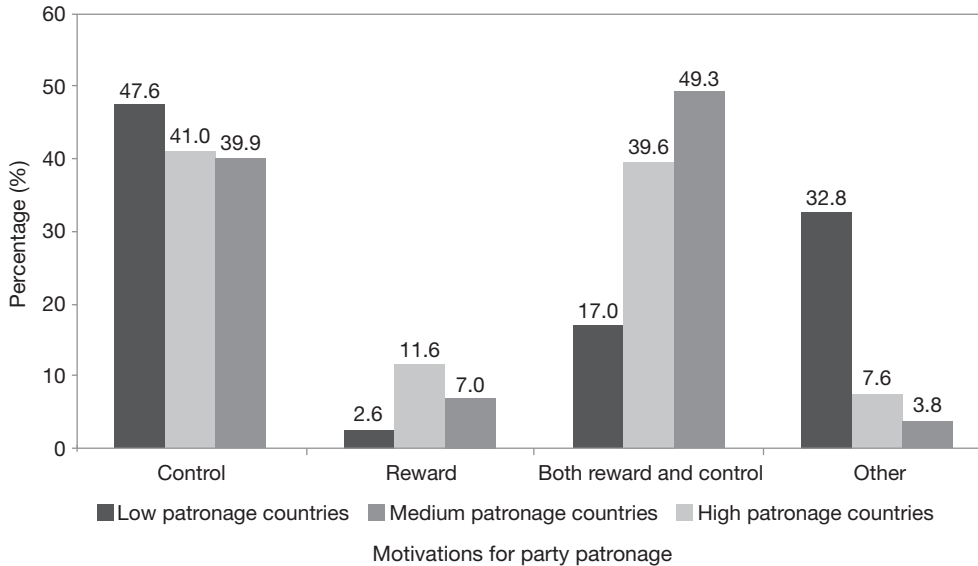
Figure 31.2 Motivations for party patronage (percentages)

Source: author's calculations, based on data from Kopecký *et al.* (2012).

However, while control and reward often coexist in medium and high patronage countries, that is not true of the low patronage countries. Reward motivations (including respondents who answered 'both reward and control') stand at only 19.6 per cent in low patronage countries, considerably lower than the medium and high patronage cases, at 51.2 per cent and 56.4 per cent, respectively. Overall, the reconfiguration of patronage away from service patronage and towards power patronage) appears to be only partial in medium and high patronage countries. Parties may have an interest in gaining leverage over fragmented governance processes, but these motivations can coexist with more prosaic reward motivations.

In some countries, particularly those with the lowest levels of party patronage, respondents indicated that there were motivations for patronage other than reward and control. This was particularly evident in Denmark, where the overwhelming majority of respondents (75 per cent) felt that governing parties were primarily interested in ensuring the existence of well-functioning of institutions, as opposed to controlling the institutions in policy terms, reflecting the country's enduring belief in a highly professionalized bureaucratic elite.

These findings concerning motivations are reinforced when we consider the criteria used in the appointment of top civil servants. Figure 31.3 summarizes the perspective of interviewees on the relative importance of professional qualifications and political or personal allegiances.

As Figure 31.3 shows, the most important criterion in the selection of top civil servants is their educational and professional background. This is consistent with the theoretical expectations about patronage taking on new forms – specifically, as an organizational and policy-control resource for parties, moving away from traditional clientelistic rewards. Indeed, parties' policy-seeking objectives tend to require high levels of professional expertise. At the same time, the results suggest that professional considerations coexist with (and in many cases operate in tandem with) political and personal allegiances, particularly in countries with medium to high levels of party patronage. This reinforces the earlier conclusion that different types of patronage can coexist, with power patronage growing in importance but not entirely replacing its service counterpart.
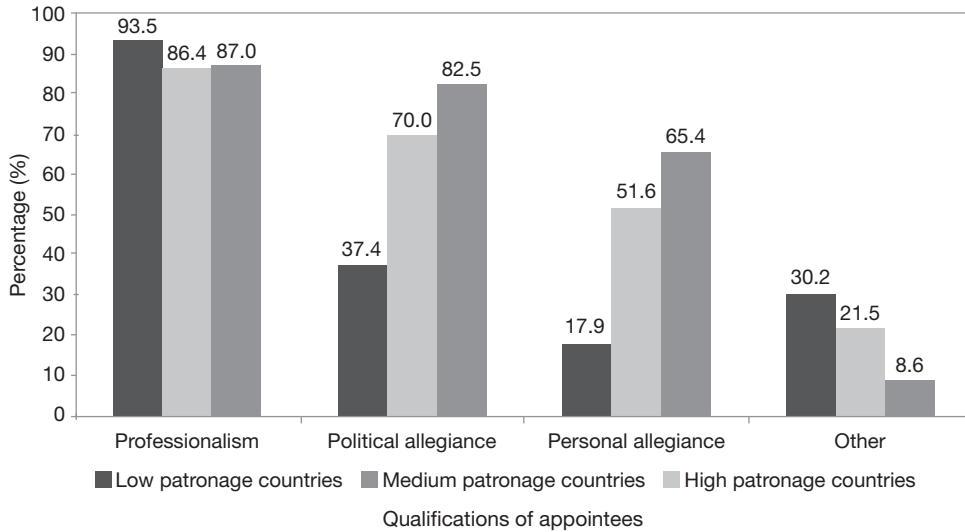
Figure 31.3 Qualifications of appointees in European democracies (percentages; more than one answer possible)

Source: author's calculations, based on data from Kopecký *et al.* (2012).

Concluding remarks

As noted at the outset, patronage is not a recent phenomenon. The fact that it has endured across diverse contexts and historical periods suggests a further characteristic of patronage: it is highly adaptable to different circumstances. This adaptability is very much evident in the analysis in this chapter. Long predicted to disappear as a result of political and economic modernization, patronage has resisted and redefined itself.

Contemporary forms of patronage appear to interact with governance processes, which are marked by fragmentation, delegation, specialization and the proliferation of actors involved in the policy process. In this context, the power of appointment wielded by a party in government becomes an instrument that allows the party to increase its leverage over the policy process.

As noted in this chapter, patronage practices vary considerably throughout Europe. Using the index of party patronage developed by Kopecký and Spirova (2012), we found that patronage tends to be more constrained in scenarios in which the bureaucracy has historically been insulated from the political sphere. Conversely, a more pronounced use of patronage seems to stem from a lack of bureaucratic autonomy; in such cases, a wider range of opportunity structures for patronage is compounded by greater party demand for patronage (e.g. to reinforce party organizations). However, while the variation in the extent of patronage is considerable, there is a greater degree of convergence in terms of its motivations, with policy control emerging as the most salient goal. This finding is consistent with the notion of patronage as a means for parties to increase their leverage over policy, although in medium and high patronage countries this function coexists with the more traditional objective of rewarding supporters.

Recent literature has confirmed the persistence and transformation of patronage; however, certain questions remain. In particular, three dimensions emerge from the burgeoning literature on patronage. First, little empirical attention has been devoted to the impact on efficiency in

bureaucratic departments in which parties intervene by appointing top civil servants and management boards. Second, the literature has yet to fully explore the degree of latitude that appointed bureaucrats have in making policy decisions. Finally, there is the issue of how the balance between personal and political allegiances (highlighted in Figure 31.3) impacts party organization. Indeed, if personal connections prevail, patronage may ultimately serve to weaken parties organizationally (at least in terms of their organizational cohesiveness) – precisely the opposite of what the literature has suggested. Answering these questions will be crucial for the development of a thorough understanding of how patronage affects contemporary politics.

Notes

1   Indeed, analysing the data for the EU27 countries plus Iceland, Norway and Switzerland for 2012, we find that in all these countries the compensation of governmental employees vastly exceeds the total for subsidies and investments combined, and is outstripped only by social benefits and social transfers in all countries except Iceland (Eurostat 2013).
2   Of course, this is not to suggest that all power patronage appointments involve hierarchically superior positions, or that all service patronage occurs at lower hierarchical levels; it is simply a statement of the general pattern.
3   The use of this proxy is problematic. For one thing, an increase in the number of civil servants may be due to administrative reforms or to the restructuring of the public sector. In addition, an increase in the absolute number of positions in the state administrative personnel would seem to imply that new parties in government will distribute more jobs in public administration, without necessarily dismissing individuals hired by the former ruling party.
4   These studies are less useful for explaining the motives and behaviour of political parties engaged in patronage practices.
5   One example of this kind of study is the 'Political Patronage in Portugal' project, funded by the Portuguese Foundation for Science and Technology (PTDC/CPO/65419/2006).

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Europeanization of national politics

The centrality of political parties

Robert Ladrech

Introduction: the Europeanization approach

The 'politics' of European integration were largely non-existent until the twenty-first century, outside isolated events in a few EU member states. The exceptions were countries that held referenda on EU issues, either because they were constitutionally required to do so (e.g. Denmark) or because they were motivated by domestic political reasons (the UK and France). In some of these cases (for example Denmark at the time of the referendum on the Maastricht Treaty or Sweden in 2003 on monetary union), the content of a treaty was the main focus of contestation; in other cases (such as France and the Netherlands in 2005), the referendum campaigns represented an opportunity for a variety of issues to come to the fore (Carbone 2010). In general, apart from the small number of referenda held over the decades, the European Union (as a political issue or a specific EU policy) rarely entered into the discourse of mainstream political parties in national or even in European Parliament campaigns. Therefore, pre-2000, the 'politics of the European Union' more accurately described the nature of intergovernmental bargaining at the European level, whether over specific policies within the Council of Ministers (and later in its inter-institutional relationship with the European Parliament) or over more strategic questions of policy and integration initiatives in the European Council. However, by the turn of the twenty-first century, in many EU member states, the EU itself had become a politicized issue within domestic political arenas.

To explain why the EU became a politicized issue in member-state politics, we must address the wider phenomenon of the EU's impact on its member states – that is, Europeanization. This chapter presents an overview of Europeanization, applying the concept to domestic political dynamics, in particular competitive party politics. In the first section, the concept of Europeanization is briefly addressed. We then consider how the Europeanization approach has been utilized to interpret changes in domestic politics. The following sections present evidence of EU impacts in the following political areas: party politics, the differences between older and newer (post-Communist) member states and party politics at the European level.

Europeanization and politics

Europeanization and EU member states

Europeanization is an analytical concept that defines the manner in which the EU influences domestic change within its member states, as well as in countries that are candidates for accession (Ladrech 2010). Essentially, being or becoming an EU member state introduces both a formal and an informal channel between supranational decision-making and policy development (i.e. the EU institutional architecture and policies) and the diffusion of its outputs in domestic or member-state policy fields. With regard to the process of negotiating with other national governments and supranational actors and then implementing agreed-upon policies, the Europeanization approach posits that two types of 'mechanisms of change' are responsible – wholly or in part – for subsequent changes in domestic institutions, policies and even politics. To be clear, the domestic changes that are the focus of the Europeanization approach are consequences of policy implementation and the process of interacting in EU policy and decision-making processes, not the substance of the EU policy that is legally implemented.

These two mechanisms of change, which have been labelled 'misfit' and 'learning' (Bulmer 2007: 51–3), are defined by the type of relationship that exists between member states and EU legislation. 'Misfit' denotes the divergence between domestic and EU policy and institutions, where a continued 'gap' can generate pressure to adapt, in order either to ensure a gain in resources through improved negotiating at the EU level or to improve the efficiency of implementation at the domestic level. The legal position of the EU (exemplified by the role of the European Commission) is such that member states are obliged to implement EU policy, thus potentially triggering pressure to adapt where any misfit becomes apparent. This legislation can be understood as 'hard law'. Here, we are explicitly referring to an EU-to-member-state causal path, which the literature has come to describe as 'top down'. Domestic institutions and policy direction at the domestic level may therefore become subject to adaptational pressure. In the second mechanism of change, 'learning', the pressure to adapt does not derive from the hierarchically dominant position of the EU (as in the misfit scenario); this mechanism is found instead in policy areas where the EU (through the actions of the Commission) can only promote voluntary acceptance of EU proposals, which the member states are free to accept or reject. However, because some member states will adopt such proposals, a process of policy diffusion through promotional activities by the Commission (by encouraging best practices, benchmarking and even peer pressure) may at times result in other member states adopting these measures; this is known as 'soft law' (Bulmer and Radaelli 2005: 345–51).

Domestic policies and institutions may therefore change over time as they adapt to their embeddedness in the EU system. Graziano and Vink succinctly characterize the theoretical underpinnings of the Europeanization approach: 'Europeanization studies have mobilized all strands of the "new institutionalist approaches" – historical, rational choice, and sociological' (Graziano and Vink 2013: 40). The institutions of the EU (including rules and policies) and their interactions with domestic governments have an impact on the shape and functioning of the domestic institutions and policies, though usually in an indirect manner; this is captured by the term 'adaptational response'. Whether by means of legislation imposed from a legally superior position (i.e. hard policy) or by promoting change through soft policy methods, the causal lines of engagement can be identified (Exadactylos and Radaelli 2012). However, when we turn from institutional and policy change to Europeanization and *domestic politics*, the nature of the influence of the EU and the manner in which it is manifested in national political systems differ in significant ways.

Europeanization and domestic politics

The claim that domestic politics may be influenced by the EU is based on at least three assumptions: first, that the EU actually asserts influence in the domestic political arena; second, that the mechanism(s) by which this influence is channelled can be isolated; and, third, that we can define what exactly is influenced. Let us examine each of these assumptions in turn. First, assuming from the Europeanization perspective that the EU *causes* change, we would need to understand exactly what kind of influence it is that the EU exerts. On this issue, there are substantial differences between politics and institutional and policy change. In cases of institutional and policy change, there is a direct connection between the outputs of agreed-upon EU policy and the engagement of national governments with the decision-making processes of EU institutions. This type of formal relationship through which domestic institutional and policy change (Europeanization) occurs differs from that of domestic *political* change due to the lack of a direct or formal relationship between the EU and domestic political arenas. For one thing, the EU has no legal mandate to affect the issue basis of domestic politics, its organizations (i.e. political parties) or rules of elections. Thus, at first glance, 'misfit' as a mechanism of change would seem not to be a relevant concept, as 'EU ways of doing things' (Radaelli 2000) are not formally imposed on competitive politics. That being said, it is undeniable that in some member-state political systems questions concerning EU membership (expressed in pro- and anti-EU discourse) and opposition to specific EU policy or policies have emerged (Hix 1999: 83–91). Has the EU politicized itself? In order to answer this question, the Europeanization approach must be modified to reflect the EU's lack of direct impact on domestic politics. It may be the case that there is a relationship between the increasing policy scope of the EU and the domestic perceptions of party actors and public opinion. Given that such a relationship exists, it is reasonable to assume that domestic perceptions of partisan policy positions and national interests may become mobilized if they clash with EU policy positions. This relates to the second assumption regarding *how* the EU causes change; in this specific understanding, we may state that 'misfits' between perceived domestic positions and that of the EU that can be viewed as threatening may become politicized. Objectively, policy positions of the EU (hard policy, such as in the area of competition policy with regard to state aid) may very well impact the interests of public-sector trade unions, for example. The issue to be explored in this chapter is what happens when this clash of rival interests spills over into competitive politics. The EU thus exerts an indirect influence on domestic political systems. However, it is the exact composition of domestic political actors and factors – party policies, interest group dynamics, media reports, the presence of Eurosceptic parties, etc. – that explains the activation of EU-influenced political activity.

The final assumption concerns what exactly is changed or influenced. Here, the definition and delineation of politics and political actors comes into play. Certainly, the extensive list of relevant domestic political actors can be daunting: political parties (major/minor, mainstream/ extreme), interest groups (producer, consumer, ascriptive, resource rich/poor), social movements, media and public opinion, among others. For each of these actors, there is a well-developed research literature supporting continuing analyses. The research agenda addressing the question of Europeanization, or the impact of the EU on the organization and/or performance of each of these actors, is relatively recent, beginning only around the year 2000. Additionally, in many studies the research question has been posed such that the emergent literature has concentrated on describing the overlap between the EU and the actor in question; as a result, studies from the late 1990s and early 2000s focused on the EU *and* interest groups, the EU *and* public opinion, the EU *and* political parties, etc. (Ladrech 2009). Scholars following the Europeanization

approach, on the other hand, have been engaged in determining the causal weight of the EU in the observed empirical changes in these actors, usually by means of process tracing (Haverland 2007: 62–3). Thus, accounting for the mechanism of change facilitates an understanding of how the EU has influenced organizational change within certain political parties and lobbying strategies within major interest groups. From a Europeanization approach thus defined, most studies since 2000 in the realm of domestic politics have focused primarily on political parties, with far less attention devoted to interest groups and social movements. This is not too surprising, as parties are indispensable for competitive politics, and party government is, after all, the 'official' inter-locutor between a member state and the EU. The fact that the Europeanization research agenda began to focus on political parties in the early 2000s is indicative of the increase in reactions by national parties to the EU – and in particular to its policy agenda. It is to this understanding of Europeanization in relation to political parties that we now turn.

The impact of the EU in national politics

Political parties

As described above, before the Europeanization research agenda took root in the early 2000s a literature had developed on political parties and the EU. This literature essentially focused on two levels: national and European. In the first case, the research effort concentrated primarily on the policy position regarding European integration on the part of mainstream centre-left and centre-right parties. This was also sub-divided into party families, e.g. social democrats, Christian democrats and liberals. Although primarily descriptive, this literature did uncover debates within parties over the merits of transferring sovereignty as well as over specific EU policy orientations, such as economic policy (especially when monetary union was placed on the EU agenda; for the case of social democratic parties, see Notermans 2001; for Communist parties, see Charalambous 2013). Research on the second case, parties at the European level, began with the decision to hold direct elections to the European Parliament in 1979. In anticipation of these elections, with the idea that a European party system might take shape, the main three party families (again, social democrats, Christian democrats and liberals) launched transnational party federations, essentially a European-level party made up of national party affiliates. Research on the evolution and organizational structure of these so-called 'Euro-parties' over the subsequent decades has tracked their organizational development, their relations with member parties and their influence over elections to the European Parliament (Johansson and Zervakis 2002; see Chapters 14 and 33). Also stemming from the first direct EP elections, although not centred on political parties *per se*, was a research focus on the nature of the elections themselves, specifically the impact they have on domestic politics. Two works from the 1980s and 1990s stand out in this area. The first, an article by Reif and Schmitt (1980), characterized EP elections as 'second order', thereby classifying them as minor if not inconsequential for domestic politics. The second, an article by Hix (1999), argued that the issue of European integration was beginning to have an effect on domestic politics in the sense of partisan alignments, with a pro- and anti-EU axis emerging. What both of these landmark articles provided was a framework for linking elections to a European institution, namely the European Parliament, to domestic electoral support.

Where the Europeanization and parties literature differs from the studies cited above is in its attempt to explain changes in domestic political systems that may have been generated in some fashion by the EU. In the first section, we described the impact of the EU on domestic institutions and policies; the mechanism of change in these instances was explained as due to the 'misfit' between domestic decision-making and that of the EU. Similarly, policy change

was explained in relation to the changes made to adapt to EU legislation: the greater the difference, the higher the expectation that adaptive changes will occur. With parties, as indicated above, the EU has no direct authority over the national political 'rules of the game', and so the EU as a *cause* of domestic political change would be indirect. That said, however, research has indeed formulated both indirect and direct causes for political party change.

As applied to party research, the Europeanization approach has encouraged a focus that includes arenas and activities such as party organization, party manifestos and programmes, party–government relations, patterns of party competition and relations beyond the national political system – for example relations with Euro-parties and party groups in the European Parliament (see Ladrech 2002 for an early framework for analysis). Within this research area, a distinction is generally made between parties in post-Communist member states and those from the older, pre-2004 enlargement (Lewis 2006). This facet will be considered separately in the following section.

Direct and indirect impacts of the EU on political parties

The EU's influence on domestic political parties is mostly of an indirect nature, although the role played by EU institutions in response to the 2008 financial crisis has introduced a new dimension into domestic political activity. There is no legal obligation for EU institutions and political parties to maintain formal contact. Simply put, for the parties the EU is neither the attractive 'opportunity structure' it can represent for certain interest groups or sub-national governmental actors (i.e. there is no financial gain transferred), nor itself useful as an actor providing a competitive edge in party competition (i.e. it is not an ally of any particular political party). It would thus appear that political parties are not ideal candidates for incorporation into the Europeanization research agenda, due to their 'insularity' from direct EU influence. Nonetheless, there is evidence that national political parties have experienced changes in several dimensions. Although EU influence can generally be characterized as indirect, Mair (2007: 157) makes an important distinction between the EU's direct and indirect effects on parties, posing the question of whether 'Europeanization as penetration has directly led to the formation of new political parties, whether in the national or European arenas'. One direct impact on parties and party systems has been the creation of a new dimension in party competition (Hix 1999), a pro- and anti-EU axis; this is orthogonal to the left–right axis, potentially leading (depending on national electoral rules) to the emergence of new parties. For example, the role played by the German government in managing the European financial crisis has resulted in a backlash, as demonstrated by the emergence of a Eurosceptic party in Germany, the Alternative for Germany (*Alternative für Deutschland*, AfD). Furthermore, for parties divided over the question of European integration this new dimension confronts party leaderships with the problem of managing dissent without undermining traditional stances on the left–right axis (Gabel and Scheve 2007). The French Socialist Party's internal referendum just prior to the national referendum on the 2005 EU Constitutional Treaty is a good example of party leadership allowing members to determine the party's official position. Research in this vein has continued to explore the possible impact of the EU issue on traditional alignments (Hooghe and Marks 2008), as well as how a left or right partisan position might determine parties' responses to European integration (Marks *et al.* 2002; Hellström 2008).

As for indirect effects on parties, the literature has focused on explaining changes in the organization and activities of parties, including patterns of competition. In one of the first attempts to systematize the study of Europeanization and national political parties, Ladrech (2002: 393–6) argues that, following Mair (2000: 37–41), the constraints on the range of EU member states'

governmental policy-making reduced the scope of policy proposals that parties could offer at elections. Mair (2007: 159–61) further describes these constraints as manifesting themselves in three ways. The first concerns the limits on the policy space available to competing parties; this constraint is most applicable in party system research. The second involves the reduction in the policy instruments available to national governments (e.g. limits on state aid, central bank independence in Eurozone states, etc.). The third is related to limitations on the policy repertoire of governments. These three constraints represent the impact of the EU on national governments; the effect on parties stems from the overall reduction in or limitation on the ability of member-state governments – in particular the national executive – to offer choices to voters, thereby affecting party competition. Assuming this is the case, Ladrech argues, there may be several dimensions of party organization and activity to investigate if these reduced or narrowed policy fields are reflected in the parties themselves. Ladrech suggests that evidence of such change might be found in five areas: (1) party programmes; (2) party organization; (3) patterns of party competition; (4) party–government relations; and (5) relations beyond the national political system. The impact of this framework has been the introduction of greater analytical rigour in the application of the Europeanization concept to domestic party politics. For example, in the past when the term Europeanization had been employed it was simply used to describe a change in the position of a party with respect to the EU; the contemporary use of the concept is to *explain* the change. The following items represent areas of party activity in which the EU may be regarded as a cause for change.

Programmatic change

Most mainstream centre-left and centre-right political parties in EU member states make explicit reference to the EU in their party programme (their fundamental document). Most of these parties have been supportive of the European integration project since at least the early 1980s, with some having shifted from opposition to support (e.g. the Danish Social Democrats and the British Labour Party). The Europeanization approach has sought to explain (1) the emergence of EU references and (2) the nature of the actual content (see, *inter alia*, Kritzinger and Michalowitz 2005; Dorussen and Nanou 2006; Pennings 2006). The growing politicization of the EU in the early 2000s has witnessed the tempering of centre-left pro-EU positions by more explicit national concerns, as well as some limited support for the re-nationalization of certain policies (e.g. in the Dutch Labour Party).

Organizational change

Many political parties, especially large, resource-rich organizations, have created a position of varying importance that acts as the point of reference on EU issues: a liaison between the national party and its delegation in the European Parliament, an advisor to the party leadership on EU matters, or else a specific area policy in the party's international office. The expenditure of party resources on such positions attests to the degree of party concern over the EU as an issue in their domestic political systems, but research suggests these actors are more bureaucratic in nature than political (Poguntke *et al.* 2007). The position of national party leader may also have been influenced by the recent focus on transnational party summits (Raunio 2002).

Patterns of party competition

This area of party activities most closely follows Mair's (2007) discussion of the effect of policy constraints on party competition. The expectation is that there will be indications of convergence among the major centre-left and centre-right parties in general economic policy, especially among the member states in the Eurozone. One consequence of the convergence of mainstream parties

on economic policy and their position on European integration is that competitive space opens up on the extremes of the party system. It may be the case that surprising referendum results (such as those in the Netherlands and France in 2005) represent examples of voters released from the usual channels of party cues expressing a reaction to the attenuated spectrum of choice. Another consequence, depending on the political system, might be a strengthening of anti-EU parties on the far left and far right. Although few of these parties have garnered the electoral support necessary to complicate the traditional patterns of mainstream party competition, their presence can influence the debates within the mainstream parties over the impact of the EU on the domestic political economy.

In a similar vein, it is undeniable that the financial crisis has had an effect on party competition, as expected, in the Eurozone countries hardest hit by the fallout (note, however, the emergence of the Alternative for Germany party). Elections in Greece in 2012 nearly wiped out the incumbent party, the centre-left (social democratic) PASOK, due to support for the party to its left, SYRIZA. Anti-EU austerity mobilization has also been a factor in national elections in post-Communist countries, as seen in the Czech Republic and Bulgaria.

In some cases, European Parliament elections, perhaps due to their 'second-order' nature, have been viewed as an alternative to national elections in terms of the electoral consequences. The results, on average, are usually disappointing for the incumbent party in national government; the venting of voter frustration in second-order elections has meant that most mainstream parties do not invest much time or extensive resources in these campaigns. In contrast, for smaller, more marginal parties these elections represent an opportunity to establish a foothold in the European Parliament, which can be useful in terms of financial and organizational development. In some countries, including Denmark, there are parties that compete solely in European Parliament elections, such as the People's Movement Against the EU.

Party–government relations

The party in government (alone or as part of a coalition) is directly engaged with the EU through intergovernmental bargaining in the Council of Ministers and (at a more exalted level) in the European Council. In some parties, the party in central office (i.e. the extra-parliamentary party organization) plays a crucial role in mediating relations and tensions between elected officials and party members. The more unpopular the policy decisions of the government party, the more intra-party tensions and divisions can arise, thus placing pressure on party management; these dynamics can be seen in the French Socialist Party, for example.

Relations beyond the national party system

Although the study of transnational party federations (or Euro-parties) has been discussed in relation to the first broad research area of the EU and political parties, there have also been some studies that take the national party as their starting point – that is, explaining why a national party would promote or become involved in the activities of its respective Euro-party (e.g. Green, social democratic, Christian democratic, liberal, etc.). For some national parties, especially in Eastern Europe, affiliation with a Euro-party has become a symbol of their integration into the wider European partisan family (Hanley 2008).

Very few studies have attempted to combine several or all of the above dimensions into one comparative study; exceptions are Johansson and Raunio (2001) for Swedish and Finnish parties, and Hayward and Murphy (2010) for Irish parties. Two comparative studies have applied some of these dimensions and devoted attention to other factors in order to produce further evidence of the EU's impact on parties, but these studies are widely disparate in design and primarily focused on individual parties rather than wholesale party system change. Petithomme (2011)

assembled a large team to test the validity of some of the assumptions and dimensions presented by Ladrech (2002), in particular programmatic and organizational change and party competition; Central and Eastern European politics were included, as were the situations in countries on the periphery of the EU (e.g. Turkey). Their findings are confirmed by the comparative work of Külahci (2012), which addresses change in parties but not party systems and the role of elites in managing internal dissension, among other factors. Although Ladrech's list of the potential dimensions of party change may not be comprehensive, there is an ongoing effort to explore the different facets of the EU's impact on parties in both Western and Eastern Europe. However, it should be noted that the Europeanization of post-Communist parties has its own unique set of factors that must be considered when addressing the impact of the EU on domestic politics.

Europeanization and parties in post-Communist EU member states

The experience of post-Communist party politics and the European Union, or more specifically the impact of the EU upon the development and activities of political parties in these countries, has been vastly different from that of the established parties in the older EU member states. The impact of the EU on post-Communist political systems has been dramatic, as these new regimes were much more 'open' to external influence, and their new political elites viewed EU membership as a strategic priority to be achieved as soon as possible. Consequently, the EU had influence over these states even before they officially became member states, a process one commentator has labelled 'anticipatory Europeanization' (Ágh 2003). In general, elite and mass opinion supported joining the EU for political and economic reasons of stability and economic development (NATO membership was similarly desirable for security reasons vis-à-vis Russia). The process of reshaping societies after decades of Communist political and economic rule meant that entrenched institutional barriers were weakened, resulting in an absence of 'veto players' to oppose the adaptive pressure of the EU. Uniquely in the case of post-Communist states, the negotiation process on accession – revolving around the various chapters of the EU's legislative content, the so-called *acquis communautaire*, in parallel to the restructuring necessary to create a functional, law-based market economy – in a sense downloaded the policy orientation of the EU into the agenda of these countries (Schimmelfennig and Sedelmeier 2007). The desire to become an EU member state was so great that, apart from certain minor parties on the fringes of the emergent party system, all parties supported their governments' efforts to join as soon as possible, even to the extent of placing the negotiations outside normal partisan competition in parliamentary debates. All countries formed either a new ministry or a new section within a foreign ministry or the prime minister's office to coordinate these efforts. Overall, the impact of the EU during the crucial ten or so years of the transition of these countries to political democracy and a market economy (early 1990s to 2004) has been called 'transformative' in the Europeanization literature (Börzel 2005). How did this dramatic impact on policy and institutional development affect politics?

The literature on the impact of the EU on post-Communist transition and consolidation (Sedelmeier 2011) and on parties in particular has concerned itself with questions of democratization, the instilling of EU norms into the new political, legal and economic regimes, party development factors stemming from EU political conditionality and the specific role of transnational party cooperation (Pridham 2005: 164–73). The EU had a strongly attractive influence on party development during the first decade of post-Communism. Three sets of party types that emerged over the first few years can be identified: Communist successor parties, many of which sought to become centre-left or social democratic parties; relatively small organizations

that were essentially a revival of a national inter-war-era party, for example liberal parties; and parties formed after the fall of Communism, some of which had been involved in the popular movements that arose during the last stages of Communist rule. The analysis of their subsequent development and the nature of post-Communist party politics include an EU-related causal link that differs from the experiences of parties in Western Europe. Enyedi and Lewis conclude that

> European Union institutions, and the European integration process in general, have been able to strengthen the position of some parties and weaken others. More important, by influencing coalition-making strategies and facilitating the ideological reorientation (mainly towards moderation) of certain parties, EU integration has contributed to changes in the mechanisms of party systems.
>
> (Enyedi and Lewis 2006: 247)

One of the main differences between the EU's indirect effects on parties in post-Communist member states (particularly during the pre-accession period) and on parties in the West is the role that transnational party federations have played. Pridham (2001, 2005) has argued that in terms of programmatic development, campaign guidance and ideological profiles, these Western party federations significantly contributed to the developmental trajectory followed by the main parties in most Central European countries. Walecki (2007) also suggests that the EU had an additional indirect effect in terms of the regulation of party funding, primarily through its promotion of anti-corruption reforms. Party competition, some claim, was indirectly affected – if not impaired – by the decision of most parties in the centre of the political spectrum to agree to 'not disagree' over EU policy content (Grzymala-Busse and Innes 2003). If one interprets this as an indirect EU effect, it should be balanced by additional considerations. First, after accession a soft Eurosceptic argument often arose in party discourses, resisting a particular EU policy or else blaming a domestic policy position on EU influence. This suggests that internal dissent was in fact present, but that party strategic priorities overrode these considerations to avoid slowing the accession process. Second, and somewhat related to the first point, the limited degree of party system institutionalization (apart from Hungary and the Czech Republic) suggests that fluidity of position, or indeed party system instability, has cancelled out the Europeanization concept of 'misfit' as a key mechanism of change: electoral volatility means that policy space is still open for exploitation by new parties and that 'established' parties can adapt more easily (Tavits 2005; Lewis 2006). One party that has 'bucked the trend', remaining relatively unchanged in its ideological stance (as well as relatively successful at the polls) is the Communist Party of Bohemia and Moravia (KS_M) in the Czech Republic, which won nearly 12 per cent of the vote in the 2006 and 2010 elections.

No doubt due to the explicitly asymmetric relationship between the EU and post-Communist states in the 1990s and early 2000s, there has been greater academic interest in the question of Europeanization and post-Communist party politics than in parties and the EU in Western Europe (e.g. Lewis and Mansfeldová 2006; special issue of *Politics in Central Europe* 2007; special issue of the *Journal of Communist Studies and Transition Politics* edited by Houghton 2009; Enyedi 2007; Lewis and Markowski 2011). Significant attention has also been devoted to how the EU might impact certain types of parties (not necessarily the 'party families'), such as Communist successor parties (Ishiyama 2006) and ethnic parties (Spirova 2012). States from the former Yugoslavia either in accession negotiations or negotiating to arrive at the point of candidacy (i.e. Croatia and Serbia) were the subject of the Europeanization approach in a special issue of the *Journal of Southern Europe and the Balkans* edited by Fink-Hafner and Ladrech (2008). The two edited

collections by Lewis and Mansfeldová (2006) and Houghton (2009) present more nuanced evaluations of the impact of the EU on the parties and party systems of post-Communist states. Certainly, the variety of national experiences encourages caution in labelling all of the countries as Europeanized, as their transition process has been varied. This theme of variation, across both countries and dimensions of Europeanization, is strengthened by the findings of Lewis and Markowski (2011). In this study, a comparative analysis of the influence of the EU on party and party system change is supplemented by an analysis of political representation, voting patterns, the party–state relationship and how these may impact party system competition.

EU party politics

As described above, in the case of post-Communist parties transnational party federations have played a significant role in the development of at least some of their national party affiliates. In the first section, we noted that the literature on the EU and political parties covered the establishment and subsequent evolution of these parties, also referred to as 'Euro-parties'. From the Europeanization research perspective, the fact that these organizations have had some influence in domestic (post-Communist) party politics attests to the top-down direction of causality that has been the Europeanization approach's primary focus. In other cases, a national party has emphasized its Euro-party affiliation in a direct attempt to enhance aspects of its own legitimacy. For example, in the case of the restructuring of the Italian party system in the 1990s, Mr Berlusconi's party, then called *Forza Italia*, tried to bolster its claim that it was a mainstream centre-right political party by pointing to its membership in (and its MEPs' affiliation with) the European People's Party, the chief centre-right transnational party and the largest group in the European Parliament. Similarly, again in Italy but on the centre-left of the political spectrum, the evolution of the former Italian Communist Party (PCI) into a centre-left social-democratic party included pointed references to its new membership in the Party of European Socialists, the main centre-left Euro-party and the second largest group in the European Parliament. In each of these cases, affiliation with a European-level partisan organization was invoked in order to enhance the legitimacy credentials of these national parties, or so the party leaderships hoped. Thus, in a very indirect manner, the EU – through Euro-parties – has had some (limited) influence on national parties (Ladrech 2002).

In general, as stated in the first section, the Europeanization literature suggests that, because the EU has no direct relationship with national parties, any effect will be indirect and result from broader changes (usually policy constraints) in national governments. However, we also noted at the outset that the EU 'as a politicized issue' is increasingly becoming woven into the domestic politics of many member states. The financial and economic crisis in the Eurozone member states and beyond (e.g. the UK) since 2008 has meant that the salience of the EU is increasing; however, for the most part, national parties have not developed strategies for manipulating these issues in party competition. Apart from Eurosceptic parties, the mainstream pro-EU parties of the centre-left and centre-right appear to collude in their general avoidance of the issue of EU prominence in domestic affairs; from a Europeanization perspective, they are 'resisting' the indirect pressure to adapt. A good example is the British Labour Party, whose response in 2013 to the Conservative-led coalition government's call for an in/out referendum on UK membership of the EU was simply to state, 'now is not a good time for such a debate'. Research on this phenomenon can be found in the literature on party management of dissent over the EU (i.e. over EU membership) or else on policy disagreement (left-wing disagreement over economic policy, right-wing disagreement over immigration policy). Hooghe and Marks (2008: 14–18) suggest that as the prominence of the EU and its policy orientation have increased

in member states, the mainstream parties have become more open to dissent over their party's support for this agenda. Where there are rival parties to the left or right of these mainstream parties that take a more extreme policy stance, tension between left and right wings *within* parties may increase, causing party leaderships to adjust their strategies (Ladrech 2012: 188–91).

This eruption of the EU into domestic politics outside party control has thus far not been addressed by Europeanization researchers, although it has been studied through the effects of the EU on public opinion, especially around European Parliament elections. In brief, there are two dimensions to this approach. One of these focuses on reasons for voting, turnout and choice of party (Van der Brug and Van der Eijk 2007). Here, the role of the media as an intervening variable is also discussed (De Vreese 2003), as well as the influence of Eurosceptic parties. The second approach, following research suggesting that EP elections have no substantial effect on national politics, argues that the mobilization of public opinion on the EU itself or on EU-related or linked policies may have more significant consequences for national patterns of political competition (the so-called 'sleeping giant' thesis; Van der Eijk and Franklin 2007). This has been explored from the perspective of issue salience theory (Steenbergen and Scott 2004) where the potential for political contestation exists. The rise in political mobilization against national budgetary cuts mandated by the EU (as part of the troika of institutions bailing out select Eurozone governments, along with the International Monetary Fund and the European Central Bank) may refocus attention on this area of research. In early 2013, the European Commission recommended that the major Euro-parties each agree to select a common candidate for president of the European Commission for their respective European Parliament campaigns in 2014 (European Commission 2013). The hope was that by introducing a 'face' for each Euro-party, interest (and potentially turnout) might rise, thus conferring much-needed legitimacy on the EU. It is too early to evaluate whether this attempt at *Europeanizing* national contests over positions in EU institutions will accomplish its goal, but it is a sign that EU-level party politics may be on the verge of actually entering domestic politics in something more than a second-order election. However, it is also an explicit sign of the concern of the European Commission and the European Parliament over EU legitimacy in European and national party politics. 'Soft' Euroscepticism (e.g. opposition to a particular EU policy by a mainstream party) has been merely an occasional development; in contrast, the more fundamental critiques of the EU's operations by formerly staunchly pro-EU parties such as the Dutch Labour Party highlight the 'negative' aspects of Europeanized party politics, at least from the perspective of pro-EU actors in Brussels.

Conclusion

The European Union is not simply a national political system writ large; rather, in many ways, it is a unique experiment in intergovernmental and supranational forms of governance. The EU is also based on a long history of European conflict and economic reconstruction. As it has evolved over the decades since its founding in the 1950s, the EU has taken on more of the traditional characteristics of a political system, especially since the Single European Act in the late 1980s. But, as it has done so, expanding the scope of its policy competences, its influence has begun to generate domestic political reactions. On the whole, mainstream political parties have expressed a largely undifferentiated support for the European integration process. However, as the twenty-first century has progressed, this position, largely underwritten by business and political elites, has come under pressure from public mobilization in many (but not all) member states. We are in the early stages of the 'politics of the European Union', and political parties at both domestic and European levels are adapting, or Europeanizing, but this is a gradual process

that lacks a roadmap. What this chapter has provided is an overview of the many permutations that are implied in party-political adaption to the influence of the EU. Party adaptation can be oppositional or Eurosceptic; it may be opposed to a certain policy orientation, from a left-wing or right-wing perspective; it might express itself within mainstream parties in terms of dissent; and it can be expressed by voters in elections, both national and European. This multitude of possibilities may represent a new avenue of research in the area of Europeanization and politics.

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33

Outside their comfort zone?

National parties, European Parliament groups and transnational parties

David Hanley

This chapter will deal with the transnational activities of the political parties which are discussed in Chapters 27–32. To juxtapose the words 'party' and 'transnational' might already seem paradoxical, so rooted in their own national histories are the parties which operate in Europe today. Yet for all their rooting in national soil, the main party families in Europe have been involved, for a century or more, in transnational cooperation of various sorts; put simply, national parties (NPs) have engaged in joint actions and participated in various organizations alongside parties of the same family from other states. It is probably fair to say that such collaboration has generally been reluctant, conditional and very much in reaction to pressure, rather than being seen as a positive goal to be sought actively. Parties have had to step outside their comfort zone, and the experience has seldom been enjoyable.

Previous work on transnationalism and how this essay fits in

Literature reviews can be endless, so what follows is kept to the essential. Historians have long been interested in transnational party (TNP) collaboration, starting with Haupt (1972) or Goldman (1983). There is also a long list of work on the European Parliament (EP), which usually mentions the groups. In recent times, the theme of Europeanization has been much in vogue among party scholars, and work under this heading usually involves some discussion of TNPs or groups (see Chapter 32). Among more specific literature one can distinguish some broad trends. Since direct elections, there has been much excellent work on the partisan aspects of the EP; Hix and his colleagues, Kreppel and Raunio all stand out here. More specifically on the TNPs, Germans such as Hrbek or Niedermayer bring a federalist–influenced angle to their analyses; Delwit and colleagues from the Université Libre de Bruxelles have excellent studies of the party families, usually with a transnational component. There are a number of studies of individual TNPs such as Lightfoot on the socialists or Johansen on the European People's Party (EPP), which can be supplemented by in-house studies (Jansen for the EPP, Watson for the liberals, van Haelewyn for the regionalists, Cassola and Gahrton for the Greens). Future research will probably take a particular interest in tensions within TNPs and the relationship of individual NPs to them.

Hanley (2008) offered a historical analysis of the development of TNPs and this essay continues that approach. Before we reach our conclusion, there are two persistent questions that need to be dealt with.

Parties in the modern state

To speak of political parties is to imply *national* parties. It is difficult to overestimate the national roots of the modern political party; parties are always fiercely territorial, and their historic territory has been that of the nation-state. Parties and nation-states share a common genesis.

Sartori provided probably the most useful definition of a party when he saw it as an organization seeking to place candidates in office via elections (Sartori 1976: 64). Janda's often quoted alternative to this, which essentially replaces 'office' with 'government' (Janda 1970: 83), reminds us of a crucial fact, namely the national dimension of parties as we know them; the governments of nation-states are formed by parties, and the primary task of these parties is to manage the states. The approach adopted in this chapter stresses the national dimension of party; it owes much to the model of Rokkan (Flora *et al.* 1999; Lipset and Rokkan 1967) and later developments of it, such as Seiler (1980, 2000, 2003).

Rokkan's most fertile insight was that parties arose out of cleavages. The continuing relevance of his argument has been amply demonstrated in Chapter 2, so we shall simply recall here that modern European party families stem essentially from the four great cleavages which structured the economic and cultural development of modern states and societies: owners v. non-owners; Church v. state; centre v. periphery; and urban v. rural. These rather bald terms encapsulate some quite subtle variations, but their general value as an explanatory factor for the genesis of parties is widely accepted. By the time universal suffrage and parliamentary rule were established, most European states were equipped with a system of parties derived from cleavages. These have persisted till today. In short, parties have been, are and will remain for some time to come primarily national organizations, rooted in the history and culture of their nation state, and as much a part of the familiar institutions as the national museum, broadcasting service or football team.

Parties as institutions: a logic of self-preservation

As well as having profound national roots, parties have developed structures and needs which exist whatever their national context. These common institutional features have long been identified. Panebianco (1988) has drawn our attention to the 'material' basis of the party, that is, the simple fact that it is a social organization in its own right. His focus on the self-preserving, if not to say egotistical, dimension of party activity is a necessary corrective to much writing that takes party ideology or self-description at face value. We know (to use his terminology) that parties tend, if successful, to institutionalize themselves, that is, they build up an organizational infrastructure and resources of their own. This then becomes a stake in the calculations of political actors, as the party can now offer careers (both within the party bureaucracy and in the political system), honours, prestige, etc. This coexists with the elaboration of programmes, manifestos and the development of a distinct party subculture. Leaving aside the question of how adequately the party represents particular social groups, which is usually assumed to be its main *raison d'être*, the party now exists as an actor in its own right, with interests of its own, which it will obviously seek to enhance. In particular, as Panebianco (1988: 53) reminds us, it will seek to control its environment, that is, to remain as autonomous as possible, with regard

both to other groups with which it must interact within the political system and to sub-groups within its own walls. Pedersen puts this brutally but accurately when he says that parties are 'organisations that try to control the relations between the citizens and the political regime' (Pedersen 1996: 26).

One consequence of this is that a party must be constantly on the lookout for new opportunities to extend its influence, both to enhance its own base and to better satisfy its voters. The life of modern parties can therefore be understood as a continuing search for sources of influence, in the widest sense. As the field of possible influence expands, so the party must spread into it; parties follow opportunities as trade was once said to follow the flag. Every new arena which opens up within the field of politics sets a new challenge to parties: how are they to respond to it in a way that enables them to keep control of the agenda, the voters and, if possible, the decisions? Since long before the concept of 'multi-level governance' came into vogue, parties have been operating at many different levels, with varying degrees of investment.

Duverger (1981) traced the beginnings of modern parties to cliques of notables in parliamentary bodies, whose party organization was little more than a local committee of worthies, active long enough only to get its man elected. The field of action of such 'cadre parties' was therefore small. It consisted in choosing a man to represent the locality within the capital, which was at this time the only real locus of decision-making. Yet as the scope of politics expanded beyond the capital, and in particular as institutions of local government grew, a new area emerged in which the nascent parties dare not fail to get involved. It was an uneven process across Europe (Caramani 2004), but the sub-national sphere was vital in building the institutional base of those mass parties, which, beginning with the socialists, followed on the heels of the cadre parties, according to the classic views of party history (Katz and Mair 1995).

If parties, following the self-interested expansionist logic outlined above, were able to spread easily enough to sub-national levels, there is no reason why they should not also spread outwards beyond national frontiers, if the opportunity arose. Parties have their roots in their own state, but there is nothing exclusive about their link to this state. Even in the case of nationalist parties happy to describe themselves as such, one must always beware of taking rhetoric at face value. Parties are organizations devoted to preserving themselves and representing their supporters, and these two processes are intimately connected. If, therefore, it appeared to parties that their two main tasks might need to be carried out, to some extent, beyond the national territory, then they should not, as rational, self-preserving actors, have difficulty with this notion. All this very much depends, obviously, on precisely what opportunities or pressure for transnational action might arise, and to this we now turn.

Party beyond the frontiers

It is possible to develop an extensive argument about the prehistory of transnational collaboration between parties, going back to the nineteenth century, and especially the Socialist International (SI), and to discern long-term trends which are arguably relevant to the behaviour of today's national parties and their transnational relationships. Bearing in mind spatial constraints, we will simply point out that it is significant that all party families felt compelled to invest in transnational structures long before the advent of a political regime such as the EU. The socialists began in the middle of the nineteenth century, to be followed by the Christian parties and the liberals in the inter-war period. The communists, with their Third International or Comintern, inaugurated in 1919, are obviously a special case, but even by then they were already following

a precedent, albeit in a manner that is very much *sui generis*. For the purposes of this chapter, however, we will restrict our remarks to the period of European integration. European integration is generally perceived by parties as both an opportunity and a threat. It certainly forces them to make choices.

Parties in government (hence involved in the European Council at supranational level) have continually to decide where and on what bases to pool decision-making power, which previously they had (at least in theory) exercised autonomously within their own state. Parties in opposition have to decide how far to oppose or agree with the governing party which currently represents national interests in the EU. Obviously this leaves much scope for irresponsibility on the part of parties which look to be facing, for whatever reasons, a longish period in opposition. There has, in fact, been a sort of instrumentalization of Europe as a political issue; parties can play short-term opportunistic games (Mair 2001). Whether ruling or opposing, then, national parties are constantly presented with a series of European choices.

Additionally, though, and for our purposes more importantly, whether in government or opposition, parties are heavily involved in the EP, which today plays a key role in the EU legislative process through the co-decision procedure. Its structures have from the beginning been transnational, starting with groups in the European Coal and Steel Community (ECSC) Assembly organized according to classic party families (Kreppel 2002; Murray 2004). These groups have gained steadily in coherence, internal discipline and efficiency; their basic function has always been to transact parliamentary business within the tightly defined parameters of the EP. But the party families have also developed actual transnational parties, whose remit goes beyond the walls of the EP. Usually these groupings began as a confederation of like-minded parties, then often becoming a federation before ascribing to themselves the title of party – a label disputed by some scholars [1] By the 1990s there existed a whole range of TNPs alongside the EP groups which sometimes bore the same name. In 2003 the EU finally legislated to regulate the existence of the TNPs and there have been several follow-up regulations since, which have given the TNPs a formal legal and financial basis. Thus at the start of 2007 no fewer than ten TNPs were registered with the EP, the original socialists, Christian democrats and liberals having been joined by the Greens, former communists, regionalists, a second liberal TNP (the European Democrat Party of François Bayrou and Romano Prodi), the sovereignists and two Eurosceptic TNPs. Even the nationalist far right, deemed by many to be congenitally incapable of combining its efforts beyond its frontiers, had managed to form an EP group, and the chances of a far-right TNP being formed could no longer be laughed off quite so easily. Clearly, every party family has felt impelled to move in a similar direction, and it is plain that we are witnessing a powerful process. The current situation in 2013 has 12 legally recognized and funded TNPs, some adjustments having occurred after the 2009 EP elections.[2] The relationship between the longstanding groups and the much newer TNPs is, however, a complex one, and we shall revisit it shortly.

These moves towards transnational collaboration have been essentially driven from outside in the following manner. National governments signed up to integrated structures, which then developed institutional logics of their own (e.g. the Common Assembly); then, in a later stage, these structures increased their power within the decision-making triad of the EU – the Council of Ministers, the Commission and the European Parliament – thus becoming a more attractive investment proposition for national parties. At every stage of this process, national parties had to frame an institutional, transnational response to this changing landscape of governance and did so as shown above.

David Hanley

Understanding the national parties' response

We have hitherto described in simple chronological terms the journey into transnationalism made by different party families. We now set out some general theories about the way in which national parties have approached the creation and development of transnational structures. The attitude of the national parties can be handily encapsulated in the phrase attributed to Ernest Bevin, Foreign Secretary in the 1945 Labour government, in connexion with the process of decolonization which he reluctantly found himself managing. It was all a question of 'give and keep'.

Preserving the essentials: national parties and the relinquishing of sovereignty

It is helpful to distinguish here between the EP groups and the actual TNPs. The former have never posed major problems for NPs; they have become institutions where NPs are able, via their EP delegations, to agree on voting within the EP. It is mostly possible to agree on a common approach, and in those instances where it is not, the MEPs of the national party in question can either abstain or vote against the majority of their colleagues; to that extent, therefore, the NPs remain in control of operations within an important but limited field. The TNPs are a more difficult arena, however, at least potentially. Their predecessors, the Internationals, soon came up against the question: how far could the central organization lay down a line for its member parties to follow? The answer was: very little. This was because NPs were determined to keep control of their transnational operations as far as they could. Hence the latter tended to be reduced to the lowest common denominator; it was often a question of passing resolutions or exchanging information, rather than agreeing on action which would bind members. Certainly no NP was going to vote for the creation of a central structure which would then impose policy and discipline on members.

Some see the 2004 European Party Regulation (EPR) as consecrating the emergence of effective European super-parties, parties which, in Oskar Niedermayer's terms, have reached the third stage of transnational collaboration, that is, integration.[3] From mere contact, through functional cooperation, they are said to be well on the way towards a stage of integrated activity where they have made over a large part of their autonomy to a central organization which can decide policy and strategy for its members. To believe this, however, would be a grave mistake.

Despite the apparent generosity of the EPR (putting up serious finance for TNPs and putting them on a recognized legal footing), the way in which the TNPs operate is still heavily determined by national parties; in principal–agent (P/A) language, the national parties remain the multiple 'principals' presiding over rather weak 'agents' – the TNPs – to whom are devolved some useful but not front-rank tasks (Kassim and Menon 2003; Pollack 1997, 2003; Tallberg 2002). In this way, the national party hangs on to as much of its historic prerogatives as possible; to borrow the language of psychoanalysis, national parties are anally retentive. What are the principal features of their relationship with the TNPs?

This seems to vary according to party family, but the following general principles seem to hold:

1   The major locus of transnational collaboration remains the *parliamentary group* within the EP, rather than the TNP as such; here is where legislative bargains are struck between national parties and where conflicting interests are balanced out (Hix 2001; Hix *et al.* 2003, 2005). The group cannot impose discipline on any one national party; if group discipline

has increased over time, this is only because the NPs have agreed to discipline their MEPs. Control of individual MEPs within national delegations remains tight: it varies per family and per size of delegation, but the British Labour Party, for instance, has perfected very close mechanisms of integration/supervision (Wring *et al*. 2000; Messmer 2003).

2   With reference to the TNPs as such, the national parties retain control of the following areas, which are usually considered to be within the purview of any serious party:

- *Decision-making*: while most TNPs have some provision for QMV (qualified majority voting), it applies only to areas where QMV operates in the Council. It seems, moreover, to be little used, consensus being preferred.
- The *electoral process*, including the manifesto and candidate selection for the EP, remains with national parties. The role of the TNPs in this is weak, and proposals for transnational candidate lists have hitherto come to nothing. Even when a common manifesto is agreed, it is seldom used by national parties, who often fail to mention their TNP affiliation or even use its logo.
- *Membership*: most TNPs do not have individual members; their only members are actual national parties. The latter have no desire to develop a mass militant presence that might compete with their own (diminishing) membership.
- *Resources*: the first 25 per cent of European financing available under the EPR has to be earned from outside the EU budget; only then can TNPs claim access to the remaining 75 per cent. This clearly gives national parties a heavy influence, especially as donations from individuals or organizations are limited by law. Also, parliamentary groups can no longer provide TNPs with staff or premises. As a result, some TNPs are actually poorer and have lost staff (they now have to pay them better on Belgian contracts, not EP contracts, and they also have to hire premises outside the EP buildings in expensive areas of Euroland). They cannot thus compete with national parties in terms of policy input, as they simply do not have the resources. Monies are allocated to TNPs on an annual basis only, with tightly drawn budget lines; it is impossible to vire from one budget line to another or to roll over surpluses. In other words, even mid-term financial planning is rendered impossible.[4]
- *Rewards and gratifications*, via the EP groups: chairmanships, rapporteurships, committee appointments, membership of missions or enquiries are all brokered through the group, and we know from Kreppel (2002: 187–90) that these benefits are carved up proportionally twice over; first between different groups in the EP, then between national delegations within each group. The TNPs as such are spectators of this process.

Most eloquent of all is the fact that national parties actually control the name of their TNP in some cases. Some have no problem in agreeing on a common name; the ex-communists are all happy to be in a Party of the European Left. Their social democratic brothers/rivals have huge difficulty, however; the PES (Party of European Socialists), as it known in English, becomes in various other EU languages the 'Party of European Social Democrats', the 'Social Democratic Party of Europe', the 'Party of European Socialism' or even the 'European Socialist Party'. One could parse these titles ad infinitum to tease out various nuances of meaning; but what shines through is the desire of national parties to have their own description of their transnational vehicle, whatever their comrades may choose to call it. This is a small point in some ways, but it speaks volumes about the mindset of some parties.

In formal terms, the TNPs resemble superficially the NPs which gave birth to them. Each works on a classic party hierarchy, with every level being elected by the one below. Thus each

has a delegate Congress at regular intervals, which is the supreme authority within the party. Each has a plethoric presidium, usually including a representative of all member parties. The real work in administering the party is usually done by a sub-committee of this, and the more media-visible TNPs usually have a president ready to express party views whenever possible. Ideally such figures should be experienced politicians with a good record in domestic politics but still energetic enough to embark on a new stage of their career; the evergreen Maertens of the EPP (European People s Party) or the Socialists' Rasmussen of Denmark are good examples. Such figures are, however, thin on the ground and many TNPs suffer from lack of a strong leader.

For all their apparent 'partyness', however, the TNPs are weak creatures. Clearly, there is a huge retention of political and material resources by the national parties at the expense of the TNPs. It might be asked in view of this why national parties bothered to create the TNPs in the first place. Can the groups not carry out themselves the main tasks of transnational collaboration, such as exchanging information, thus saving on transaction costs, and so serving as a place for national parties to make credible if modest commitments to certain transnational activities?

There is some merit in this argument, but no family of parties sees it this way. All have created or aspire to create some kind of TNP; even if one accepts the argument of mimesis (Radaelli 1999), whereby if one institution or practice is perceived as the norm, then political actors across the board will tend to follow it, we still have to explain why the main parties (EPP or socialists) led the way in the first place. We cannot even reduce this to financial opportunities (in accord with the logic of Panebianco or rational choice theory); the process of forming TNPs long preceded the European Party Regulation.

Some scholars see it as a by-product of a belief in integration (Hrbek 2004), thus taking at face value the wording of the Maastricht treaty that TNPs contribute to European integration. It may be true that they do, simply by their existence as players in the EU political system; but some of the TNPs are quite wary of, if not hostile to, further integration and quite explicit about their hostility (e.g. the Party of the European Left or the Eurosceptic TNPs).

So we still have to explain the creation of TNPs. The main immediate reasons are probably to be found on two levels, speaking very generally. The first is to do with the need for *ongoing contact and information between national parties* in the changing circumstances of governance; the second exists on a slightly deeper plane and is about more hidden feelings of *solidarity and the need to mark identities*.

As regards *contact and information*, the TNPs are useful vehicles for the sharing of information and experience, particularly governmental, among like-minded NPs. This can take place through informal contacts or more formal activities such as seminars. TNPs can be entrusted with a sort of think-tank function; they can help to elaborate broad programmatic options in a more economical way than if work were hived off to national parties. PES thinking about employment policy has happened thus (Ladrech 2000; Lightfoot 2005). But it is important to state that this delegation can only take place with the agreement of national parties; we will not witness a situation where a TNP evolves policy from above and tries to lay it on to national parties. A good example of this is the production of a common manifesto for EP elections; it has taken years for the various NPs to allow their respective TNPs to do this. Such documents tend, moreover, to be lowest common denominator and can be ignored at will by the NPs.

The TNPs are also useful as media outlets; via their websites they offer regular comment on ongoing events from the general perspective of their particular family; the EPP website, with its crisp comment, often from, the late, President Wilfried Maertens, is a good example. Another important information/contact function is leaders' summits prior to EU summits, which have

become a real focal point; they enable views and tactics to be harmonized, and this has been shown to be very effective (cf. Hix and Lord [1997] on the EPP in the early 1990s). Some would say that the summits are the main *raison-d'être* of today's TNPs.

On level of *identity and solidarity*, TNPs have taken on a major role in identifying, promoting and guiding aspirant parties in EU candidate states (Pridham 1996; Delwit and De Waele 1998; Delsoldato 2002). Initial contacts with potential partners were made by the German Party Foundations,[5] but it then needed a TNP to carry on the work of cadre training and party development, so as to raise potential partners to a level where they could participate meaningfully in the life of a transnational organization. Neither the existing Internationals nor the bi- and multilateral networks between national parties in a given family were adequate for this task.[6] A new vehicle was necessary, and the TNPs filled the requirement. We could say that they had played a major role in constructing a political landscape in these countries that would fit into the political system of the EU when they eventually joined. This is part of the *identitaire* function of the TNPs; they award membership of a family, confer legitimacy, act as gatekeepers.

At a wider level, though, the creation of the TNPs may also be related to perceptions, especially prevalent during the 1990s, that European integration was continuing at an accelerated pace and that there was an increase in the amount of functions being devolved upwards to the EU institutions. This followed the success of the single market project and the consequent reforms of the EC Treaties at Maastricht, Amsterdam and Nice. All of this led to a strengthening of the supranational aspects of European integration and of the institutions associated with these: the Commission and the Parliament. In the 1990s, 'Europe' was high on the political agenda and there seems little doubt that both qualitative and quantitative changes did occur at the level of European governance. Without suggesting that a kind of European nation-state, or even a European federation, was in the process of being created (far from that), political parties at all levels, both national and sub-national, reacted to these developments by creating the TNPs as a way of strengthening their presence at the supranational level. The perception was that 'power' was migrating away from national governments and was increasingly exercised by the European institutions in Brussels. Political parties, as argued in this chapter, are usually concerned with gaining and exercising political power, or at least with influencing such exercise, and hence sought to increase the opportunities to do so at the European level. As Magnette (2001: 58) suggests, they thought that the way to do this was to re-create the vehicle which had served well in their own countries, i.e. a party. The subsequent deflation of Euro-enthusiast expectations through events such as the failure to endorse the European Constitutional Treaty in 2005 may mean that such perceptions were flawed but, nevertheless, they did exist at the time.

TNPs: legal and financial bases

Before describing the TNPs and the EP groups, we shall briefly elucidate their legal and financial footing. 'European political parties' (what we call TNPs here) are supposed to help raise awareness of European issues with the general public. To qualify for recognition (hence finance) from the EP they must be represented in a quarter of the member states (MS); such representation can be effected by MEP or national or regional parliamentarians of the MS. Alternatively, a TNP must score 3 per cent of the vote in an EP election. These are quite generous criteria, and it is easy to see why a number of fairly flimsy organizations have taken advantage. Obviously TNPs have to respect EU values of democracy, rule of law, basic freedoms and respect for minorities, and to take part in EP elections. Their funding comes out of the general EP budget and is voted annually. It is not to be funnelled back to NPs or spent on national elections in MS and is to be used for the declared political objectives of the TNP; campaigning for EP

elections is a priority here. TNPs must publish annual accounts and must raise 15 per cent of their own money; NPs can contribute to this, as can named individual donors to a limit of 12,000 euros. When the TNP monies are paid out, the first 15 per cent is distributed across all recognized TNPs (this is how the very small ones survive), while the lion's share of 85 per cent goes proportionally to those TNPs represented in the EP. In 2012, the scale of the funding varied from the biggest recipient, EPP (6.5 million euros), down to the ultranationalist European Alliance of Nationalist Movements (EANM) (0.3 million euros), with the other TNPs in intermediary positions according to their strength. Total funding awarded in 2012 was some 18.9 million euros (European Parliament 2013).

The groups and the TNPs today: a brief profile

The current EP (2009–14) has some 753 MEPs, who sit in seven groups (as opposed to 12 TNPs), along with some 30 non-inscrits. The latter are mainly from extreme-right parties or are individuals who have fallen out with major groups and been reduced to a place on the margins of the parliament. Table 33.1 shows MEPs' affiliations by group and nationality.

Table 33.1 Members of the European Parliament by country and group (December 2012)

Country	EPP	Socialists	ALDE	Greens/ EFA	ECR	UEL	EFD	Non- aligned
Belgium	5	5	5	4	1			2
Bulgaria	6	4	5					2
Czech Republic	2	7			9	4		
Denmark	1	5	2	2	1	1	1	
Germany	42	23	12	14		8		
Estonia	1	1	3	1				
Ireland	4	3	4			1		
Greece	7	8	1	1		3	2	
Spain	25	23	2	2		1		1
France	30	13	6	16		5	1	3
Italy	34	23	5		1		10	
Cyprus	2	2				2		
Latvia	4	1	1	1	1	1		
Lithuania	4	3	2		1		2	
Luxembourg	3	1	1	1				
Hungary	14	4			1			3
Malta	2	4						
Netherlands	5	3	7	2	1	2	1	5
Austria	6	5	1	2				5
Poland	29	7			11		4	
Portugal	8	9		1		4		
Romania	14	11	5					3
Slovenia	4	2	2					
Slovakia	6	5	1				1	
Finland	4	2	4	2			1	
Sweden	5	6	4	4		1		
UK		13	12	5	26	1	10	6
TOTAL	267	193	85	58	53	34	33	30

During any one legislature there is a small amount of movement by individuals between groups (less and less over time), but the general partisan configuration of the chamber remains very clear.

Any consideration both of EP groups and TNPs should bear in mind that their profile is never absolutely clear cut. There will always be a few anomalous MEPs or even parties that stand out from among their colleagues and have ended up in their group or TNP for reasons that have probably more to do with career ambitions or domestic politics than any firm sense of transnational identification with a particular family. That said, the main protagonists, groups and TNPs, line up as follows (see Table 33.2).

Table 33.2 Transnational parties in the European Union (2013)

Party	Number of full member parties	Countries repre-sented	Associates	Countries repre-sented	Observers	Countries repre-sented
European People's Party (EPP)	47	27	8	5	21	14
Party of European Socialists (PES)	32	28	11	9	10	8
Party of European Left (PEL)	27	21			10	9
European Green Party (EGP)	38	33			10	8
European Free Alliance (EFA)	35	15			5	5
Alliance of Liberals and Democrats in Europe (ALDE)	37+ 19*	27+ 13*				
European Democratic Party (EDP)	10	9				
Alliance of European Conservatives and Reformists (AECR)	15	13				
European Christian Political Movement (ECPM)	17	14			28	15
Movement of Europe of Liberties and Democracy (MELD)	9	8				
European Alliance for Freedom (EAF)	8**	8				
EUDemocrats	18***	9				
Alliance of European National Movements (AENM)	4****	4****				

Notes: * Non-EU. ** All MEPs. *** Groups and MEPs. **** additionally 10 MEPs from 8 states.
This table shows the difficulty of pinning down TNP membership. It ranges from the big and structured (EPP, PES), which cover the whole of Europe and have clear categories of membership (usually full status for parties from EU states, associate for candidate states and observer for more distant parties), to the very loose structures of some of the right-wing groups, who are scrabbling to fulfil the criteria (criteria for representation).

Source: TNP websites: http://www.epp.eu; http://www.pes.eu; http://www.pel.eu; http://www.european-left.org/de/about-el/member-parties; http://europeangreens.eu; http://www.e-f-a.org/_; www.alde.eu/_; http://www.pde-edp.eu; http://www.aecr.eu; http://www.ecpm.info; http://www.meldeuropa.com; http://www.eurallfree.org/_; www.eudemocrats.org; http://aenm.eu (accessed 2 December 2013).

The EPP was originally a Christian democratic organization, whose member parties shared the distinct features of that movement, such as belief in a social market economy characterized by strong contractual or neo-corporatist relationships between state, labour and capital and generous welfare provision. Usually such parties were mass parties with links to Christian unions and professional organizations. Their social philosophy rested not on the competitive individualism which liberals espouse but on social personalism, which sees the person (not the individual) as a much more open and cooperative social being. Conservative on issues of public or personal morality, such parties were genuinely committed to European integration, relaxed about citizens enjoying multiple identities and opposed to nationalism. The expansion of the EU into states of a non-Catholic culture, plus the need to find allies within the EP, has, however, altered the character of the EPP, as indeed has the growth of a global economy. Under the decisive influence of the German CDU, the party and group have welcomed conservative forces like Berlusconi's party or the Spanish PP, whose federalist beliefs are weak and social policy less generous (Jansen 2006). In today's EPP the original Christian democratic members are outnumbered by classic conservative parties. As a result, the tone of its discourse has become more market friendly and less socially generous; its commitment to federalism remains, but even here it is clear that some key members have considerable reservations. The European Christian Political Movement (ECPM) is mainly a Protestant variant of the Christian democrat (CD) tradition.

The PES (EP group is SandD) brings together social democrats of all shades of opinion. Supporters of a mixed economy and a strong welfare state, they must, like the CDs, contend with the increasing difficulties of sustaining a generous social model in a highly competitive global economy. Their approach ranges from the market-friendly third way of British Labour to the more statist approach of the French PS. Rhetoric apart, their practice in office is similar.

The European Liberal and Reformist Group (ELDR) liberal group and party stand for what liberalism has historically represented – belief in the free market and the free individual, a creature endowed with reason. Some of its members incline more to the more competitive version of the creed, with consequent implications for social spending; others are more 'social liberal' in that they favour greater state protection. All agree on the maximization of personal liberties, hence have a strong profile on gender and inequality issues. The European Democratic Party (EDP), which shares an EP group with the Liberals, is basically a home for a number of parties which have increasing difficulty with what they see as the EPP's rightwards drift.

The Party of European Left (PEL) and United European Left/Nordic Green Left (UEL/NGL) has gathered the remains of the communist and left-socialist parties, which have become parties of protest rather than revolution. Still opposed to global capitalism and not afraid to use the word 'socialism', the party fights on with little hope of a socialist transformation but with the aim of protecting, so far as possible, the losers of globalization, mainly the traditional working class, with generous welfare policies. Whether this is best achieved inside the EU or outside is a question which divides its members. Certainly the PEL puts much hope in citizen mobilization outside the parliamentary arena. The party does cover a wide range of opinion, ranging from orthodox communists like the French Communist Party (*Parti communiste français*, PCF) or the even more rigid Czech KSCM (which will not accept more than observer status within the PEL) to Scandinavian parties which are often fusions of radical green politics and new left or neo-Marxist movements (so-called 'red–green' alliances). A number of such NPs have formed the Nordic Green Left Alliance (NGLA), which is where they invest most of their transnational efforts, reflecting a longstanding Nordic tradition of regional collaboration at many levels. NGLA has observer status in PEL. Not all of the MEPs elected by the member parties of the PEL sit in its EP group, moreover. This untidy landscape of the far left reflects the difficulties it encounters

in finding a place between the dying forms of classical communism and the rise of new, alternative left currents.

The Green group and party represent those parties which derive from one side of the urban/rural cleavage or, as it would be presented today, between the claims of nature and those of the market. In addition to the environmentalist concerns which gave birth to it, the movement has increasingly moved onto the classic liberal territory of personal freedoms, where it advocates going further than many traditional liberals (e.g. on issues such as drugs policy). Appealing increasingly to a younger, educated and often technically qualified voter, this movement, often described as 'post-materialist', has become a durable force on the centre-left, a fact reflected in its increasing tendency to figure in national governments. The Greens are no longer long-haired, badly dressed and stiffly principled; they often wear suits and are now firmly in mainstream politics across the EU. Their colleagues of the European Free Alliance (EFA) represent the regionalist parties of Europe (mainly but not exclusively ethno-regionalist) who campaign for independence from or autonomy within those nation-states in which their territory happens to be located.

The European Conservatives and Reformists (ECR) is a revival of what was a presence in the EP for most of its life, namely a purely conservative grouping. While it has few disagreements on the major elements of economic or social policy with the Liberals or the EPP (where many of its members were ensconced for over a decade, in the group if not the party as such), it parts company with them over integration, refusing to take it any further or even wishing to reverse it – cf. the UK Tories' current campaign to 'repatriate' certain powers. Built mainly around the UK Tories and the Czech ODS (a party which defends those who won out during the privatization of the Czech economy after 1991), the group includes most shades of moderate Eurosceptic opinion and some less moderate. The Europe of Freedom and Democracy (EFD) group brings together avowed sovereignists, some of whom, such as UKIP, actively seek exit from the EU. The clash between sovereignists and integrationists can be read as a renewed version of the centre–periphery cleavage, with the difference that the old centre (the nation-state and its capital), which previously embodied progress and modernity against backwardness and nostalgia, the future against the past, now feels itself being pushed to the periphery of a larger unit (the EU, incarnated in 'Brussels') which claims to represent those same dynamic values for which itself once stood.

Most hard-line sovereignists are to be found, however, in the three small TNPs, some of whom cannot muster an EP group, but who qualify for funding. These groups cover a range of opinion from conservative sceptics of classic hue to various 'new right' or 'populist' forces who argue that the remedy to the economic dissatisfactions of globalization are best addressed by fairly muscular nationalist policies (Mammone *et al.* 2012). The far right has had difficulty organizing as a group within the EP, not least because the other parties smartly raised the threshold for forming a group in order to deny them that possibility. Despite this gatekeeping operation, the far-right parties nevertheless continue to develop their transnational collaboration.

A recent development: the foundations

Possibly in order to compensate the TNPs for the rather modest role allotted to them, the EP (that is to say, a broad coalition of the national parties within it) has recently voted legislation and funding permitting TNPs to create their own foundations. The model for this was clearly the German foundations such as the Konrad Adenauer Stiftung and Friedrich Ebert Stiftung, which play a major back-up role to their parent parties. Their remit is supposed to be confined to political education, not party politics; but on the ground there is often a fine line between

the two. Over the past 30 years the German foundations have played a huge role in restarting democratic politics in states emerging from authoritarian rule, be it in Mediterranean Europe or in Eastern Europe after 1989; in so doing their field officers acted as virtual ambassadors for the parent party, providing technical and ideological support for emergent politicians wishing to develop parties along Western lines. Such a role appears for the moment out of reach of the more modest TNP foundations, whose main task would now seem to be to act as think–tanks; some might see this as yet a further weakening of the functions of the TNP. Table 33.3 lists the foundations and their parent party.

Table 33.3 Transnational parties and their foundations (2013)

Transnational Party	Ideology	Founding year	Foundation	Founding year
European People's Party (EPP)	Christian democratic, conservative	1976	Center for European Studies	2008
Party of European Socialists (PES)	Social democratic	1992	Foundation for European Progressive Studies	2008
Party of European Left (PEL)	Left, socialist	2004	Transform Europe	2007
European Green Party (EGP)	Green	2004	Green European Foundation	2008
European Free Alliance (EFA)	Regionalism	1981	Center Maurits Coppieters	2007
Alliance of Liberals and Democrats in Europe (ALDE)	Liberal	1976	European Liberal Forum	2007
European Democratic Party (EDP)	Centre	2004	Institute of European Democrats	2007
Alliance of European Conservatives and Reformists (AECR)	Conservative	2009	New Direction, the Foundation for European Reform	2010
European Christian Political Movement (ECPM)	Christian	2005	European Christian Political Foundation	2008
Movement of Europe of Liberties and Democracy (MELD)	Eurosceptic, nationalist	2011	Foundation for a Europe of Liberties and Democracy	2011
European Alliance of Freedom (EAF)	Right-wing populism	2010	European Foundation for Freedom	2010
EUDemocrats	Eurosceptic, confederal	2005	Organisation for Interstate Cooperation; former Foundation for EU Democracy	2011

Source: TNP websites: http://www.epp.eu; http://www.pes.eu; http://www.pel.eu; http://www.european-left.org/de/about-el/member-parties; http://europeangreens.eu; http://www.e-f-a.org/; www.alde.eu/; http://www.pde-edp.eu; http://www.aecr.eu; http://www.ecpm.info; http://www.meldeuropa.com; http://www.eurallfree.org/; www.eudemocrats.org; http://aenm.eu (accessed 2 December 2013).

The now defunct TNP Alliance for a Europe of Nations and Alliance of Independent Democrats in Europe also briefly enjoyed their own foundations, but these were wound up along with their parent parties at the outset of the 2009 Parliament.

Funding for these foundations in 2012 ranged from around 300,000 euros for the smallest to over 4 million euros for the Center for European Studies (CES, from the European People s Party), by far the biggest. When one considers the sums granted to the actual TNPs, the funding of the foundations appears generous. For example the EPP as a whole receives 6.5 million euros, while its foundation alone takes 4.2 million euros.

Federalism and a European party system

Two questions are often asked about the transnational cooperation of NPs beyond their frontiers. Can the TNPs be seen in a federal light and can we speak of a European party system?

German scholars or scholars with a particular interest in Germany sometimes speak as if the TNPs could be seen in the context of federalism; that is to say, they are believed to act at the federal (EU) level on a different but equal footing from their counterparts at the national level. This is what is supposed to happen in systems like the USA or Canada. Such approaches have probably been encouraged by the TNPs' own propensity to describe themselves as federations during their previous incarnations before they took the title of party. These approaches are, however, unhelpful and misleading. Although it has federal features, the EU is not a federation but a polity that is unique; hence its party system will be similarly unique. Moreover, in the federal systems usually quoted, the party is the same at federal and state or provincial level. The Democrat party is the same organism in Arkansas and at federal level; the Nova Scotia New Democratic Party is the same organism as the one which elects representatives to Ottawa. In the EU, however, the local incarnation of the PES is the Labour Party in the UK and the Social Democrats in Denmark. These two parties have no organic connection.

At this point, we should also deal with the question of whether a 'European party system' exists. The answer to this clearly depends on what definition one starts from. Assuming that we defy the purists and confer on the EP groups and the TNPs the label of party, it seems clear that this is the case. Party systems are usually characterized by competition and, less visibly, collusion. The EP combines both. On issues which pit the EP as a whole against other EU deciders (Commission and Council), it will usually find unity across its main groups; institutional logic prevails here (all groups have an interest in maintaining the power of the institution in which they work). Within that parameter, however, there are clear lines of division on both a classic left–right basis and also on a sovereignist–integrationist axis. On the latter the major groups (EPP, ALDE, SandD) tend to vote in favour of integrationist measures, while the left and right oppose them. The left–right axis may be seen under two heads, socio-economic and libertarian. On the first, the Liberals will tend to side with the EPP and conservatives in favour of market-friendly measures; but on 'permissive' issues one may expect to find them alongside the Greens, SandD and the far left also, social democracy and the far left having long espoused this particular value-set. There seems thus to be present a clear competitive logic, much as one would find in any national parliament. To this extent we can speak of a European party system, albeit one which operates in a defined institution.

If one takes the wider EU, however, and expects the TNPs to play a similar role to what the groups do in the EP, it is much harder to answer positively. These anaemic organizations, kept on a tight leash by their 'parents', remain minor actors in a field where the action is essentially intergovernmental.

Groups and parties in the future

What does the future hold for the EP groups and their related TNPs? The situations of these two entities are very different. The groups have had over 50 years of existence, during which time they have developed a distinct role within their institution. They have become the place where national parties concert their action to carry out efficiently the business of groups in all parliaments, viz. to amend and approve legislation. The fact that this legislation is initiated elsewhere is irrelevant, as is the fact that the EP's role has become steadily more important; from a purely functional point of view, the EP groups have always been there to carry out a specific task in a defined arena, and this they perform with growing efficiency in accord with the wishes of their member parties across the EU states. Theirs is a limited function in a clearly demarcated space. Their future is therefore relatively uncomplicated; they will be doing more of the same.

The TNPs, on the other hand, have neither the longevity nor the functional utility of their corresponding EP groups, and any view of their development must strive to avoid the expectations which are visited on them by their supporters, generally of federalist sympathies. So far, they have achieved a number of goals, the first of which is to have gained legal existence and guaranteed public finance. Everyone recognizes their networking function, as a place to bring together NP leaders, particularly in advance of key EU meetings. Their role in party-building after the fall of communism in Eastern and Central Europe, alongside that of the political foundations, should also be valued; it is perhaps their best achievement so far. But the list of their shortcomings remains forbiddingly long; they are characterized more by the party functions that they do *not* perform rather than those that they do. Some scholars deny them even the title of party. In a recent piece, an insider with unmatched knowledge of the EU's parties and groups, Julian Priestley (former secretary-general of both the Socialist group and then the EP itself) painted a gloomy picture. While fully acknowledging the role of the groups (one of the EU's real success stories, as he rightly says), he criticizes the weakness of the parties, stressing in particular the weakness of their decision-making structures (always the lowest common denominator because of their wish to work by consensus at all costs), the blandness of their manifestoes (which NPs usually ignore anyway) and above all their total lack of linkage to ordinary voters. It is unsurprising, then, that they were long incapable of proposing an agreed candidate for the post of Commission President. (The top EU posts are generally carved up by agreement between national leaders, usually via the European Council; the only modest input that the TNPs could have into such a process is to organize a few pre-meetings for the leaders of their family of parties.) Priestley suggests a number of reforms to remedy this situation of impotence; most of them involve trying to democratize the TNPs further. He thus recommends mass individual membership for all of them (maybe allowing existing NP members to opt in); much greater involvement in decision-making by such members, with a say in electing congress delegates, approving manifestos and above all selecting, via that favourite new toy of some European parties, the primary, a candidate for the post of Commission President. To facilitate this, he recommends a 15 per cent increase in TNP funding, a figure which will raise the hackles of more than mere Eurosceptics. In his view the TNPs should move towards more majority voting, even on areas taboo under current EU rules. He finally recommends that the TNPs further sharpen their ideological differences – a difficult undertaking in an era of globalization where all parties see their room for manoeuvre curtailed and are fearful of departing too far from market orthodoxy.

The real problem with all these changes (and Priestley could have added hotter issues, such as the right to select candidates for MEP) is not so much their cost as the fact that they all

depend for their enactment on the good will of NPs. The prevailing argument of this chapter has been that NPs do not like conceding power, legitimacy and resources to any organism above (or indeed below) them. When they do so, they try to do it on an ad hoc basis and on conditions which they have set (and can, they hope, recall if need be); such is the logic of P/A theory, which we suggest can usefully be applied here. From the point of view of most NPs, then, looking at the present arrangements there seems little incentive to help develop TNPs which might become a serious rival. The EP groups do a perfectly adequate job in their restricted domain; if the NPs want a think-tank beyond their own national resources, then the foundations can be called on. The remaining networking and information-sharing functions are not that numerous and can be carried on via the TNPs much as at present. This will probably be true even with the new closer financial arrangements that will henceforth govern the Eurozone. Apart from the most ideological federalists (as opposed to the pragmatists who run most of those NPs which pass for federalist), it is hard to imagine any party operative seeing much benefit in the further development of TNPs. There will be much discussion, as ever, but little movement in this direction.

Notes

1 Some scholars, such as Seiler or French neo-Weberians like Offerlé (1997), would dispute whether such organizations really deserved to be called parties. We disagree with this view, because it usually involves setting some test of 'partyness' (ability to form an executive or to represent citizens directly), which the TNP are never going to be allowed to pass. The fact is that the EU has a unique triangular system of decision-making, in which the EP plays a distinct role; within the EP, the TNP and their groups can act to shape outcomes. They can be policy-seeking, if not directly office-seeking. As Offerlé likes to remind us, the label of party is always awarded by someone (often the original party leadership); in this case it seems to be accepted by all the TNP, their national member parties, most EU officials and the community of academics who work on the TNP. In the face of such acceptance across the political class, it seems pointless to refuse the attribution of a label which no one owns in any case.
2 Left-wing MEPs are trying to have the EP refuse funding to the two far-right TNP on the grounds that they do not share core Union values, such as respect for minorities.
3 For an excellent discussion of the genesis of the EPR, see Kulahci (2005).
4 Following campaigns by MEPs Jo Leinen (socialist) and Maria Giannakou (conservative), the Commission is working on a modification of the current Regulation. This would ease considerably TNP control over their resources, by giving them power to build reserves and plan spending over longer periods.
5 Konrad Adenauer Stiftung for the Christian democrats, Friedrich Ebert Stiftung for the socialists and Friedrich Naumann Stiftung for the liberals.
6 For instance, the strong contacts between German, Austrian and Czech parties within the Green and socialist families.

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Public administration and patterns of policy-making in European politics

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National and European patterns of public administration and governance

César Colino and Eloísa del Pino

Introduction: developments in national European administrations and governance patterns

Public administration and the modes of public governance across Europe have undergone fundamental transformations during the last 30 years. This has been due to developments in the global economy, increasing social complexity, the changing role of the state, the evolution and enlargement of the European Union, and the diffusion of new ideas of governance. For more than three decades now, public administrations have been engaged in an ongoing reform and modernization process. This process, consisting in part of the shrinking or retreat of governmental intervention and the quest for increased efficiency, has been justified on the basis of the demands of globalization and the related pressure for international competitiveness, as well as the pressure of increased debt or budgetary problems caused by task expansion resulting from the emergence of the modern welfare state (Goetz 2008; Gualmini 2008; Pollitt and Bouckaert 2011; Hardiman 2012).

Different countries have embarked on this process at different points in time and have experienced these general tendencies with varying intensity, with many states going through several waves of reform or 'economization of the public sector' (Löffler 2003). Britain was the forerunner of this trend at the beginning of the 1980s, followed in the late 1980s by the Scandinavian countries and Germany; shortly afterwards came the upheaval in the Central and Eastern European (CEE) countries, under their special circumstances. In the mid- to late 1990s, reforms affected France and the Southern European countries as well (Haensch and Holtmann 2008: 607). As in other developed Western countries, in Europe this era has been characterized by the global financialization of capitalism, the liberalization of markets and attempts to constrain the role of government. These changes were enacted with the goal of rebuilding national governments with a new institutional architecture intended to complement a liberalized and globalized economy (Roberts 2010).

In the sphere of governance ideas, these developments have been accompanied by two main tendencies: first, the criticism of traditional Weberian bureaucracy, which was viewed as slow,

inefficient and inflexible due to its hierarchical organizational structures; and, second, the criticism or the expression of profound scepticism regarding the operation of the traditional modes of democratic governance, which was seen as producing short-sighted or unstable policies that only satisfied the selfish concerns of specific groups such as the bureaucracy itself (see Roberts 2010). The support of economic liberalization and the criticism of traditional bureaucracy and public intervention were at first revolutionary doctrines based on a neo-liberal and right-wing agenda, but after three decades they have become an orthodoxy also promoted by centre-left politicians in many countries and the EU as an institution in its treaties.

Against the backdrop of these structural changes in capitalism and public finance and the development of these ideological paradigms, several diagnoses were advanced regarding the problems of government and the excessive cost of mature welfare state services, together with criticisms of the operation of bureaucracy and democratic processes. These critiques brought about programmes of governmental reforms, more or less coherent or systematic depending on their formulation and application; at times, such programmes were promoted by international organizations and consultancy firms, as seen in most European countries and also within the institutions and policies of the European Union since the late 1980s. This evolution has been reflected in six general trends or developments in public management and governance in Europe:

- *Liberalization, privatization and deregulation*: major sectors of the economy and public services of general interest that were once state-owned enterprises (such as postal services, electrical utilities, public transport and airlines, telecommunications companies, mines and steel manufacturers) were sold to private investors. Regulations that limited competition, constrained international investment or protected employment were also eliminated (Roberts 2010; Höpner *et al.* 2011).

- *A shift from the Keynesian interventionist to the regulatory state*: as a consequence of the previous trend, the state was no longer to be involved in the production of goods and services. As a result, since the 1980s, public investment spending across the OECD world dropped 25 per cent (Keman 2010); the state would not be a direct economic actor any longer but instead a regulator or 'enabling' actor, ensuring the smooth functioning of free markets. This implied a major qualitative change in public governance at both the national and supranational levels (Majone 1997; Jordana and Levi-Faur 2004).

- *A general movement towards managerialism, performance management and client orientation in public administration*: primarily a response to the New Public Management (NPM) paradigm of reforms in its various national manifestations, this has largely implied the introduction of new management techniques and policy instruments such as market-based governance and accountability for results, with the goal of 'letting managers manage' (Pollitt and Bouckaert 2011; Greve 2013; Kuhlmann and Wollmann 2013). Somewhat paradoxically, in some cases this focus on managers has increased the political control of bureaucracy, since politicians have fought back through the politicization of the appointment of top managers or the rise of 'special advisers' in both ministerial bureaucracies and the newly established autonomous executive agencies (Peters and Pierre 2004; OECD 2007). A focus on user choice and on information and communications technologies (ICTs) in the form of e-government in order to achieve increased efficiency in public services and promote information flows to and from citizens has also been a component of most reform packages (Dunleavy *et al.* 2006; Margetts 2012). Related to this development, in recent years a movement towards transparency and open government to make both politicians and public managers more accountable has also expanded in many countries through access to information legislation (Roberts 2006).

- *The movement towards delegated governance and agencification at the national and EU levels*: this has meant a shift from a centralized and consolidated public sector to a structurally decentralized public sector, consisting of a multitude of different kinds of semi-autonomous organizations formally independent from traditional ministerial departments of government, effectively separating policy design, implementation and evaluation (James and van Thiel 2010; Verhoest *et al.* 2012). This trend has also been seen in regulatory governance as a by-product of the liberalization, privatization and deregulation movements, as well as the aforementioned scepticism towards elected politicians; it has found expression in attempts to 'depoliticize' or remove certain subjects from the realm of party politics by proscribing certain policy choices or transferring authority to technocrat-guardians or experts (such as central banks and other regulatory agencies) that are supposedly more reliable (Thatcher 2005; Flinders and Buller 2006; Vibert 2007; Gilardi 2008). This notion of adapting institutions so as to impose constraints on elected officials and voters has been termed a 'logic of discipline' (Roberts 2010).

- *A shift from hierarchical government to governance*: sometimes also dubbed horizontal, collaborative or network governance, occasionally including some deliberative and partici-patory components, such as interactive decision-making, public–private partnerships, or several forms of stakeholder or citizen involvement. For some, such as Klijn (2008) governance is defined as a distinctive mode of governing which is a hybrid of hierarchy and market elements. For others, the new governance entails various defining elements (see Levi-Faur 2012; Torfing *et al.* 2012). Benz and Papadopoulos (2006: 2–3), for instance, pointed out the plurality of decision centres with no clear hierarchy between them, whereby 'the core of decision structures consists of networks'; the boundaries of these decision structures are fluid and are primarily defined in functional terms. Actors in these networks include experts, public actors and the representatives of private interests. Within them, collective actors dominate and negotiation and informal modes of decision-making prevail. Questions remain regarding the extent to which traditional government has been replaced or only supplemented by 'governance' and networks (Goetz 2008).

- *The Europeanization of national administrations and policies, and the formation of a European administrative space*: this development has created pressure on national administrations to adjust and converge with regard to certain policy instruments and organizational forms (Héritier *et al.* 2001; Knill 2001; Kassim 2003a; Schmidt 2006). Bickerton (2012) has observed a shift from *nation-states* to *member states*, producing a new distinctive form of statehood where national authority is exercised through external frameworks of rule, based on EU technocratic, consensus-driven decision-making to protect national governments and elites from the demands of their own citizens and allow national leaders to make unpopular reforms. This shift has also entailed the emergence of a new multilevel executive order with unique features and a growing centre specializing in multilevel regulatory governance located in the European Commission (Egeberg 2006; Kelemen 2011).

In recent years, however, most of these long-term developments have been questioned or qualified to varying degrees by governmental responses to the significant governance failures made apparent by the recent financial and fiscal crisis in European countries (Wilson 2012). This fiscal crisis, in part a product of the bailout of financial sectors and the subsequent conversion of private debt into public debt, led to a sharp rise in debt to record levels and a sovereign debt crisis in the Eurozone. This has called into question the notion that market reforms are capable of sustaining growth rates; in addition, it has revealed the failure of all efforts at debt consolidation and public expenditure reduction. In the last 30 years, governments have been unable to close

the gap between spending obligations and public revenues, and the budget consolidation achieved in the 1990s and 2000s has been rapidly offset by the crisis in a few short years. This in turn has brought about policies of austerity intended to curb spending and promote additional privatization, which will further reduce governments' room for manoeuvre, lead to drastic cutbacks and increase public discontent with the actual functioning of democracies in Europe (Schäfer and Streeck 2013).

This current post-crisis constellation raises the issue of the continuity and change in patterns of governance, public management approaches and the design and effects of public policies. The crisis has made apparent a number of blatant governance failures in the regulatory frameworks, organizational arrangements and coordination mechanisms developed during the past few decades. These factors prevented governments from knowing what was happening and also impeded effective interventions to remedy the failures (e.g. in banking sectors or in the economy in general; see Peters 2011; Peters *et al*. 2011; Lodge and Wegrich 2012). The crisis has also shattered some of the assumptions and doctrines regarding the role of government and the superiority of private-sector management that had been undisputed in recent years (Roberts 2013). In addition, it has stimulated discussion about the demise or the overthrow of the NPM paradigm that has inspired reforms in many countries over the past three decades, inspiring a search for potential alternatives (Christensen and Lægreid 2011; OECD 2011c). At the same time, the crisis has also revealed the persistence of divergent national effects and responses, as well as the significance of administrative legacies for current attempts at reform (Meyer-Sahling and Yesilkagit 2011), and therefore the continuing relevance of understanding the sources of divergence among countries and national patterns of governance in Europe.

In this context of upheaval, we have witnessed the emergence of cross–country governance indicators of institutional performance, reform capacity and policy outcomes from several international organizations (e.g. the OECD, the World Bank, and the Bertelsmann Foundation). These developments are a response to both the need to evaluate the consequences of different approaches to governance and public management and the need to identify those factors that most effectively foster economic well-being and equity. These indicators provide us with a great deal of comparable information (see OECD 2011b, 2013). From a scholarly point of view, a growing comparative interest in public administrations and their reform and in European executive politics more generally has arisen, focusing on the aforementioned tendencies in governance and the degree of convergence or divergence across countries they reveal, as well as on the effects of the recent crisis on European government and governance. Most of the recent literature has concentrated on the debate over the best practices of governance, but it has also taken stock of the consequences of many years of market-oriented reforms for democracy and welfare. It has also increasingly focused on the impact of these developments on European citizens and democratic quality (Pierre and Eymeri-Douzans 2010; Dan *et al*. 2012). This bourgeoning scholarly literature located at an interface between comparative politics, comparative public administration and Europeanization studies has seen the proliferation of comparative studies by scholars in several EU countries.[1] At the same time, large, multinational, comparative projects conducted by academics and experts from many countries under common research frameworks have been initiated, coordinated by large academic or private institutions.[2]

This chapter seeks to broadly map the current discussion and the aforementioned tendencies and patterns of governance in Europe. It takes stock of the progress in the literature and contributes to the ongoing discussion about the convergence, divergence and persistence of national patterns of administration, the role of the EU in this regard, the effects of the current crisis and the scope and effects of reforms. To that end, it reviews the increasing number of comparative

studies, novel approaches and international research by scholars from comparative public policy studies, public administration and the study of executive politics in general who seek to understand developments in national governance and public management across Europe.

Following the introduction, the chapter's second section presents the various approaches utilized in comparative research to understand and map distinct national patterns, country groupings and the extent of convergence (or persistence) and adaptation of major administrative features around a European model. The third section deals with the main trends in the structural and institutional dimensions of national governance in recent decades, examining public-sector structures, provision of public services, employment systems, regulatory governance and the role of the EU and other global factors. The fourth section looks at national patterns of public management reform and modernization and its drivers, contents and consequences, with special attention devoted to the specific public management responses to the recent financial and fiscal crisis. The fifth section briefly addresses the evolution of politico-administrative relationships, in particular with regard to the politicization and the influence of bureaucrats, discussing whether reforms and other structural trends have led to changes or produced convergence among countries. The last section concludes.

National administrative patterns and the European administrative space

The literature on comparative public administration has produced a number of different typologies or groupings of countries and administrative systems in an effort to describe and explain continuity or path-dependent change and the consequences for performance or other outcomes. Depending on the research interests and the objects of the comparison, these groupings have considered cultural, political, legal or geographical factors.

Administrative traditions, families of countries and patterns of performance

A traditional distinction conventionally found in the literature is that between European countries belonging to a continental *Rechtsstaat* culture and those belonging to an Anglo-Saxon *Public Interest* culture. This dichotomy reflects a broad understanding of administrative culture that attempts to capture a country's philosophy of governance and the goals or basic rationale of its public administration (see Pollitt and Bouckaert 2011: 61). Also in relation to administrative culture, some researchers have distinguished between four legal families in Western Europe – common law, Roman-French, Roman-German and Roman-Scandinavian – under the assumption that the legal tradition of a country can have a significant influence on its dominant values in governance, its modes of administrative implementation and the relationship between politics, citizens and the administration (Schnapp 2004).

One of the most frequently cited recent typologies is the history-based categorization developed by Painter and Peters (2010), which distinguishes (in addition to several other traditions beyond Europe) four administrative traditions on the European continent: Anglo-American, Napoleonic, Germanic and Scandinavian (see Painter and Peters 2010: 20). Each of these administrative traditions varies in terms of legal tradition, the relationship between state and society, governmental and administrative organization, and the structure of its civil service; these differences are presumed to have clear consequences for the content and scope of current administrative reforms.

Also based on cultural administrative traits and geographical location, Page (1995) developed a typology consisting of six national administrative patterns that typically exhibit common features: the British Isles model, the French model, the Germanic model, the Nordic model, the Southern European model and the Central and Eastern European model. Recently, Magone (2010) has added another pattern: that observed in the Benelux countries, which is a hybrid system between the Germanic and French models. For his part, Sotiropoulos (2004) has attempted to identify the typical administrative features of a Southern European model.

Other authors have based their typologies of national administrations on the composition and management of human resources, distinguishing among different public employment systems through measurements in several dimensions – for example how closely they approximate the Weberian ideal-type of a professional meritocratic administration. To that end, several indicators or indexes of Weberianness have been developed. Other scholars have included certain other relevant analytical dimensions in addition to measurements of the professionalism or politicization of top managers, such as the distinction between open (position-based) systems and closed (career-based) civil service systems (Knill 1999; Balint *et al*. 2008). Along these lines, Dahlström *et al*. (2011: 8) have produced a dataset and typology of the structure and behaviour of public administrations based on an expert poll in 97 countries ('Quality of Government Survey') using the same two dimensions of 'professionalism' and 'closedness'; their results demonstrate that meritocracy does not necessarily go hand in hand with greater protection of employment in the public sector.

Also notable are certain more sophisticated multidimensional typologies that include both political-institutional and cultural administrative and legal features, examining typical combinations of these traits. Kuhlmann and Wollmann (2013) distinguish among five country families within which several subgroups may also be identified. These are the continental European-Napoleonic group (with a Southern subgroup), the continental European-federal group, the Scandinavian group, the Anglo-Saxon group and the Central Eastern and South-eastern European group.

Finally, recent research on performance, government efficiency and reform capacity has also identified distinct patterns of performance among various clusters of countries (e.g. OECD 2011b). In their ranking of several performance indicators, Kuhry and Pommer (2007) found six clusters of countries: Northern Europe, Western Europe, Southern Europe, Central Europe, Anglo-Saxon countries and France. In an update of that study, Jonker (2012) compared the performance of nine public services in 28 developed countries over the period 1995–2009 and also found clear country clusters, with the Nordic countries generally performing well and Mediterranean and Central European countries performing less well.

Another large comparative project attempted to compare the reform and management capacity of numerous countries, 22 of them European, by examining several dimensions of the political decision-making process and capacity not usually studied or measured in comparative studies, such as executive concentration, governmental strategic planning capacity, legislative influence and the degree of consensus-building with extra-parliamentary actors, thus proposing a so-called 'management index' alongside a democracy index (Wagschal and Jäckle 2009; Bertelsmann Stiftung 2011; 2014; see also Brusis 2008; Jann and Seyfried 2009). Based on the data from this project, Jahn (2012: 74) finds that the management index (capturing the above-mentioned four dimensions) does not correlate with majoritarian decision-making structures, and that there are countries able to combine consensus-seeking policy styles with efficient government structures, contradicting the commonly held belief that majoritarian systems are more efficient.

The Europeanization of national administrations and administrative convergence

Despite the manifold uses of the concept of Europeanization and its occasional conceptual and empirical fuzziness, there is now a growing conceptual consensus and a consolidated body of comparative research (see Graziano and Vink 2008; Bulmer and Lequesne 2013) that helps us to understand the impact of EU membership on national polities and governance patterns. The focus of attention varies in the literature with regard to the object of Europeanization, either as a process or as an outcome, as well as researchers' concentration on executive institutions or policy-making processes. Some scholars have regarded Europeanization as a dependent variable, while others have employed it as an independent variable to explain other outcomes.

If we examine the adaptive reactions taking place in national executive systems as the result of growing integration and interaction, it is evident that EU membership poses a challenge for national governments and administrations in terms of their capability to absorb or assimilate European law and policy and adapt to a new logic of decision-making. The ample literature on this subject has basically revolved around three issues: the loss or gain of relative power and autonomy of certain national institutions vis-à-vis supranational and other national actors or institutions; the degree of impact and the extent of institutional mismatch with the EU found in different countries at various political and administrative levels; and the resilience of national institutional patterns to EU-related pressure versus the indication of convergence across members. In other words, the discussion has centred on the question of whether we can expect to find Europeanization as impact and also Europeanization as convergence (see Page 2003: 163; Colino and Molina 2005: 348).

In general, with respect to the effects of EU membership on patterns of governance, there are no clear conclusions to be derived from the literature. Some authors argue that membership strengthens administrative institutions at the expense of politicians ('integration promotes bureaucratization'), but other scholars point to the growing involvement of national politicians in EU-related decision-making, with the subsequent reduction in top bureaucrats' levels of discretion (see Goetz and Meyer-Sahling 2008: 13). Still others argue that the expansion of new policy instruments such as the Open Method of Coordination (OMC) in ministerial decision-making promotes horizontal rather than vertical cooperation.

There are clearly several ways in which EU membership can affect national administrations. According to Kassim, in addition to their individual national missions, national administrations have assumed a new role as agencies for the implementation of EU legislation; as a consequence of legislative or judicial decisions taken by the EU institutions, they may be 'compelled to modify or abandon certain policies, to change or discard traditional policy instruments, or to reorganize structures or procedures' (Kassim 2003b: 154). National administrations must also adapt as a consequence of their involvement in supranational decision-making (see Chapter 37). At the same time, EU membership has stimulated the creation and design of government portfolios in a form that is more consistent with supranational policies (Molina and Colino 2007). Indeed, some national ministries, such as those responsible for agriculture, fisheries, environment and finance, could be said to have become 'the national branches of the European Commission rather than ministries of the national state' (Yesilkagit 2012: 29). The financial crisis and the establishment of the European Financial Stability Facility (EFSF)/European Stability Mechanism (ESM) to deal with the debt crisis in countries such as Ireland, Greece and Portugal have also promoted the Europeanization of finance ministries in those countries. Finally, with regard to the bureaucrats in ministries or agencies, many of them have had to specialize in the EU machinery, often through secondment to the European Commission as experts within the *comitology* as a part of the standard civil service career (Geuijen *et al.* 2008).

César Colino and Eloísa del Pino

The contours of a growing European administrative space

The so-called European Administrative Space (EAS) has been the object of increasing discussion and research over the last decade. The concept of an EAS gained currency in the context of the EU's enlargement; it was introduced to identify and promote a common framework and to justify a supranational competence and EU intervention in the capacity-building of candidate member states. At the beginning, it was understood by scholars as 'convergence on a common European model' (Olsen 2003: 506) or as the 'area in which increasingly integrated administrations jointly exercise powers delegated to the EU in a system of shared sovereignty' (Hofmann 2008: 671). Later, it was increasingly viewed as the process of development of a multilevel and nested network of administrations in which institutions at different levels of government interact in the performance of European tasks. This means that both convergence in some fields and persistent diversity in other fields are to be expected in the EAS (see Trondal and Peters 2012: 3). In the absence of a single EU model towards which administrations converge or a supranational jurisdiction in administrative issues, the discussion on the EAS has revolved around the underlying principles of European administrative action distilled from the jurisprudence of the European Court of Justice (ECJ): (1) reliability and predictability (legal certainty); (2) openness and transparency; (3) accountability; and (4) efficiency and effectiveness (Cardona 2009: 4). Since the 1990s, the EU has made efforts to set certain standards with regard to the training of administrators, quality of regulation, simplification of legislative procedures, evaluation and performance measurement, and the use of benchmarking techniques and best practices; this has also entailed the building of a 'common information area' based on ICTs.

Political science and legal administrative research about the EAS have focused on describing and explaining the emergence of a 'multi-level Union administration' (Egeberg 2006) and the transformation of the 'European executive order' both in the process of agenda-setting and in implementation (Curtin and Egeberg 2008; Egeberg and Trondal 2009) that has primarily occurred through the establishment of networks of national independent agencies that have facilitated the implementation of EU regulations (Coen and Thatcher 2008). Recent discussion has concentrated on the process of centre formation and institutional capacity-building at the EU level, for instance through the study of emerging EU agencies and the increasing independence and capacity of the EU Commission as an executive (Trondal and Peters 2012: 4).

One useful typology for understanding the types and mechanisms of interaction and the instruments used by the EU in the development of the EAS has been suggested by Heidbreder (2011). She proposes four modes in which the supranational and domestic levels of public administration interact, each of which features different policy instruments (Heidbreder 2011: 714). The first involves administrative standards and subordinate domestic administrations. These standards take two forms: for member states, they are contained in administrative law principles substantiated by the ECJ; for candidate states, these principles have been translated into concrete minimum standards for administrative capacities through conditionality and cooperation – for example through the SIGMA (Support for Improvement in Governance and Management) programme, which operates under the auspices of the OECD and is chiefly financed by EU funds. The second mode entails voluntary coordination between independent national actors. Here, the EU has no competencies and merely encourages voluntary national exchange and communication through network-based modes of governance, as advocated by the White Paper on Governance; these instruments of coordination include the European Union Public Administration Network (EUPAN), which created the Common Assessment Framework (CAF) and meets regularly. The third mode acts through administrative ordinances for domestic

executing bodies. Here, the Commission has enforcement powers that establish direct administration through supranational bodies in the core areas of competition and internal trade. The fourth operates through compliance control of independent implementing agencies (see Heidbreder 2011).

Multilevel networks of regulatory governance (European Regulatory Networks, or ERNs) have emerged in areas including energy, telecommunications and competition; such networks have been used by the EU Commission to formulate, harmonize and enforce EU standards, taking advantage of national expertise and administrative capacity in the formulation of new EU policies (Coen and Thatcher 2008). These networks have become more institutionalized over time and have contributed to the establishment of new European agencies. The consequences of the emergence of these European networks have been debated in the literature (Yesilkagit 2012: 28). Some authors see them as potentially leading to the capture of national regulatory agencies by the EU Commission, for example in competition policy (Coen and Thatcher 2008). Others perceive the networks as allowing national regulatory agencies to gain more bureaucratic autonomy vis-à-vis both the EU Commission and their national governments, since these actors cannot maintain political control when agencies are incorporated into such transnational networks. However, from the perspective of other scholars, although agencies are 'double-hatted' (i.e. involved both in national governance and in European networks coordinated by the Commission), national governments are still able to control them as their principals (Egeberg and Trondal 2009).

European trends in public-sector structures, public services and employment, and the role of the EU

One of the most common trends in public-sector organization in Europe, as reflected by a flourishing body of comparative research, has been the emergence of semi-autonomous or independent executive agencies – that is, the disaggregation of public administrative structures into a series of smaller, single-purpose units deemed to be more flexible and closer to the policy area in question. Such agencies operate at arm's length from their parent ministries, favouring *ex-post* accountability based on results rather than *ex-ante* controls of legalistic compliance (Pollitt *et al.* 2004; Verhoest *et al.* 2010: 6–8).

Trends in government structures and operation: agencification in European countries

Agencies deliver public services, implement policies and regulate markets and policy sectors; to this end, they 'carry out inspections, issue licenses, pay benefits, run scientific research and development programs, regulate public utilities, maintain the public infrastructure, develop and operate databases, adjudicate applications, administer museums, safeguard the environment, offer information services, run prisons, collect taxes and many other functions' (Pollitt *et al.* 2004: 6; see James and van Thiel 2010; Verhoest *et al.* 2012). In the field of market regulation, independent regulatory agencies (IRAs), also called non-majoritarian regulators (NMRs), have been defined as public organizations with regulatory powers that are neither elected by the people nor directly managed by elected officials (Gilardi 2008: 21). They hold competences to issue and enforce licences for operating in the market, authorize mergers and takeovers, prevent anti-competitive behaviour and set price limits, supervise financial institutions, impose fines, establish standards and elaborate secondary legislation such as directives. In comparison to traditional ministerial departments, semi-autonomous executive agencies or independent regulatory

agencies presumably experience less hierarchical and political influence on their daily operations and have greater managerial freedom in terms of finances and personnel. Usually, however, agencies are not totally independent, since in many cases political executives have ultimate political responsibility for their activities.

The comparative study of agencies and agencification is not an easy task, since each country exhibits national idiosyncrasies and its own types of agency, such as the non-departmental public bodies (NDPBs) and Next Steps agencies in the UK, the *Zelfstandige BestuursOrganen* (ZBOs) in the Netherlands, public establishments in France, Italy and Portugal, state agencies in the Nordic countries, and bureaus and boards in CEE countries (Pollitt *et al.* 2004; van Thiel 2011, 2012). One typology that has been developed within the Comparative Research into Current Trends in Public Sector Organization (CRIPO) network (van Thiel 2012: 20) distinguishes between several types of agencies: (1) semi-autonomous agencies without legal independence that are close to the ministry, with some managerial autonomy but with funding and personnel policies still directly linked to government bureaucracy; (2) statutory bodies with legal independence established through a law or other type of legislation, featuring more autonomy than the first type with regard to personnel and financial decisions; and (3) corporations, companies and foundations based on private law, which enjoy the highest degree of autonomy.

Some of these agencies were established under the influence of NPM, but others emerged due to the re-regulation requirements of market governance produced by liberalization, as new regulatory authorities had to be designed to ensure that competition was not distorted (Papadopoulos 2013). Independent agencies have not necessarily proliferated because of their presumed higher efficiency; rather, in many cases they seem to have spread through a process of diffusion, 'fashion' or a 'contagious agency fever' (Pollitt *et al.* 2004) across countries, sometimes based simply on the reputation of 'success stories' or on mere geographical proximity (Gilardi 2008).

Recent research on agencification has described different styles or paths of the process across different countries and sectors. According to van Thiel (2012: 21), types 1 and 2 are most popular in the Scandinavian countries, CEE countries and North-western Europe. Southern European countries often use some type 2 bodies as well, but fewer type 1 agencies. Instead, they still use government organizations for many tasks. Federal countries seem to prefer either government organizations or the devolution of tasks to subnational levels of government. According to Torres (2004: 102), countries with a highly legalistic administrative tradition (*Rechtsstaat* model) and federal structures have preferred decentralization to subnational levels over agencification. This means that new organizational creations are 'tamed' by previously existing politico-administrative systems (Pollitt *et al.* 2004: 329), providing different 'implementation habitats' for agencification (Verhoest *et al.* 2010: 4).

Despite its alleged advantages in terms of flexibility and service quality, agencification has also been found to create several difficulties, including problems related to control over agencies' operation, fragmentation and lack of coordination. Comparative empirical research does not lend much support to the theory that agencies are set up by politicians to enhance their credible commitments, since it may be rational for politicians to delegate and restrict their own power – for instance to shift blame for policy failures (Thatcher 2005). In other cases, politicians may undertake a symbolic or formal delegation while informally or *de facto* retaining control over the operation of agencies (Maggetti 2012). Agencification and governance by unelected expert bodies also pose major problems for democratic accountability, as has been repeatedly pointed out in relation to central banks and other regulatory agencies; in such cases, ministerial accountability is reduced, leading to a democratic deficit (Vibert 2007; Papadopoulos 2013).

Finally, the role of the EU in promoting agencification in member states and its own agencification should be noted (Kelemen 2011). As we have seen above, in many sectors EU legislation requires member states to create independent regulatory agencies, and EU institutions promote networks of national agencies.

Trends in public service provision and regulatory governance and the role of the EU

The provision of public services in Europe has undergone major changes. The privatization, marketization and commercialization of public services have constituted general trends in European administrative systems and public management over the past 20 years (Höpner *et al.* 2011). This has meant the privatization of nationalized and municipal industrial, service and infrastructure companies, limiting the role of governments to a 'guarantee function'. This has been accompanied in all countries by purchaser–provider separation and the involvement of private providers through performance contracts. As a result of these developments, the size of the public sector has been reduced, and central and subnational governments have withdrawn as the direct producers of public goods in many European countries. The public sector has also been fragmented, with numerous external agents becoming involved in public service delivery (Wollmann and Marcou 2010; Kuhlmann and Wollmann 2013: 200).

This development refers in particular to services for people and families, such as childcare, long-term care and health services, as well as to economic public services and public utilities, such as water supply, waste management and energy provision, termed 'services of general economic interest' by EU law (Wollmann and Marcou 2010: 1; Wollmann 2013). In large-network sectors and public infrastructure (such as telecommunications, electrical utilities, postal systems and railways), far-reaching reforms were initiated under the auspices of the European Commission, opening these formerly protected monopoly markets in order to make them more competitive and promoting the sale of the companies to private owners.

In a large research project comparing five sectors (telecommunications, postal services, rail transport, and energy and water services) across ten European member states, Bieling and Deckwirth (2008) sought to explain the causes of different pathways of privatization across Europe. The authors identified the main factors driving privatization as, first, the attempts of transnational corporations to access new spheres of investment opportunities; second, rising levels of public debt, which induced governments to sell parts of the public infrastructure; third, the poor standard of the infrastructure, which fostered the public perception that public organization was generally inefficient; and, fourth, the 'partially hegemonic neoliberal view that privatization would both trigger necessary investments and bring about a more cost efficient provision of services' (Bieling and Deckwirth 2008: 240).

However, an additional significant factor in the liberalization and privatization of services affecting all EU member states has been the role and policy goals of the EU. Bieling and Deckwirth (2008) also show how the role of the EU has become increasingly relevant in the processes of service reorganization. The Treaty indirectly provided the European Commission with tools to promote the privatization of public infrastructure as part of the revised goals of European integration, as defined by the Single Market, the EMU and the so-called Lisbon Strategy. However, as Lippert (2005) has argued on the basis of an analysis of the cases of Britain, Sweden and Germany, there was some degree of room for manoeuvre for national governments, and they have differed in their privatization strategies and scope. In the context of these EU projects, economic policy competencies were transferred to the supranational level and were redefined in a generally market-liberal and monetarist orientation.

The European Commission, in collaboration with the ECJ, national governments and business associations, initiated a far-reaching liberalization and deregulation programme to foster cross-border competition. One method of accomplishing this goal was through the extension of EU competition law (e.g. restricting state aid and public subsidies and redefining public procurement requirements). In parallel, governments seeking to meet the EMU requirements were often inclined to increase revenues by privatizing public assets and responsibilities. The EU attempted to promote liberalization, competition and free choice of suppliers or operators for consumers through three main measures (Lippert 2005: 19–23): (1) the vertical unbundling of integrated services monopolies; (2) the definition of regulatory measures to promote competition and organize price mechanisms in the new markets; and (3) the requirement that EU member states set up regulatory authorities to monitor pricing and control the quality of services.

Despite this EU intervention, generally convergent trends and similar debates across countries, there has also been variation in the scope, intensity and mode of the implementation of privatization within public utilities and network infrastructures. As in other public management reforms, the UK can be seen as the most radical example of privatization, and its efforts were complemented by the disempowerment of local governments as service providers. In Sweden and France, moderate privatization was adapted to the countries' administrative and welfare state traditions. In Sweden, the modernization of welfare services was accomplished through the opening of competition and the pluralization of providers, sometimes accompanied by social regulations and elements of users' democracy (Kuhlmann and Wollmann 2013: 200).

Several tendencies have suggested European convergence in social welfare programmes, and discussion now centres on speculations about a European social model or a general race to the bottom in European social policies. Factors such as increasing economic competition, intensified interaction across states and international actors, and the inclusion of the post-communist countries of the CEE in the EU, in addition to similar demographic pressures across the continent, have suggested convergence of welfare policies in the enlarged EU. To examine this convergence, Kuitto *et al.* (2012) have studied 26 European countries from 1995 to 2007, focusing on the generosity and eligibility criteria of welfare benefits in three areas of income maintenance (unemployment, sickness benefits and minimum pensions). While they find some convergence in these areas, there is no evidence of a race to the bottom. They also see a trend towards retrenchment of social rights by either tightening eligibility criteria or cutting replacement rates, but a general preservation of unemployment generosity (Kuitto *et al.* 2012).

With regard to social services, another study investigating the 27 EU member states, the EFTA countries and the EU accession states Croatia and Iceland, has examined how states cope with the organization of social services of general interest in the areas of education, long-term care or childcare, health care, the labour market, social housing and social transfer schemes (Rauhut *et al.* 2013). The authors looked at how governments organize and share responsibility for the delivery, financing and territorial organization of various services, finding that European states differ greatly in production and financing through different combinations of politico-territorial organization, public–private governance and investment arrangements. These similarities and differences lead the authors to propose a new typology of social services organization for Europe (see Humer *et al.* 2013).

In recent years, privatization has slowed down, due in part to the fact that large segments of the public sector have already been privatized, although austerity policies may lead to renewed privatization in some countries. Some researchers identify a return to public ownership and re-municipalization in certain services and public utilities (Wollmann 2013). In the wake of the financial crisis and its obvious market failures, increased criticism, scepticism and even resistance

from employees and users in some countries have arisen (Kuhlmann and Wollmann 2013: 200). Some research on the outcomes of privatization has found that its often vaunted advantages (such as increased competition and lower prices) have by and large not been realized, as state monopolies have simply been transformed into private monopolies (Bieling and Deckwirth 2008: 240). Although evaluations of the privatization and functioning of public services have usually focused on prices and efficiency, recent work has also devoted attention to the consequences of privatization and liberalization for citizens and employment, labour relations and working conditions (see Clifton *et al*. 2011; Hermann and Flecker 2012).

Public employment systems: trends and changes in personnel policies

One of the basic structural elements of administrative systems is the public employment system, an area that has also experienced major changes over the last three decades and has constituted a key object of scholarly attention in the field of comparative public administration. The public employment model reflecting the Weberian ideal-type – consisting of civil servants appointed by a public authority representing the state, selected by meritocratic criteria and supplied with a job for life – had been in existence in most Western countries since the late nineteenth century. However, at present other types of public workers can be found in most countries (see Raadschelders *et al*. 2007; Derlien and Peters 2009; Van der Meer and Dijkstra 2011; Parrado 2013). Along with public servants and other public employees selected by criteria of merit, there are also political appointees with executive functions and staff personnel with advisory functions appointed discretionally. In some countries, personnel may be removed from office. In the case of public servants, removal is very limited in practice, restricted by law to cases of inadequate performance and disciplinary reasons, although some countries also include economic or structural reasons (Bossaert 2005; Parrado 2013). In the case of discretionally appointed staff – where access may be more or less open to those coming from outside the public sector, and selection may be more or less meritocratic – the occupation of the positions is time limited.

In the study of civil services and employment systems, one important distinction differentiates three main models of public employment (van Thiel *et al*. 2007; Parrado 2013). First, in career-based systems staff have access to a constellation of ordered positions that form the administrative career; this is the case in Austria, Belgium, Cyprus, the European Commission, France, Germany, Greece, Hungary, Ireland, Luxembourg, Portugal, Romania and Spain, whereas none of the Scandinavian countries features a career-based system. In promotion to higher positions, internal staff and only exceptionally candidates from outside can participate. Second, in position-based employment systems candidates enter in a unique position; to advance their career, they must compete with other internal or external candidates (Bulgaria, Italy, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia). Finally, there is also a hybrid model combining elements of the other two (the Czech Republic, Denmark, Estonia, Finland, the Netherlands, Sweden and the United Kingdom).

In the last two decades, classifying European countries into clear civil service clusters has become increasingly problematic, not only because of their differing administrative traditions but also due to the mode in which and the speed at which each country has been implementing reforms (Demmke and Moilanen 2010). While certain similarities can be found within some groups of countries, such as Mediterranean, Scandinavian or Anglo-Saxon countries, other groups (such as the Eastern European states) seem internally diverse. The latter, with hybrid systems featuring fragile career structures and low job security, are also very different from the more established bureaucracies found in Western European systems.

Since the 1980s, government initiatives to reform civil services have been driven by various structural pressures. However, these pressures have intensified as a result of the recent financial and fiscal crisis and the implementation of fiscal consolidation policies. In general, governments have pursued a smaller and more efficient civil service equipped with new skills and knowledge in order to better adapt to the changing demands of citizens and businesses, the needs of an aging and more diverse population, and a model of governance that involves working with non-state actors and incorporating new developments in ICTs (OECD 2011a). Along these lines, most European civil service systems have tried to introduce greater flexibility with regard to labour arrangements, showing trends towards de-bureaucratization (Demmke and Moilanen 2010) and the 'deprivileging' of public servants (Thompson 2012: 131).

Most EU member countries have implemented policies inspired by NPM reforms; in the field of human resources, this has entailed four implications (Demmke and Moilanen 2010; OECD 2011a; Thompson 2012: 131). (1) There has been a partial shift in control over labour management relations from politicians to managers. (2) Some human resources policies and employment conditions are now developed at the level of ministries or semi-autonomous agencies. (3) There has been a reduction in the number of public employees, often in combination with freezes on salaries, through early retirement measures or freezes on recruitment. Some countries have applied such freezes across the board or with limited exceptions in the cases of education, health care or police services. Other countries have imposed ceilings on numbers of staff set by the budget laws. (4) There has been greater flexibility in hiring and rewards schemes, including alignment of the government employment framework with general labour law, even in countries with career-based systems.

Finally, measures intended to promote a more open recruitment system have been also implemented. Jobs in the career-type model that were previously reserved for internal promotion are now open to external competition, introducing competency-based recruitment (Demmke and Moilanen 2010). In addition, several EU member countries have moved towards compulsory performance evaluations in some organizations; in some countries, this is utilized to determine some part of employees' compensation (OECD 2011a).

NPM reforms in human resources seem to have played only a limited role in France, Germany and Spain due to these countries' administrative traditions and corporatist mode of governance (Thompson 2012: 137). In these three countries, pay setting is highly centralized. However, certain ideas from NPM, such as the application of management techniques from the private sector, have penetrated personnel management through the privatization of state-owned enterprises in areas including telecommunications, postal services, railways and air transport, and in the creation of public agencies – for example in Spain in 2006. In any case, changes in public personnel policies, although inspired by a common rationale, often differ due to the national and sector-specific factors that influence particular trajectories (Christensen and Gregory 2008; Kroos, Streb and Hils 2011).

The expansion of digital governance and the role of the EU in e-government

The adoption of e-government or web-based technologies (i.e. the creation and management of official government websites at all levels of government to communicate with citizens and deliver government services) has also become a global trend in public administration across Europe. For some authors, e-government signifies a new generation of administrative reforms replacing those of previous decades inspired by NPM theories. The goal of this approach is to

use technology to transform the relationships between the public sector and society and to explore new modes of service delivery (Torres *et al.* 2005; Margetts 2012). The EU has defined e-government as the use of ICTs in public administrations combined with organizational change and new skills in order to improve public services and democratic processes and strengthen support for public policies. E-government is thus conceived of as a way to increase responsiveness to citizens and generate greater public trust in governments.

As suggested by Dunleavy *et al.* (2006) in a comparative project examining seven countries, ICTs have challenged conventional approaches to understanding public administration and have resulted in significant changes in all public management systems studied, implying a sustained period of cognitive, behavioural, organizational, political and cultural changes that are linked to information systems. Governments have seen the potential for transformation in their interactions with citizens, businesses and other governments, meaning that ICTs are no longer just 'peripheral or routine aspects of contemporary public management and public policy changes, but increasingly important and determinant of what is feasible' (Dunleavy *et al.* 2006: 5).

With respect to the role and policies of the EU in e-government, Amoretti and Musella (2011) have shown how e-government has been a typical example of the formation of a European Administrative Space, creating shared and integrated digital administrative architectures across levels in Europe. Since the late 1990s, ICTs have been a key element in important EU programmes. For example, according to the 'White Paper on European Governance' ICTs play an important role in supporting the implementation of the rules, processes and behaviours that define good governance in Europe. The Lisbon Strategy also identified e-government as one of its central components. In 2005, the so-called 'i2010 initiative' was launched by the Commission to ensure the uniformity of new technology policies across Europe, and one of the flagships of the 2020 Strategy is the Digital Agenda for Europe, which was translated into specific actions agendas for governments in the European eGovernment Action Plan 2011–15 (see European Commission 2013).

Official studies and research have identified some problems and variation among European countries with regard to the use of e-government by citizens and firms. Although the adoption of online channels is generally growing, some gaps and disparities remain in many European countries in the usage of online services. For both citizens and firms, one-way interactions with administration (e.g. obtaining information) are still more frequent than more advanced, transactional interactions (e.g. fully electronic management of cases or submission of completed forms). According to a report (OECD 2013), Nordic countries lead in terms of their citizens' use of the Internet to interact with the government in general, as well as in more advanced actions. France, Ireland and the Netherlands also exhibit high rates of citizen use of the Internet for the submission of completed forms to government units. Comparisons of the use of e-government by citizens also reveal significant disparities in terms of age, educational attainment and income levels (OECD 2013; see also United Nations 2012).

National trajectories of public management modernization and responses to the financial crisis

Administrative reform has been an ongoing process in public sectors all across Europe over the last three decades. It has also increasingly been the subject of a great deal of nationally focused and comparative research. The various analyses of administrative reform in Europe have primarily been interested in describing and explaining the extent to which reforms have occurred and exploring whether these reforms have been dominated by a common model (such

as the model proposed by NPM doctrines and measures) or whether there has been continuous divergence. Investigation of national approaches to the main tenets of NPM and its application across countries has thus become an academic growth industry whose output by now is difficult to summarize (Pollitt and Bouckaert 2011; Christensen and Lægreid 2012; Toonen 2012; Kuhlmann and Wollmann 2013).

Driving forces behind reforms and main elements

Beginning in the 1970s, the 'classic public administration paradigm' began to be questioned, especially but not exclusively by the New Right. This development made room for the so-called New Public Management, apparently with some degree of acceptance (at least at the discursive level) in countries from very different administrative traditions (Pollitt 2007). The enormous influence of Anglo-Saxon ideas and the context of scarcity in Western states after the economic crisis of the 1970s, combined with the general dissatisfaction with public service deployment in previous decades and the interventionist model, led to a growing concern about the effectiveness, efficiency and productivity of the public sector.

Ideas related to managerialism and goals such as efficiency and effectiveness, a results orientation, a focus on customer choice and satisfaction, value for money and market-based governance, decentralization, contracting out, an emphasis on output control, corporatization, one-stop shopping, the separation of politics and administration, and the greater use of information technology and personnel management to enhance productivity were at the heart of the debate over what seemed to be the new paradigm that would ultimately aim to improve the capacity of governments (Torres 2004: 100; Pollitt 2007).

Additionally, the economic context of integration processes, globalization, Europeanization and technological changes have affected governments. In the case of Europe, 'today, it would be difficult to contest that European integration . . . has been one of the forces to bring about more administrative reform at the legal, financial, political, and operational levels of government in its region than could possibly be attributed to any managerial or other administrative revolution' (Toonen 2012: 566).

From most of the existing research, we obtain the impression that there has been some kind of *divergent convergence* with regard to the NPM reforms. We may find what Pollitt (2007: 14) has called a 'discursive convergence, in which everybody has the same vocabulary and the same apparent agenda' and even a 'decisional convergence', probably from the result of reforms that have attempted to respond to a number of similar pressures. However, studies with a focus on reform implementation and results are less abundant and detailed (Toonen 2012). As a result, so-called 'operational convergence' and 'results convergence' are very difficult to estimate. Although some countries have undertaken certain measures that characterize NPM, the chief similarity across countries is perhaps that all reforms have entailed some degree of movement away from the traditional bureaucratic model.

With respect to divergence, NPM has penetrated into the field of discourse more than it has in actual practice (Torres 2004; Ongaro 2009; Pollitt and Bouckaert 2011; Christensen and Lægreid 2012; Kuhlmann and Wollmann 2013). Moreover, reforms have emerged in different ways and have followed different routes, largely due to local idiosyncrasies but also due to administrative traditions and the political and constitutional frameworks in place. These differences occur not only across countries but also across sectors of public policy. Furthermore, apart from differences in the scope of NPM reforms, various waves of reform appear to be currently overlapping with each other (Christensen and Lægreid 2012). NPM was

the main inspiration for reforms in the 1990s, but new ideas have challenged its dominance, leading some authors to speak of a 'post-NPM' era. Greve (2013: 2) has described various currently existing alternatives to NPM: New Public Governance (NPG), Digital-Era Governance (DEG), the Neo-Weberian State (NWS) and Public Value Management (PVM).

The NWS consists of a combination of some core elements of the classic model of administration with modernizing elements. While maintaining the central role of the state, representative democracy and *ex-ante* control mechanisms, and still considering public managers to have a distinct ethos. Several instruments of consultation, certain relationships with citizens and the use of control tools are thus advocated (Pollitt and Bouckaert 2011). NPG suggests that governmental *ex-post* challenges require cooperation and collaboration among different levels of government and with other individuals, groups and profit or non-profit organizations, working through partnerships, networks and joined-up services or even in co-production initiatives. Under this model, governments should be 'facilitators' and maintain a central role as pillars of governance (Greve 2013). DEG consists of three elements, as identified by Dunleavy *et al.* (2006): (1) reintegration, which includes the 'roll back of agencies, joined-up governance, re-governmentalization, reinstating central processes, radically squeezing production costs, re-engineering back office functions, procurement concentration and specialization and network simplification'; (2) needs-based holism (client-based or needs-based reorganization, one-stop provision, interactive and ask-one information, data warehousing, end-to-end service re-engineering, agile government processes); and (3) the digitalization of electronic service delivery and open government. Finally, PVM defines the public interest as collective preferences (rather than as NPM's sum of individual preferences) and includes trust and legitimacy as performance objectives in order to establish a multiple accountability system instead of a system based only on the market (Greve 2013).

Of the various post-NPM paths identified by Greve (2013), NWS has been found by Pollitt and Bouckaert in France and Germany in practice. Similarly, some countries have launched initiatives that could be classified within DEG (in particular, digitalization and e-government programmes); in many of them, some elements from the NPG can be identified, such as cooperation and collaboration mechanisms (see Hammerschmid *et al.* 2013; OECD 2013). Finally, Greve points out that certain dimensions from PVM could be found in the UK under New Labour.

Differences in modernization pathways and their determinants

Despite some common environmental pressures, important contextual factors such as polity features, historical-institutional context and even the current level of administrative capacity and the complexity of the reform tasks themselves have influenced the scope and efficacy of reforms (Pollitt and Bouckaert 2011). For example, Kickert (2011a: 111) has suggested that a predominant collectivistic culture (as opposed to a more individualistic culture) or specific economic situations could explain the scope of some reforms. Christensen and Lægreid (2011: 5) consider the existing constitutional framework and the degree of homogeneity of the administrative structure as influencing a leader's ability to propose and implement reforms. What they call the 'cultural compatibility' between the values of an administrative system and reform ideas is decisive in this regard. For Kickert (2011a: 111), juridified and politicized administrations are generally less equipped to handle economic managerial reforms. Moreover, the national-institutional context is important (i.e. centralization versus decentralization). Most studies seem to find that ideas from outside have been adapted to the local idiosyncrasies, especially the institutional configuration and type of bureaucracy (Knill 1999; Painter and Peters 2010; Bezes

and Parrado 2013). In addition, in some countries, the process has started from within, with the national interpretation of NPM placing more or less emphasis on different proposals (Pollitt 2007; Christensen and Lægreid 2012).

Pollitt and Bouckaert (2004) famously identify four groups of NPM reformers: the marketizers (or core NPM group), the modernizers, the maintainers and the minimal state reformers. Among the marketizers, in countries such as the UK, strong pressures and limited institutional and administrative obstacles might explain the low resistance to change. In particular, majoritarian political systems, centralized administrative systems and a prevailing ideology combining a public-interest view of government with an individualist and pro-business set of cultural norms and values are present in countries pursuing strategies of marketization and in those privatizing faster and further than other states.

In the case of the modernizers, Continental and Scandinavian countries have been portrayed as laggards with regard to NPM due to their *Rechtsstaat* tradition and more collectivistic culture. However, a more positive interpretation suggests that these administrations have simply followed a Neo-Weberian State trajectory (Pollitt and Bouckaert 2004, 2011; Kickert 2011a). In these countries, the state is the central and coordinating element of society; the idea of it being managed like a private organization is still an alien notion. However, in some of these countries (for example Germany) measures that correspond to NPM precepts have been found in subnational governments (Kickert 2011a). Hansen (2013) finds similarities but also some differences with regard to large-scale competition in the Nordic countries. Within the frame of the extensive COCOPS Project, Hammerschmid *et al.* (2013) find clear country differences between the so-called management champions (such as the UK, Estonia, Norway and the Netherlands) and more traditional public administrations (such as Spain, France, Austria and Hungary).

With respect to the Napoleonic countries, some authors have portrayed France, Italy, Spain, Greece and Portugal as latecomers to NPM reforms, where 'the particular mix of institutional forces allowed for the adoption of some components of the NPM only' (Gualmini 2008: 93; see also Ongaro 2009; Kickert 2011b; Bezes and Parrado 2013). For Ongaro (2009: 272), however some of these administrations, such as Portugal, Greece and the south of Italy, have never been entirely Weberian, nor can they be classified as Neo-Weberian States.

In the microcosm of post-communist states, the indifference towards reforms on the part of politicians, the fact that some reformers have underestimated the profound nature of the problems faced by public administration and the inadequate content and implementation of changes, together with the legacies of the communist past, explain the failures of the first decade of reform. Although some recent innovations in e-government, structures and management systems have been introduced, others (such as the comprehensive reform of the civil service) are still insufficient (Nemec 2009; Meyer-Sahling and Yesilkagit 2011; Verheijen 2012: 600).

Evaluating the effects of NPM reforms

Overall, the empirical evidence on the effects of NPM reforms (for example, privatization and agencification) is limited and sometimes contradictory (OECD 2010; Dan *et al.* 2012). According to Pollitt (2013: 3), only 8.7 per cent of the most relevant studies reviewed under the EU COCOPS research programme (which maintains a database of 518 studies of the impacts of NPM from almost all the European member states plus Norway) refer to outcomes – that is to say, the final impacts of reforms on citizens and society.

As is well known, effectiveness, efficiency and increased quality of public services were among the main aims of NPM. However, there is not much knowledge about the impact of this commitment to efficiency and effectiveness on the capacity of the public sector, the ability to

create and maintain the legitimacy of systems or the quality of democratic governance. Furthermore, as scholars such as Christensen and Lægreid (2012) have pointed out, politicians seem more interested in proposing reforms than in assessing their performance. There have been several studies evaluating the effects of decentralization on efficacy and efficiency and the impact of agencification, performance pay and other changes in HR systems and privatization, some of them in specific policy sectors or countries (Van de Walle and Hammerschmid 2011); however, as Pollitt and Bouckaert (2011) have reported, the effects of reforms are difficult to isolate and often results only provide empirical evidence on a micro level.

In some cases, the findings of evaluations are inconclusive, e.g. the research led by Verhoest *et al.* (2012) on the performance of agencies in 30 countries. Other findings have shown that reforms produce both intended and unintended effects (Van de Walle and Hammerschmid 2011). For example, there have been a few evaluations of the impact of changes in human resources policies. While some reforms (such as those related to diversity policies or transparency) appear to produce improvements, others create new challenges, such as the need to develop new coordination mechanisms when personnel management has been decentralized (Demmke and Moilanen 2010).

As mentioned above, the post-NPM constellation has reacted to some of the unintended effects of NPM, such as the lack of political control; the fragmentation, duplication, overlap and deficient coordination among levels of governments, organizations and even public policy sectors; the excessive horizontal specialization and the proliferation of organizations; the negative consequences on the ethos and motivation of public-sector employees; the tendency to focus on short-term production rather than strategic long-term planning; and the unequal treatment of citizens and the erosion of social cohesion and general interests as a consequence of the introduction of free-choice services or privatization (Van de Walle and Hammerschmid 2011; Christensen and Lægreid 2012). Many recent reforms – for example those by the British and Swedish governments – have sought to respond to these criticisms; these reactions have generally consisted of the implementation of reintegration mechanisms and 'joined-up' government or the 'whole-of-government' approach, which includes new instruments of co-ordination and vertical, horizontal and intersectoral collaboration (Hansen 2013). In some of the countries more severely affected by the recent crisis, we can also find the suppression or merger of public bodies.

Patterns of response to the financial and fiscal crisis

As seen with the economic and fiscal crisis at the end of the 1970s, the current crisis that began in 2008 is bound to have major consequences in terms of governance and the reform of public administration. Three phases are usually identified with regard to the management of the recent crisis in most countries: the financial crisis, the subsequent economic crisis and the ensuing fiscal crisis of rising public debts and budget deficits. In each of these phases, but especially in the last, many of the problems and tensions typical in governance are exacerbated by the demands of crisis management. In the final stage, all governments have had to cope with the concurrent problems of lower revenues and higher levels of public deficit and debt and the simultaneous need to respond to citizens' demands in order to avoid electoral defeat (Peters 2011; Lodge and Hood 2012).

Despite common problems and difficulties, countries have exhibited different vulnerabilities to the various phases of the crisis, displaying different sets of responses or reform initiatives; these may indicate either path-dependent reactions or entirely radical departures from the usual policies. These responses vary along several dimensions that have been identified by Peters

et al. (2011: 15). For example, responses may increase or decrease the degree of centralization, the degree of politicization or the degree of coordination and coherence. A growing body of work has begun to describe and explain similarities and differences between governmental responses in Europe, exploring the effects of the crisis on the traditional elements of public administration and management (Peters 2011; Kickert 2012; Lodge and Hood 2012; Kickert *et al.* 2013).

Recent research in the fields of comparative politics and administration, first as single-country studies and increasingly from a comparative perspective, has examined the different approaches of various governments in their decision-making processes as they dealt with fiscal consolidation between 2008 and 2013, implementing austerity measures and managing cutbacks. As Kickert (2012) has argued, both economic-financial and politico-administrative factors may explain the differences among countries. Cutback decision-making processes have been compared along several dimensions, such as fundamental priority-setting versus incrementalism, swift versus slow decisions, centralized versus decentralized decision-making, coherent systematic versus fragmented patchwork decisions and long-term sustainable solutions versus short-term quick fixes (Peters *et al.* 2011; Kickert 2012).

In the frame of the COCOPS project, in a comparative study of fiscal consolidation in several European countries based on a common research methodology, Kickert *et al.* (2013) has shown that government responses to the crisis have been diverse (see also Lodge and Hood 2012). The authors also describe some of the most commonly employed measures across all countries. According to their findings, public-sector hiring freezes were the most widely applied measure in Europe. The duration of this measure varied by country; in some cases it was fixed, while in others it was more flexible. Most governments cancelled or postponed new policy programmes and cut expenditures on existing programmes, particularly in the health sector and social security. Another typical measure was pay freezes, most often applied in the UK, Spain and Estonia, but seldom in Norway and Germany. Real pay cuts were only implemented in Estonia, Lithuania and Spain. Pay cuts were also demanded from countries that received financial assistance from the IMF and the EU, such as Hungary, Ireland, Italy and Spain (Kickert *et al.* 2013). With regard to other cutback strategies, the results of this project showed that most cuts in Spain and the UK were targeted measures, whereas cuts were generally across the board in Estonia and Italy. In other countries (such as Germany, the Netherlands and Hungary), a relatively large share of targeted cuts was combined with a considerable share of proportional cuts. Most governments employed a combination of different cutback strategies.

With respect to the consequences of the responses to the fiscal crisis in public management, the cited studies have shown that the power of finance ministries has increased in all countries during the era of austerity. Most of the countries also witnessed a centralization of decision-making. Budgetary decision-making was also affected, and performance indicators received increasing attention during the crisis. The role of budgetary units also increased. In terms of reform initiatives, the country studies show that the impact of the fiscal crisis primarily led to reforms in the bailout countries or those countries most severely hit by the crisis that were forced to request foreign financial assistance, such as Iceland and Ireland. These states were required to make cutbacks and implement administrative reforms as a condition of assistance (Kickert *et al.* 2013).

However, as Di Mascio and Natalini (2013) have shown, the Southern European countries most severely affected by the Eurozone crisis implemented strategies of retrenchment but largely failed to link cutback management to more ambitious administrative modernization programmes. The management of the crisis constituted 'a burden rather than an opportunity for politicians' and was entangled with the failure of the EMU and national politico–administrative systems;

politicians were therefore unable to launch innovative and legitimate solutions, demonstrating a lack of reform capacity and political leadership. According to the authors, one key explanation for this reluctance or inability to reform has been the implementation gap of previous NPM reforms (Di Mascio and Natalini 2013).

Developments in politico-administrative relations and the role and influence of bureaucracy

The degree of politicization in the relationship between bureaucracies and politics is one of the classic issues in comparative public administration and management, and it is now increasingly being conceptualized and studied in several regions (Page and Wright 1999, 2007; Peters and Pierre 2004; Hood and Lodge 2006; Rouban 2007, 2012; Carboni 2010; Mair *et al.* 2012; Meyer-Sahling and Veen 2012).

The changing relationships between politicians and bureaucrats: towards increasing politicization?

As Rouban (2012) points out, 'politicization' involves three interrelated dimensions of the political–administrative relationship: the participation and influence of civil servants in policy-making in a more or less legitimate manner; partisanship and political activism, which can be restrained by norms; and the political affiliation of the senior civil servants appointed to top positions. Hood and Lodge (2006) have proposed the concept of a 'public service bargain' to describe the relationship between politicians and bureaucrats. In these bargains, politicians obtain the political loyalty of bureaucrats in exchange for benefits such as status or a generous pension. These bargains include issues such as what skills and competencies are required from public servants, how public servants are to be rewarded and what kinds of responsibility or political stance is expected of them. These bargains may change with the context (for example in times of crisis) and over time (Lodge and Hood 2012).

Although politicization varies across countries and over time, some researchers have demonstrated an increasing trend towards politicization through the increase in 'special advisers', which is well documented in Westminster systems but also in Germany, France and the European Commission (Peters and Pierre 2004; OECD 2007; Rouban 2007). The introduction of a managerial logic and the theoretical division of labour between politicians (in policy formulation) and bureaucrats (in implementation) that rest at the core of NPM reforms in the public sector have transformed the relationship between politicians and administrators.

Some authors have investigated the extent to which the greater autonomy granted to managers in semi-autonomous organizations has changed the balance of power between politicians and bureaucrats (Peters and Pierre 2004; Rouban 2007: 276; van Thiel *et al.* 2007; Carboni 2010: 91; Page 2012). Paradoxically, in some countries that have carried out radical NPM reforms, politicization has been a way to maintain political control over senior civil servants. However, in examining the case of Sweden, Niklasson (2013: 22) does not find support for this hypothesis: she finds that politically recruited directors-general are not more common in agencies that enjoy high degrees of financial or human resources management autonomy. For her part, Carboni (2010: 91) has identified a neo-spoils system in Italy in which 'politicians now look for more trustworthy bureaucrats than in the past in choosing who to appoint to the top levels of government bureaucracies'.

Much of this research is thus preoccupied with the scope and negative consequences of politicization. A politicized administration is expected to produce patronage and corruption.

Some recent research has established empirical evidence demonstrating a relationship between a more professional civil service and higher economic growth and more universal welfare systems, as well as a clear relationship between meritocratic recruitment and smaller levels of corruption, even when controlling for a large set of alternative explanations, such as public employees' competitive salaries, career stability and internal promotion, none of which seem to have a significant impact (Dahlström *et al.* 2012).

Of course, other scholars have emphasized the importance of political control of the administration, insisting on the relevance of democratic control over the public administration and the dangers of a seemingly technocratic administration, since new managers may have their own agenda and strategies to influence policies.

The role and influence of top officials in policy-making

Other lines of research have examined the transformation of the role of top bureaucrats and new managers and the emergence of a senior civil service in certain countries. Van Thiel *et al.* (2007: 105) distinguish between two types of 'new public managers' that have emerged in the context of NPM reforms: senior public officials within central departments and the top executives of semi-autonomous agencies. The differences between these groups show that top executives from agencies differ in terms of their appointment (less often by a minister), their more frequent prior experience in the private sector, their legal position (lacking civil servant status), their higher salary and their lower degree of politicization (that is, membership in a political party). These differences seem to grow stronger as the distance between the executive agency and the parent department increases (for example in the case of the French Autorités administratives indépendantes [AAIs] and the aforementioned Dutch ZBOs).

The introduction of a separate senior civil service in several countries over the last 30 years (the UK, Italy and the Netherlands) has represented a response to country-specific challenges and institutional starting points. This movement, which has sought to instil a more corporate culture, reflects the need to clarify politico-administrative boundaries and the emphasis on obtaining improvements in performance from senior civil servants (Parrado 2012).

Finally, another traditional research issue has been the potential and practical influence of ministerial bureaucracies on policy-making processes and the role of middle-level bureaucrats in policy-making (Page 2007, 2012). Here, one should mention the study by Schnapp (2004), which examined the ministerial organizational structures and decision-making institutions in 21 industrialized countries in an attempt to explain how the structural arrangements of ministerial bureaucracies affect the chances of administrative actors to influence policy-making processes. The study concludes that the action scope of bureaucracies is determined in part by their formal administrative structures, but in each case it depends on the number and the specific preference constellations of political veto players (Schnapp 2004: 311). Recently, Page (2012) compared bureaucratic influence in policy-making in four EU countries, the EU and the US; the author investigated bureaucratic involvement in everyday policy-making through an examination of items of secondary legislation, analysing 52 decrees in order to identify different patterns of bureaucratic involvement in the various countries.

Conclusion

This chapter has presented an overview of the key work in European comparative public administration and politics focusing on a series of common trends affecting governance and public administration patterns across Europe over the last three decades. Several general

tendencies have been described both in the ideational sphere and in the structural and institutional dimensions of national governance, such as public-sector structures, public-service provision, employment systems, regulatory governance, e-government and the role of the EU in all these aspects of national governance and administrative systems.

Despite the existence of these general trends affecting all European countries, and despite the international diffusion of common programmes of reform (such as the NPM paradigm and European Union policies and initiatives), the chapter has also demonstrated how, due to the weight of history and administrative traditions, this overall evolution has not necessarily led to administrative convergence across countries. European countries have often adapted differently to these trends, forming distinguishable politico-cultural patterns or clusters of countries with distinct features that mediate their adaptation to global changes and are reflected in their functioning and performance. At the same time, we have described the emergence of a new and distinct European governance and administrative model.

All these idiosyncrasies are also reflected in the distinct trajectories of the modernization of governance and public management exhibited by European countries, where despite growing convergence in discourses there is a marked divergence in practices.

Notes

1 See Gualmini (2003), Ongaro (2009), Kuhlmann and Wollmann (2013), Madureira and Asensio (2013) and Parrado, Colino and Olmeda (2013). See Colino (2013) on the remaining difficulties in comparing public administrations and recent approaches and studies.

2 See, for example, the Sustainable Governance Indicators (SGI) project by the Bertelsmann Foundation (Bertelsmann Stiftung 2011; 2014), the extensive CRIPO–COBRA (Comparative Public Organization Data Base for Research and Analysis) project network on agencies across 30 countries, the EU-funded COCOPS project (Coordinating for Cohesion in the Public Sector of the Future) assessing the impact of NPM reforms and responses to the crisis in ten European countries and the comparative projects developed by the European Institute of Public Administration (EIPA) in Maastricht, for example, on public employment systems (see Demmke and Moilanen 2010).

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35

European welfare states in motion

From social protection to social investment

Anton Hemerijck[1]

Introduction

Along with the European Union (EU), the welfare state is perhaps the most important and successful institutional feature of mid-twentieth-century European social engineering. Both the EU and the welfare state now find themselves at a crossroads amidst the turmoil of the Eurocrisis in the aftermath of the global financial crash of 2008. From 1945 to the mid-1970s, the welfare state was extremely successful in fostering both economic and social progress (Castles *et al*. 2010). In the 1980s, long before the 2008 financial crisis, the policy environment of European welfare states began to change. Aging populations, declining fertility rates and early retirement overburdened national pension systems. Technological changes reduced the demand for manual low- and medium-skilled labour. The shift towards post-industrial labour markets opened up job opportunities for women, but deindustrialization has been accompanied by a decline in steady lifetime jobs. Changing family structures and gender roles, with longer periods of education, later childbirth and an increase in single-parent families, have created new tensions between work and family life, resulting in new demands for the care of children and the elderly. The 'new' risk profile of social exclusion has triggered growing income inequalities between high-skilled and job-rich dual-earner families and low-skilled and work-poor single-earner and single-parent households. Simultaneously, the scope for social policy responses to these developments has narrowed. Capital mobility and European economic integration did not unleash social dumping across Europe, as some observers had feared, but there is no denying that integration and the Stability and Growth Pact have increased fiscal pressures on the member states of the EU since the mid-1990s.

Although the drivers of change are common across Europe, the pressures they create for different welfare systems and the policy responses they elicit vary from country to country. In the rest of this chapter, I first review in the next section the challenges presented by the structural changes that swept across the European Union over the two decades prior to the crisis. Next,

through a consideration of the rich literature on the 'worlds' or 'families' of welfare dating back to the late 1980s (Esping-Andersen 1990, 1999; Ferrera *et al.* 2000; Schmidt 2006; Alber and Gilbert 2010), the following section contextualizes welfare reform momentum across different clusters of European welfare regimes. Overall, I argue that European trajectories of welfare reform have been far more proactive and reconstructive than is often claimed in academic research and the media (Hemerijck 2013). Since the mid-1990s, in a fair number of EU member states, a so-called 'social investment' policy approach has gained influence, seeking to 'prepare' individuals and families to confront the 'new social risk' profile of the knowledge-based economy by investing in their human capital from early childhood onward, rather than simply 'repairing' the damage done through passive social insurance at later stages in life (Esping-Andersen *et al.* 2002; OECD 2006, 2007, 2008, 2011; Morel *et al.* 2012). Subsequently, the next section attempts to establish to what extent different welfare regimes have taken social investment to heart, using descriptive regressions from OECD and Eurostat data. It may be too soon to draw definite conclusions about the future of the European welfare state in the aftermath of the Eurocrisis; however, these questions are among the most pressing of our times. Will the social investment paradigm carry the day in this context of predicament, or will it be sidelined in a new epoch of EU-reinforced fiscal austerity? The concluding section seeks to identify some tentative answers to these burning questions.

Welfare states under siege

The welfare state of mid-twentieth-century Europe emerged from the economic and political lessons of decades of war and depression. In the 1950s and 1960s, it proved highly successful at protecting workers and families from the vagaries of the market through comprehensive social insurance, without undermining the *modus operandi* of the free market economy. However, ever since the advanced Western economies experienced the stagflation crisis in the 1970s, academic observers, policy-makers and opinion leaders have been permanently engaged in a highly politicized debate over the welfare state in crisis. Ridiculing the so-called 'European Social Model' became a favourite pastime of international business elites, political leaders and economic experts in the 1990s. The European welfare model was blamed for the region's slow economic growth and lagging competitiveness and technological innovation; these problems were perceived as the consequence of overprotective job security, rigid wage structures, expensive social insurance and employer-unfriendly collective bargaining practices that developed over the post-war period. However, the crisis of stagflation did not result in the welfare state's demise. On the contrary, the remarkable stability of social spending in rich democracies, at about 20–30 per cent of GDP, over decades of neoliberal hegemony is testimony to the staying power of modern welfare state policies across the advanced countries of the EU (Pierson 2011). Taking heed from the classification of welfare regimes introduced almost a quarter-century ago by Gøsta Esping-Andersen, Figure 35.1 shows public social spending is the highest in the Scandinavian countries and mainland European welfare states, where it ranges between 20 per cent and 30 per cent of GDP. It is lowest in the Anglo-Irish liberal welfare regimes, where spending levels are below 20 per cent of GDP, whereas the new member states hover around 20 per cent. Since the 1990s, the Scandinavian and Bismarckian continental countries have decreased public social expenditures, while the liberal and Mediterranean regimes have increased their social spending efforts. Despite important changes in the overall economic environment, Figure 35.1 also shows that expenditure on social protection has somewhat increased. At the same time, GDP has increased across all European welfare states (see Figure 35.2).
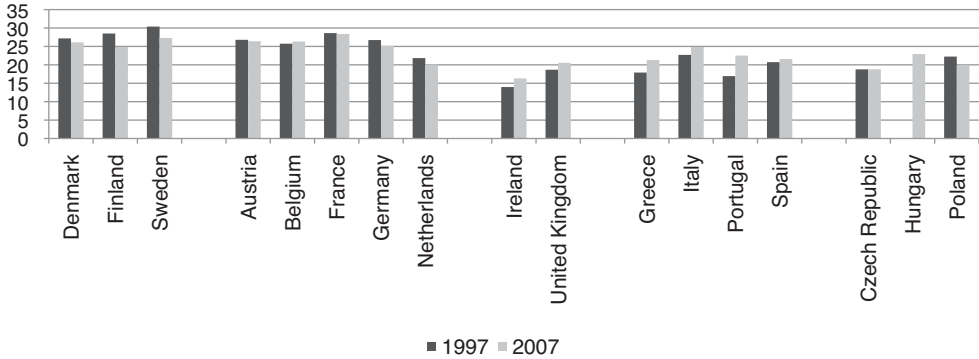
Figure 35.1 Gross public social spending (percentage of GDP)

OECD Social Expenditure Database (SOCX), extracted October 2012.
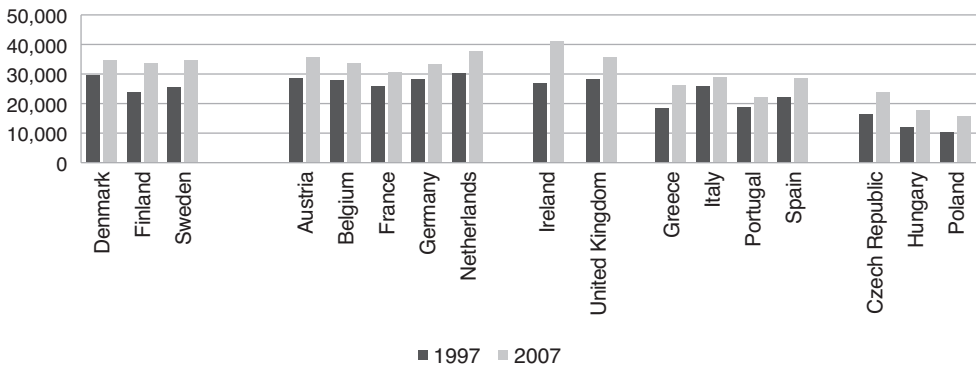
Figure 35.2 Gross domestic product per capita (US$, constant prices, constant PPP, base year 2005)

Source: OECD national accounts, extracted October 2012.

Note: PPP = purchasing power parity.

The original architects of the post-1945 welfare states could assume stable male-breadwinner families and expanding industrial labour markets; however, this picture of the economy and society no longer holds. Five sets of broad socio-economic changes – exogenous, endogenous, historical, supranational and political – have transformed the policy environment of modern social policy over the past two decades in important ways (Hemerijck 2013: Ch. 3).

- *From outside*, intensified international competition has come to challenge the redistributive capacity of national welfare states.
- *From within* European societies, increased life expectancy, declining birth rates, gender and family changes, the shift from an industrial to a service economy, increasingly skill-biased labour markets, the de-standardization of employment relations and the rising demand for healthcare and long-term care services confront the welfare state with 'new social risks' and life-course contingencies in the 'post-industrial' economy.

- As a *historical legacy*, considerable public resources continue to be directed at 'old social risks', including unemployment insurance, sickness and disability benefits and especially old-age pensions. In an era of *relative austerity* and slower economic and productivity growth, prior extensions of welfare entitlements, together with increased fiscal pressure, crowd out the policy space for 'new' risks and social policy innovation.
- At the *supranational* level, the European Union, an institutional innovation of the post-war era (like the modern welfare state), has emerged as a critical intervening variable in domestic processes of welfare state change. It is fair to state that within the EU we have entered an era of semi-sovereign welfare states.
- The final challenge relates to the precarious *political context* of early twenty-first-century Europe, which is marked by increased electoral volatility, erosion of party loyalties and a rise in national *welfare chauvinism*, associated with mounting xenophobic populism.

It is popularly claimed that constant levels of social spending indicate that welfare states are *immovable objects*; I argue that this assertion is misleading (see Pierson 1998). Behind their constant levels of social spending, all of the welfare states of the European Union have been recasting the basic functional, normative, distributive and institutional foundations upon which they were originally built in order to meet the challenges of structural change listed above.

Changing welfare regimes

Although the drivers of change are common across Europe, the pressures they create for different welfare regimes and the policy responses they trigger vary from country to country. According to the rich literature on the 'worlds' or 'families' of welfare states, key domestic social policy complementarities have historically produced distinctive clusters of Scandinavian, Conservative Continental, Southern European and 'Anglo-Irish' welfare regimes, which seemingly generate regime-specific policy responses to structural social and economic change (Esping-Andersen 1990; Castles and Mitchell 1993; Ferrera *et al.* 2000; Ferrera and Hemerijck 2003; Arts and Gelissen 2010; Hemerijck 2013; see Table 35.1 on the core principles of welfare regime and Table 35.2 on institutional legacies and structures).

The ten Central and Eastern European *new member states* (NMS) that joined the EU in 2004 and 2007 occupy a special place in this scheme. They have undergone two radical changes in the past 65 years: the shift from capitalism to state-socialism in the 1940s and from state-socialism back to capitalism after 1989 (Cerami 2010). Below, we will more closely examine these five clusters of reform experiences.

Nordic 'dual-earner' normalization

In the *Scandinavian welfare states* (Denmark, Finland and Sweden), social protection is a fundamental right, coverage is fully universal and all citizens are entitled to the same basic guarantees, although this precept has been eroding in recent years. In addition to generous replacement rates, these systems offer a wide array of public social services beyond health and education, together with active labour market programmes that encourage and sustain high levels of both male and female participation in the labour market. The provision of benefits and services is chiefly the responsibility of central and local public authorities. General taxation plays a dominant, though not exclusive, role in financing the welfare state, meaning that taxing and spending levels are high by international standards.

Table 35.1 Core principles of welfare regimes

	Nordic	Anglo-Irish	Continental	Southern
Social rights	Universal citizenship rights	Residual entitlements	Employment-based entitlements	Insider-biased entitlements
Core values	Earnings equality (universalism)	Equality of opportunity (needs-based social support)	Status preservation (equivalence principle)	Status preservation and differentiation
Employment	Dual-earner full employment	Full employment	Full male employment	Full male employment
Gender	Dual-earner families (pro-gender equality) to maximize individual family member opportunities	Family servicing as a private matter (neutral)	Nuclear family as the cornerstone of society	Extended family as the core welfare provider
Objective	Equality	Poverty alleviation	Income maintenance	Income maintenance
Claiming principles	Citizenship	Need	Work/family needs	Insider/family needs
Responsibility	Collective	Individual	Collective	Collective

Source: author's own compilation.

Table 35.2 Policy legacies, institutions and policy instruments of welfare regimes

	Nordic	Anglo-Irish	Continental	Southern
Social security	Tax-financed high transfers and quality servicing for all	Meager transfers (means-tested and targeted) residual services	– Social insurance-financed high (contribution-contingent) transfers (long duration) – Separate public social assistance	– Social insurance-financed fragmented transfers (long duration) – No additional safety net
Labour market policy/regulation	Active labour market policy	Labour market deregulation	Strong job protection, no active labour market policy	Strong job protection, no active labour market policy
Family support	Active	Neutral	Passive, but generous	Passive, but limited
Beneficiaries	All citizens	Poor	Male breadwinners	Labour market insiders
Core institutions	Central role played by public policy (in the labour market, social security and welfare services)	Central role played by the market in welfare provision (state residual, but with a monopoly over benefit provision and activation)	State is secondary to the social partners (tripartism) and the nuclear family (subsidiarity), intermediary groups	Central role played by the extended family (state rudimentary), voluntary (church) organizations
Industrial relations	Comprehensive labour relations (encompassing coverage)	Decentralized labour relations	Sectorally inclusive labour relations (wide coverage)	Politicized sector- and firm-based labour relations (fragmented coverage)

Source: author's own compilation.

Given the high levels of popular support for inclusive welfare provision (rooted in the *folkhemmet* culture and tradition: the welfare state is the house of the people), the social reform agenda since the 1990s has been politically shaped by a pragmatic, problem-solving approach primarily centred around the issue of cost containment, with no 'grand controversy' over alternative views or scenarios (Palme 1999; Eitrheim and Kuhnle 2000; Kuhnle 2000). Other than cost containment, the most important *Leitmotiv* of the Nordic welfare reform agenda in the 1990s was 'activation', i.e. the modification of social security programmes to provide actual and potential beneficiaries with incentives to find gainful employment (Kautto 2010).

Sweden and Denmark have begun to reduce public-sector employment; however, the tradition and principles of universalism remain largely unquestioned, even though across-the-board cuts in replacement rates (e.g. sickness benefits) and basic guarantees (e.g. family allowances) have occurred. In Denmark, a series of labour market reforms in 1994, 1996 and 1998 gradually implemented both the right and the duty of activation, including mandatory individual action plans in return for job offers within three to five months of unemployment (Goul-Andersen 2007, 2011; Larsen and Andersen 2009). The 'active' turn in the Danish welfare state ultimately gave rise to the now famous 'flexicurity' model that triangulates 'flexible labour markets, generous unemployment benefits, and active labour market policies – all coordinated to reduce unemployment and improve the quality and supply of workers to the labour market' (Campbell and Hall 2006: 30; see also Madsen 2006; Erhel and Gazier 2007). Inspired by the Danish approach, Swedish policy-makers institutionalized a variety of activation measures, including a youth guarantee in 1998 and an activation guarantee in 2000. Both measures include 'active periods' that require the establishment of individual action plans, close collaboration with supervisors and participation in a variety of job coaching and/or active labour market programmes. Finnish policy-makers, like their Danish and Swedish counterparts, have also intensified their activation policies. As in Denmark, in the sphere of unemployment policy Finnish municipalities have gradually taken over the implementation of the country's new 'right and duty to activation' strategy (van Gerven 2008).

Important pension reforms have been undertaken to strengthen the links between contributions and benefits. In 1999, Sweden switched from a defined-benefit to a defined-contribution scheme, whereby each insured employee's contributions are recorded in an interest-earning individual account, typically at a rate tied to wage growth. At retirement, the balance in the account is converted to a life annuity. This important reform was based on a strong consensus on the need for fiscal sustainability spurred by a recession in the early 1990s; agreements were forged first between the social-democrat and centre-right parties and then with employers and trade unions (Schludi 2005). In 2002, although Finnish policy-makers left the statutory retirement age of 65 untouched, they enabled flexible retirement between the ages of 63 and 68. As a consequence of these reforms, pensions are now perceived as financially sustainable and fair, both within and across generations (Green-Pedersen 2007; Immergut *et al.* 2007; Kangas 2007).

A particularly important feature of Swedish welfare reform in the 2000s has been the reinforced commitment, under more stringent budgetary constraints, to active family support in order to enhance early childhood education and care while enabling citizens to combine parenthood with employment or studies. At pre-school facilities, the fee charged is subject to a maximum capped at a fairly low level. In addition, the new system is topped up with a range of family/children benefits and parental leave in connection to childbirth or adoption. Paid parental leave is granted for a period of well over a year (480 days), and nearly all parents take advantage of the days available (Palme *et al.* 2003). Finland has pushed for a deliberate human capital strategy to ensure a productive workforce in the future (Sabel 2012).

Reversing the Continental 'welfare without work' syndrome

The *Continental group* consists of Austria, Germany, France and the Benelux countries. Here, the Bismarckian tradition, based on a tight link between work position and/or family status and social entitlements, is characterized by occupationally distinct, employment-related social insurance, underpinned by traditional (single-earner) family values (van Kersbergen 1995). Only the Netherlands has modified this tradition by providing a basic public pension. The benefit formulae proportional to earnings and financing through social security contributions largely reflect the logic of insurance, although there are different rules for different professional groups. Benefit replacement rates (i.e. the proportion of previous income) are generous, and benefit duration tends to be long. Spending and taxing levels are therefore high as well.

On the eve of the twenty-first century, the Continental welfare regime was branded the 'sick man' of Western Europe. The root cause of the Continental syndrome lay in the combination of four of its distinct institutional traits: the generosity and long duration of insurance-based income replacement benefits, the chiefly 'passive' or compensatory nature of such benefits, their financing through payroll contributions and high minimum wages (see also Scharpf and Schmidt 2000; Huber and Stephens 2001; Pierson 2001; Streeck 2009; Eichhorst and Hemerijck 2010). Over the 1970s and 1980s, Continental regimes resorted to disability pensions, early retirement and long-term unemployment schemes to remove older and less productive workers from their labour markets. Governments of various political outlooks preferred increases in social contributions, making labour ever more expensive, over cutting social benefits. Luring people out of the labour market by facilitating early retirement, increasing benefits for the long-term unemployed, lifting the obligation to seek employment for older workers, discouraging mothers from seeking employment, favouring long periods of leave, easing access to disability pensions and reducing working hours – these policy decisions exemplify the Continental predicament of 'welfare without work' that remained politically popular well into the 1990s (Esping-Andersen 1996; Hemerijck and Manow 2001).

From the 1990s onwards, the policy of labour supply reduction came to be regarded as a policy failure that, if uncorrected, would undermine the survival of the Continental welfare state and the Rhineland model of 'coordinated market economies' more generally (Hall and Soskice 2001). A novel policy consensus emerged, involving expanding employment levels among women (and perhaps also older workers) as a *sine qua non* for the long-term sustainability of the inclusive welfare states of mainland Europe. Subsequently, the Continental employment predicament engendered a long, complex and cumulative reform agenda, including containment of wages and social spending, trimming of pensions and 'passive' benefits, reductions in payroll charges, the introduction of 'active' incentives, updates to family policies, increased means-testing, labour market deregulation to overcome insider/outsider cleavages and general financial restructuring (Ferrera and Hemerijck 2003; Palier 2010a).

The Netherlands was the first country to adopt a more encompassing strategic approach to Continental welfare restructuring and employment creation with the revitalization of corporatist negotiations between the social partners and the government beginning in the 1980s. The Netherlands combined wage restraint, cuts in social benefits and first steps towards activation with an expansion of flexible, part-time, service-sector jobs (Visser and Hemerijck 1997; Hemerijck and Marx 2010). In the new millennium, activation programmes based on individual guidance and training opportunities – especially those that target 'outsiders' such as young, female or low-skilled workers – have become especially significant. In the wake of the Dutch reforms, Germany, Belgium and France also targeted stricter activation for recipients of minimum income support and implemented enhanced in-work benefits for low-wage earners (e.g. the French *prime pour l'emploi*) or their employers via exemptions from social insurance contributions.

In Germany, the so-called Hartz reforms (2002–5) constituted a definite break with the traditional Continental social insurance legacy of high benefit dependency, low employment, reluctant activation and truncated flexibilization (Seeleib-Kaiser and Fleckenstein 2007). The most radical Hartz IV reform, enacted in 2005, involved the merger of the provisions for unemployment assistance for the long-term unemployed and social assistance for those in need without an employment record into a new, tax-financed 'Unemployment Benefit II' (*Arbeitslosengeld II*) to complement the more traditional unemployment insurance provision, termed 'Unemployment Benefit I' (*Arbeitslosengeld I*). The introduction of a general assistance scheme for all working-age inactive citizens capable of working, through the merger of unemployment assistance and local social assistance provisions, was complemented by tight eligibility criteria and strong activation requirements for all long-term unemployed citizens (Hinrichs 2010).

In many Continental welfare states, however, labour market deregulation remained biased, in the sense that open-ended contracts for insider groups remained secure, reinforcing the already existing 'dualization' between industrial workers and service-sector employees (Palier and Thelen 2010). In contrast to Germany, the Netherlands and France, Belgium remained ensnared in a vicious circle of ever-higher social spending, higher taxation, labour shedding and mounting public debt and deficits. Attempts to curtail employment protection remained blocked because of disagreement between the social partners (Hemerijck and Marx 2010; Deken 2011). Austria also maintained its insider-biased social insurance and labour market by restricting access to inactivity benefits. In addition, job subsidies and expanded training measures were introduced to improve the labour market potential of women, the young and older long-term unemployed workers (Korthouwer 2010; Obinger and Tálos 2010).

Pension reform in Continental welfare states has been difficult. Pension contribution rates have risen in Germany and the Netherlands, while in Austria the reference period has been extended as part of a larger package of reforms. Germany has moved from gross to net wage indexation, and France has shifted from wage to price indexation. The Netherlands, France and Belgium have started building reserve funds to sustain pension provision when the baby-boom generation retires (Esping-Andersen *et al.* 2002). Germany has gone the furthest in encouraging savings in private pensions and in the use of state subsidies to support supplementary pension schemes for low-income earners.

Finally, new policies of reconciling work and family life have gained prominence in many Continental countries in the new millennium. Since the 1990s, parental leave schemes have been expanded, in many cases under pressure from EU gender equality directives (Falkner *et al.* 2005; Falkner 2010; Graziano 2011). Governments have increased family spending and pushed for more flexible childcare facility opening hours in order to increase the number of available and affordable childcare places. Whereas the Netherlands has developed a 'combination scenario' of childcare through the workplace for mothers working part time, the Red–Green governments in Germany led by Gerhard Schöder put childcare at the core of its policy platform, with generous tax deductions for parents utilizing childcare facilities in order to stimulate demand, especially among low-income families. The Grand Coalition of CDU/CSU and the SPD under Angela Merkel then expanded tax reimbursements to cover childcare costs and introduced a new parental leave benefit, while expanding (public) childcare facilities. The Minister for Family, Seniors, Women and Youth Affairs, Ursula von der Leyen (CDU), committed the Grand Coalition to a rapid expansion of childcare facilities to 750,000 places by 2013 with a subsidy of €4 billion, covering one-third of the costs.

The above social reforms across Continental welfare states, which were once characterized as highly change resistant, clearly indicate that most mainland European welfare states have been radically transformed over the span of the past two decades (Palier 2010b; Vail 2010).

Southern welfare modernization progress and setbacks

The *Southern European group* of Italy, Spain, Portugal and Greece resembles the Continental family, but there are specific institutional traits that set these countries apart (Ferrera 1996). Benefit coverage reflects a mixed orientation: Bismarckian in income transfers, with especially generous pensions, but Beveridgean in healthcare, with fully universal national health services in both Italy and Spain. The social safety net of basic benefits is not well developed. Social charges (i.e. taxes on employers and employees) are widely employed, but general taxation is becoming more important in financing social services. The family is still a significant source of care and support and makes up for deficits in the social welfare system. This 'familialization' of the social assistance function has given rise to a distinct gender regime, in which women's roles primarily involve family duties (Saraceno 1994; Trifiletti 1999; Guillén and León 2011). However, Portugal's high levels of female labour market participation belie this generalization. Finally, inadequate administrative capacities reinforce poor social policy implementation and, in some cases, clientelism.

Under the weight of these institutional legacies, modernizing Southern European welfare states has been problematic. Nonetheless, these states carved out an ambitious reform agenda from the early 1990s onwards, including the attenuation of generous guarantees for historically privileged occupational groups, accompanied by improved minimum benefits, the introduction and consolidation of safety nets (especially through means-tested minimum income schemes), the expansion and improvement of family benefits and social services, measures against the underground economy and tax evasion, reforms of labour markets and modifications of unemployment insurance benefits (Ferrera 2010).

Southern European welfare states entered the 1990s with severe fiscal imbalances. In the shadow of the EMU's *marche force*, and in view of their particularly adverse demography, Southern European countries were forced to embark on the politically perilous programme of severe internal restructuring: less generous benefits for insiders in order to cut down debts and deficits and – to the extent that budgetary constraints allowed – to finance new benefits and services for outsiders (Guillén and Matsaganis 2000; Guillén and León 2011).

The Maastricht criteria for EMU membership made pension reform indispensable (Ferrera and Gualmini 2004). Italian pensions were reformed in 1992 and again in 1995, 1997, 2004 and 2007. In the antiquated Italian pension system, the privilege enjoyed by civil servants that allowed them to retire after only 20 years of service regardless of their age (the so-called 'baby pensions') was phased out. Pension rights were accorded to atypical workers, and lower pensions were repeatedly upgraded. Some traditional gaps in social coverage were also filled. The so-called Dini reform of 1995 completely overhauled the pension formula, linking it closely to contributions in a quasi-actuarial fashion (Ferrera and Jessoula 2007). After 2000, however, there were significant setbacks in the momentum of the Italian reform process (Sacchi and Bastagli 2005). The centre-right, led by Berlusconi (2001–6), took over from the centre-left cabinets of the mid- to late 1990s. The Berlusconi government pushed for greater labour market flexibility on the basis of the idea that welfare provision undermined competitiveness and reinforced labour market distortions (Jessoula and Vesan 2011). Because the centre-right government privileged a welfare model based on family and community networks, it drastically cut the funding for social services and family policy and put an end to the experimentation with the minimum insertion income. Subsequently, the rather weak and short-lived centre-left Prodi cabinet (2006–8) preferred not to try to expand childcare, but rather regressively chose to strengthen ordinary unemployment insurance by extending its duration and increasing benefits. These setbacks left Italy unprepared for the 'new social risks' of the mid-2000s and ill equipped to combat poverty and social exclusion.

The timing of the most significant welfare modernization on the Iberian Peninsula coincided with the period in which Portugal and Spain became full members of the EU. The influence of EU membership has been twofold: first, it constituted a basis for the legitimation of the new democratic regimes, and second, it served to strengthen domestic institutional capabilities, in conjunction with financial support from the European Social Fund (ESF) (Guillén 2010; Adão e Silva 2011). From the mid-1980s to the early 1990s, the Spanish welfare state in particular underwent major transformation, adopting a national health service, promising universal access to education and pensions and introducing minimum income schemes at the regional level (Guillén 2010). The imperative to curtail public expenditures in order to qualify for the Maastricht criteria triggered a series of substantial retrenchments in the early 1990s, restricting both eligibility and generosity in the unemployment protection system. Both Portugal and Spain engaged in restrictive pension reforms but also went ahead with improvements in minimum benefits for the elderly, family allowances and the basic safety net. Portugal introduced a pilot national minimum income scheme in 1996, which was adopted nationally in 1997 (Capucha *et al*. 2005). In Spain, the 1995 Toledo Pact agreed upon by the main political parties and later supported by the social partners was of special significance to the country's welfare reform momentum (Molina 2011). Unlike Italy, Spain has progressed towards reducing inequalities in the labour market: In 1997 and 2001, labour laws relaxed protections for core employees and improved the social security rights of irregular and temporary workers (Guillén and Léon 2011). A new social assistance scheme was introduced in 2000, the means-tested *Renta Activa de Inserción* (RAI), or Active Integration Income, targeted at those 45 and over with family dependants who have exhausted their unemployment benefits, coupled with tougher activation and job offer requirements. However, Spain's Achilles' heel remains its high level of unemployment, especially among the nation's youth.

While Italy and the Iberian countries have made headway in updating their welfare systems, Greece has continued to lag behind (Guillén and Petmesidou 2008). With welfare and (especially) pension provision targeted at a wide variety of interest groups, the expansion of social policy has reinforced a pattern of institutional fragmentation and backwardness. Successive Greek governments employed EU development funds to perpetuate the clientelist structure of the country's welfare system.

What stands out in the Mediterranean social reform experience in retrospect is the impact of the EMU entrance exam and the macro-economic criteria of the Stability and Growth Pact on public spending and deficit financing (Featherstone and Kazamias 2001). In hindsight, however, the EMU has proved to be something of a mixed blessing. Although the entrance exam for the EMU has had clear effects in terms of welfare state modernization, this logic no longer applied as soon as Italy and Greece had secured their full-fledged membership in the Eurozone. Extremely low interest rates allowed these countries to abstain from further reductions in their exceedingly high levels of public debt (close to 100 per cent of GDP). In other words, participation in the EMU took the pressure off, obviating further updates to welfare provision in Greece and Italy.

Anglo-Irish 'Third Ways'

Ireland and especially the United Kingdom are considered the closest European approximations of a liberal regime-type, characterized by modest levels of social protection, a predilection for targeted provisions and a constrained role for the state (Esping-Andersen 1990). The *Anglo-Irish group*, consisting of the United Kingdom and Ireland, has a system of social protection that is highly inclusive though not fully universal, except for healthcare. Benefits – which are flat rate

– are modest, and social protection programmes reflect an emphasis on targeted, needs-based, means-tested entitlements. Healthcare and social services are financed through general taxation, but contributions play an important role in financing cash benefits, especially pensions. Public social services and family services are less developed than in Scandinavia and the Continental countries; however, as in the Nordic countries, the organization of the welfare state (including unemployment insurance) is highly integrated and entirely managed by the public administration. Although Ireland and the UK historically shared many of the above characteristics, their reform trajectories display an important dimension of recent divergence (Castles 2010).

After 1997, the Blair government embarked on a broad strategy of 'Third Way' reform: fine-tuning benefit rules to neutralize the 'traps' created by welfare-to-work schemes, fighting poverty and social exclusion through increases in the minimum wage and income guarantees, reforming the tax code, introducing new targeted programmes and launching a campaign against child poverty. Much like the Conservatives before them, New Labour's approach was to minimize regulatory burdens on the labour market, but its 'welfare-to-work' strategy differed substantially from its predecessor's workfare policies. Both Tony Blair and Gordon Brown promoted the notion of an 'enabling' welfare state, contingent upon paid employment (Clasen 2005). Their strong reliance on employment and employability to address poverty, disadvantage and social exclusion essentially rejected the pursuit of greater equality through interventionist policies of income redistribution.

Central to New Labour's ideas about the importance of activation was the emphasis on greater individual responsibility to seek gainful employment, matched by more generous in-work benefits for those who took low-paid jobs, a policy now reinforced by a minimum wage (Schmidt 2002; Daly 2010). Beginning in 1997, the Blair government introduced a series of *New Deals* targeting different sectors of the inactive population (Clegg 2010). In addition, a national minimum wage was introduced in 1999, set at different levels for different age groups, and it has been regularly raised ever since (Weishaupt 2011).

Perhaps the predominant trend of the past decade is that New Labour, across long sequences of policy changes, moved towards the eradication of many of the differences between various types of out-of-work support (e.g. unemployment, social assistance, disability) for working-age people in the benefit system, in terms of both benefit levels and the expectation of efforts to return to work. The UK's activation and benefit policy has come to focus on working-age people as a whole, rather than discrete groups (the unemployed, the disabled, single parents, etc.), resulting in significant benefit simplification (Clasen 2011). An important associated effect of this trend has been a strong 'fiscalization' of British social security and, as a consequence, a more prominent role for Her Majesty's Treasury at the expense of the Department for Work and Pensions (DWP).

Although New Labour's social policy agenda was primarily directed towards anti-poverty and pro-employment policy priorities, it also enacted an impressive range of family policy measures, addressing childcare and children's early education, financial support for families and children, services to improve the quality of family relations in low-income urban areas, parental employment and greater flexibility in work and family life (Daly 2010).

As in the UK, Irish policy-makers have also focused on the promotion of employment, complemented by welfare reforms. After unemployment reached a level of 18 per cent, cooperation with business and unions (beginning with the National Recovery accord of 1987–91) helped reform the economy and attract high levels of foreign direct investment, boosting Ireland's rates of output and employment. This successful programme was followed by a series of tripartite accords: the 'Economic and Social Progress' agreement (1991–4), the 'Competitiveness and Work' accord (1994–7) and, finally, the 'Partnership 2000' agreement (1997–2000)

(Hardiman 2000). In order to qualify for the EMU, the Irish social partners agreed on a long-term strategy of wage moderation in exchange for tax cuts and strict controls on inflation. This strategy of 'competitive corporatism', together with Ireland's multinational corporation-friendly tax rates, industrial policy and regional development programmes, appeared to pay off: rates of Irish output and employment growth were the highest in the EU before the onslaught of the global financial crisis, and the nation's public finances were healthy (Weishaupt 2011).

Because policy-makers feared that economic growth would not translate into job growth during the early years of what came to be known as the 'Celtic Tiger', active labour market policies (ALMPs) were expanded, enabling the long-term unemployed to gain work experience on community projects (Fitzgerald 2005: 129). After the mid-1990s, policy attention shifted to poverty reduction through the National Anti-Poverty Strategy (NAPS), introduced in 1997 and revised in 2002 and 2007. This strategy sought to decrease the long-term poverty rate of the population from 15 per cent to 10 and eventually 5 per cent. As Mary Daly and Nicola Yeates point out, the NAPS was based on an encompassing understanding of social inclusion that identified the roots of poverty in unemployment and educational and regional (urban v. rural) disadvantage (Daly and Yeates 2003: 91). Social support for families with children also expanded dramatically.

In an overall assessment of the social reform agendas pursued in the UK and Ireland before the global financial crash, we can conclude, on a positive note, that the enlarged scope of 'welfare-to-work' strategies in the two countries has made their welfare systems more inclusive and unified. Both countries have departed from neo-liberal orthodoxy by developing a 'social liberal model' of an 'enabling' (in Britain) or 'developmental' (in Ireland) welfare state, optimizing public income and social service support contingent upon paid employment (Clasen 2005).

Welfare system transformation in Europe's new member states

Undoubtedly, the new EU member states in Central and Eastern Europe (CEE) have witnessed the most radical and epochal political and economic transformation of any of the welfare regimes discussed here. Since the fall of the Berlin Wall in November 1989, the scope of social policy change in post-Communist Central and Eastern Europe reflects comprehensive 'system trans-formation' rather than 'catching up' with the older member states of the EU (Cook 2007; Haggard and Kaufman 2008; Inglot 2008; Nölke and Vliegenthart 2009). In 1989, at the height of the immediate transition crisis, the functional challenge at hand was to (re)cast and (re)design – practically overnight – welfare provisions in order to support the transition to the modern market economy and pluralist democracy (Stark 1996). This implied a wholesale shift from public to private responsibilities for citizens' life chances and welfare. The decision to pursue a free market economy entailed profound consequences for the institutional capacities of welfare provision, both on the revenue side (including new methods of raising taxes and contributions to mitigate poverty and unemployment) and on the spending side (including new administrative capacities to manage wholly novel programmes of work and welfare) (Cook 2010). Such groundbreaking institutional redesign undoubtedly clashed with remaining popular expectations about employment guarantees, universal social service provision and income equality. But given the countries' (admittedly battered) Communist legacy, which involved the state playing the primary role in securing employment and providing social transfers and services, the transition to a market economy would inevitably renege on these long-cherished welfare expectations (Haggard and Kaufman 2008).

The demise of state-socialism in 1989–91 was accompanied by a deep economic crisis. In 1990–4, economic growth and wages declined rapidly and inflation spiralled, bringing an end

to full employment, with job losses ranging from 10 per cent in the Czech Republic to 30 per cent in Hungary. Initially, the welfare state was used as a buffer to cushion the most dramatic effects of the loss of income through unemployment. In the early 1990s, the Polish, Hungarian, Czech and Slovakian governments introduced fairly generous targeted unemployment insurance programmes and established basic 'safety nets' based on rather lenient eligibility criteria, including expanded pension entitlements and family benefits. On a more structural basis, most CEE countries introduced a minimum wage and income-related social assistance schemes to combat poverty.

With the number of people on pension, unemployment or social assistance benefits increasing dramatically, the financial strain on welfare schemes skyrocketed as GDP contracted. This prompted the next wave of welfare reform in the mid-1990s, bent on cost containment and curtailing welfare dependency by changing incentive structures and governance systems (Keune 2006; Cerami 2006, 2010). In Hungary, social assistance moved from a flat-rate system to a means-tested benefit. In addition, universal family allowances were partially replaced by means-tested benefits for the poor, while universities introduced tuition fees and healthcare was partially privatized. In Poland, the criteria for unemployment insurance were tightened in 1994. In regions where unemployment was high, entitlement duration was cut to six months to incentivize regional mobility. In addition, maternity leave programmes were abolished in 1996, and families with incomes in the top 10 per cent were no longer entitled to family allowances or childcare benefits.

CEE pension systems in particular have undergone radical reforms, specifically through the privatization and individualization of savings, as strongly advocated by the World Bank and the IMF. State-socialist old-age pension systems were largely financed on a pay-as-you-go (PAYG) basis through transfers from state firms to the state budget; direct contributions by the workers themselves were rare (Fultz and Ruck 2001). In the second half of the 1990s, pension reform accelerated in the direction of multi-pillar pension systems, partially privatized, replacing the earlier pay-as-you-go system in the public pillar. A mandatory second tier in old-age pension schemes, run by private funds on the basis of Notional Defined Benefits, was introduced in Estonia in 1994, in Latvia in 1995, in the Czech Republic and Hungary in 1998, in Lithuania, Slovenia and Poland in 1999, in Romania in 2001, in Bulgaria in 2002 and in Slovakia in 2003 (Inglot 2008; Orenstein 2008). These reforms have made pensions more individualized, more heavily dependent on lifetime contributions and life expectancy, and more earnings related (and thus less redistributive). The Czech Republic resisted the shift to compulsory private co-insurance, mainly because the Czech economy was not in as deep a fiscal crisis as many of the other CEE countries by the mid-1990s.

Throughout the 1990s and the early 2000s, CEE unemployment regimes gradually converged towards a minimal-liberal model, i.e. incomplete coverage and limited level and duration of unemployment benefits, alongside weak active labour market policies. By the mid-2000s, in contrast, the Polish welfare state moved towards a more universal model of social assistance as a stepping-stone in the establishment of a general minimum income guarantee by 2008. Similarly, in the Czech Republic, by the early 2000s, the social assistance minimum was raised, followed by an expansion of family payments in 2004 (Haggard and Kaufman 2008: 326–30; Inglot 2008: 238–50). By 2005, the Czech government came to endorse an explicitly active family policy, motivated in particular by a chronically low fertility rate (at about 1.2 children born to young couples), but also by programmatic initiatives embraced by the EU.

This transition from state-socialist systems to modern welfare states embedded within market economies is without historical precedent. Over the last 25 years of welfare state transformation, the social policy systems of Central and Eastern Europe have evolved towards a mixed

or 'hybridized' welfare structure, a combination of Continental 'Bismarckian' elements of social insurance and 'Anglo' market-based pensions and social services, underpinned by basic 'egalitarian-universalist' safety net provisions (Zeitlin and Heidenreich 2009). Of course, these hybrid welfare policy mixes are not stable *per se*, as they have emerged through intense distributive conflict (Haggard and Kaufman 2008).

On the basis of the survey outlined above, it is fair to conclude that since the mid-1990s European welfare states have entered a new era of flux, reform and adaptation to unfolding long-term social changes and short- to medium-term economic and political predicaments. This obvious social reform momentum surely invalidates the long-cherished and popular conception of 'frozen' and change-resistant European welfare states (Pierson 1998, 2011). We also observe regime-dependent paths of welfare state adaptation, but in a number of key policy areas there are also definite examples of (regime-contingent) policy convergence in the direction of social investment policy prescriptions.

Towards social investment?

Have European welfare states been recalibrated in accordance with the social investment strategies that gained prominence with the Lisbon Agenda of 2000? And to what extent can we associate the European welfare reform momentum with quantifiable social investment performance indicators?

The philosophy underpinning the social investment approach was given impetus by the publication of a book edited by Esping-Andersen *et al.* in 2002, *Why We Need a New Welfare State* (Esping-Andersen *et al.* 2002), which was commissioned by the Belgian presidency of the EU in 2001. Central to *Why We Need a New Welfare State* is the argument that male-breadwinner welfare inertia would result in increasingly suboptimal life chances in terms of labour market opportunities, income, educational attainment and intra- and intergenerational fairness for large proportions of the population. The new social risks of social segmentation, skill erosion and structural poverty dynamics in the knowledge-based service economy, pressured by demographic aging, make traditional, passive, employment-related social insurance provision extremely expensive and ultimately unsustainable. In contrast, 'new' social risk mitigation strategies underline the importance of early childhood development, training, education and lifelong learning, and family reconciliation policies. It is important to add here that Esping-Andersen *et al.* emphasize – *contra* the Third Way – that social investment is no substitute for social protection. Adequate minimum income protection is a critical precondition for an effective social investment strategy. In other words, 'social protection' and 'social promotion' should be understood as the indispensable twin pillars of the new social investment welfare edifice.

From fighting unemployment to increasing employment

From a social investment perspective, three overarching long-term changes can easily be empirically supported, with important qualifiers. First, in the majority of EU member states, in line with the general move towards supply-side economics, the overarching social policy objective in the 1990s shifted from fighting unemployment to proactively promoting labour market participation. Indeed, since the late 1980s there has been a significant increase in employment in most European welfare states. Spending on active labour market policies in most OECD countries increased considerably from the 1990s to the mid-2000s, resulting in falling unemployment rates and the mobilization of women, youth, older workers and less productive workers through early intervention, case management and conditional benefit (Bonoli 2011). With respect
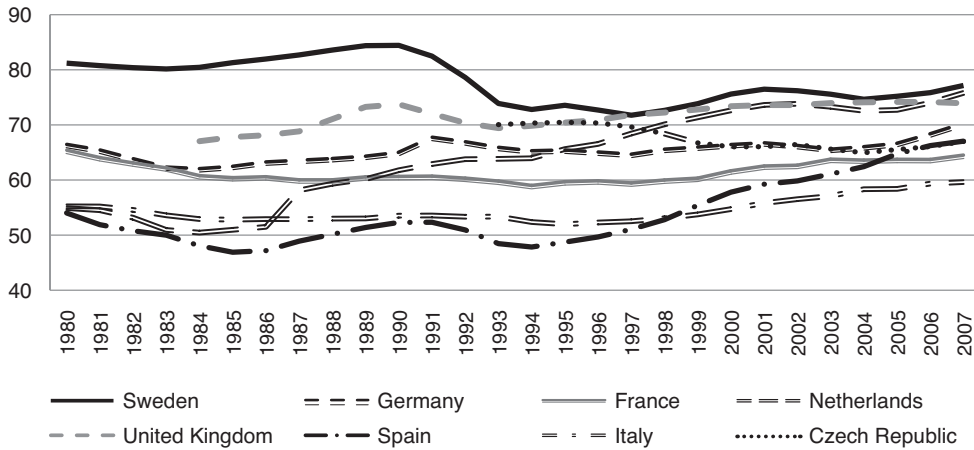
Figure 35.3 Employment/population ratio (1980–2007)

Source: OECD labour force statistics, extracted February 2012.

to *labour market regulation*, several European countries have moved towards greater acceptance of flexible labour markets. In terms of *social insurance* and *assistance*, the generosity of benefits has been curtailed. Through the weakening of earnings-related benefit provision in particular, and by harmonizing benefits across different risk categories, social insurance benefits have become less status confirming. Today, most countries preside over universal minimum income protection programmes, coupled with 'demanding' activation and 'enabling' reintegration measures, targeting labour market 'outsiders' such as young, female and low-skilled workers (Schmid 2008).

Figure 35.3 shows the employment/population ratios among the working-age population. What is striking in this figure is, first, the long-term increase in employment in most countries and, second, some persistent differences in the overall share of people in gainful employment across countries and families of welfare states. The convergence over time within the EU is also notable. Employment in the working-age population in both the Anglo-Saxon and Scandinavian groups was at about 75–80 per cent before the global financial crisis. Apart from the Netherlands, most other Continental and Mediterranean European countries lag behind, with employment rates of 60–70 per cent. But even there we can see some progress, particularly in Spain and Italy; France and Germany have been more stagnant.

This positive development in employment rates is strongly correlated with a steep rise in female activity. This is the most important life-course transforming trend by far – what Esping-Andersen has called the 'incomplete revolution' in the role change of women from homemakers to lifetime employees (Esping-Andersen 2009). Over the past quarter-century, female labour force participation has increased by about 20 per cent. Today, female employment rates in Europe range between 52 per cent in Italy and 73 per cent in Denmark and Sweden (see Figure 35.4).

The main drivers of increased female labour force participation have been feminist emancipation, educational expansion and the shift to the service economy and the associated labour market flexibility, together with greater opportunities for reconciling work and family responsibilities (Jaumotte 2003).

Since the late 1990s, the employment rate among older workers has also been rising, most strongly in Finland, but also in some Continental welfare states, with the Netherlands taking the lead (see Figure 35.5).
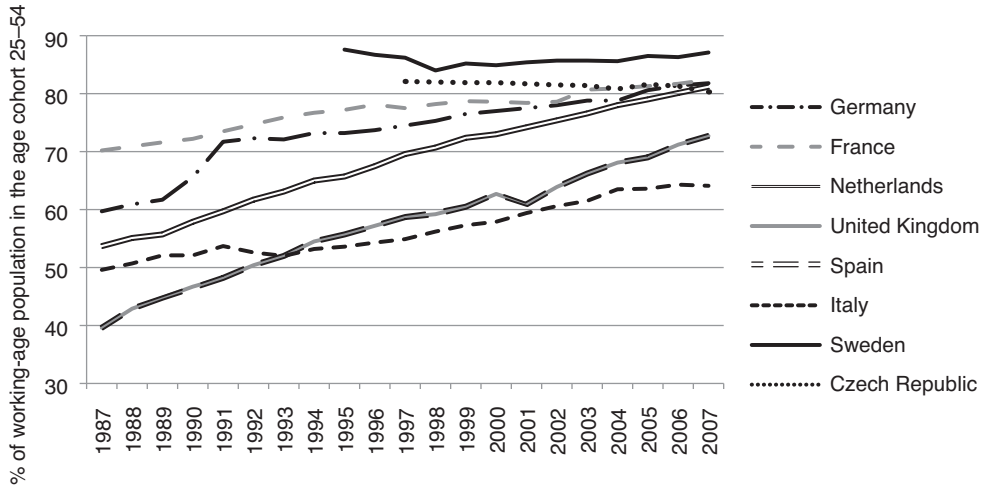
Figure 35.4 Activity rate of women aged 25–54 (1987–2007)

Source: Eurostat.
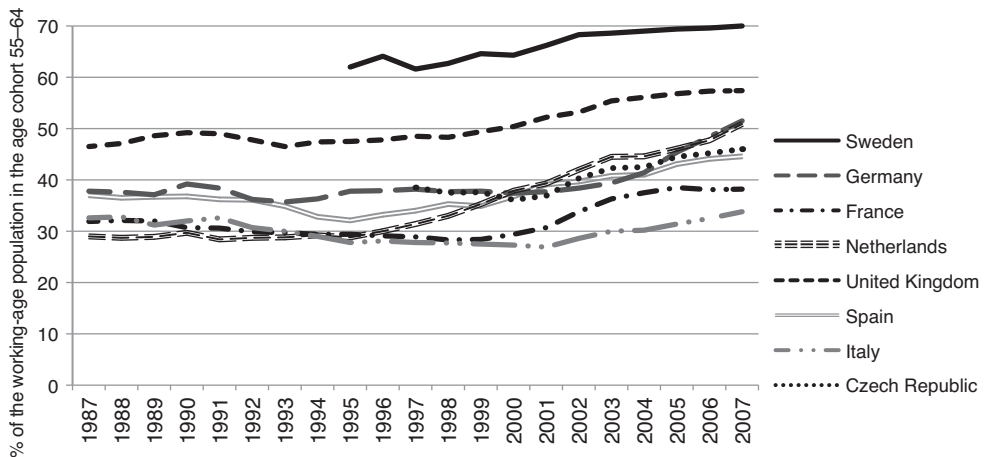
Figure 35.5 Employment rate of workers aged 55–64 (1987–2007)

Source: Eurostat.

The across-the-board rise in the employment participation of older workers is consistent with the recent pension reform momentum. Practically all European welfare states have taken steps to reverse the trend towards early retirement policies, together with initiatives to promote longer and healthier working lives. A series of adjustments have fundamentally altered retirement welfare over the past two decades (Bonoli and Palier 2008; Häusermann 2010; Ebbinghaus 2011). A key shift has been the increase in (compulsory) occupational and private pensions and the development of multi-pillar systems, combining pay-as-you-go and fully funded methods, with relatively tight (actuarial) links between pension benefits and contributions and strong incentives to delay an early exit from the labour market, rewarding those who work for longer (Clark and Whiteside 2003).

Towards capacitating social services

Loosely aligned with the shift towards activation, the development of capacitating social services for dual-earner families also marks a distinct departure from the longstanding male-breadwinner/female-homemaker tradition, especially in continental Europe. Family support, gender roles and particularly childcare have been at the centre of recent social reforms. *Social services* have significantly expanded, especially in the 2000s, to boost female participation through favourable family policy (Mahon 2002, 2006; Ungerson 2004; Crompton 2006; Lewis 2006; Orloff 2006, 2009, 2010). Spending on family services, childcare, education, healthcare and care for the elderly, as well as on training and employment services, has increased as a percentage of GDP practically everywhere in the European Union. Family policy (covering childcare, parental leave and employment regulations, and work and family life reconciliation policies) has undergone profound changes in both scope and substance over the past 15 years. It is important to underscore here that early twenty-first-century welfare provision now addresses a wider range of social risks with a broader array of policy interventions, far beyond a narrow understanding of social insurance. Europe thus seems to have entered a distinctly new phase of welfare state development, characterized by an incipient move towards active *service-oriented* welfare states, away from the traditional, passive, *transfer-oriented* systems of the past.

The shift to social services has important implications for the governance and administrative structure of twenty-first-century welfare provision. Juri Kazepov refers to the 'rescaling' of modern social policy in this regard. The most important step has been the attempt to bring social insurance and assistance and labour market policies under one institutional roof in so-called 'one-stop centres', thus ending the previous separation of social security and public employment administration. Ideas of New Public Management and novel concepts of *purchaser–provider* models in public welfare services have been especially instructive with respect to the restructuring of Public Employment Services (PES) since the 1990s (Weishaupt 2011).

From social insurance to (affordable) fiscal financing

The third and final important trend is the overall shift in *welfare financing* from social contributions to general taxation. In general, the Continental welfare states are largely financed through social contributions from workers and employers, following their Bismarckian origins, whereas the Scandinavian and Anglo-Irish social security systems are generally financed by taxes, consistent with the Beveridgean policy legacy. Over the past two decades, the source of social protection expenditure financing has shifted from social contributions to fiscal financing (see Figures 35.6 and 35.7). This especially applies to social insurance cost-containment measures, along with the expansion of tax-financed minimum income and activation provisions in many Continental welfare states. The change to tax financing represents a shift from earnings-related employment-based social protection towards more universal service provision (Hemerijck 2013).

This overarching trend is consistent with Sabel's argument about the changing nature of 'new' social risks. According to Sabel, one of the fundamental reasons why the modern 'active' welfare state must provide *enabling* and *capacitating* social services is inherently related to the erosion of the effectiveness of the social insurance principle, upon which the post-war transfer-biased male-breadwinner welfare state was based. When the risk of industrial unemployment was largely cyclical, it made perfect sense to administer collective social insurance funds for consumption smoothing during spells of demand-deficient unemployment. However, as the risk of unemployment became structural, caused by radical shifts in labour demand and supply, unemployment insurance could no longer function as a reserve income buffer between similar
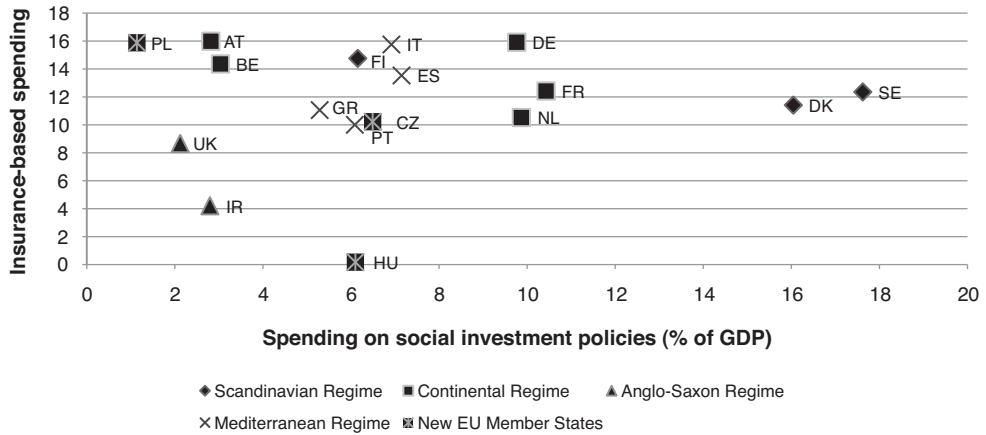
Figure 35.6 Social investment spending and insurance-based spending in 1997 (percentage of GDP)

Source: author's calculations using the OECD Social Expenditure Database (SOCX), extracted October 2011.

Notes: Spending on social investment policies includes childcare, elderly care, education, active labour market policies and maternal and parental leave; social insurance-based spending includes old-age pensions, survivors' benefits, disability pensions (excluding rehabilitation expenses) and unemployment spending (excluding expenses on active labour market programmes).
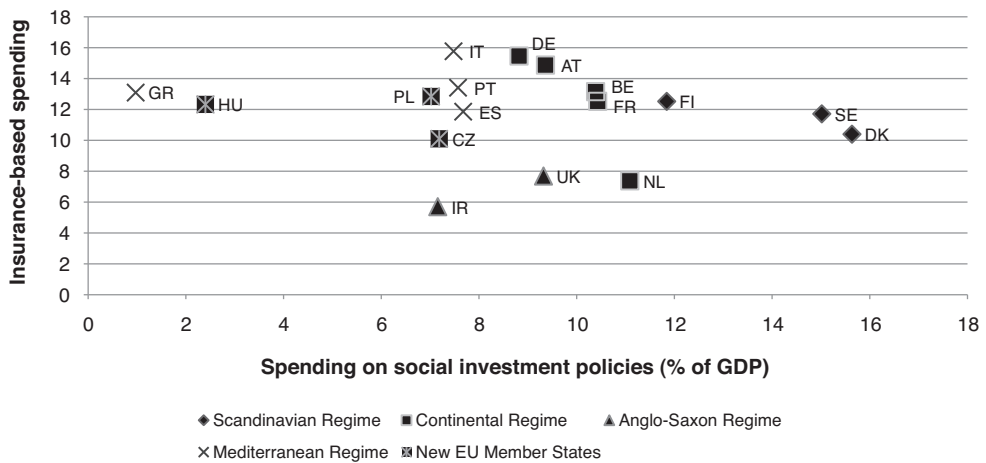
Figure 35.7 Social investment spending and insurance-based spending in 2007 (percentage of GDP)

Source: author's calculations using the OECD Social Expenditure Database (SOCX), extracted October 2011.

Notes: Spending on social investment policies includes childcare, elderly care, education, active labour market policies and maternal and parental leave; social insurance-based spending includes old-age pensions, survivors' benefits, disability pensions (excluding rehabilitation expenses) and unemployment spending (excluding expenses on active labour market programmes).

jobs. In order to comprehensively connect social policy with a more dynamic, competitive, knowledge-based economy and society, citizens must be supported by *capacitating* services *ex ante* – services tailored to meet specific social needs over their life cycle (Sabel *et al.* 2010). As Sabel asserts, the so-called 'new' social risks are essentially 'non-actuarial risks', unforeseeable risks for which it is difficult to establish who should pay how much into an insurance pool for effective risk mitigation over time. When social insurance risk pooling fails, a more effective strategy is often to help risk categories to self-insure against uncertain risks by enabling people to acquire the capacities they need to overcome the social risks they face, with *ex-ante* public support for family services and training programmes (Sabel 2012). As Sabel describes,

> If each of us can acquire, with the support of public training or capacitating services, general skills that make us employable in a wide and changing range of jobs, this employability protects us against labour market risks even when conventional unemployment insurance cannot.

(Sabel 2012: 81)
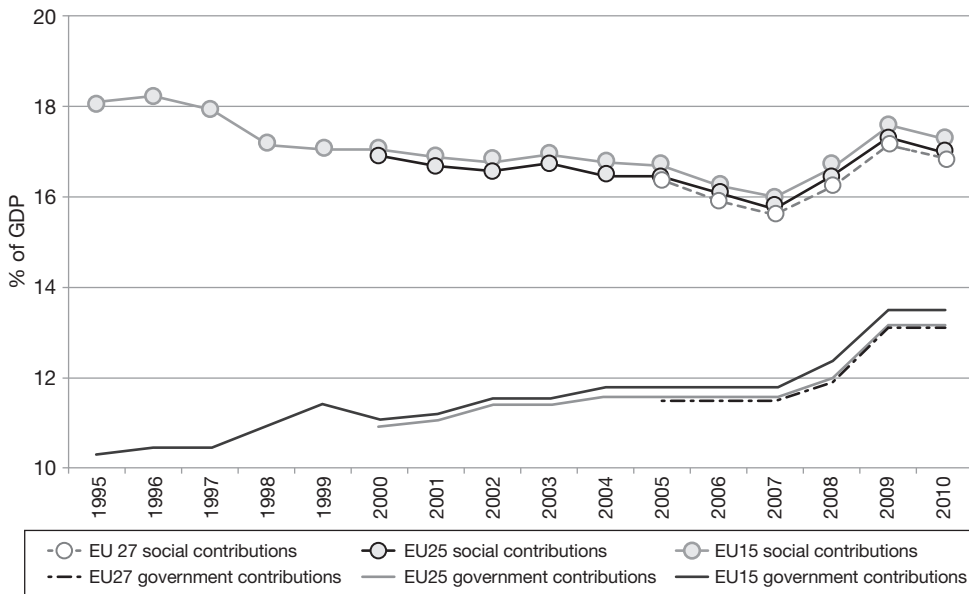
Figure 35.8 Trends in social protection financing structures (1995–2010)

Source: ESSPROS compiled by author.

Social investment synergies

Can the social investment turn be associated with key welfare performance indicators, such as employment and poverty? To tackle this question, building on earlier work (Hemerijck 2013), what is particularly interesting to observe is that higher total budgets for social policies are associated with better outcomes, in terms of both poverty and employment (see Figures 35.8, 35.9 and 35.10). More specifically, countries with higher budgets for social investment-focused policies fare particularly well in terms of employment, suggesting that social investment is fairly effective in raising employment participation. An elementary regression analysis on employment
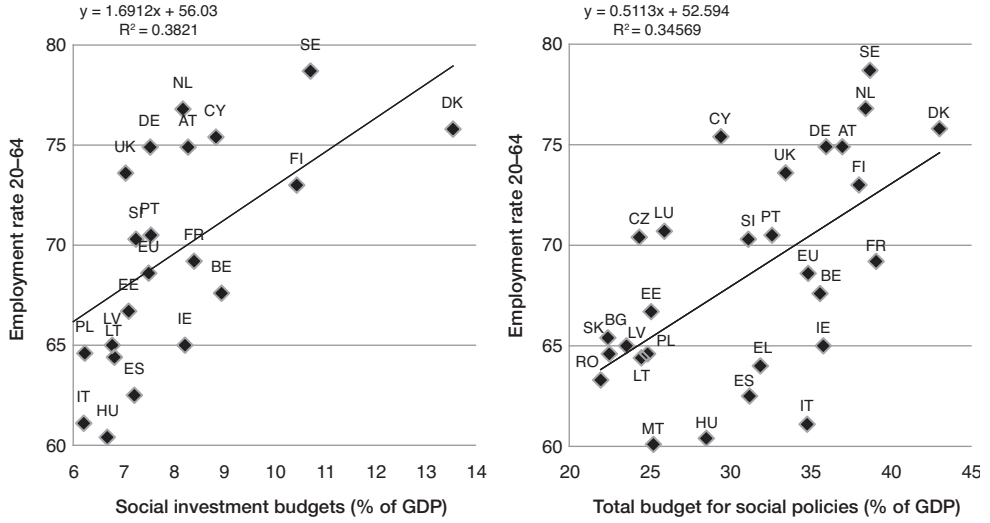
Figure 35.9 Social investment and employment rates (2010)

Source: Eurostat data, DG EMPL calculations.
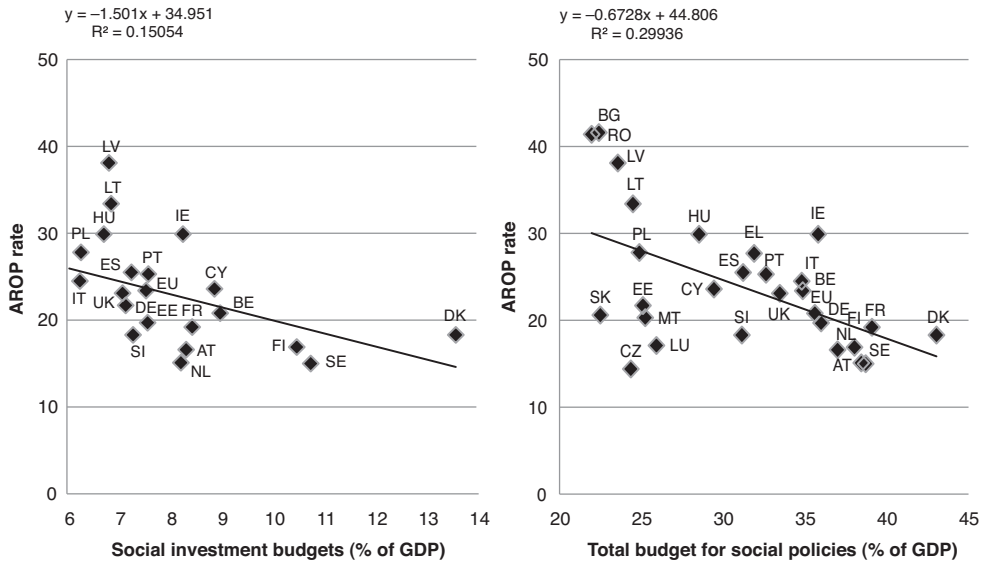
Figure 35.10 Social investment and at-risk-of-poverty (AROP) rates (2010)

Source: Eurostat data, DG EMPL calculations.

and social spending data among member states suggests that for every additional 1 per cent of GDP spent on social investment (as defined above), the employment rate is 1.5 per cent higher. Money spent on social protection (narrowly understood) is much less effective, with an increase of only 0.25 per cent. In contrast, a 1 per cent of GDP increase in social protection expenditure is associated with a decrease in the at-risk-of-poverty (AROP) rate of almost 1 per cent (0.88 per cent), which is entirely consistent with the function of social protection provision. At least in the short term, money spent on social investment is not as effective *per se* as social protection more narrowly understood (0.67 per cent reduction in the AROP rate).

As Esping-Andersen *et al.* (2002) have suggested, the social protection and social investment functions of the new welfare state should actually be understood in terms of 'institutional complementarities'. A regression based on Eurostat data clearly conveys that an approach that integrates both social investment and social protection functions is optimal for raising employment participation while mitigating poverty. Social investment can be particularly effective in improving employability; this, in turn, creates the prerequisites for further economic and employment growth, which help sustain funding for social protection policies, which then serve to reduce poverty risks in hard economic times.

Conclusion: beyond 'frozen' welfare states

Significant national variation notwithstanding, the wide-ranging welfare reform momentum since the mid-1990s has resulted in a broad, cumulative process of welfare state (self-)transformation across the member states of the European Union (Hemerijck 2002). Even though public social spending levels have been consolidated over the past two decades, practically all European welfare regimes have sought to redesign and reconfigure the basic policy mixes upon which they were founded in the post-war years. It should not be forgotten that the welfare state is a normative concept based on the idea of a social contract with claims on equity and fairness that goes far beyond issues of economic redistribution and insurance to include dimensions of gender roles, the work ethic, child-rearing and intergenerational equity. The policy changes surveyed in this chapter seem to have contributed to a slow redefinition of the very idea of social justice: a shift away from an understanding of fairness in terms of static Rawlsian income equality towards a perception of solidarity and fairness as an obligation to provide due support to the needs of each individual so as to enable all to flourish, in line with the 'capability approach' of Amartya Sen (1999) and Martha Nussbaum (2011). At the normative heart of the social investment edifice lies the reorientation of social citizenship, away from the compensating *freedom from want* logic towards the capacitating logic of the *freedom to act*, under the proviso of accommodating work and family life through social services and a guaranteed rich social minimum enabling citizens to pursue fuller and more satisfying lives.

One of the most important lessons of the past two decades is that domestic welfare reform truly makes a difference in terms of growth, employment and competitiveness. However, despite growing evidence that social investment priorities are being successfully pursued in many European welfare states, we have also observed how certain welfare regimes have been confronted with significant institutional constraints that impede social investment policies. Particularly in the more 'segmented' labour markets of Southern Europe, across the new member states and in some Continental welfare regimes, social investment progress has been limited. Tragically, these are the countries that find themselves in dire fiscal straits following the global financial crisis.

It may be too soon to draw definite conclusions about European welfare state futures in the aftermath of the global financial crisis. The question of affordable social investment is among

the most pressing of our times. Between 2008 and 2010, automatic stabilizers were allowed to cushion the recession. This response was complemented in a number of EU member states by measures to extend short-term working arrangements, sometimes linked to training and activation incentives. By 2011, the European Union had entered a more critical phase of crisis management, as the impending sovereign debt crises in Greece, Ireland and Portugal began to threaten the viability of the euro.

However, the endogenous social changes that prompted many welfare states to turn towards the promotion of investment-oriented social policy have not gone away. If anything, they have become more critical. Demographic headwinds will place social contracts under further duress, especially in countries facing high unemployment and daunting budgetary pressures where long-term population aging and the feminization of the workforce have not been adequately addressed before the crisis. In this respect, the crisis has strengthened the policy saliency of poverty relief, social insurance, macro-economic stabilization and the need for human capital investment. In the current context of fiscal predicament, it is essential not to overlook the long-term growth potential of productive social investment policies. Social investment can no longer be dismissed as a 'fair-weather' policy when times get rough.

In the years ahead, intensifying fiscal pressures will lead many finance ministers to demand scrutiny of social spending. In both employment and social policy, there is a strong compulsion to do more with fewer resources. At the same time, the aftermath of the financial crisis will surely reinforce the need for human capital investment and the importance of poverty relief and social protection. However, short-term fiscal pressures will be intensified, depending on the extent to which long-term societal changes (such as population aging, the feminization of the workforce, immigration and shifts in labour supply and demand) have not been adequately dealt with prior to the crisis.

What makes the Eurozone predicament particularly worrying is that national fiscal and EU monetary authorities have practically no room left for proactive adjustment: public finances are distressed, and interest rates are close to zero. Politically, governments are caught between Scylla and Charybdis: on the one hand, pressures for deficit reduction constrain domestic social policy space; on the other hand, disenchanted electorates are increasingly unwilling to abide by the austerity promises agreed upon in supranational rescue packages or EU-reinforced fiscal rules. To the Eurozone member countries currently in dire fiscal straits, the social investment message advocated by the European Commission in its February 2013 *Social Investment Package* policy platform is easy to disregard. Fiscal consolidation requires countries to slash active labour market policies and retrench preventive healthcare programmes, which we now know critically erode job opportunities for both men and women and thereby limit the capacity of the economy to shoulder the burden of an aging population in the long run. By the same token, cuts in family and childcare services and reconciliation measures hamper future female employment and consequently intensify child and family poverty problems in the most vulnerable economies of the European Union. Moreover, the reinforced 2011 'fiscal compact', 'two-pack' and 'six-pack' agreements, with their overriding emphasis on collective austerity and wage-cost competitiveness, is pressuring Eurozone economies to adopt pro-cyclical and self-defeating welfare retrenchments. EU policy-makers in both European and national arenas have a truly existential interest in addressing prevailing trade and competitiveness asymmetries by forging viable economic adjustment strategies that do justice to the important macro-economic returns of social investment policy reforms. Adverse demographic shifts mean that human capital cannot be allowed to go to waste through semi-permanent inactivity, as was the case in the 1980s and 1990s in many mature continental European welfare states. Social investment considerations must therefore be firmly anchored in Eurozone macro-economic and budgetary governance policies

that support durable economic growth and high levels of employment. Room must be created for a more realistic pace of fiscal adjustment (more symmetrical and, for some countries, slower than at first foreseen), associated with a reform-oriented social investment strategy and anchored in an improved EU financial, budgetary and macro-economic policy framework. The EU needs a 'New Deal' between the countries that are in better budgetary shape and have pursued social investment strategies more consistently in the past and those that have been less consistent with regard to social investment and have therefore experienced dramatic budgetary problems. The macro-economic policy regime that is required is one in which *all* governments pursue budgetary discipline and social investment over the medium and long term, and are effectively supported in that regard (Vandenbroucke *et al.* 2011; Hemerijck and Vandenbroucke 2012). In order to convince the larger European democratic public of such a regime's political legitimacy and consistency with norms of social fairness, this macro strategy should be substantially based on a well-articulated vision of a 'caring Europe' – caring about people's daily lives and future social well-being.

Notes

1   This contribution makes extensive use of the monograph *Changing Welfare States* (Hemerijck 2013), published by Oxford University, especially Chapters 6 and 7.

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36

Political corruption
in Europe

Martin J. Bull and James L. Newell

Introduction

Prior to the 1990s, political scientists thought of corruption as something largely confined to developing countries, as they were convinced that in liberal democracies due process norms ensured the low tolerance thresholds necessary to constrain corrupt practices. Since then, numerous high-profile corruption cases and the resulting scandals have affected an ever-increasing number of democratic countries in Europe, forcing political scientists to revise their earlier assumptions. Corruption has thus become a major focus of attention, with scholars attempting to identify its causes and potential measures to reduce its incidence.

Notable examples of corruption scandals include those that have taken place in France (concerning Jacques Chirac's term in office as the mayor of Paris); Ireland (involving former prime minister Charles Haughey); Britain (where disclosures concerning 'cash for questions', the honours system, donations to parties and MPs' expenses have implicated a wide range of leading politicians); Spain (with respect to political party donations and the Socialist government of Felipe Gonzalez); Germany (where former Chancellor Helmut Kohl was disgraced by revelations of anonymous cash donations, party slush funds and secret foreign accounts); Italy (where by the end of 1993 the *Tangentopoli* or 'bribesville' scandal had resulted in 251 Members of Parliament being placed under judicial investigation, including four former prime ministers, five ex-party leaders and seven members of the cabinet – ultimately leading to the complete disintegration of all of the traditional parties); and the European Union (which in 1999 witnessed the resignation of the entire Commission following accusations of cronyism, nepotism and fraud against Commission members).

Although these examples appear self-evident, one of the problems facing any fight against corruption is the need to define it. In essence, it entails a type of rule infringement, and since a rule is a criterion of behaviour that indicates right and wrong ways of doing things (and is therefore something that can only exist in virtue of social interaction), what is regarded as corrupt is a matter of social construction. In short, a 'corrupt' act is something that is viewed as illegitimate according to certain social standards that vary from society to society. Therefore, corruption cannot be easily defined in a way that will enable large-N comparisons of the presence of the phenomenon upon which all scholars can agree.

Of the three broad approaches to defining corruption – legal and norm-based definitions, public-interest definitions and principal–agent definitions – the last seems best suited to capture political corruption in advanced democracies such as those of Europe. Legal and norm-based definitions view 'political corruption' as something that takes place when the holders of public office break the legal rules or norms governing their conduct; it is 'a misuse of authority as a result of considerations of personal gain, which need not be monetary' (Bayley 1966). Such definitions make it conceptually impossible to differentiate corruption from similar but different phenomena, such as 'embezzlement', or to distinguish it from other acts that, although perfectly legal, we may wish to regard as corrupt on other (e.g. ethical) grounds. Moreover, what counts as the 'misuse of authority' varies from country to country; thus, it is impossible to define given behaviours as corrupt independent of their context. Public-interest definitions define a corrupt act as one that 'violates responsibility toward at least one system of public or civic order . . . A system of public or civic order exalts common interest over special interest; violations of the common interest for special advantage are corrupt' (Rogow and Lasswell 1963: 132). Such definitions raise the question of who defines 'the public interest'; whoever it is (researchers or their subjects), the status of a behaviour as 'corrupt' or otherwise depends on subjective value judgements that may vary across time and place.

In contrast, principal–agent definitions view corrupt acts as transactions that violate the trust placed in an agent by a principal. Corruption therefore takes place when:

(1) there is a secret violation of a contract that, implicitly or explicitly, involves a delegation of responsibility and the exercise of some discretionary power . . .
(2) by an agent who, against the interests or preferences of the principal . . .
(3) acts in favour of a third party, from whom he receives a reward . . . [and when]
(4) the principal is the state, or better, the citizens.

(della Porta and Vannucci 1997: 231–2)

While an approach that ties corruption to breaches of the trust placed in public officials would appear to define the difference between corrupt and non-corrupt in 'objective' terms, independent of cross-nationally variable standards, this difference still turns on the principal's – socially informed – evaluations of the interests and preferences the agent is required to serve. However, although this represents a problem for large-N studies, it looms less large when the countries being compared share a degree of similarity, such as those in a single region like Europe. Thanks to the cultural commonalities between these countries, the interests and preferences of principals are likely to display similar degrees of commonality: the states of Europe are all, by and large, founded on the rule of law and principles of universalism, and one can trace the influence of principal–agent definitions in several European legal definitions (e.g. the Italian penal code, English Common Law, Polish anti-corruption legislation).

In this chapter, we analyse, first, the growth, diversification and types of corruption in Europe; second, the causes and dynamics at the heart of corrupt transactions; third, the effects of corruption (on the economy and the political system); and, finally, the attempts to fight corruption, concluding that this fight not only might lack any positive outcomes, but could even be counter-productive, making corruption one of the most significant challenges facing European democracies today.

Growth, diversification and types of corruption in Europe

The examples listed above suggest both the growth and diversification of political corruption in Europe over the past 20 years and therefore its increasing significance. However, one must

be cautious in drawing such a conclusion, primarily because of the difficulty of measuring the incidence of and growth in corruption (Lancaster and Montinola 1997). Any assessment of the significance of corruption for the functioning of European democracies requires the researcher to be able to do two things: first, assess the degree of 'corruptness' of given acts and, second, adopt a robust method of recording the incidence of such acts in given countries over a given time period.

The first task obviously requires one to decide on the criteria that will be used to determine whether an act should be regarded as 'more' or 'less' corrupt. Heidenheimer (2005), for example, distinguishes between black, white and grey corruption, depending on the extent to which elites and masses condemn it and would want to see it punished; Shleifer and Vishny (1993) proceed on the basis of a distinction between corruption with theft and corruption without theft; and Peters and Welch (2005) hypothesize with reference to corruption perceptions that the degree of corruptness of a given act can be conceived of as a function of the public official involved, the favour granted, the bribe paid and the bribe payer. The second task requires the researcher to develop a means of dealing with the fundamental problem of how to record incidences of an act that, by its very nature, is secret. Reliance on court records or newspaper reports implies recording only the corruption that has been *exposed* or *alleged* and therefore runs the risk of creating a distorted picture (e.g. of more corruption in countries that have simply been more effective in rooting it out).

An alternative is the development of proxy measures. For example, based on the apparent correlation between corruption and secrecy or a lack of transparency in systems and processes (Hall and Yago 2000: 2), Barth *et al.* designed an 'opacity index' that sought to capture the 'lack of clear, accurate, formal, easily discernible and widely accepted practices in the broad area where business, finance, and government meet' (Barth *et al.* 2001: 3). The measure appears to correlate well with other indices that might similarly be used as proxies, such as the World Bank's 'rule of law' index, which was designed to measure perceptions of the incidence of crime, the effectiveness of judicial institutions and the enforceability of contracts.

A further alternative – based on the importance of decision-makers' perceptions of corruption for investment decisions – involves perception surveys. Transparency International's 'Corruption Perceptions Index' (CPI) draws on data from 13 surveys and assessments of businesspeople and local experts produced by a number of independent organizations (such as Freedom House and the Economist Intelligence Unit) for a range of purposes. The index is constructed by extracting from the source data the information provided in responses to questions about corruption, its prevalence, the use of integrity mechanisms and so on. The CPI correlates well with a range of other proxy measures and with the variables (such as GDP) with which corruption is often correlated. As a tool that relies on respondents' subjective assessments (in recognition of the impossibility of quantifying corruption directly), the CPI is analogous to the opacity index and other proxy measures. For that reason, as a measure it is not without risks, especially those stemming from the 'double hermeneutic' (Giddens 1984), in which there is a two-way flow of influence between the work of social scientists and the world they are analysing. For example, corruption clean-up campaigns may produce worse rather than better CPI scores – which then deter investment by entrepreneurs, thus exacerbating the corruption problem (Campbell 2013). Conversely, improvement in a CPI score may be due to a decline in the salience of the issue and have nothing to do with a decline in the actual incidence of corrupt practices (Jiménez and Caínzos 2003).

These difficulties are reflected in empirical analyses of corruption in European democracies. Asked at the turn of the millennium about the 'newness' and 'scale' of corruption in their national political systems, country experts were divided. Some (in the cases of Germany, Britain,

Belgium, France, Spain, Greece, Italy and the former communist states of Central and Eastern Europe) argued that the previous two decades had witnessed a clear increase in corrupt practices. Others (in the cases of the Netherlands, Ireland, Sweden and Portugal) were more cautious, emphasizing the importance of the rise in anti-corruption activities, media interest in the subject and the decline in levels of public trust for perceptions of corruption (Bull and Newell 2003a).

Differences of this sort are reflected in public perceptions of the growth and presence of corruption in European democracies. Although aggregate figures suggest that there might be less to worry about in Europe relative to other regions in the world (see Figure 36.1), they hide considerable differences in national figures, as revealed in the Corruption Perceptions Index for individual European countries (see Table 36.1). Using the data in this table, one can create broad groupings of countries to provide an overview of the perceived spread of corruption across Europe (see Table 36.2). This resonates with the findings of other surveys. For example, at the aggregate level a majority of European respondents to a Transparency International (TI) survey in 2010–11 (Transparency International 2012: 9) believed that corruption was on the rise in their countries, and in a 2012 Eurobarometer survey 74 per cent of respondents stated that corruption had become a major problem in their countries (ibid.); however, these figures mask the very large percentages of citizens in countries such as Greece, Slovenia, Slovakia, Portugal, Romania, Spain and the Czech Republic (e.g. 85 per cent of respondents in Slovakia and 93 per cent in Slovenia) who perceived corruption as having increased. Whereas 98 per cent of respondents in Greece considered corruption to be a problem in their nation, the corresponding figure for Denmark was only 19 per cent (ibid.).

In short, the precise extent to which corruption has increased in Europe, and therefore how 'new' it might be, is unclear. Similarly, whether the types of corruption that have been exposed are 'new' also remains open to debate, as there is a certain sense of timelessness about many of
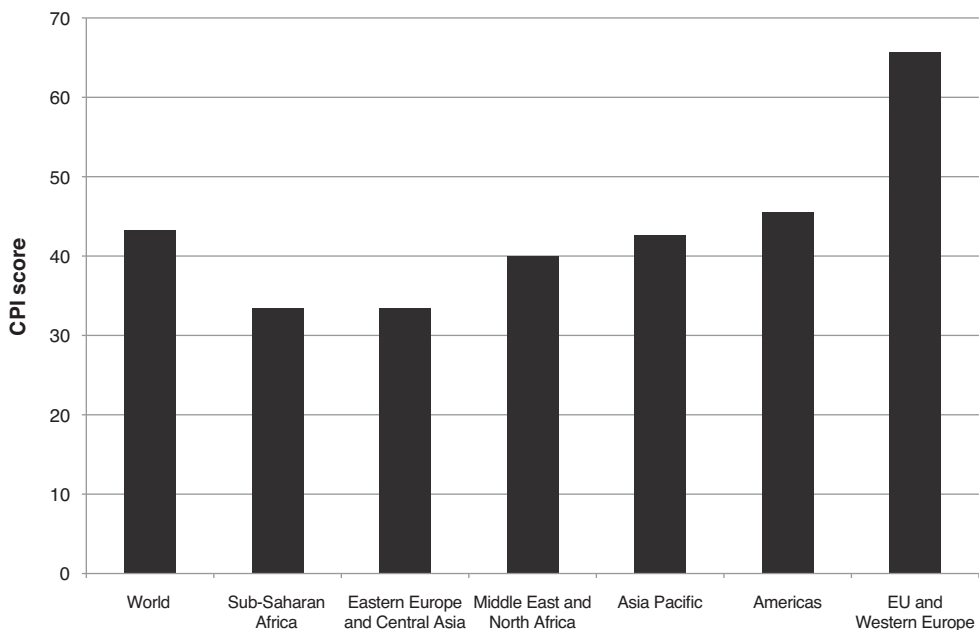
Figure 36.1 Average Corruption Perception Index (CPI) scores in groups of countries (2012)
Source: Transparency International (2012).

Table 36.1 Corruption Perceptions Index (Transparency International)

Country	2013 score	2012 score	2013 world rank
Denmark	91	90	1
Finland	89	90	3
Sweden	89	88	3
Norway	86	85	5
Switzerland	85	86	7
Netherlands	83	84	8
Luxembourg	80	80	11
Germany	78	79	12
Iceland	78	82	12
United Kingdom	76	74	14
Belgium	75	75	15
Ireland	72	69	21
France	71	71	22
Austria	69	69	26
Estonia	68	64	28
Cyprus	63	66	31
Portugal	62	63	33
Poland	60	58	38
Spain	59	65	40
Lithuania	57	54	43
Slovenia	57	61	43
Malta	56	57	45
Hungary	54	55	47
Latvia	53	49	49
Turkey	50	49	53
Georgia	49	52	55
Croatia	48	46	57
Czech Republic	48	49	57
Slovakia	47	46	61
Macedonia FYR	44	43	67
Montenegro	44	41	67
Italy	43	42	69
Romania	43	44	69
Bosnia-Herzogovina	42	42	72
Serbia	42	39	72
Bulgaria	41	41	77
Greece	40	36	80
Armenia	36	34	94
Moldova	35	36	102
Kosovo	33	34	111
Albania	31	33	116
Belarus	29	31	123
Azerbaijan	28	27	127
Russia	28	28	127
Ukraine	25	26	144

Key: A country's score indicates how corrupt its public sector is perceived to be on a scale from 0 to 100 (with 0 = highly corrupt and 100 = very clean). The ranking is against all other countries in the Index (177 in 2013).

Source: http://cpi.transparency.org/cpi2013/results/ (accessed 4 January 2014).

Table 36.2 Levels of perceived public-sector corruptness: grouping European countries

Levels of perceived corruptness, 2013	Countries
CPI of 80 and above ('Least Corrupt')	Denmark, Finland, Sweden, Norway, Switzerland, Netherlands, Luxembourg
CPI in 70s	Germany, Iceland, United Kingdom, Belgium, Ireland, France
CPI in 60s	Austria, Estonia, Cyprus, Portugal, Poland
CPI in 50s	Spain, Lithuania, Slovenia, Malta, Hungary, Latvia, Turkey
CPI in 40s	Georgia, Croatia, Czech Republic, Slovakia, Macedonia FYR, Montenegro, Italy, Romania, Bosnia-Herzogovina, Serbia, Bulgaria, Greece
CPI below 40 ('Most Corrupt')	Armenia, Moldova, Kosovo, Albania, Belarus, Azerbaijan, Russia, Ukraine

Key: CPI: Corruption Perceptions Index (Transparency International)

Source: Constructed from data from the Corruption Perceptions Index at: http://cpi.transparency.org/cpi2013/results/ (accessed 4 January 2014).

the corrupt practices exposed in Europe in recent years, notably: kickbacks that subvert public procurement processes (e.g. in Ireland, Italy and Germany); the exercise of private or commercial influence over the content of public legislation through promises of financial gain to elected representatives (e.g. in Ireland, Italy, Portugal, Greece, Sweden, Britain and Central and Eastern European countries); violation of party finance laws through illegal donations, often in exchange for political influence (e.g. in Italy, Britain, Belgium, Germany, Portugal, France, Spain, Greece and some Central and Eastern European countries); abuse of patronage or honours systems (e.g. in Britain); abuse by public officials and elected representatives of expense claims (e.g. in Britain and by European Union politicians); abuse of the power of public officials to supply services and resources (e.g. in Italy and Greece); abuse of the power of public officials to investigate private conduct and to impose sanctions or penalties (e.g. in Italy and Britain); civil servants' abuse of their discretionary power in the implementation of legislation and decisions, especially those of a commercial nature (e.g. in Greece and Ireland); and subversion or the improper use of European Union resources such as structural funds and subsidies (e.g. in Italy, Portugal and Greece) (for examples of all of these cases, see the relevant chapters in Bull and Newell 2003a).

Of the types of corruption listed above, those in the vanguard of anti-corruption efforts are particularly concerned with practices that are not necessarily illegal but are nonetheless still corrupt (and in many ways are as insidious and opaque as illegal corrupt practices). Transparency International (2012: 10) has dubbed these practices 'legal corruption'; as an example, TI describes 'influence peddling' as 'the excessive and undue influence of lobbyists in the European corridors of power . . . promoted through opaque lobbying rules, trading in influence and the existence of revolving doors between the public and private sectors'. This emphasis on 'legal corruption' throws a spotlight on the causes of political corruption in Europe.

The causes and dynamics of corruption

Establishing the causes of corruption – and the dynamics at work at the heart of the phenomenon – is important for the formulation of effective strategies for its containment or eradication, an

aspect that European governments have putatively focused their attention on in recent years. In view of the varieties of corruption and illicit activities, it is not surprising that a multitude of causes have been identified. Huberts (1998) usefully divides these into six categories: social factors (organized crime, social inequality/change, strong family ties and obligations, social norms and values); economic factors (the state of the economy, encompassing both economic difficulties and rapid economic growth); political factors (the growth and size of government organizations, the nature of the relationship between politics and the administration, the relationship between business, politics and the administration, the ideology of the market and the increasing significance of lobbying); organizational-cultural factors (public-sector culture, leadership qualities/ deficiencies); organizational-structural factors (disorganization, mismanagement, defective auditing and control procedures, the popularization of electronic procedures); and individual factors (the norms and values of public servants, salary levels).

Although Huberts' categorization was formulated to assess expert perceptions of the causes of corruption rather than the actual causes themselves, it reveals the sheer complexity of potential causes cross-nationally. They implicate ethics, culture, structures and institutions. They also involve both direct causes and indirect causes, i.e. factors that can facilitate the development of corrupt practices in the first place. Furthermore, each incident of corruption will have its own set of causes that contribute to the complex picture. Let us consider one example to illustrate this point: the MPs' expenses scandal in the UK in 2009.

In this case, in the expenses claims of some MPs practices were exposed that could be described as 'corrupt', since they patently breached both the rules and the spirit of what could be reasonably claimed in the exercise of their duties. This led to a national debate on the causes of these corrupt practices, in which several possibilities were identified. First, there was the lack of clarity in the expenses system, which led to MPs submitting claims that they claimed were in good faith and did not formally break the rules, or allowed MPs to 'misinterpret' the rules to their advantage. A culture of generous allowances developed, both in relation to what could be claimed and with respect to family members who could be 'employed' to support an MP in his or her work. Second, there was poor administration of the expenses system, whereby those responsible for processing the expenses felt pressure not to question the claims submitted. Third, there was the poor pay of MPs (relative to many other European countries), which had resulted in the expenses system being used as a form of supplemental income, a practice that was quietly accepted by those benefiting from it and those administering it. Fourth, there was the alleged decline in the ethical standards of MPs in relation to their predecessors. The reason this type of dissection of causes in an individual case is important is because it is the only way to identify how to prevent or reduce such corruption in the future: clarifying rules, improving implementation, improving MPs' remuneration, examining the processes of recruitment of MPs, reassessing the representative role of MPs and so on (Kelso 2009). Despite the complexity of individual cases (or sets of cases), some level of generalization remains possible. In Europe, depending on one's acceptance of measurements of corruption, five broad points can be identified.

First, in relation to culture there has been a clear link between national levels of corruption and those countries where the acceptance of attitudes supportive of democratic institutions has been more hesitant or ambivalent (e.g. Greece, Portugal, Belgium, Italy) and where there has been a dictatorial or authoritarian legacy or where democratic aspects still remain weak (some Central and East European states) (e.g. Koutsoukis 2003; Magone 2003). Furthermore, countries where the culture has tended to be 'particularistic' (e.g. Ireland, Belgium, Spain, Greece, Italy) as opposed to 'universalistic' tend to provide a foundation for the potential development of illicit activities, from tax evasion to taking bribes, because the acceptance of laws is 'negotiable'. In Italy, four-time prime minister Silvio Berlusconi stated that he could understand why so

many Italians avoided paying tax; similarly, according to De Winter (2003: 96), 'Belgians appear . . . to believe that laws are too restrictive, and that "if you don't particularly agree with a law, it is all right to break it provided you are careful enough not to get caught"'. Societies with particularistic cultures also tend to be based on patron–client relationships, as well as clandestine Freemasonry and organized crime. These are additional sources for the development of corrupt practices for several reasons: first, they place a premium on personal connections; second, they entail the absence of transparency; and, third, they provide a means of enforcement of corrupt transactions (since this cannot be done through recourse to the legal system (della Porta and Vannucci 1999: 45–6). In southern Italy, for example, 'transactions were often underpinned by making use of the services of organized crime from which the corrupt politician would receive the services of the threat of physical violence in exchange for using relationships of connivance with the judicial authorities to provide protection from threats of prosecution' (Bull and Newell 2003b: 44).

Second, at the institutional level, links can be identified between higher corruption levels and those countries where the state has undergone late or incomplete modernization, where there is a concentration of power (centralized in the executive), and where there is elite interpenetration and longevity, all of which can foster collusion, the lack of transparency and the development of protection mechanisms against outside scrutiny. European countries with some of these features include Italy, Ireland, Greece, Portugal, France, Belgium and Britain. However, while some findings (Fisman and Gatti 2002) equate decentralization with lower corruption levels, other authors (e.g. Lessmann and Markwardt 2010) argue that it can, in fact, facilitate high levels of collusion and corruption. It therefore remains unclear what precisely are the institutional conditions that facilitate political corruption.

Third, at the more explicitly political level, the key issues are the parties and elites. The role (and dominance) of political parties, their relationship with the state and party funding arrangements are key factors (Hopkin 1997; van Biezen and Kopecký 2007). The rise in the cost of politics everywhere appears to have had a greater effect in relation to corruption in those countries where the state funding of parties is non-existent or insufficient, where party financing laws are inadequate or where poor ethical standards might be tolerated. Southern European countries (Italy, Spain, Portugal) are typical examples of countries where such problems have arisen (e.g. de Sousa 2001; Pujas and Rhodes 1999; Rhodes 1997), but cases have also been observed in Ireland, Belgium, France and even in countries where state funding is generous, such as Germany (e.g. Collins and O'Shea 2003; De Winter 2003; Evans 2003; McKay 2003). Infrequent rotation in government or low levels of elite turnover tend to reinforce corrupt tendencies, especially in situations where the politicization of state and society is rife, thus reducing the bureaucratic oversight and control that can be important in preventing the spread of corruption – typical examples being Italy and Belgium (Bull and Newell 2003a; De Winter 2003).

Fourth, in relation to the economy, in the 1980s and 1990s the combination of privatization, deregulation, the introduction of private management techniques into public services, the international liberalization of trade, high levels of economic growth and the exponential increase in the number of lobbyists introduced a wealth of new opportunities for enrichment through less-than-scrupulous activities, at the same time causing upheaval in the existing ethical environment in terms of standards of conduct. This not only affected individual nation-states (to differing degrees) – and here the UK could be regarded as an example *par excellence* of these trends (see, for example, Doig 2003) – but also increasingly transformed corruption into an issue of global governance (Glynn *et al.* 1997; Wang and Rosenau 2001). These trends have not been visibly affected by the economic downturn since 2008. The core issue here is the relationship established between entrepreneurs, politicians and bureaucrats, as well as

(occasionally) lobbyists (della Porta 1996), and the prime risk area is public procurement, due to politicians' authority to take decisions concerning the allocation of large sums of public money. This leads to the use of kickbacks and other illegal devices in the award of public contracts, the proceeds of which can be diverted to individuals or parties. Kickbacks have been exposed in numerous European countries, notably in Italy, Ireland and Belgium (Bull and Newell 2003a; De Winter 2003; Collins and O'Shea 2003).

Fifth, the political will and effectiveness behind anti-corruption investigations, judicial processes and legislative and other measures (including whistleblower provisions) can play a significant role in the degree of corruption experienced, insofar as these factors can either deter or act as incentives to corrupt practices. In this regard, the record is mixed across different countries.

Across these various levels, can any clear patterns be identified? In a special report published in 2012 on corruption risks in Europe, Transparency International (2012) highlighted six critical weaknesses in European states that facilitate the growth and spread of corruption. Four of these weaknesses are found in the political field, one in the economic field and one in the area of detection. First, there is a weakness in political party funding regulation, which is one of the areas at highest risk for political corruption. Some countries (e.g. Sweden and Switzerland – admittedly not perceived to be highly problematic in terms of corruption) have no such provision, while in other countries regulations have too many loopholes and enforcement is weak. For example, in Italy, Hungary and Slovenia parties were found to be sidestepping their obligations of transparency by channelling money through foundations and affiliated associations (ibid.: 20–6). Second, there is chronic weakness in the regulation and transparency of lobbying, another high-risk area. The TI analysis found that only 6 out of 25 European countries (the UK, France, Germany, Poland, Lithuania and Slovenia) had any degree of regulated lobbying (and in two of these cases, Germany and France, the regulations were purely voluntary in nature), and that lobbying registers were inadequate and poorly maintained. The findings suggest that 'lobbying in the national parliaments of Europe remains opaque and inaccessible to the average citizen' (ibid.: 29). Third, there are significant shortcomings in the ethical standards and practices of European parliaments. These relate to an absence of mandatory codes of conduct, conflict of interest regulations and rules on the disclosure of interests, income and assets; even when such measures are in place, the levels of implementation are frequently poor. All European countries have some kind of disclosure system in place, but their nature and effectiveness vary. Nearly half of the countries are not comprehensive in what they require to be disclosed, with a number of countries (Italy, Belgium, the Czech Republic, Denmark, Germany, Greece, Hungary, the Netherlands, Switzerland) either limiting public disclosure or providing only a summary or partial disclosure. In France and Slovenia, declarations by Members of Parliament are not made available for any kind of public scrutiny (ibid.: 33–4). Fourth, there are significant shortcomings in 20 of 25 European countries in relation to the transparency and freedom-of-information provisions so essential to exposing and keeping in check questionable practices. This refers less to the existence of pertinent laws (since most European states have them) than to provisions limiting their effectiveness – which is often reduced by factors such as excessive fees (Ireland), long delays (Portugal, the Czech Republic, Slovenia, Switzerland), low levels of public awareness of the relevant provisions (Germany, Portugal, Switzerland), the absence of independent oversight (Hungary, Latvia) and the failure of governments to comply (the Czech Republic, Romania) (ibid.: 37–8). Fifth, the risks of corruption in the area of public procurement remain high in several European states (notably Italy, Bulgaria, Romania, Slovakia and the Czech Republic) as a consequence of overly complex and opaque procedures, legislative loopholes, abuse and circumvention of procurement thresholds, and the lack of effectiveness and capacity of oversight

bodies (ibid.: 39–42). Finally, there is an absence of whistleblower protection, with only 6 of 25 countries having such legislation in place (the UK, the Netherlands, Hungary, Norway, Romania, Switzerland) and only two of these (the UK and Norway) having sufficient provisions to protect whistleblowers from subsequent discrimination or reprisals. The analysis found that whistleblowing remained rare, impeded by cultural stigma and negative connotations: 'Europe is a long way from the required cultural shift in which whistleblowers come to be respected and seen as a vital resource in upholding integrity in the public and private sectors' (ibid.: 44).

The reason these factors are important is because the existence of unchecked corruption becomes a *cause* of corruption itself and of its further spread. This phenomenon of corruption as self-generating is best understood through an examination of the dynamics of corrupt practices from the perspective of a principal–agent relationship, in which the agent (a politician or bureaucrat) violates a contract with the principal (the state or citizens) in favour of a third party (entrepreneurs). Corruption is therefore a hidden exchange that carries the risk of detection and punishment. The higher the number of individuals already involved in corrupt exchanges, the lower the risk. Attempting to reach a corrupt agreement in a system where bribery is rare is both problematic (due to the difficulty of finding the necessary partners in a setting where most people will be assumed to be honest) and risky (due to the relatively high likelihood of the behaviour being reported to the authorities or detected via robust monitoring). Its exposure is highly likely to provoke moral outrage, due both to the threat it poses to others and to the fact that it breaks deeply held norms. When exposed, such behaviour will likely create a scandal and will therefore be severely punished. Conversely, seeking a corrupt exchange in a system where bribery is already widespread will be easier, since expectations concerning the honesty of others and therefore moral barriers will be lower; moreover, it is less likely to provoke a scandal, and there is a lower risk of detection as ethical standards decline across the system. Furthermore, a key part of the internal dynamics of corruption is the development of various protection mechanisms to prevent discovery or hinder investigations. Often at the heart of this process is the 'business politician' (della Porta 1996) – someone who views public resources as personal property, distributes these resources on the basis of loyalty and exchanges, develops electoral followings based on corrupt methods and also sometimes uses such methods to ensure that the corrupted partners respect the terms of the agreed exchange. In many ways, 'business politicians' (and their roots in political parties) are symptomatic of the fact that the risk of corruption is, in fact, inherent in democracies because the function of political intermediation between the electorate and the government is largely carried out by private agents (parties) using private resources, and intermediation is inseparable from activities to secure the resources necessary to carry it out (Pizzorno 1992).

In short, corruption feeds on itself; in this way, what starts out as isolated corrupt practices in a political system can eventually become systemic and a part of the political culture. Politicians, administrators and entrepreneurs become socialized in the practices of corruption; through this process, the networks of corruption become stable and routine. At this point, it is hardly rational for an individual actor (especially an entrepreneur) to remain outside the system, and corrupt practices become justifiable on the basis that 'everybody does it'. Such justifications have been heard from politicians and entrepreneurs in Britain, Ireland, Italy and several other European countries; when voiced, they signal that the dynamics of corruption have taken hold in a particular sector or area. Having said this, the development of systemic corruption is rare. Italy in the 1980s and early 1990s is an exceptional example. A system of bribes began to operate in the 1970s and was left unchecked until, by the early 1990s, it had 'thoroughly infected every sector of the state, local and central administrations, public agencies and enterprises, the military apparatus and the bureaucracy, including the judicial power' (della Porta and Vannucci 1999: 15).

The effects of political corruption and its exposure

The presence of corruption can have an impact in two broad areas: the economy and the democratic political system. In relation to the economy, a number of studies suggest that corruption holds back development in various parts of the world. For example, Hall and Yago (2000) estimated its impact on sovereign bond spreads, using opacity as a proxy and controlling for a range of other variables; they found that the cost to a country's economy was significant, thus confirming the well-established negative effects of corruption on inward investment, economic growth and income equality. Kaufman (2010) found a strong relationship between corruption and fiscal deficits in industrialized countries, with increases in corruption control in one year resulting in decreases in the average fiscal deficit in the subsequent three years (controlling for other factors). He identifies several mechanisms through which this relationship operates, with corruption lowering tax revenues, increasing public expenditure, public-sector debt and financial risk, introducing instability and a lack of confidence in financial markets, undermining productivity and growth, and producing an underground economy that generates its own perverse effects.

One of the predicted effects of the creation of the Eurozone was the convergence of national political economies around more rational, liberal and transparent processes of economic governance, which was expected to reduce fiscal deficits. Kaufmann (2010), however, found that membership in the Eurozone had not helped countries on this score, and that there was 'no evidence [that] being a member of the Eurozone result[ed] in convergence towards higher levels of governance and corruption control'. There is significant variation across Europe, both in perceptions of corruption and in the size of national deficits. The Eurozone fiscal crisis has been most salient in the countries of Southern Europe – Spain, Greece, Italy and Portugal – where corruption perceptions are the highest (the average CPI of these countries in 2012 was 52, compared with the Scandinavian average of 88). If one also notes the CPI average of 47 for the former communist countries and the score of 74 for the European countries not belonging to any of the aforementioned three categories, it can be surmised that one of the most significant effects of corruption in Europe is the reinforcement of inequality. Corruption skews decision-making in favour of the few (those who can pay) at the expense of the many (who must rely on the application of non-market, normative criteria in decision-making). Especially in times of economic recession, corruption results not only in economic waste but also in the arbitrary and unequal distribution of resources (such as public works contracts, planning permissions, licences, permits and so on), the distortion of decision-making processes and poor policy outcomes (Warren 2004).

In relation to the political system, it is precisely through its undermining of the principle of equality that corruption is subversive of liberal democratic regimes. Corruption replaces public-based decision-making and accountability with considerations of private gain, thus undermining public trust in democratic institutions (Bowler and Karp 2004; della Porta 2000). In particular, this distrust is a consequence of the exposure of corrupt practices, which has its own dynamics and impact (in the form of scandal), with consequences that can be analytically separated from those of corruption *per se*. Wroe *et al.* (2013) found that pre-existing levels of trust (themselves shaped by previous instances of the exposure of corruption) were important determinants of levels of mistrust when corrupt acts were exposed. This was especially the case when uncertainty (about whether allegations might or might not be true) was high and when the corruption was of a less serious nature. In short, the mistrustful tended to be more critical of misconduct, even when it was not proved and was relatively minor. This may explain why corruption represents

such a serious challenge to the democratic political systems of European countries, even though they apparently experience less corruption than other areas of the world:

> [I]f political scandal both contributes to a decline in political trust and is itself conditioned by political trust via citizens' interpretations of their politicians' behaviour, then the downward spiral of trust is reinforced as low trust breeds scandal and scandal in turn leads to lower trust. Such a cycle is difficult to break and suggests that widespread distrust may, at least in the short to medium term, become the new norm in modern democratic societies.
>
> (Wroe *et al.* 2013: 192)

It is therefore small wonder that recent years have seen various manifestations of a 'crisis of democratic engagement' in Europe – falling party memberships, declining voter turnouts, the rise of extremist parties, party-system transformations and diminishing levels of trust in politicians – all betokening a widening gap between citizens and institutions. By revealing how the well-connected have been able to avoid some of the worst consequences of austerity suffered by ordinary citizens, recent corruption scandals in Europe – from the outcry forcing the resignation of Czech prime minister Petr Necas in June 2013, to suggestions that Spanish prime minister Mariano Rajoy had been the recipient of illegal cash donations to his People's Party, to the allegations of tax evasion against a junior minister in France – have created the impression of states captured by special interests. The first of these cases was particularly ironic, involving as it did the arrest of, among others, a close Necas aide accused of having bribed troublesome MPs from the prime minister's own party to resign their seats and of having illegally ordered the military intelligence service to spy on a number of individuals. The irony arose from the suggestions of commentators that the actions of the anti-organized crime unit responsible for the arrests were the consequence of reforms that had been championed by Necas himself to eliminate corrupt practices deeply rooted in the institutions of government of the Czech Republic (Cameron 2013). By illustrating how – here, through bribery – mechanisms of public accountability have been subverted by considerations of private gain, this case and others like it have bolstered the general sense of disenchantment. At a time of economic crisis, they have arguably helped to reinforce the link between opposition to austerity and the critique of the quality of representative democracy (with demands for new, more participatory forms) that has been so much in evidence in the protest movements (such as the *Indignados* and 'Occupy Wall Street') that have agitated in various countries of Europe and elsewhere (della Porta and Andreatta 2013).

This 'new norm' of mistrust helps explain why anti-corruption strategies and policies – usually the product of the exposure of corrupt practices – may have little effect, which brings us to the final topic in this chapter.

Anti-corruption efforts and their limits

Anti-corruption efforts appear to vary quite considerably among European countries, both quantitatively and qualitatively. At one extreme, the UK has in recent years seen a plethora of anti-corruption and related legislation,[1] culminating in the passage of the Bribery Act of 2010. Among other things, this measure outlaws bribery directed at anyone, not just public officials, and the obligations it places on individuals and companies to prevent bribery are so extensive that it has been called 'the toughest anti-corruption legislation in the world' (Verschoor 2011). At the other extreme, *Tangentopoli* notwithstanding, many have judged Italy's recent record as disappointing: Alberto Vannucci (2012: 257–63), for example, argues that some positive

measures have been outweighed by *ad personam* legislation favouring Silvio Berlusconi, which has hampered anti-corruption efforts through both its symbolic connotations and its practical consequences that impede the work of the judiciary. Some of the greatest obstacles in recent years have been faced by the former communist countries, which in the years following 1989 were obliged to establish and foster new political structures embodying the rule of law, just at a time when – due to the fragility of the new structures themselves, the simultaneous process of economic transformation, the communist legacy and the poor role models offered by the West – corruption seemed to be widespread and growing.

Generally speaking, it would appear that there remains much to do to combat the spread of corruption in Europe. Synthesizing the findings of National Integrity Systems assessments[2] carried out in 25 European countries in 2011, a Transparency International (2012: ch. 7) report identifies in some detail the extraordinary volume of legislation and regulation necessary across Europe to reduce the incentives and opportunities for corrupt practices, many of which inevitably stem from the factors at the roots of corruption. The necessary reforms include: the development of mandatory guidelines on party funding (including rules for the disclosure of donations); the establishment of ceilings on donations; the introduction of limits on donations to parties; an end to anonymous donations; more robust regulatory and monitoring agencies; mandatory registering of lobbyists; online availability of lobbyist registers; the establishment of codes of conduct for lobbyists, with clear sanctions for breaches of lobbying guidelines; the recording of lobbyists' contacts with public officials over time; the establishment of codes of conduct for parliamentarians, including clear rules on the declaration of interests; improved access to information regulations and practice; the review and closure of loopholes in public procurement practices; measures equipping procurement oversight bodies with the wherewithal to carry out proper monitoring; improvements in the protection of whistleblowers; and the promotion of whistleblowing as an effective tool to combat corruption.

Of course, one of the most significant problems facing national governments – a problem that has become increasingly apparent since the 1990s – is that corruption spans international borders; consequently, there is an increasing need for international cooperation to address it. This has led to the emergence of novel international regimes in the field of corruption prevention and control, including at the European level, with the objective of establishing greater uniformity in anti-corruption efforts across the continent. The three main regimes are described below.

First, there is the Group of European States Against Corruption (GRECO), which was set up in 1999 and includes all 47 members of the Council plus Belarus and the United States. Its objective is to bring about improvements in the domestic anti-corruption legislation of each of its members by monitoring their compliance with the organization's strictures on the issue and through peer pressure. Second, there is the European Union Anti-fraud Office (OLAF), which was set up in 1999 as the successor to UCLAF (*Unité de coordination de lutte anti-fraude*), an organization that was perceived as having fallen short of its responsibilities in light of the resignation of the EU Commission. The purpose of OLAF is to conduct investigations into allegations of fraud, corruption and similar forms of misconduct within EU institutions (internal investigations) and outside them whenever funds derived from the EU budget are at stake (external investigations), and to advise EU institutions and their representatives on the development of anti-fraud legislation and policies. OLAF is part of the EU Commission but has budgetary and administrative autonomy designed to make it operationally independent. Third, there is the Stability Pact Anti-corruption Initiative (SPAI) – renamed the Regional Anti-corruption Initiative (RAI) in 2007 – which was set up in 2000 on the initiative of the Stability Pact for South Eastern Europe, an entity that, since 1999, has brought together the states in the region

itself (Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Moldova, Romania, Serbia and Macedonia), the EU member states and a range of other states and international organizations. The purpose of RAI is to provide incentives to the states of South-eastern Europe to reform their domestic institutions and procedures in ways that will enhance their capacity to prevent corruption (Council of Europe 2013). Since 2007, RAI has been involved in a range of initiatives, including the sponsorship of summer schools for junior magistrates in the region, the maintenance of an Integrity Experts Network and the production of public service videos on corruption distributed in the local language of each member country.

As well as being influenced by the above-mentioned regional-level structures, European states' anti-corruption efforts and strategies are of course also influenced by organizations with a global reach: in particular, the OECD, the UN and international NGOs. The UN's Convention against Corruption (UNCAC), which came into force in 2005, requires its signatories to take effective anti-corruption measures (by ensuring the existence of independent anti-corruption bodies, the transparent recruitment of public officials, codes of conduct, etc.); to criminalize a wide range of corrupt acts; to work collaboratively to prevent and investigate acts of corruption and to prosecute those involved; and to provide cooperation and assistance to one another in attempting to recover the proceeds of corruption. NGOs, whose activism has increased significantly in recent decades, have helped enhance anti-corruption efforts and capacities through the full range of activities used by pressure groups to promote a cause, including the provision of advice. For example, Transparency International had significant input in the development of the UNCAC (UNCAC 2014).

Naturally, assessment of the impact of these international regimes and NGOs is rendered difficult by the impossibility of accessing both evidence of what would have happened otherwise and direct evidence of corruption. On the one hand, there is a widespread perception that international institutions are inherently weak, owing to their inability to enforce decisions. For example, notwithstanding the existence of the OECD Convention against the bribery of foreign public officials, when it came to light in 2006 that the UK Serious Fraud Office was investigating allegations that British Aerospace had been involved in bribing members of the Saudi royal family to obtain a lucrative arms contract, Prime Minister Tony Blair was able to halt the investigations on the basis of 'public interest' arguments (e.g. the consequences for British jobs). Clearly, this decision was driven by the calculation that there was more to lose than to gain in this case by actions consistent with international treaty obligations (BBC News 2006). On the other hand, there is a good deal of interdependence between states, and it would be absurd to suggest that international obligations count for nothing. Regional and global regimes such as GRECO and the UNCAC do place national-level policy-makers under some pressure to take action and to account for themselves to international partners on whom they are dependent in various ways. GRECO, for instance, publishes its evaluation and compliance reports online, and when its website features a story declaring that a country like Finland 'has an effective system for preventing corruption among members of parliament, judges and prosecutors' but that 'there is still room for improvement – particularly with regard to conflicts of interest among parliamentarians' (Council of Europe 2013), it stretches credibility to suggest that this does not have a significant impact. The UNCAC also carries some force: it is not just a document to be signed, but rather a set of institutions designed to drive forward implementation of the Convention, along with procedures for monitoring signatories' compliance. In short, anti-corruption efforts in Europe clearly take place in a context of multi-level governance, within and above states, that is not without consequence for the incidence of the phenomenon itself – or at least for the rigour with which the authorities tackle it.

Conclusions

It remains unclear to what extent anti-corruption reform actually works. Apart from the question of the conditions under which specific reform efforts will be successful, there is also the question of the extent to which they actually assuage public concerns. For example, in the UK reform efforts have failed to coincide with significant improvements in perceptions of the integrity of public office holders (Newell 2008). The relationship between mistrust and perceptions of misconduct was noted above, and this dilemma may reflect something resembling Tocqueville's paradox: just as in France, where 'steadily increasing prosperity, far from tranquilizing the population, everywhere promoted a spirit of unrest' (Wolf 1970: 790), anti-corruption efforts may have the effect not only of keeping the public profile of the corruption issue high but also of maintaining, if not increasing, levels of mistrust of public officials and institutions. If this is the case, then corruption may represent the most significant challenge facing European democracies today.

Notes

1   Much of this legislation was prompted by the work of the Committee on Standards in Public Life, established in 1994 in the wake of a long series of allegations of abuse as a standing body 'to advise the Government of the day' (Cabinet Office 2001: 3).
2   Advanced by Transparency International itself, the concept of a 'National Integrity System' refers to the range of institutions in a country – from business and the media to political parties, the judiciary and the legislature – that have a role in erecting barriers against corruption and other abuses of power, and that ideally ensure that these barriers are robust.

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The national coordination of EU policy[1]

Hussein Kassim

Introduction

Upon their accession to the European Union, states become subject to a series of wide-ranging obligations.[2] As well as accepting the primacy of EU law, they become participants in a permanent and constantly evolving collective enterprise, committed to complying with, implementing and enforcing all existing and future EU legislation, to participating in common policies and to sharing decisional authority with EU institutions and with one another. Their participation in EU decision-making has to be organized and prepared. Mechanisms must be put in place to manage their interactions with EU policy actors, and procedures established to handle decisional outputs.

How member states fulfil these requirements of membership is an important domestic issue. EU coordination machinery empowers some actors within governments above others, delimits the scope of executive accountability to parliament, and determines the level of input from civil society and subnational authorities. At the EU level, meanwhile, national arrangements not only affect the speed at which the Council of Ministers can transact business, but determine the capacities of the Union as an administrative system more broadly (Metcalfe 1994; Spanou 1998; Dimitrova 2002).[3] Moreover, how member states manage EU policy is of wider relevance: their adaptation to the demands of EU membership can be seen as part of a general process of Europeanization,[4] the extent to which governments can be held accountable by parliaments for the action at the EU level is relevant to debates on the 'democratic deficit'[5] and the role of subnational authorities in national processes is an element of multilevel governance.[6]

For these reasons, national systems of EU policy coordination have attracted considerable scholarly attention.[7]An extensive literature on the 'older' member states (see, e.g., Wallace 1973; Lequesne 1993; Metcalfe 1994; Hanf and Soetendorp 1998; Harmsen 1999; Kassim *et al.* 2000a, 2001; Wessels *et al.* 2003; Bulmer and Burch 2009; Panke 2010a, 2010b) has been complemented more recently by studies on the countries that joined in 2004 and 2007. The latter group's initial focus on compliance and transposition in the pre-accession phase (see, e.g., Schimmelfennig and Sedelmeier 2004, 2005a, 2005b; Schimmelfennig *et al.* 2005; Epstein and Sedelmeier 2008; Falkner and Treib 2008; Zubek 2008) was broadened following accession to include policy coordination (Lippert and Umbach 2005; Dimitrova and Toshkov 2009; Steunenberg and

Toshkov 2009; Zubek 2011; Batory 2012; Fink-Hafner 2014). A small number of studies have compared countries from both groups (see, e.g., Laffan 2003; Kassim and Dimitrov 2008; Gärtner *et al.* 2011; Dimitrov and Kassim 2012).

This chapter examines the national coordination of EU policy. It considers the coordinating challenge that confronts EU member states and compares the structures and procedures they have put in place. It reviews the scholarly study of the national coordination of EU policy, highlighting key developments in the literature and critically examining the main theoretical approaches. The chapter concludes with a discussion of possible directions for future research.

The coordinating challenge

Although it brings many advantages,[8] the EU makes exacting demands on its signatory states. Members must communicate with EU institutions, define, transmit and defend their positions in Council negotiations, and implement and enforce EU policies. Government representatives must participate in meetings of the European Council as well as the Council of Ministers. The various formations of the latter at ministerial level are prepared by weekly meetings of COREPER, which in turn draws upon the work of more than 150 working groups.[9] Member states must maintain a permanent representation in Brussels to act (at the least) as a 'post-box', a base for delegates from the home ministries and the 'eyes and ears' of the national government. These representations must also be able to manage the continuous exchange of information between the delegations involved in negotiations on the front line and the national capital.

The EU does not impose a particular template or organizational model to which its members must conform. However, member states are expected to have in place structures that are competent to carry out the responsibilities associated with membership. The Presidency Conclusions of the 2002 Seville European Council, which in preparation for the Central and Eastern European (CEE) enlargement reported on the review of the Council's operation, included a general exhortation to governments along these lines (European Council 2002) – an illustration of both the importance of effective national procedures to the working of the Council and the inability of even the EU's highest political authority to impose more detailed requirements on institutional form. More specific prescriptions do exist in some policy domains. In competition policy, for example, member states are required to have agencies with the capacity to enforce EU rules. In other areas, EU rules impose certain requirements, such as the establishment of regulatory agencies that can act independently of the government. However, the overall design of systems of national EU policy coordination, as well as the level of resources invested in them, are decisions left to individual member states.

Need for coordination

Because EU decision-making processes involve not only the participation of multiple departments and agencies from across government, but action at EU and national levels, the member states need to establish structures and mechanisms that enable them to coordinate the activities of national actors. Additional pressures also arise from the principle of ministerial responsibility (officials must operate with the explicit agreement of ministers within established policy guidelines), from parliamentary accountability (the requirement to keep parliament informed of EU-level developments) and from the need in federal and devolved states to consult subnational governments about EU matters. Additionally, in some member states social partners or other stakeholders may demand the same level of input in national EU policy-making as they enjoy in domestic affairs.

Governments also have strong political incentives to ensure coordination on EU matters. Advantage may be gained when they achieve EU policy outcomes that advance national goals or safeguard the interests of domestic constituencies or expand their opportunities by, for example, exporting national rules that then become Union-wide standards. By contrast, damage may ensue if ministers appear disunited on a European issue. More generally, because public attentiveness to EU issues and the greater scrutiny of EU matters by the press have intensified the pressure on member governments to 'get it right', the costs of 'getting it wrong' can be high indeed, especially in policy domains that the public consider important.

Although EU membership thus carries the need to coordinate, the structural characteristics of the EU make the job of coordinating especially problematic (Wright 1996; Kassim 2000a, 2003a, 2003b). Its institutional complexity, Byzantine legislative procedures and organizational density make the EU especially difficult to navigate. Added to the near-constant change arising from successive rounds of treaty reform and the EU's need persistently to respond to new demands, the range and variety of policy-making arenas, the length and variety of the policy agenda and the sheer number of actors involved in decision-making, the challenge confronted by governments is formidable. It is only compounded by the administrative mismatch between EU structures and national ministries, on the one hand, and the rhythms of EU business on the other. For these reasons, the difficulty of coordination, which is already high in routine domestic policy-making,[10] is considerably higher in the case of EU policy-making.

How member states have responded: the national coordination of EU policy

In the absence of an imposed template, member states have a free hand – at least externally – in deciding how precisely to meet the need for coordination. Among other issues, it is up the individual states to determine the scale of the coordinating ambition, the level and form of the coordinating activity required of government departments (Metcalfe 1994), how powers and responsibilities between central departments and line ministries are to be shared, in which forums consultation and decision-making will take place, when, how and on what matters parliament must be informed and consulted, and whether – and, if so, when and how – to consult subnational authorities, social partners and other stakeholders.

Signatory states have responded to the demands of EU membership by creating dedicated systems for managing EU business. How four of the larger member states have approached the task is shown in Table 37.1. A broader cross-national comparison indicates that there are several similarities in the arrangements that member states have established. First, heads of government play a central role and, with the strengthening of the European Council, have become increasingly involved in EU policy-making (Johansson and Tallberg 2010). However, it does not follow that their power is unconstrained, still less that they have the authority to make decisions on 'Europe' unilaterally (Kassim 2010). Second, foreign ministries remain influential actors in national EU policy-making, but are increasingly overshadowed by prime ministers, challenged by finance ministers and bypassed by the line ministries. Indeed, a number of decades have passed since EU policy was considered foreign policy.

Interdepartmental coordination in EU matters is managed by specialist political or administrative mechanisms – a third similarity. In the UK, the European Affairs Committee plays this role; likewise, there is the European Committee of the Council of Ministers in Poland, the Committee for the EU in the Czech Republic, the Coordination Council in Estonia and the Inter-ministerial Committee on European Integration in Hungary. Central units for coordination include the UK's European Secretariat of the Cabinet Office, the *Secrétariat général*

des affaires européennes (SGAE) in France, the Office of the Committee for European Integration (UKIE) in Poland and the State Secretariat for Integration and External Economic Relations (SSIEER) in Hungary. Fourth, EU policy units have been created to advise on EU policy or to manage or oversee intra-departmental business relating to the EU in line ministries. A permanent representation in Brussels that serves as the main locus for national coordination at the EU level is a fifth common feature. Finally, national parliaments have mechanisms for monitoring EU business. Across the member states, these procedures have been significantly upgraded since the 1980s (Raunio and Hix 2000; Maurer and Wessels 2001a; Maurer 2002; O'Brennan and Raunio 2007; and see Chapter 21).[11]

However, there are also significant differences. While in some member states (e.g. Denmark, Hungary, Latvia, Portugal, Spain) the foreign ministry is the leading actor, elsewhere it shares responsibility with the economics or finance ministry (e.g. Germany, Greece) or with the office of prime minister (Estonia, Italy, Lithuania).[12] In some countries – Poland is an example (Novak-Far 2008) – there is no clean division of labour. Moreover, in France and Lithuania, the prime ministers (PMs) have day-to-day responsibility for central coordination, but presidents may become involved in high-level EU negotiations, arbitrate on dossiers where there are differences of opinion or intervene in areas that are especially salient.

Furthermore, the role, authority and importance of inter-ministerial committees, the status and composition of the central coordinating unit and the part played by line ministries also vary between national systems. In the UK, line ministries take the leading role in initially defining the government's response, but are obliged to consult other departments with an interest in the matter under discussion. When they do not do so or when interdepartmental differences arise that cannot be resolved, the European Secretariat in the Cabinet Office and ultimately the prime minister may intervene. Elsewhere – Austria perhaps offers the best example – individual ministries not only take the lead, but to a large part decide the negotiating position for the national delegation to adopt in the Council (Müller 2000, 2001).

Variation can additionally be found in the role, responsibilities and influence of the Permanent Representation. At one end of the scale, the UK Permanent Representation (UKREP) is endowed with an expansive set of responsibilities and is highly pro-active. Reflecting the emphasis that the UK places on ensuring that its position is known and understood by relevant actors at an early stage in the EU policy process (Kassim 2001), UK officials posted in the UKREP offices just off the Rond-Point Schuman are encouraged to cultivate relations with Commission officials and Members of the European Parliament, as well as their counterparts in other member states. Also, UKREP acts as one of three central coordinators – the other two being the European Secretariat Office in the Cabinet Office and the Foreign and Commonwealth Office (FCO) – that oversee the line ministries. Other missions have a much more limited role, especially concerning outreach to actors beyond the Council (see, e.g., Spanou 2001 on the Greek Permanent Representation). In terms of influence, the Permanent Representations of Hungary and Lithuania are especially influential within their national systems; Latvia's representation is far less so within its system of coordination.

Cross-national differences between systems extend beyond the machinery of government. The role played by national parliaments, for example, varies significantly. With regard to control over ministers, one of two models is typically adopted (Kiiver 2006: 54–7; COSAC 2007: 7–9).[13] The mandate-giving system, whereby ministers must seek *ex-ante* approval from the Europe Committee for the positions they intend to take and are bound by whatever the Europe Committee decides, is based on arrangements in the Danish *Folketing*. Similar procedures were adopted in a number of the states that joined the EU in 1995 and 2004. By contrast, in the document-based system, developed by the UK House of Commons, legislative proposals from the EU are

Table 37.1 National coordination of EU policy systems in France, Germany, Poland and the UK

	France	Germany	Poland	United Kingdom
Political leadership	President, PM, Foreign Minister	Chancellor, Foreign Minister, Minister of the Economy	PM, Foreign Minister	PM, Foreign Minister
Main ministries and administrative actors	– Secrétariat général des affaires européennes (SGAE), responsible to the PM, works within guidelines set down by the President; – Ministry for Foreign Affairs	– Ministry for Foreign Affairs; – Federal Ministry of Economics and Technology	– The European Committee of the Council of Ministers (KERM); cabinet chaired by the PM; – Office of Committee on European Integration (UKIE) located in the Ministry for Foreign Affairs	– European and Global Issues Secretariat (EGIS) of the Cabinet Office, responsible to the PM (the head of EGIS is the PM's advisor on Europe); – Foreign and Commonwealth Office UK Permanent Representation
Coordination procedure	– The SGAE is responsible for developing the French position. It receives all communications from the Council Secretariat, which it then circulates to the appropriate line ministries. The SGAE adds its assessment to the ministry's proposed position. It convenes meetings where several ministries are involved, with the aim of agreement on the French position. – Where interdepartmental differences cannot be	– The lead department formulates the position and must inform other departments. The proposed position is discussed by the Directors General, who meet monthly. Where differences cannot be resolved, the matter passes to the monthly meeting of Secretaries of State for troubleshooting. Full position-forming process is monitored by the EU Coordination Group, part of the EU Coordination Directorate in the Foreign	– The UKIE receives all communications from the Council Secretariat, which are then sent to the relevant ministries. Draft positions are prepared by the ministries and must be approved by the KERM, where interdepartmental differences are also resolved. Instructions are sent to the Polish Permanent Representation by the UKIE after approval by the KERM.	– The lead department consults other interested departments and prepares a draft of the position. – Where more than one department is involved, the European Affairs Committee (a cabinet committee chaired by the Foreign Secretary) decides the UK line. – Weekly/fortnightly meetings of the head of the European and Global Issues Secretariat and the head of the UK Permanent

resolved, the matter passes to the PM's cabinet and the private offices of ministers involved. If differences persist, the PM may intervene personally in cabinet committee. – The SGAE communicates agreed instructions directly to the French Permanent Representation.	Office. – Bilateral meetings between ministers are a final court of appeal.	Representation prepare for upcoming COREPER meetings. – The entire position-forming process is overseen by EGIS, which troubleshoots when necessary.
Role of subnational authorities – No formal obligation to consult regional or local authorities.	– In policy areas where the *Bundesrat* previously held the right to legislate, the *Länder* participate in defining Germany's line. – Where the fundamental interests of the *Länder* are at stake, the *Bundesrat* appoints *Länder* representatives to participate alongside the responsible federal ministry in Germany's delegation in the Council. – Where an EU proposal concerns a policy domain over which the *Länder* have exclusive authority, a *Länder* representative represents Germany.	– No formal obligation to consult regional or local authorities. Formal consultation within the Joint Ministerial Committee (Europe). Ministers from the Scottish Government can participate in the UK delegation in devolved areas, such as agriculture and fisheries.

Table 37.2 Size and composition of European Affairs Committees in national parliaments (2013)

Member state	House of Parliament	Name of the committee	Date established[1]	Size and composition (members of house as otherwise indicated)
Austria	Nationalrat	Main Committee on EU Affairs	(1995) 2000	26
	Bundesrat	Standing Subcommittee on EU Affairs EU Committee	1996	1614
Belgium	Chambre des représentants and Sénat	Federal Advisory Committee on European Affairs	(1985) 1990	30 (10 Senators, 10 members of the Chambre des représentants, 10 Belgian MEPs)
Bulgaria	Narodno-sabranie	Committee on European Affairs and Oversight of the European Funds	2001	18
Cyprus	Vouli ton Antiprosopon	Committee on European Affairs	1999	10
Czech Republic	Poslanecká snimovna	Committee on European Affairs	2004	15[2]
	Sénat	Committee on European Union Affairs	1998	11[2]
Denmark	Folketinget	European Affairs Committee	1972	29
Estonia	Riigikogu	European Union Affairs Committee	1997	≥15
Finland	Eduskunta	Grand Committee	(1906) 1995	25 titular members and 13 substitutes with right to attend and speak at meetings
France	Assemblée nationale	Committee on European Affairs	(1979) 2008	48[2]
	Sénat	Committee for European Affairs	(1979) 2008	36[2]
Germany	Bundestag	Committee on the Affairs of the European Union	(1991) 1994	33 MPs + 16 German MEPs without voting rights
	Bundesrat	Committee on European Union Questions	(1957) 1965	17 (one from each state)
Greece	Vouli Ton Ellinon	Special Standing Committee for European Affairs	1990	31
Hungary	Országgyűlés	Committee on European Affairs	1992	21[2]
Ireland	Dáil Éireann Seanad Éireann	Joint Committee on European Affairs	(1995) 2011	9 members of the Dáil Éireann and 5 from the Seanad Éireann

Country	Chamber	Committee	Established	Members
Italy	Camera dei Deputati	Committee on EU Policies	(1971) 1990	Currently 43
	Senato della Repubblica	14th Standing Committee on EU Policies	(1968) 2003	Currently 29
Latvia	Saeima	European Affairs Committee	(1995) 2004	Currently 17
Lithuania	Seimas	Committee on European Affairs	1997	15–25
Luxembourg	Chambres des députés	Committee for Foreign and European Affairs, for Defence, for Cooperation and for Immigration	1989	12[2]
Malta	Kamra tad-deputati	Standing Committee on Foreign and European Affairs	(1995) 2003	9
Netherlands	Tweede Kamer	Committee on European Affairs	1986	24[3]
	Eerste Kamer	Committee for European Co-operation Organisations	1970	27
Poland	Sejm	European Union Affairs Committee	2004	≤ 462
	Senat	European Union Affairs Committee	(1991) 2004	Currently 18
Portugal	Assembleia da Republica	Committee on European Affairs	(1980) 1987	212
Romania	Camera Deputaţilor	Committee on European Affairs	(1995) (2006) 2011	25
	Senatul	Committee on European Affairs	(1995) (2006) 2011	11
Slovakia	Národna rada	Committee on European Affairs	2004	11[2]
Slovenia	Državni zbor	Committee for EU Affairs	2004	14[2]
	Državni svet	International Relations and European Affairs Committee	1993	11 representatives of interest groups from Slovenian society
Spain	Congreso de los Diputados and Senado	Joint Committee for the European Union	(1986) 1994	43 members chosen by joint decision of the two chambers
Sweden	Riksdag	Committee on EU Affairs	1994	17 members and 42 alternates, with representation from all sectoral committees
United Kingdom	House of Commons	European Scrutiny Committee	1974	
	House of Lords	European Union Committee	1974	16[2]

sent to the European Affairs Committee with an accompanying memorandum that sets out the position the minister intends to take. The committee can question the minister and ask for information to be disclosed, and it may decide to refer the issue for debate. If an issue is debated, a parliamentary resolution may be adopted. Importantly, under this system ministers are not permitted to agree to measures in the Council until they have been scrutinized by parliament (see Table 37.2).

Arrangements for parliamentary oversight – the status and composition of the European Affairs Committee and whether sectoral committees are involved in the scrutiny of EU dossiers – also vary. In Denmark, overlapping membership with sectoral committees enables the European Affairs Committee to benefit from specialist expertise. EU-related documents are circulated to sectoral committees, with which the European Affairs Committee consults if it finds that a proposal violates subsidiarity.[14] In Finland, by contrast, the Grand Committee for European Affairs delegates scrutiny to the sectoral committees and reviews the reports that they submit; on the basis of these reports, it decides whether to question ministers or issue a negotiating mandate.

A third approach is taken in the UK House of Commons, where sifting is performed by European Standing Committees, each of which has a particular policy specialism. Further forms of scrutiny are found in the *Bundestag* (where the European Affairs Committee is responsible for cross-departmental issues but coordinates and deliberates with the relevant sectoral committees), in the Dutch lower house and in both chambers of the French parliament. In France, the sectoral committees are responsible for scrutinizing EU proposals, but the European Affairs Committee and the European Affairs Delegations assist and coordinate in their respective chambers.

At the same time, their formal powers are not always reliable indicators of the influence that parliaments exercise in practice (Auel and Benz 2005: 388).[15] In Hungary, Latvia and Slovakia, for example, parliamentarians frequently choose not to use the powerful sanctions at their disposal, while Danish MPs have developed instruments other than the mandate to exert influence. The informal channels that parliamentarians use (such as interactions within and between parties, relations between the government and the opposition, and connections with MEPs) and the leverage that can be achieved vary across legislatures; by their very nature, the influence exerted through these channels is more difficult to gauge than the use of formal prerogatives.

The involvement of subnational actors is another area in which national coordination systems diverge. Constitutional regions generally have an important presence and play a greater role in national coordination systems than subnational regions that lack statehood status, but even here there are important differences. Although the German *Länder* enjoy strong participation rights, have representatives in the German Permanent Representation (as well as their own missions in Brussels) and can influence national EU policy through their presence in the *Bundesrat* (Derlien 2000: 61–6), the same is not true for the autonomous regions in Spain (Molina 2000: 121–6). In the UK, although responsibility in some policy areas has been devolved to the Scottish Parliament, the Welsh Assembly and the Northern Ireland Assembly, including areas that fall within EU competence, London has been able to retain its primacy in EU policy-making as part of its lead role in foreign policy (Bulmer *et al*. 2002; Bulmer *et al*. 2006; Bulmer and Burch 2009).

Finally, the extent to which social partners and other interest groups are involved in the national coordination of EU policy varies significantly. In Sweden, the Czech Republic and Latvia, consultation with representatives of business and labour is formal and routine. In Slovenia, the European Affairs Committee in the upper house is composed of interest group representatives. In the UK, by contrast, ministries typically ask for the views of stakeholders, but such consultation is *ad hoc*.

Table 37.3 Comparison of systems for the coordination of EU policy in 25 EU member states in terms of ambition and centralization/decentralization

Ambition	Centralized	Decentralized
Comprehensive	Czech Republic[1]	Austria[2]
	Denmark[2]	Belgium[2]
	France[2,4]	Germany[2,7]
	Hungary[5]	Greece[2]
	Poland[6]	Italy[2]
	Sweden[2]	Latvia[8]
	UK[2]	Lithuania[9]
		Netherlands[2]
		Slovakia[10]
Selective	Estonia[11]	Bulgaria[10]
	Ireland[2]	Cyprus[10]
	Malta[10]	Romania[10]
	Portugal[2]	
	Slovenia[12]	
	Spain[2]	

Note: Table does not include Croatia, Finland or Luxembourg.

Source: 1 Kabele (2012); 2 Kassim *et al.* (2000a); 3 Kassim *et al.* (2001); 4 Lanceron (2007); 5 Batory (2012); 6 Novak-Far (2008); 7 Bulmer *et al.* (2001); 8 Rollis (2012); 9 Maniokas and Vilpi_auskas (2012); 10 Gärtner *et al.* (2011); 11 Lepassaar (2012); 12 Fink-Hafner

National systems of EU policy coordination differ along many dimensions, but two are fundamental (see Table 37.3). The first is the breadth of the ambition that underlies and informs the systems of coordination. The most ambitious countries are those that attempt to monitor all Commission activity and to intervene on all policy fronts. France and the United Kingdom are examples of member states that take this type of comprehensive approach. At the other end of the spectrum, there are member countries that employ a more selective approach. Ireland and Luxembourg, for example, concentrate only on those policy areas that have particular national importance. National delegations from these countries might not attend certain Council working groups or may ask another member state to defend their interests where necessary.

The second dimension is the extent to which decision-making is concentrated. In highly centralized systems, ultimate authority may rest in a single ministry or office. France and the UK are perhaps the leading examples. Although the French Fifth Republic is a semi-presidential system, the president can in areas of high politics act unilaterally in setting national policy in regard to the EU. The UK prime minister also occupies a powerful position, but cabinet government can impose constraints on the ambitions of even the most apparently powerful incumbents (Kassim 2010). In decentralized systems, by contrast, power is more evenly shared, and there are often several veto players. Belgium and Germany are good examples.

Explaining national systems for the coordination of EU policy

The early work conducted in this field was important, but since it invariably took the form of single-country studies, the opportunities for theory-testing were limited. It was only when several countries were compared in the 1990s (Harmsen 1999; Kassim *et al.* 2000a, 2001) that it became possible to test hypotheses about the factors that shape national coordination systems.[16]

The functional-institutionalist explanation that emerged from these efforts was later challenged by findings based on research on the countries that joined the EU in 2004 and 2007 (Dimitrova and Toshkov 2007). However, that approach has recently been reasserted and defended in work that compares coordination of EU policy in old and new member states (Dimitrov and Kassim 2012). The terms and the development of the debate are described below.

Convergence or divergence? A functional-institutionalist account

In the first systematic comparison of its kind,[17] Kassim *et al.* (2000a) sought to investigate similarities and differences between ten national systems of EU policy coordination (Austria, Belgium, Denmark, France, Germany, Greece, Italy, Portugal, Spain and the United Kingdom) and to identify the factors that have shaped these national configurations. With respect to the first dimension – the scope of the coordinating ambition – the key factor was political-cultural. The authors found that member states with a comprehensive coordination ambition – Denmark, France and the UK – tended to be the countries that were most cautious about European integration and that favoured a state-centric conception of the EU. Member states that took a more selective approach – Ireland and Spain, for example – generally had a more positive view about ever closer union and were more sanguine about delegating further competencies.

With regard to the second dimension – the extent to which architectures for the national coordination of EU policy are centralized – Kassim *et al.* (2000a) tested two competing hypotheses: the convergence thesis, which holds that the common external pressures and challenges stemming from EU membership are likely to produce similar responses on the part of national governments, and the divergence thesis, which anticipates variation on the grounds that organizations 'respond [to external pressures] in their own terms, mobilizing resources they have accumulated over time, and following pre-existing institutional logics' (Kassim 2000: 237).

Although opposing, both of these theses are rooted in theories of the new institutionalism (Kassim 2000). The convergence thesis was largely inspired by DiMaggio and Powell's theory of institutional isomorphism (DiMaggio and Powell 1991), which contends that organizations in the same organizational field that operate subject to the same set of environmental conditions tend to develop similar features over time. This convergence comes about as a result of three mechanisms: coercion, imitation and the spread of common norms. A variant of this concept draws on rational choice institutionalism. Comparing nations to firms competing in the same market, this theory contends that member states within the EU will be 'driven by a logic of optimization to adopt increasingly similar processes and structures' (Harmsen 1999: 84). As a result, 'a gradual convergence of national practices around the most effective solutions' can be expected (Harmsen 1999: 84).

The divergence thesis, by contrast, was inspired by March and Olsen's sociological institutionalism. According to this view, organizations interpret external pressures to change in terms of their existing norms and conceptions of legitimate political forms – what March and Olsen term a 'logic of appropriateness' (March and Olsen 1989: 21–39, 53–67) – as well as 'more diffuse values concerning the correct distribution and exercise of public power' (Harmsen 1999: 85). In the new environment, an organization will attempt to renew its position, identity and status accordingly. Applying this theory to the national coordination of EU policy, it follows that the pressures exerted by EU membership will be 'mediated through the existing institutional structures and values which characterise each national politico-administrative system' (Harmsen 1999: 85), and that member state responses can be expected to reflect the 'pre-existing balance of institutional structures, as well as the broader matrices of values which define the nature of appropriate political forms in the case of each national polity' (Harmsen 1999: 81).

The country studies revealed a more complex picture than either thesis envisioned (Kassim *et al.* 2000a). Similarities existed alongside important and apparently enduring differences. Kassim (2000b) argues that the mixture of similarities and differences is best explained in terms of two processes: functional pressures exerted by Union membership (accounting for the similarities) and institutionalist factors (for the differences). Functional pressures are top-down imperatives that stem from the demands of membership. They are general in nature and operate through the obligations they impose on member states. They leave little scope for member state discretion. Although functional pressures are powerful, their reach is limited.[18] They do not directly shape national coordination systems, but do require that member states develop and sustain certain capacities. The case studies show that when member states establish coordination systems, their configuration more or less follows the distribution of power within the wider domestic polity, and thus the institutionalist part of the explanation follows March and Olsen's logic of appropriateness. Generally speaking, national systems for the coordination of EU policy are shaped by the pre-existing structures and values of the domestic polity, and specifically by the degree to which authority is concentrated, institutionally and politically (see also Kassim 2000b, 2003a).[19]

In other words, domestic relationships between institutions and actors tend to be reproduced in the national EU policy-making domain, and these relationships determine the extent to which the system for the national coordination of EU policy is likely to be centralized or decentralized. The key institutional dimension is the degree to which the PM is the focus of public administration, the key political dimension is whether governments are single- or multi-party in composition and the key territorial dimension is whether states are unitary or federal. In member countries where an entrenched norm of ministerial autonomy is reinforced by multiparty government and relatively decentralized political parties in the wider political system, centralizing pressures have to some extent been resisted. The principal example in this case is Austria (Müller 2000), where 'ministerial government at the European level' (Müller 2001) reproduces the ministerial autonomy that is a salient feature of the domestic polity – a constitutionally entrenched principle that has been reinforced by the practice of multiparty government.

New members, new perspectives: the 'Eastern enlargement' and national EU policy coordination[20]

The literature on how the 'new' member states coordinate their EU policies is both relatively recent and relatively sparse.[21] Although Fink-Hafner (2007) and Laffan (2003) include some Central and Eastern European states alongside the older member states in their investigation of 'how the EU is managed from home', there have only been two major cross-national studies on the coordination of EU policy in the new member states: Dimitrova and Toshkov (2007) and the results of a comparative project, reported by Dimitrov and Kassim (2012).

In their study, Dimitrova and Toshkov (2007) offer an overview of institutional arrangements in the CEE states and test three explanations of how national coordination systems developed following accession, based on functional factors, pre-existing domestic structures and political actors, respectively. The authors find the first two hypotheses wanting: they argue that functional factors cannot offer a persuasive explanation of post-accession developments, because they see no clear link between the change in functional pressures as a state moves from the pre-accession phase to full membership and the organization of national EU policy coordination (see Zubek 2011 for an opposing view). They also argue that domestic structures have little impact; however, the analysis that they present proceeds at an overly general level and is therefore unable to capture

variation in domestic structures at the level at which influence would be exercised – namely, the organization of the government and, in particular, the degree to which executive power is concentrated or dispersed (Kassim 2000b, 2003a).

Dimitrova and Toshkov find the strongest evidence for the third, actor-centred explanation, which they call the 'politics of institutional choice' (Dimitrova and Toshkov 2007: 963). Based on rational choice institutionalism, this approach holds that, when making institutional choices, actors are driven by the desire to maximize their exogenously derived preferences. The authors argue that this approach offers a better explanation than accounts based on functional pressures or domestic structures, since the emphasis these latter approaches place on institutional continuity is at odds with the rapid change that they claim has been a feature of the new member states. They hold that these transformations can be traced to changes in governing elites and party control of the executive (for instance after an election), as well as to inter-institutional rivalries and the balance of power between politicians and bureaucrats.

Although individual actors have never featured prominently in the coordination literature, an important weakness of the account presented by Dimitrova and Toshkov (2007) is that it does not undertake a systematic rational choice institutionalist analysis. In other words, it does not test the link between specific configurations of actors and particular institutional choices. Instead, reference is made to isolated examples, drawn mainly from Bulgaria and Romania, which is a somewhat slender basis on which to make the claim that coordination structures are principally shaped by individual action.[22]

Both the findings and the account offered by Dimitrova and Toshkov (2007) are contested by the second study, which is based on research conducted by a team led by Kassim and Dimitrov.[23] Based on the country studies prepared for the project, Dimitrov and Kassim (2012) examine how national coordination systems have changed in seven of the CEE states that joined the EU in 2004, comparing the systems established in the 'new(er)' states with those of the older member states and testing three explanations. The first points to functional factors, holding that national systems are moulded by pressures derived from the rules, requirements and routines of the EU. An important implication is that a change in functional pressures – as, for example, in the transition from pre-accession to full membership (Zubek 2011) – can be expected to lead to a change in national coordination institutions, as can pressures stemming from the rotating Council Presidency. The second explanation is institutionalist and follows the sociological variant. It contends that national coordination institutions are shaped by pre-existing domestic structures, which results in cross-national variation in coordination institutions to the extent that there are institutional and political differences between domestic polities. The third is an actor-centred explanation, inspired by the approach advocated by Dimitrova and Toshkov (2007), but made more robust by linking the party composition of government to the choice of executive institutions, following the institutional choice model developed by Hallerberg and von Hagen (1999) (see also Dimitrov *et al.* 2006; Zubek 2011).[24]

The Dimitrov–Kassim team test the three explanations using evidence from seven of the new CEE member states over three periods: pre-accession, membership and, where applicable, during the state's Presidency of the Council. This research design makes it possible to investigate the effects of shifts in functional pressures and the influence of pre-existing domestic institutions on the institutional configuration of national EU policy coordination systems.

Dimitrov and Kassim (2012) report that functional factors have an important influence, notably discernible in the transition from pre- to post-accession status. In the pre-accession period, when the adaptive pressures from the EU were high, the CEE states all developed centralized coordination systems, except for Estonia (Lepassaar 2012). In six of the countries, the coordinating institutions were established around the office of the prime minister. Hungary was the only

country in which the core executive institutions were built around the Ministry of Foreign Affairs (MFA). After accession, when functional pressures from the EU declined, three of the EU-7 – Lithuania (Maniokas and Vilpišauskas 2012), Latvia (Rollis 2012: 2) and the Czech Republic (Kabele 2012) – decentralized their coordination systems. Estonia was again in a group of its own, opting to strengthen coordination around the prime minister and the cabinet. Hungary, Poland and Slovenia largely retained their centralized systems, though the role of line ministries increased somewhat in the latter two countries.

Holding the Council Presidency also increased functional pressures, although at a lower level in comparison to the pre-accession period. In the run-up to the Presidency, there was a return to centralization around the prime minister in the Czech Republic. The other three countries that had held the Presidency at the time of the study – Hungary, Poland and Slovenia – already had centralized coordination systems and experienced limited change.

The influence of domestic structures was relatively weak in the pre-accession period. Where national executives had been centralized before the start of the accession negotiations (in Hungary, Slovenia and Poland), centralized systems for EU policy coordination were developed. However, centralized systems were also developed in countries in which national executives had been decentralized before accession negotiations began, i.e. the Czech Republic, Latvia and Lithuania.[25] In the pre-accession period, Estonia was the only country in which domestic structures were more influential than functional pressures.

With the weakening of functional pressures after accession, the impact of domestic structures became more pronounced. In all but one of the seven CEE states, the 'fit' between EU policy coordination systems and domestic structures increased considerably after accession, leading to coordinating institutions that were more durable than those of the pre-accession period. In the Czech Republic, Latvia and Lithuania, the centralized EU policy coordination systems unravelled, and the institutions fell into line with the decentralized national structures of government. By contrast, in Hungary, Slovenia and Poland the centralized national executive structures supported the continuation of centralized arrangements for EU policy coordination. Estonia was again an exception: after accession centralized institutions for EU policy coordination were developed around the prime minister and the cabinet, marking a departure from the decentralized patterns that have characterized the national executive since the early years of the country's independence (Lepassaar 2012).

Similarly, the effect of the party composition of government on the shape of national EU policy coordination systems was relatively weak compared to functional pressures in the pre-accession period. In that period, both countries with small coalitions organized around a dominant party (Hungary and Slovenia) and those with large coalitions and minority governments (the Czech Republic, Latvia, Lithuania and Poland) developed centralized coordinating institutions. Only in Estonia did the dynamics of large and relatively short-lived coalitions with intense inter-party rivalries prevent the emergence of core executive institutions around the prime minister (Lepassaar 2012). However, in the post-accession period, as EU affairs became 'normalized' the party composition of government become more important. In the Czech Republic, Latvia and Lithuania, the intense inter-party rivalries generated within large coalitions and minority governments contributed to the dismantling of core executive institutions around the prime minister. By contrast, in Hungary and Slovenia the persistent pattern of small coalitions around a party that was more or less always in government – Poland also developed this pattern in the post-accession period, although it has been less stable – reinforced the centralized coordination institutions. Only in Estonia was there a mismatch between the party composition of government, which continued to take the form of large coalitions, and the shift of the coordination system towards centralization.

A comparison of national coordination systems between the seven CEE countries that joined the EU in 2004 and those of the EU-15 also produced interesting findings (Dimitrov and Kassim 2012). Somewhat contrary to expectations, although there are differences between the new member states in question and the older member states, they are not systematic. First, functional pressures were stronger in the CEE states during the pre-accession period due to the unusually demanding character of the pre-accession process: governments were required to adopt the full *acquis communautaire* as a pre-condition of membership, and their progress was subject to detailed scrutiny and supervision. However, once the CEE states became members, these functional pressures receded, and domestic structures became as influential as they were in the older member states.

Second, the new member states tend to place a greater emphasis on implementation. In the EU-15, those member states with historically good implementation records, such as Denmark and the UK, are generally highly centralized. In the seven CEE states under investigation, performance does not vary according to the extent to which the state is centralized or decentralized to the same degree. Implementation was a political priority during accession, and the mechanisms and associated norms have survived into the post-accession period.

A third difference is that foreign ministries have tended to have a somewhat higher profile in the national coordination systems of the new member states. As noted above, functional pressures have led to a decline in the role of MFAs, which have been eclipsed at the centre by the prime minister's office and bypassed by officials in line ministries. The prominence of MFAs in some of the seven CEE states could be a legacy of the period before the start of accession negotiations, in which the foreign ministries managed relations with the EU as they did with other international organizations, allowing them to accumulate specialist expertise. Moreover, the coordination capacities that have been established at the centre of government in some of the EU-15 (for example in France and in the UK) have not emerged as strongly in the seven CEE states.

A fourth difference is that the party composition of government has played a more important role in the newer member states, both in the design and operation of coordination systems and in triggering change. This may be due to the prevalence of large coalitions and minority governments in several of the CEE states, and also to the increasing politicization of 'Europe' as a domestic issue. Changes in the machinery of old member states – such as those introduced in France and Germany – may have been political, but it would be hard to interpret them as the outcome of party competition or partisan action.

A final difference is the greater impact of personality in the newer member states, although an examination of coordination institutions over time shows that particular individuals have only affected relatively secondary features of these systems – for example whether the system is centralized around the prime minister or the ministry of foreign affairs. In Hungary, for example, the centring of coordination on the MFA rather than the PM can be explained by the political influence of László Kovács, Minister of Foreign Affairs from 1994 to 1998 and from 2002 to 2004, who was simultaneously chairman of the ruling Socialist Party (Batory 2012). Similarly, in Estonia the shift in 2002 towards a coordination system centralized around the PM could be explained by the greater political influence of Prime Minister Siim Kallas in comparison to his fellow Liberal, Foreign Minister Kristiina Ojuland (Lepassaar 2012).

Overall, however, a familiar combination of similarities and differences can be found in the coordination systems of old and new member states. The functional-institutionalist explanation developed in Kassim *et al*. (2000a) and detailed in Dimitrov and Kassim (2012) remains the most persuasive explanation for the character of national arrangements for coordinating EU policy in both old and new member countries.

Future research

Despite recent developments in the literature, the possibilities for research on national systems of EU policy coordination have not been exhausted. Among many possibilities, three potential avenues for future investigation are outlined in this section. The first is whether there is a link – a positive correlation or a causal relationship – between an efficient system of national coordination and influence over EU-level outputs. Several scholars have expressed doubt. Derlien, for example, implies that the value of centralized and comprehensive systems such as the British and French models is more symbolic than practical (Derlien 2000: 73). It may be that Germany's decentralized and somewhat more haphazard system may lead to similar or event greater levels of success, without the considerable operational costs of running a comprehensive, centralized system. Although pondered by Kassim (2000b), investigated by Sepos (2005) and examined by Panke (2010a, 2010b) in relation to small states, the extent to which the efficiency of a state's coordination system translates into effectiveness in Brussels has yet to be systematically investigated. A similar gap involves the relative importance of domestic machinery as a factor in the position a country adopts on an issue (within the overall distribution of preferences in the Council), the size of its vote and whether it is perceived as a broker.

Second, the impact of parties and party systems has not hitherto been exhaustively examined. Experiences in the new member states shows that party competition can affect the design of national coordination systems and can produce changes in coordination institutions (see, especially, Fink-Hafner 2014). The literature on the older member states, by contrast, tends to emphasize constitutional arrangements and the role of the administration. Systematic investigation of the circumstances under which 'parties matter' and political competition 'matters' may reveal that 'politics' is a more important factor in shaping structures of national EU policy coordination, influencing how they operate or altering the goals sought than has been assumed.

Third, national coordination systems are likely to offer distinctive 'structures of opportunity' (Tarrow 1991) and exhibit tendencies towards 'institutional bias' (Schattschneider 1960) in the same way as other institutions. Yet few scholars have sought to examine how the particular configuration of coordination systems may affect how domestic constituencies mobilize or organize in order to influence policy. The exceptions are Coen and Richardson (2009), who have noted the potential implications for lobbying on the part of business. There is considerable scope, therefore, for further investigation.

Conclusion

Because the EU has become an authoritative decision-making arena in so many policy domains, the machinery that member states put in place to manage the obligations that arise from membership is important for domestic actors both inside and outside government. Governments need to be able to define, communicate and defend their positions; parliamentarians want to ensure that accountability applies to government action in Brussels; and subnational actors and interest groups are keen to be heard in areas in which their constituents are likely to be affected and want to know that their interests are being effectively represented.

How member states decide to meet this challenge is important for debates about Europeanization, the 'democratic deficit' and multilevel governance. How they respond also has significance for EU institutions and the EU as a political system. The coherence of the positions that governments present in the Council and the rapidity with which they respond to EU initiatives have an important impact on that institution's operation. The administrative and legal

capacities of each member state, meanwhile, directly affect the EU's reach and effectiveness as a political system.

This chapter has discussed the investigation of member state responses to this formidable organizational challenge, showing that they have defied straightforward expectations of convergence or divergence. Instead, old and new member states alike have responded to cross-pressures from home and from Brussels by establishing systems of national coordination that are designed to meet the requirements of membership, but that have been shaped by pre-existing domestic structures, norms and values. It also shows that, despite the extensive literature that exists, there are still many avenues open for further inquiry.

Notes

1 I have learned a great deal about the subjects explored in this chapter from Guy Peters, Anand Menon and the late Vincent Wright. More recently, collaboration with Vesselin Dimitrov has helped refine my thinking about national coordination and taught me much about the states that joined the EU in 2004. I am deeply indebted to all four. I am also very grateful to the contributors to Kassim *et al.* (2000a, 2001) and to participants in 'The National Coordination of EU Policy in the "New" Member States' for their excellent country studies and for the many valuable insights afforded therein. I should also like to express my gratitude to Libby Kurien at COSAC for helping me locate the data used in Table 36.2.

2 These imperatives are not restricted to EU members. Although members of the European Economic Association do not participate in EU institutions, they must implement and enforce EU legislation and must maintain a physical presence in Brussels. See EEA Review Committee (2012).

3 Sometimes termed 'the European administration' (Kassim 2003a).

4 Indeed, there is a significant overlap between literatures on the national coordination of EU policy and the Europeanization of national institutions. Wessels *et al.* (2003) and Bulmer and Burch (2009) are primarily interested in the latter but also offer important insights into the former.

5 How national governments are held to account for their actions at the EU level is a key concern in this literature.

6 The involvement of subnational authorities in domestic EU policy-making processes is an important consideration in assessing claims regarding the changing territorial balance in Europe, especially the extent to which the EU has brought about multilevel governance by strengthening subnational authorities. See Marks *et al.* (1996), Le Galès and Lequesne (1998) and Streb (2008).

7 However, the national coordination of EU policy is typically overlooked by textbooks on the EU.

8 For example, membership offers possibilities to influence the economic and political environment in Europe and beyond that would not otherwise be available to national governments. Such possibilities may enable governments to achieve goals that could not be realized through unilateral or bilateral action or through other channels. For an example of how the EU provided such an opportunity to the UK in the aviation sector, see Kassim and Stevens (2010).

9 The number is cited on the webpage of the Irish rotating presidency from the first semester of 2013, available at: http://eu2013.ie/ireland-and-the-presidency/about-the-presidency/what-is-the-eu-presidency/ (accessed 10 October 2013).

10 On routine coordination and its challenges, see Peters (1998).

11 The Six had rather rudimentary systems of coordination (Sasse 1977: 78). Denmark and the UK granted considerably more power to their parliaments upon their entry to the EEC in 1973.

12 Between 2003 and 2006, Hungary's MFA coexisted uneasily with a minister without portfolio for EU coordination (Batory 2012).

13 The parliaments of Estonia, Hungary and Lithuania and the Dutch *Tweede Kamer* combine elements from both models.

14 A similar system applies in the Swedish *Riksdag*, although sectoral committees follow EU developments independently.

15 For example, in the Danish case the minister only needs to avoid a majority vote against the position he or she proposes. Ninety per cent of the time, the minister has secured his or her desired outcome.

16 The difficulties of undertaking such research in terms of the expertise, resources and access required should not be underestimated.

17 Mény *et al.* (1996) examined how EU matters were managed in France, Germany and the UK. Although they raised the question of convergence (ibid.: 1), they did not actually compare national systems. Wessels *et al.* (2003), meanwhile, asked how member states had adapted, but were concerned primarily with the extent to which national administrations had become fused within a wider EU system. They compared individual institutions by type rather than *systems* of coordination.

18 But see the argument in Johansson and Tallberg (2010) that increased summitry at the EU level has strengthened the PM in national EU policy-making.

19 For similar arguments concerning the adaptation of national parliaments and national administrations to the demands of EU membership, see Dimitrakopoulos (2001) and Dimitrakopoulos and Passas (2003), respectively.

20 This section draws heavily on joint work with Vesselin Dimitrov, to whom I owe many of its insights.

21 The main focus in the considerable literature on relations between the EU and the states of Central and Eastern Europe (CEE), especially during the pre-accession period, has been on Europeanization and in particular on the extent to which CEE states comply with EU law (see Falkner and Treib 2008: 294).

22 Other authors who highlight the role played by agents make more modest claims. Laffan (2006), for example, argues that informal relations and the influence of EU cadres within national executives are neglected in the literature, but acknowledges the importance of institutionalization.

23 The team included: Agnes Batory, Danica Fink-Hafner, Jiri Kabele, Juhan Leppassar, Klaudjius Maniokas, Artur Novak-Far, Ivo Rollis and Ramunas Vilpisauskas.

24 The institutional choice model captures much of the substance of the Dimitrova and Toshkov (2007) 'politics of institutional choice' perspective, but neglects the preferences and influence of specific individuals holding key offices. In situations of 'shallow' and transient institutions, such as those in the post-communist countries of Central and Eastern Europe, individual motivations and qualities are likely to matter more than in highly institutionalized settings where the properties of the office weigh more heavily on the officeholder (Dimitrov *et al.* 2006). Though not easily modelled, individual personalities can nevertheless be taken into account in the analysis of the development of national coordination systems.

25 In those countries, the development of centralized coordination systems was prompted by the threat of possible exclusion from EU membership.

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38

Patterns of policy-making in European politics and the EU's joint-decision trap

Policies compared

Gerda Falkner

Introduction

Over the 30 years since Fritz W. Scharpf developed his concept of the 'joint-decision trap' (Scharpf 1985; English version 1988), some conditions have significantly changed: the unanimity rule has been replaced by qualified majority voting in most issue areas, significantly lowering the legislative hurdles but still leaving a kind of super-majority requirement foreign to most national policy-making arenas (Selck 2009). At the same time, European solutions are considered indispensable in an ever-increasing number of policy areas and successive rounds of enlargement have increased the diversity of member states and their interests.

Therefore, a comparison of policy processes and outcomes across diverse EU policy areas would seem to serve a useful function, revealing the factors that influence continued 'problem-solving gaps'[1] and, alternatively, the pathways that may circumvent or help parties to exit the trap. Based on the work of a team of renowned academic policy specialists (including Scharpf), this chapter will cover nine key EU policies.[2]

The chapter will introduce the reader to the concept of the joint-decision trap and its refinements over time; offer a conceptualization of countervailing mechanisms; provide a condensed overview of the use of these mechanisms in nine EU policies, focusing on the most exciting developments in each area; discuss results in a comparative perspective; and draw conclusions regarding the EU's still quite limited potential for problem-solving. This analysis explores a crucial aspect of overall patterns of policy-making in European politics.

Disarming the joint-decision trap?

In short, Fritz W. Scharpf's 1988 analysis predicted systematically generated suboptimal policy outcomes for European integration. Drawing on experiences in the German federal system, he expected these sub-par outcomes to result from (1) the fact that member governments directly participate in central decisions, without a representation principle in place to filter out the immediate self-interests of the lower units during decision-taking at the higher level (Scharpf

1988: 255), and (2) the requirements demanding unanimous or nearly unanimous decisions, formally or *de facto* (Scharpf 1988: 239, 254).

The parsimonious assumptions of the initial analysis seemed to capture the situation very well up until 1986. Only the profound changes brought about by the Single European Act (SEA) and its political aftermath provided clear evidence that there were indeed important EU-specific mechanisms at work that could (at least in some cases) unlock the trap. In later contributions, both Scharpf and others investigated certain new or revived powers of the European Commission, the European Parliament (EP) and the European Court of Justice (ECJ).[3] However, other dynamizing facets of the European integration process have remained largely unexplored – in particular the effects of judicial law-making in the political arena (see Scharpf 2011: 227). In any case, a systematic treatment of all the mechanisms with the potential to counter the joint-decision trap and a comparative empirical study of their relative success in EU policies has remained a research desideratum.

What can break stalemates in European integration? For one thing, a somewhat trivial phenomenon that is typically outside the realm of steering by EU actors: *changes in the external environment* or other unforeseeable events can bring about a change in actor preferences, allowing a stalemate to dissolve. This includes changes in government (e.g. after national elections – consider the effect of the British Labour government on EU social policy) as well as shocks or crises that may serve as facilitators of change (such as the mad cow epidemic). In terms of EU policy, changes can help decision-taking, but they may also further polarize the positions of member states.

More firmly under the control of EU institutions (most importantly, the Commission, which acts as a process manager[4] and can promote win–win solutions) are strategies that affect not only the possibility of policy output but also its content. In his initial analysis, Scharpf (1988) outlined the conflict-minimizing *redefinition of the bargaining issue*, a tactic that must be taken into consideration as a log-rolling technique. As discussed in traditional bargaining theory, sequencing, sizing or watering down, granting exceptions or opt-outs, making side payments and/or accepting package deals can all help to forge agreement via a 'false consensus' that does not truly represent agreement on the original substantive issue at stake.

Additionally, some strategies can be summarized under the heading of 'strategic constructivism'. As frequently highlighted by post-rationalist approaches to European integration, norms and perceptions may change during the process of intense and long-term interactions, either by chance or due to purposeful framing by EU actors, learning or the socialization of actors,[5] the raising of expectations to generate second-round effects or the consequences of the perceived shadow of future cooperation. Various new modes of governance (most importantly, the 'open method of cooperation' based on voluntary adaptation triggered by common benchmarks and periodic reporting procedures) build on such potentials, as do consensus-oriented mechanisms such as working groups of 'wise persons'.

However, even under the joint-decision trap model's assumption of fixed preferences there are at least three different mechanisms that can unlock EU stalemate, permitting escape from the EU's decision traps, even in the strictest sense:

- The *manipulation of applicable decision rules* typically comes in two forms, as the policy reports below will indicate: *Treaty-base games* (Rhodes 1995) modify the necessary quorum in the Council, e.g. qualified majority voting instead of unanimity. *Arena shifting*, by contrast, may involve different actors (e.g. interest groups such as the 'social partners') taking decisions instead of the Council of Ministers (horizontal arena shifting). This may also come in the form of delegation to (usually less politicized) committees (vertical shifts to levels below the Council of Ministers). It is not the governments who are decisive in such cases, but rather bureaucrats or experts.

- *EU-induced changes in opportunity structures* (see Schmidt 2000) are still extremely under-researched. Veto players' positions may be undermined by altering their perceptions of potential costs and benefits, e.g. via the strategic reinterpretation of the status quo of EU law or the threat of litigation ('unsettling'). Alternatively, a change in opportunity structures can also occur through the strategic (non-)cooptation of powerful private actors or by strategically triggering a public discourse ('pressurizing'). These changes do not bypass the politicians, who must still make up their minds, and they do not equate to a change in the policy's legal situation (a stronger category in its own right).
- A change in opportunity structures can mean, for example, that a government will perceive its support for a specific position as potentially more costly than before because the Commission has activated opposing lobbies. Frequently, the Commission (e.g. in White Books) and the ECJ (in decisions on related aspects) represent the status quo of a policy issue in a specific manner. Legally, the matter may be less clear, but if this interpretation remains unchallenged it can become the standard interpretation in practice. Governments might redefine their positions on this basis, e.g. because they expect that their previous stance has no chance of being accepted. However, this evaluation of costs and benefits may be different for each of the veto players, and a change in preferences is in any case contingent.
- *Supranational hierarchical steering*, in the narrow sense, is the most powerful mechanism at the disposal of the EU, allowing actors to impose specific policies. Indeed, the actions of the ECJ (for specific issues, the Commission or the European Central Bank [ECB]) may literally bypass political decision-making, rendering governmental stalemate irrelevant.

In light of the ongoing battle between schools in the field of European integration theory, it should be noted[6] that this list of mechanisms crosses the major divides. While none of the stereotypical idealizations of regional integration are advocated, assumptions from both the intergovernmentalist camp (such as the important role of governments and predefined interests) and the supranationalist literature (which focuses on the autonomous impact potential of the European Commission and the Court of Justice) are included. In addition, our approach covers explanatory variables from both the rationalist and constructivist paradigms. Ideological discrimination is neither necessary nor useful for the task at hand. Bargaining over pre-decided interests and learning and socialization can both play a role in the process of EU policy-making; determining whether one is more consequential than the other in any specific field of activity is a question for empirical research.

The following sections will examine individual EU policies, reviewing the mechanisms with the greatest impact in the area. From the plethora of fields affected by European integration, we include old (e.g. Common Agricultural Policy, CAP) as well as new (justice and home affairs), blatantly failing (financial regulation, energy policy) as well as relatively successful (environmental policy), internally focused (tax policy) as well as outward-looking (Common Foreign and Security Policy, CFSP) and, finally, single-market policy as well as social policy, which is probably the area furthest from market considerations.

The joint-decision trap under various EU policies

The paradigmatic case: EU agricultural policy

The CAP featured prominently in Scharpf's 1988 joint-decision trap article, but there have been a number of changes in the policy field since that time. The recent shift from price support to direct payments and the decoupling of most direct payments from production appear to be

crucial improvements in terms of problem-solving, or at least in terms of the number of problems created as a consequence of EU policy.

A number of idiosyncracies make the field unusually thrilling. In particular, qualified majority voting was set out in the Treaties but was not put into practice from the mid-1960s to the mid-1980s. Besides the more obvious fact that no government had to fear being outvoted, this robbed the Commission of its main instruments (Roederer-Rynning 2011) for influencing policies under the 'Community method' (Dehousse 2011): its monopoly on drafting proposals and withdrawing them (should the Council distort the Commission's intent) and its leverage (based on the Council's need for unanimous agreement in order to modify a Commission proposal). This factor contributed to the decades-long dominance of the agricultural policy agenda by the (anticipated) governmental stances and strong interest groups: a secluded policy community managed to externalize the costs of the joint-decision trap's detrimental consequences.

Only during the 1980s and 1990s was the Commission able to slowly reverse the Council's consensus orientation and reclaim its leverage based on the above-mentioned institutional features of the Community method. Interestingly, EU enlargement facilitated this shift in power: more diverse farming philosophies and interests were represented, and the costs of opposing the Commission's proposals rose (as this requires unanimity in the Council, which is an even more demanding constraint in a larger group). In view of the growing diversity of positions in the Council and its renewed possibilities for leverage, the Commission reportedly became more daring. Especially during reform-friendly presidencies when the Commission could team up in a tandem of promoters, controversial proposals were put on the agenda, and, slowly but surely, voting was introduced in the Council of Ministers of Agriculture. This 'reverse Treaty-base game' was a manipulation to finally apply the original voting rules. Indeed, the field of agriculture is nowadays one of three areas in which voting is relatively more common (see Hayes-Renshaw *et al.* 2006). Although this is perhaps less a truly instrumental use of voting than what Roederer-Rynning (2011) calls an 'expressive-symbolic' use, her analysis suggests that the return to voting and the shadow of the vote have had a significant impact.

Additional factors facilitating change in the CAP were the threat of bankruptcy and the deteriorating legitimacy of the policy, all skilfully used by the Commission to change the cost–benefit calculations of Council members. New actors were also invited into the arena, and traditional stakeholders were at times excluded from debates to reinforce unsettling and pressurizing potentials. In addition, the BSE ('mad cow') crisis and WTO negotiations were employed as external facilitators. The full menu of mechanisms outlined above can therefore be seen at work, except for outright supranational-hierarchical steering, which seems to be of comparatively minor importance (though not impossible) in this area.

The EU's single-market policy

The so-called 'common market' based on the four freedoms (goods, services, capital and workers) embedded in the EEC Treaty should have been established in the 1960s. But even at this very core of the EU's purpose, the joint-decision trap snapped shut until the single-market programme brought the EU back on track in the mid-1980s (for more detail, see Chapters 39 and 40).

This political relaunch was based on previous developments at the level of judicial policy-making: in its *Cassis de Dijon* doctrine, the ECJ established the mutual recognition of goods and services as a new method of de-fragmenting the market that would function even when EU-level harmonization was blocked in the Council. The Commission played an important role as well, reinforcing the priority of market freedoms vis-à-vis national regulations in its Communication explaining the judgement. Indeed, the interplay between judicial and legislative

politics represents 'the single most important exit' (Schmidt 2011: 39) from the joint-decision trap in the vast array of EU activities related to market-making.

Stalemate amongst the Ministers can have differential default conditions, depending on the state of European integration in the field. When the ECJ is seized by the Commission, a member government, an individual (or company) or a national court to interpret a provision from either a Treaty or a secondary EU provision, case law results; this is then the default condition of political non-agreement (not simply domestic law, as is often assumed). Indeed, the 'fuzziness' of ECJ rulings seems to exacerbate the extreme positions in the Council because legal certainty can only be assured by going beyond the existing case law, e.g. by establishing an even more liberal regime (Schmidt 2011). In terms of managing exits from the joint-decision trap, we find that the Commission has additional leverage over the governments where it can argue that without a Council decision, unreliable and differentially applied case law will stand as the fallback rule, entailing potential costs for both governments and enterprises. Indeed, the cases studied by Schmidt (the Services Directive and the Regulation on mutual recognition for goods) are telling examples. The fact that the political debates concealed the predominant role of ECJ case law does not change the latter's overwhelming impact.

Of all the policies, the internal market most clearly brings to the fore the EU's ultimate mechanism for breaking a Council stalemate: supranational-hierarchical action. To be sure, this should not be taken to imply that the 'softer' mechanisms are insignificant (e.g. framing and reinterpretation via White Books, also mentioned by Schmidt).

The EU's taxation policy

The joint-decision trap looms large in the field of taxation. Unanimity requirements play a greater role in this policy area than in the others; even under the Lisbon Treaty, they remain the rule rather than the exception. In addition, the area is highly politicized in the member states, whose governments take very antagonistic stances. Against this background, the explanation of successful exits from the trap is fascinating.

Philipp Genschel's conclusion is that the joint-decision trap has not prevented the emergence of an EU tax policy, but it has shaped the policy by forcing it to pass through various specific exits. He argues that despite all the problematic preconditions due to the existence of the trap, the EU has been 'less immune to Europeanization' than most authors had expected (Genschel 2011) and has become more involved in harmonizing tax regulation issues than, for example, the federal government of the United States. The Council of Ministers has produced a growing stream of secondary tax legislation, particularly concerning indirect taxes; additionally, the ECJ has developed a large body of case law that increasingly constrains the member states, especially with respect to direct taxation. Indeed, Genschel argues that in this area the ECJ has most leverage over the governments where the trap has previously snapped shut at the level of the Council of Ministers. Where the Council has not (yet) agreed on common tax rules, the Court has repeatedly intervened, acting on the basis of an interpretation of the EU's primary law (e.g. holding that the internal overrules certain domestic regulations).

However, the various mechanisms that have allowed the EU to exit tax policy decision traps cannot be regarded as solutions to all problem-solving gaps in this area. Circumventing the Council via the ECJ 'bypass', 'nudging' by the European Commission and the partial 'self-extrication' successes of the Council do not 'unambiguously increase problem-solving capacity in taxation' (Genschel 2011). There is a clear divide between the realms of direct and indirect taxation, with the ECJ playing a major role only in the former. Additionally, not all 'problems' have been solved, although practically all of the dynamizing mechanisms outlined above are in

use: market–making has been more successful than preventing tax competition or securing effective tax policy innovation – which fully meets the expectations of the joint–decision trap model.

EU environmental policy

Since the early days of European integration, many EU activities, including environmental policy, have served a double purpose (Holzinger 2011): establishing a barrier–free market (hence 'negative' integration, reducing restrictions, including some based on environmental concerns) and the correction of (environmental) externalities with market-shaping 'positive' integration. For the latter, unanimity requirements played a crucial role up until the Single European Act; after the mid–1980s, however, successive Treaty reforms have tended to facilitate environmental policy-making. Under the Lisbon Treaty, only tax-relevant matters and some issues related to the use of land and water resources require unanimity in the Council. Additionally, the EP has gradually grown in influence; it can now be considered a full veto player, typically promoting pro-environmentalist stances. Like the Commission, particularly DG Environment, the EP has expressed a strong interest in both positive and negative integration in the field. However, these facilitating factors in EU environmental policy-making have been counteracted by recent EU enlargements that have introduced many more environmental laggards.

Data concerning the number of acts approved in various phases reveal that far–reaching environmental policies have been adopted during all periods of European integration. With a rate of 0.71 per month before the Single European Act and 1.48 afterwards, the pace of adoption of legal acts has increased over time, and the number of policies adopted overall is significant (Holzinger 2011: 116). Another finding is that in this field of EU activity, positive and negative integration aspects are so tightly interwoven with each other (and within the individual legal acts) that the two analytical concepts cannot be empirically separated.

Considering these numbers and also the characteristics of the environmental policies adopted, at first glance the EU does not seem to be stuck in a joint-decision trap. This is supported by Holzinger's lively discussion of the various exit strategies, with examples provided for practically all of them. However, this optimistic conclusion seems to hold only in institutional terms, not with respect to the substantive policies adopted. A closer inspection reveals that some formal escapes have come at the cost of substance, most importantly via a conflict-minimizing redefinition of the issues and the granting of exceptions or opt-outs as an 'easy way out' that does not necessarily effectively address the environmental policy problems at stake (Holzinger 2011: 126).

EU financial market policy

As in the area of environmental policy, in the realm of finance the introduction of qualified majority voting was not sufficient to realize a satisfactory policy output. We find that Scharpf's categorization of the joint-decision trap's decision-taking mode as 'unanimous or nearly unanimous' has been confirmed once again.

In the field of the single market in finance, non-decisions presented a real danger, since the speed of financial *de-facto* integration has long overtaken that of regulatory integration; this has resulted in a blatant problem-solving gap, as highlighted by the current financial crisis. Finding consensus was in this case hindered by the enormous technicality and complexity of the field. At the same time, financial markets require comparatively more regulation than markets for goods, due to greater information asymmetries in the market and the elusive nature of the traded

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Box 38.1 The Lamfalussy process

Named after the chair of the EU advisory committee that created it, Alexandre Lamfalussy, this innovation to strengthen the European regulatory and financial sector supervision framework was launched in 2001. It comprises activities at four levels:

- Framework legislation is adopted in the Council of Ministers and the European Parliament (Level 1).
- Detailed measures are developed in sector-specific committees composed of high-level representatives of the member states, with regulators advising on technical details (Level 2).
- Technical aspects are hammered out by representatives of national supervisory bodies, resolving conflicts between experts and ensuring cooperation as well as convergence (Level 3).
- Transposition to the national level is facilitated by the previous steps, as is enforcement by the EU Commission (Level 4).

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products. Suboptimal regulation can have unexpectedly dangerous impacts that resonate throughout the entire economy. Against the background of these potential dangers and regulatory complexities, Zdenek Kudrna argues that it is no surprise that regulatory progress has been slower here than in the single market for goods (Kudrna 2009: 74).

A de-escalation of the effects of the joint-decision trap took place only recently, due to the combined effects of qualified majority voting and the innovative procedures of the Lamfalussy process established in 2001 (Kudrna 2011). This process includes substantial delegation to more technical levels of expertise in both the decision-making and implementation control phases. Kudrna compares the 1993 Investment Services Directive to the 2004 Market in Financial Instruments Directive, in what amounts to an almost experiment-like research design testing the new procedures. The payoff matrix is presented as a Battle of the Sexes game. Indeed, the two coalitions of governments (North versus South) replayed the same conflicts under two different procedures, producing qualitatively different legislative outcomes. The newer Directive, it is argued, no longer results in the tortured agreements of the previous regulation, but rather compromises that are formulated as detailed rules. Additionally, the Lamfalussy committees now oversee the Directive's implementation, ensuring that the legislation is implemented consistently across all 27 member states (see Box 38.1).

These developments in the field of financial market regulation are encouraging, and the model of the Lamfalussy process could improve the EU's capacity to develop regulatory responses to the current financial crisis (Kudrna 2011). However, to address the underlying causes of the turmoil, more intensely political reforms will be indispensable as well (see, e.g., Kudrna 2012).

EU social policy

Notwithstanding some persistent (and probably irresolvable) problem-solving gaps, 'Social Europe' has intermittently escaped the joint-decision trap (Martinsen and Falkner 2011). More secondary law and more ECJ-driven political decisions can be found in this policy area than might have been expected from an examination of the decision rules. There are numerous examples of opportunity structures being tampered with (e.g. via the nurturing and co-opting of strategic partners to pressurize governments – such as the European Trade Union movement,

which used the European Commission as a 'midwife') and of changes in decision rules under the joint-decision mode. The latter cases have included both the Treaty-base game, creatively using powers to adopt presumably 'technical issues' in the field of health and safety in the workplace, and arena shifting to the so-called social partners during the 1990s. Here, EU social policy represents a paradigmatic example of actors trying to change the decision mode under the EU's political decision-making framework, though with declining success over time.

What seems most interesting in our context are the cases of supranational-hierarchical steering by the ECJ. Martinsen and Falkner present two examples of extreme cases in which the political positions of all governments have been overruled and 'court-decision traps' (Falkner 2011a) are evident. European social integration was deepened significantly as a result, although neither the creators of the Treaties, nor the Commission, nor the governments were willing to create a cross-border market for healthcare or open social-assistance-related benefits to exportability. However, the ECJ's judgement can only be undone through Treaty reforms – a quite unlikely prospect[7] these days, and probably even more unlikely in the future.

While it is striking that the Court should play such an important role in social policy-making, it should be noted that the supranational-hierarchical mode could have been activated much earlier to circumvent various EU decision traps in this field. Most obviously, the Commission should have taken action in fields exhibiting obvious shortcomings on the parts of the member states. It could have, for example, enforced gender equality via Treaty infringement proceedings; however, it chose not to do so for almost two decades. The case of social policy underlines the fact that the truly supranational-hierarchical modes of EU policy-making actually needed long time horizons to mature. Heated debates over potential enforcement by the Commission of EU equal-treatment provisions in connection to the French government's deportation of Roma EU citizens have highlighted how politically sensitive such action still can be (BBC News 2010).

The EU's energy policy

In this field, we find a variety of exit strategies from the joint-decision trap at work, combining hard and soft law (Pollak and Slominski 2011, with further references). Furthermore, the European Commission has profited from linking the energy liberalization agenda to the EU's competition policy. The Commission's strongest weapon in this regard has been the supranational-hierarchical mode; it also made extensive use of its own powers to enforce the EU's anti-trust rules against 'national champions' such as EON, German Energy and RWE. This had both a direct and an indirect strategic objective: it undermined certain governments' veto positions in the Council and also compelled them to finally drop their opposition to EU regulation intended to unbundle vertically integrated energy companies by separating the network infrastructure from services of production or supply. The Commission also submitted infringement proceedings to the ECJ to pressurize governments, arguing already in the early 1990s that monopolies in the import and export of energy violated EU competition law. Facing the threat of costly fines, the governments opted for the 'lesser evil' (Schmidt 2000: 39) and agreed to start the process of EU energy market liberalization. However, the Commission's radical competition-oriented strategy cannot always rely on such support; since the late 1990s, the ECJ has increasingly accepted the public service arguments proposed by member states to restrict market opening.

In the face of these developments, the Commission has established various energy forums to gather expertise and sound out potential paths for progress with stakeholders (Pollak and Slominski 2011). The case study of the unbundling of vertically integrated energy companies shows how the Commission has made use of its outstanding role in information and expertise provision to advocate liberalization-oriented interpretations of EU law, including rulings by the

ECJ. Such approaches, advertised in various White Books and information notes, seem to be successful in many but not all instances. Generally speaking, Pollak and Slominski hold, progress in the field of energy market liberalization has crucially depended on the Commission's role as the motor of European integration; it has exploited openings in the political opportunity structure to propel its market-making ambitions in what could be called 'politics of stealth' (Héritier 1999: 98).

Nonetheless, the problem-solving gap is far from being closed in the field of energy markets. Numerous problems can no longer be tackled at the national level, including energy security, interconnectivity and climate protection. Despite incremental progress over time and three major legislative packages (adopted in 1993, 2003 and 2009), the EU's energy markets are still perceived as dysfunctional. Stalemates in this area stem from diverse energy policy interests among the EU member states (different energy mixes, various levels of import dependency) and from the culture of consensus arising from the perception of energy's strategic importance, which impedes majority voting and Treaty-base games. Additionally, lowest-common-denominator solutions and vaguely worded regulations that are poorly implemented have characterized the policy output (Pollak and Slominski 2011).

Justice and home affairs (JHA)

This area offers near-laboratory conditions for studying EU decision traps, allowing us to witness shifts in problem-solving activities between modes of decision-making and between the (former) pillars of the EU Treaties. Quite obvious problem-solving gaps have been exposed by the opening of borders and growing pressures following the Balkan crises; for one thing, EU member states are no longer able to unilaterally govern immigration or, significantly, their asylum policies.

The EU managed to improve its response to certain challenges in this field by using the following strategies (Trauner 2011):

- A *change in formal decision rules* to the Community method during successive Treaty reforms. This was combined with opt-outs and special arrangements for reluctant governments in order to win their agreement. The fact that the decision rules were changed over time to include ever more issue areas under joint decision-making was a facilitating factor in itself, but it also allowed the 'piggy-backing' of further strategic moves.
- A specific form of a *Treaty-base game* that Florian Trauner (2011) refers to as 'pillar-shifting' was played in earlier phases of the policy's development. The tactical move here involved shifting the legal bases of new legislative proposals from one (unanimity-requiring) Treaty basis within the Community method to another that allowed decision-taking by majority voting, as we have seen in other policy fields (environmental and social policies, for example). In the case of JHA, the legal bases for policy projects were strategically cherry-picked, moving from the intergovernmental EU pillar (prior to the Lisbon Treaty) to the realm of joint decision-making under the much more supranational 'first pillar'.
- Additionally, a form of *enhanced cooperation outside the EU's legal framework* was enabled by the Prüm process in the case of police data-sharing. With the support of Germany and Austria as the two main promoters, a minority of member states successfully demonstrated the usefulness of permitting partner states to access national databases. The obvious success – thousands of DNA profile matches with links to open cases – convinced the other member states to join, overcoming prior blockades against the policy under the EU's joint decision-making mode. However, the shift to a less demanding mode of governance (Prüm was an

> **Box 38.2 Enhanced cooperation**
>
> The Treaty on European Union (Title IV) and the Treaty on the Functioning of the European Union (Title III) allow those countries of the Union that wish to work more closely together to do so within the framework of the Treaties, without the other members being involved. Enhanced cooperation must further the objectives of the Union. Examples are the fields of divorce law and patents. In early 2013, a financial transaction tax was also discussed under these auspices.

international Convention) was only possible because the current state of the EU's home affairs integration does not yet pre-empt such initiatives, as would be the case in many other areas (see Box 38.2).

The EU's Common Foreign and Security Policy (CFSP)

The literature agrees that unanimity requirements and intergovernmental procedures impinge on the EU's capacity for action in the CFSP area. Indeed, Alecu de Flers, Chappell and Müller (2011) identify a considerable problem-solving gap and failures to act jointly; for example, during the conflict in Iraq and the debate over the recognition of Kosovo as a state the EU seemed to lack the capacity to make assertive decisions or to overcome dissent in crisis management situations. At the same time, European foreign policy cooperation has been 'considerably more successful than many analysts had expected' (Alecu de Flers *et al.* 2011: 163). Indeed, this output is far from negligible, with more than 1,000 adopted acts (strategies, common positions, joint actions) and a considerable number of civilian and military missions.

The main factors that seem to explain progress in this EU policy area are the long-term effects of the institutionalization of cooperation and the ensuing emergence of common norms. Observers have described processes of socialization resulting from repeated interactions among foreign policy-makers and from consensus-building practices, particularly in informal working groups and de-politicized committees (where the 'coordination reflex' is a recognized effect). At times, the consensus culture in a common normative environment is seen to promote switching from bargaining to arguing as the relevant interaction mode (Alecu de Flers *et al.* 2011); the shadow of future negotiations also looms large. Reputation-building is therefore essential, as is keeping one's promises. In the absence of the short-term, sweeping mechanisms that tend to dominate in other policy areas, here we can identify the more 'constructivist' mechanisms of European integration.

Alecu de Flers *et al.* (2011) present a case study outlining what is in principle a very unlikely case of successful cooperation: the EU's mission to Congo. Germany supported the Congo mission precisely because it attached an intrinsic value to the survival and sustainability of CFSP/ESDP (European Security and Defence Policy). This fits the pattern of linking institutional and material interests in EU politics, as highlighted by Héritier (1999), among others.[8] In contrast, Poland was motivated by the desire to secure its partners' good will and therefore sought to prove its worth as a constructive partner. These aspects highlight once again that being a 'member state' is different from simply being a 'nation state' (Sbragia 1994).

Finally, an aspect that connects the foreign policy realm to that of justice and home affairs is the fact that compromises are in part facilitated by the possibility of the cooperation of core

states. All Council members must agree to a mission, but not all must actively participate – a nuance that has facilitated compromise.

A cross-policy perspective

The policy overviews reveal numerous examples of innovative breakthrough and long-term incremental reform. Situations demonstrating insufficient problem-solving capacities are frequent; however, the determining factor of EU policy dynamism seems to be less the absence of mechanisms to exit the joint-decision trap than their specific availability in various fields and eras, as well as the degree of steering potential for politicians and bureaucrats. These will be examined in the next section, following a more detailed comparative discussion.

The comparison of this broad swath of EU policies, including classic 'intergovernmental' fields such as CFSP and EU home affairs, exposes significant differences between various areas of EU cooperation with regard to potential exits from decision traps.[9]

To be sure, the most general mechanisms are universal in nature: consensus-promoting mechanisms that involve strategically redefining or down-sizing policy projects, slowly changing norms and perceptions, and innovation triggered by external events (such as changes in government or global developments or crises). It seems plausible to expect that such occurrences will be relatively equally distributed across EU policies, although the changes they effect are more apparent in fields in which the supranational instruments are not dominant (most importantly, in CFSP).

A number of the mechanisms based on the Commission's (or other EU actors') specific potential as a process manager are also universally applicable across the range of EU policies. In all fields of EU activity, there seem to be efforts to realize arena-shifting or delegation to lower-level, less intensely politicized committees – the only mechanism for exit from EU decision traps, in the narrow sense, found even in the CFSP. Additionally, the Commission can always try to strategically interpret provisions and activate interest groups, although it seems to pursue this less actively in 'younger' fields of cooperation, such as justice and home affairs.

However, mechanisms to unlock joint-decision traps even against the will of one or several governments are not (yet) available in all fields of EU cooperation. The further an area is from the so-called Community method (Dehousse 2011), in which the EU institutions (Commission, EP, ECJ) can wield their specific traditional powers, the more unlikely exit from a decision trap seems to be. Outside these areas, the mechanisms with the most impact are found in fields comparatively more closely connected to the former 'first pillar'. In fact, three criteria seem to be useful predictors of exit potential from the joint-decision trap: the applicability of the Community method, the extent of powers the EU has been granted in the field (explicit, but also implied, powers) and the proximity and link-up potential to the market-making activities of the EU.

The supranational-hierarchical mode is exclusively available under the 'communitarized' fields of EU activity, where ECJ judgements can at times make governmental agreement irrelevant by simply bypassing the Council. By contrast, changes in decision rules have a somewhat wider scope, but are easier where non-unanimous decisions are allowed at least in proximity to the decision in question, such that link-ups may be done (within-pillar; see, e.g., social and environmental policy). In this vein, linking up to the Community method has even been possible between pillars, as discussed above in the case of justice and home affairs, an area with very mixed modes of governance under recent EU Treaties. However, this strategy is not yet common in CFSP.

Finally, the unsettling of perceptions regarding opportunity structures is, in principle, also possible where the Treaties still allow comparatively less room for manoeuvre overall. However, prospects are significantly better where the ECJ has jurisdiction and a history of intervention, and where linking up to the internal market is straightforward (consider energy and environmental policy, discussed above).

In fact, a kind of 'Matthew's effect'[10] seems to be at work: where more supranational procedures are well established within any given EU policy, there is comparatively greater potential for linking up and threatening. Where the Treaties provide rather less room for manoeuvre, fewer dynamics can be purposefully activated in day-to-day politics. However, the use of such potentials is affected not only by legal circumstances but also by the presence of a culture of consensus and strategic considerations. The case of justice and home affairs (see Trauner 2011) indicates that the Commission tends to avoid confrontation with the Council in policies still considered to be 'developing'; agricultural policy is somewhat of a surprise in that despite the proximity to 'market-making' of this core area of national interest and EU spending, the supranational-hierarchical mechanisms have been comparatively unimportant (see Roederer-Rynning 2011).

Conclusions

The focus of this chapter has been the patterns of European policy-making. How do institutional dynamics play out in different policy fields? This chapter has targeted the interactions of member-state governments and EU institutions in highly diverse fields of action. The comparative dimensions investigated include policies as well as their development over time. All in all, the resulting picture includes some good news, some less good news and some truly bad news for the process of European integration, and consequently for patterns of policy-making in European politics in general.

The good news is that the EU has a repertoire of mechanisms to cope with the dangers of the joint-decision trap. These opportunities may be overlooked in the short run, resulting in expectations the EU's (quasi-)unanimity requirements will combine with the structurally fixed gatekeeping role of the governments to create a one-way street leading towards stalemate and decision gaps. The long-term perspective and the cross-comparative design of the research presented here reveal that the available instruments may actually promote policy dynamics more systematically than one might expect. The mechanisms outlined above vary in their degrees of effectiveness and in their time horizons, and they are distributed unequally across the EU's areas of activity. However, they can actually unlock decision traps, as the numerous examples presented have shown.

The less good news is that escaping the joint-decision trap via political agreement or supranational-hierarchical steering is no panacea in terms of policy-making. In fact, a number of dangers are associated with the use of the various exit strategies: for one thing, exit or consensus-building mechanisms are often outrageously time-consuming. Although real exits from joint-decision traps have occurred in some policy fields and some outputs are of high quality, it seems that decisions have frequently been possible only via consensus-promoting techniques that have downgraded the output. It also should be emphasized that, at times, problem-solving at the EU level may actually further restrict the individual states' capacities to intervene within their borders. This represents a kind of self-reinforcing process whereby less than satisfactory EU-level solutions exacerbate national-level problems. 'Exits' via jurisprudence may additionally lead to incomplete solutions lacking legal certainty.[11] In particular, where the supranational-hierarchical mode is introduced (which is unequally probable across different subject areas, striking down

national rules is easier and more likely as an exit route from the trap than the creation of a supranational regime. Finally, specific situations of escape from the joint-decision trap may even strengthen the trap: for example, bypassing a joint-decision trap via the ECJ can under certain conditions trigger what may be the worst pitfall from the perspective of governments and all other political EU actors: a 'Court-decision trap' (Falkner 2011a).[12]

Finally, the really bad news is that the availability of effective mechanisms does not necessarily correspond to the degree of problem pressure. Where the exit mechanisms perform well and achieve their greatest potentials (with the intervention of the supranational hierarchical mode) has no relation to the severity of the political decision gaps. These dynamics are frequently ungovernable, at least for politicians, and several of the exit routes examined here are not under the control of the usual political decision-takers. Most importantly, this is the case for circumventions of the Council of Ministers via the ECJ, whose agenda is, at least in part, outside any political or even public control.

Be that as it may, simply condemning the EU would be an inappropriate response. As explained by the father of the joint-decision trap model, breaking up the (quasi-)federalist system is not a viable option 'to the extent that joint policies are addressing, however inadequately, real problems which could not be handled at the level of member governments' because 'these problems would simply reassert themselves if the joint-policy system were to be dismantled' (Scharpf 1988: 270). Condemning the discipline of political science Europeanists would be of little use either. We should admit that when our expectations of stalemate were not fulfilled, we may have been somewhat blinded by excitement over the detection of escape mechanisms. However, as our study has revealed, these mechanisms may be more interesting in terms of theory than helpful in terms of political practice.

Notes

1 Classifying the EU's policy output is a truly difficult task; therefore, the research discussed here was done by academics quite specialized in each field and considered a number of yardsticks: the conclusions of the academic literature, the judgements of policy experts, programmatic documents of the EU institutions and, finally (where feasible), a comparison with federal states' output in the field.

2 This chapter is based on the insights of an international, collaborative project (Falkner 2011b) under the auspices of the Institute for European Integration Research (eif.univie.ac.at). Many thanks to Fritz W. Scharpf for his support throughout the project and to all participants, in particular Susanne K. Schmidt, Miriam Hartlapp and Zdenek Kudrna, for feedback. I am also indebted to the discussants in our Round Table and in the two ensuing panels at the European Consortium for Political Research's Pan-European Conference in Oporto, June 2010: Mark A. Pollack, Nicolas Jabko, Klaus Goetz and Michael Blauberger.

3 The most in-depth treatment is by Héritier (1999), but many other authors have analysed some relevant dynamics of EU decision-making in recent times: Peterson (1995), Héritier (1997, 1999), Joerges and Neyer (1997), Peters (1997), Lewis (1998, 2000), Christiansen and Kirchner (2000), Schmidt (2000), Scharpf (2006: 852) and Christiansen and Larsson (2007).

4 Hartlapp (2011) offers an innovative analysis of how EU coordination across sectors can both prevent and cement decision traps.

5 'Socialization' involves changes in world views and hence the basic evaluative criteria of policy-making actors. In other words, socialization is a kind of 'normative learning', whereas simple 'learning' concerns causal effects only, not perceptions of self-interest.

6 Thanks to Amy Verdun for reminding me of this.

7 A recent paper by Sweet and Brunell (2011: 2) even argues that 'the ECJ's major rulings on the EU treaties are effectively insulated from reversal on the part of the Member States'.

8 This pattern can also be found in social policy (Martinsen and Falkner 2011), where the corporatist decision mode was productive as long as institutional self-interests of the 'social partners' existed and successes were required to uphold the procedures.

9 However, in overall terms our findings corroborate Héritier's (1999: 96) assertion that most mechanisms can be found in most areas.

10 The biblical idea that more will be given to those that already have more; that is, the rich get richer and the poor get poorer.

11 Such jurisprudence tends to specify individual aspects of EU law but leaves other (potentially conflicting) provisions in place. As a result, the new legal status quo is frequently equivocal and features an unclear scope of application; it is thus prone to be subject to further revision later (Schmidt 2011). This lack of legal certainty can lead to uneven implementation and distortions in competition or equality throughout the EU.

12 Even if all governments unanimously agree, the EU actors could in such a case not revise the policy set by the EU's judges because this would require member state ratification. At the same time, a Treaty reform may be both inappropriate and impractical.

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Part VII

The political economy of Europe

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Integration among unequals

How the heterogeneity of European varieties of capitalism shapes the social and democratic potential of the EU

Martin Höpner and Armin Schäfer

Introduction: a political-economy perspective on European integration[1]

One and a half decades have passed since Lisbet Hooghe and Gary Marks wrote their seminal article 'The Making of a Polity: The Struggle over European Integration' (Hooghe and Marks 1999). Hooghe and Marks argued that with the Single European Act and the Maastricht Treaty the European Union[2] had entered a phase of struggle between two competing projects: regulated and neoliberal capitalism, two ideals championed by different coalitions of member states, national and international interest groups, and European institutions and organizations. They also observed that the politics of European integration had changed. The struggle over Europe's future had become politicized and could no longer be fought by technocrats behind the scenes. In short, Hooghe and Marks described an integration phase in which both European social and economic governance and the legitimacy of European decisions appeared in a new light.

Much has happened in the 15 years since the publication of this analysis. European integration has witnessed an unforeseen dynamic. The treaties of Amsterdam (in effect since 1999), Nice (since 2003) and Lisbon (since 2009) have introduced important institutional reforms; in addition, following the Eastern enlargements of 2004, 2007 and 2013, the EU now consists of 28 members, with more candidates awaiting accession. These changes have also affected the social and democratic potential of the EU. At first glance, the democratic quality of the EU seems to have improved with these reforms. For example, the Lisbon reforms strengthened the European Parliament (EP), the only directly elected EU institution. Another democratic innovation is the European Citizens' Initiative (ECI), whereby citizen petitions receiving enough popular support (at least one million signatures from at least one-quarter of the EU member states) can call on the European Commission to initiate legislation (on the growing involvement of citizens in the EU, see Chapter 10).

The social objectives of European integration have been strengthened as well. With the Lisbon reforms, the European Charter of Fundamental Rights has become legally binding. The Charter includes social rights, such as employees' consultation rights and the right to strike. In addition, Article 3 of the Treaty on European Union (TEU) states that the EU shall work to ensure 'a highly competitive social market economy, aiming at full employment and social progress'. In a similar vein, according to Article 152 of the Treaty on the Functioning of the European Union (TFEU), the EU 'recognizes and promotes the role of the social partners at its level, taking into account the diversity of national systems. It shall facilitate dialog between the social partners, respecting their autonomy'. At first glance, it would thus seem that the project of regulated capitalism has made considerable progress over the last 15 years.

We will argue that this impression is misleading. In fact, the asymmetry between market-enforcing and market-correcting integration has increased rather than decreased, and although the rights of the EP have been strengthened, EU democracy is still unlikely to emerge. We contend that the heterogeneity of European varieties of capitalism limits the social and democratic potential of the EU. In so doing, we bring together two strands of literature that rarely meet: integration theory and comparative political economy. In the course of our analysis, we follow Weiler and Scharpf in analytically distinguishing between two different forms of integration: *political integration*, brought about by intergovernmental bargains, and *judicial integration*, which stems from the interpretations of European law made by the Commission and the European Court of Justice (ECJ).[3] Political integration can serve either the regulated or the neoliberal project. If political unanimity existed, political integration could in principle harmonize social policies and transfer competencies to the European level by, for example, establishing European-wide codetermination rights or building a European social security system. In contrast, integration through law primarily serves to enlarge the scope of individual – mostly economic – rights and to abolish national regulations that might potentially restrict the free movement of capital, goods, services or persons. In the case of anti-discrimination rulings, judicial integration also widens the scope of individual social rights.[4]

In this chapter, we show that the heterogeneity of European varieties of capitalism affects political integration and judicial integration differently. Heterogeneous member states generally find it difficult to harmonize regulatory standards or agree on redistribution. National welfare levels and institutions have grown more diverse with each round of enlargement. In core areas of national production and welfare regimes – such as codetermination, capital taxation and labour standards – political integration has often resulted in deadlock; prolonged negotiation has not led to harmonization, but rather to the protection of national autonomy. At the same time, the political-economic heterogeneity of member states has increased the opportunities for integration through law, since the ability of governments to correct ECJ decisions depends on political agreement. In many cases, this would have to be based on unanimous decision. Super-majoritarian political decision rules, in combination with highly diverse production and welfare regimes, provide ECJ judges with exceptionally extensive room for manoeuvre in comparison to national constitutional courts. The ECJ has used this leeway to enlarge its own competencies and the scope of EU law. If the heterogeneity of European varieties of capitalism were less significant or even absent – i.e. if European integration were taking place among equals – both the opportunity for political integration and the ability to politically control judicial integration would improve.

We elaborate the argument by proceeding as follows. In the next section, we briefly revisit 'intergovernmentalist' and 'supranational' integration theory and develop our theoretical argument in greater detail. The third section documents the heterogeneity of European production and welfare regimes. The section 'Political and judicial integration under condi-

tions of heterogeneity' discusses three cases in which political integration has either proved inconclusive or safeguarded national autonomy: the European Company Statute, corporate tax harmonization and the Posted Workers Directive. In each of these cases, subsequent ECJ decisions unsettled political compromises and advocated a degree of liberalization that had not been achievable through political agreements. The different dynamics of judicial and political integration worked to the detriment of regulated capitalism and in favour of its neoliberal counterpart. We conclude in the last section by discussing how member state heterogeneity affects not only the social but also the democratic potential of the European Union.

Integration theory and member state heterogeneity

Different varieties of capitalism coexist within the European Union, and thus national interests with regard to the speed and scope of European integration are likely to differ. In order to situate our argument in the literature, we review how integration theory has incorporated this insight. We revisit three of the most influential strands of integration theory – neofunctionalism, classical and liberal intergovernmentalism and supranationalism – revealing a paradox. We argue that the growing heterogeneity of European member states has steadily increased the relative autonomy of supranational agencies. However, neofunctionalists and supranationalists, who usually stress this autonomy, have largely neglected the heterogeneous political-economic base of Europe. Intergovernmentalists, by contrast, emphasize the diversity of the member states' production and welfare regimes, but question the autonomy of the Commission and the ECJ in propelling European integration.

Since the 1990s, integration research has devoted increasing attention to the small, politically unintended but cumulatively transformative steps by which integration proceeds – much as early neofunctionalism, with its emphasis on spillovers, did. In particular, Haas (1958/1968) expected actors to redirect their expectations, interests, activities and loyalties towards the European level over time. In his view, an expansive logic is systematically built into regional integration processes. Every redirection of actions toward the transnational level necessarily produces side-effects that press for further transnationalization and for the transfer of competencies – 'from coal to steel, to tariffs on refrigerators, to chickens, and to cheese, and from there to company law, turnover taxes, and the control of the business cycle' (Haas 1971: 13). Most notably, he expected nonpolitical, mainly economic transnationalization to spill over to political integration; as a consequence, a 'new central authority may emerge as an unintended consequence of incremental earlier steps' (ibid.: 23).[5] Haas considered the fact that the political-economic regulations among the (from a current perspective, relatively homogeneous) 'Europe of the six' differed in many respects. However, he expected functional spillovers to override this diversity; in fact, in the presence of diversity, supranational regulations might become even more likely. For example, governments may push supranational agencies to legislate in order to overcome a competitive disadvantage, as the Belgian government did in 1954 to offset its stricter regulations on working hours.[6] In such situations, diversity may serve as an engine of spillover rather than a barrier to it.

In his alternative interpretation, Hoffmann (1966) by no means denied that functional spill-overs might trigger incremental, politically unintended integration steps 'from below'. However, he insisted on a logical hierarchy of integration forms, consisting of an intergovernmental logic at the top of the hierarchy and a neofunctional logic at the bottom. The neofunctional logic, Hoffmann argued, reaches its limits where – in the language of modern game theory – zero-sum games between member states are concerned: 'Functional integration's gamble could be won only if the method had sufficient potency to promise a permanent excess of gains over losses, and of hopes over frustrations' (ibid.: 882). However, where potential integration touches

on 'issues that can hardly be compromised', political integration becomes unlikely. Therefore, integration dynamics are mainly determined by the goals, interests and strategies of national governments and the power constellations between them.[7]

For Hoffmann, the degree of diversity of national interests was crucial for understanding regional integration. Interestingly, however, he drew a clear line between economic and political integration, viewing economic matters as 'low politics'. '[E]conomic integration', he asserted, 'obviously proceeds and the procedures set up by the communities press the governments hard to extend harmonization in all directions. With a common market and a joint external tariff the states cannot afford widely different wage, budgetary and monetary policies' (Hoffmann 1964: 1289). In this respect, Hoffmann's interpretation differs little from that of Haas. However, the 'diversity of national situations' was presumed to translate into blockades where 'high politics' (such as security and defence policies, foreign policies and political unity) were concerned (Hoffmann 1966: 876).

In the 1990s, Moravcsik revitalized Hoffmann's intergovernmentalism by theorizing on the emergence of national integration preferences and by providing intergovernmentalism with an explicit political–economic foundation. He argued that national governments' integration decisions should be analysed by 'assuming that each first formulates national preferences, then engages in interstate bargaining, and finally decides whether to delegate or pool sovereignty in international institutions' (Moravcsik 1998: 473). Government preferences reflect the objectives of the respective state's most influential interest groups and are primarily economic in nature (ibid.: 24). Economic preferences need not necessarily relate to overall efficiency; they can also be rooted in distributional concerns (ibid.: 36). Accordingly, member states' preferences will differ along the lines of sectoral competitive advantage, wealth and regulatory standards (ibid.: 28). Moravcsik claimed that the distribution of such preferences among member states and the power relations between them determine the outcomes of intergovernmental integration negotiations, affecting not only market liberalization but also issues such as product regulation, social policy and monetary policy (Moravcsik 1993: 485f.; 1998: 474).

However, 'grand bargains' and political integration are only one part of the story – and perhaps no longer the most important part. Accordingly, supranationalists focus their attention on the small but cumulative steps by which integration gradually proceeds and supranational agencies, without any government involvement, enlarge their scope of influence. In particular, supranationalists have discovered the ECJ to be 'a strategic actor in its own right' (Mattli and Slaughter 1998: 177). These scholars argue that integration through law has shaped the speed and scope of integration at least as much as political integration has. According to this view, judicial integration must be understood as a self-perpetuating process featuring three types of actors that activate one another:[8] first, national and transnational litigants who make use of the opportunities that the European legal system offers; second, national courts that are willing to bring the respective cases before the ECJ;[9] and, third, the ECJ itself, which is characterized by a strong preference to 'promote its own prestige and power by raising the visibility, effectiveness, and scope of EU law'.[10] In other words, the speed and direction of integration can be altered by shifting it to 'a nominally nonpolitical sphere' (Burley and Mattli 1993: 69). Thus, supranationalists argue that European agencies have both the power and opportunity to override the integration preferences of governments, and that progress in European integration has often resulted from the skilful exploitation of this opportunity.

Intergovernmentalists have, in turn, produced sophisticated arguments questioning the idea that the ECJ and the Commission use their politically uncontrolled room for manoeuvre to speed up integration. In principle, member states possess the means to emasculate agency drift, since European agencies cannot directly enforce European law. Governments may collectively

refuse to comply with European law or may formally override ECJ decisions by changing EU Directives or primary law.[11] The ECJ's autonomy is therefore at risk.

Empirically, however, coordinated resistance to ECJ decisions is rare or even nonexistent. Rather than raising doubts about the ability of member states to control supranational actors, Garrett concludes that agency drift has not actually occurred: 'A more powerful explanation for the maintenance of the EC legal system is that it is actually – and seemingly paradoxically, given its consequences for national authority – consistent with the interests of member states' (Garrett 1992: 556). Even if ECJ decisions lead to allegedly unintended losses of sovereignty, member states may view these as less significant than the gains obtained from the ECJ's effective solutions to monitoring problems, from the assurance of the credibility of European commitments and from the mitigation of incomplete contracting (Garrett and Weingast 1993; Garrett 1995: 172). In this perspective, therefore, there are no 'unintended' losses of sovereignty.[12]

However, the assertion that the Court's ability to ignore government preferences is not unlimited does not in any way prove that its room for manoeuvre is negligible or even nonexistent (Pollack 1997). In practice, coordinated resistance to the ECJ is far more difficult than intergovernmentalists are prepared to admit. First, the law serves not only as a 'mask' but also as a 'shield' of politics. Judicial independence and the rule of law are viewed as incontrovertible features of modern democracies. Therefore, strategic and coordinated noncompliance is generally not perceived as a legitimate option.[13] Second, due to the numerous veto points operating in the European political system, formal *ex-post* correction of ECJ decisions is difficult to achieve. Achieving political agreements in the EU is difficult and time-consuming, and when unanimity is required the resistance of a single member state can be sufficient to prevent action. As a consequence, the Commission and the ECJ can exploit disagreement among member states (Pollack 1997: 129). Third, ECJ judges and national governments differ with respect to their time horizons. Since the full impact of ECJ decisions is often felt not in the short term, but in the medium to long term, politicians may avoid the costs of noncompliance or *ex-post* corrections (Pierson 1996: 135–6; Alter 2009: 118–21). And, fourth, direct influence over judges' behaviour is an equally difficult undertaking: ECJ judges cannot be dismissed during their six-year terms and, even more importantly, decisions are taken secretly and no minority opinions are published. It is therefore impossible for national governments to single out the behaviour of individual judges (Pollack 1997: 117; Mattli and Slaughter 1998: 181). Even if we accept these arguments, a puzzle still remains. Attempts to formally override ECJ decisions and coordinated noncompliance are not simply unsuccessful; they are virtually nonexistent. If ECJ decisions violate member states' integration preferences as systematically as the supranationalists maintain, why have the member states not made any attempt to control the Court?

We suggest that the answer to this question lies in the political-economic heterogeneity of the EU. In order to evaluate member states' preferences vis-à-vis judicial integration, we need to assume a two-dimensional rather than a one-dimensional conflict model. The first dimension is the well-known conflict between integration and sovereignty, the dimension along which the member states' integration preferences (as well as those of the supranational agencies) are located.[14] Integration through law often has systematic consequences for the division of labour between the market and collective regulation. We expect member states to evaluate their likely gains and losses in this dimension as well, and to weigh losses of sovereignty against potential political-economic gains. The resulting preferences necessarily differ with respect to anticipated welfare transfers and asymmetrical needs for institutional adjustment. Of course, this by no means suggests that preferences are *internally* homogeneous within the respective member states (a point on which both liberal intergovernmentalists and supranationalists agree). Given the strict consensus requirement for treaty amendments, the likelihood of the constitutional override of

ECJ decisions is very low in situations in which decisions asymmetrically target different European varieties of capitalism. As a consequence, the freedom of action of supranational agencies to widen the range of application of European primary law should grow as political-economic heterogeneity increases.

This implies that not only intergovernmental but also supranational integration theory requires a comparative political-economy foundation. The heterogeneity of European varieties of capitalism shapes *both* the likelihood of achieving intergovernmental agreements *and* the ability of member states to politically control integration through law. As a result, the dynamics of political and judicial integration differ, with consequences for the projects of regulated and neoliberal capitalism. While the former project must come to terms with diverging interests, the latter project benefits from interest diversity, as the empirical examples provided below will illustrate. Before we explore the integration dynamics in three policy fields in more detail, we will document the heterogeneity of varieties of capitalism within the European Union and discuss how it has evolved over time.

The heterogeneity of European production and welfare regimes

We have argued that the existing literature does not fully reflect the fact that European integration today takes place among unequals. Political integration must come to terms with differences not only in wealth and productivity but also in taxation and welfare spending. Perhaps even more importantly, the political-economy literature has identified important *institutional* differences that differentiate national production and welfare regimes, even among relatively wealthy industrial democracies. In the European Union, we find several 'worlds of welfare capitalism', as well as different production regimes (Esping-Andersen 1990; Hall and Soskice 2001; Amable 2003; see Box 39.1 for details).

To visualize the heterogeneity among current EU members, we have collected a number of the indicators frequently used to identify differences in welfare or production regimes, standardizing them such that the average of all countries equals zero and the standard deviation equals one. This allows us to compare three groups: the six founding member states, the EU-15 and all 27 member states (throughout the entire section: the EU-28 without Croatia). In general, not only do the founding members score higher on almost all indicators, but the differences are also smallest within this group. Belgium, Germany, France, Italy, Luxembourg and the Netherlands constitute a comparatively homogeneous group of countries. If they were the only member states in the EU, harmonization of tax and social policies would seem conceivable. However, this does not hold for either the EU-15 or the EU-27.

Box 39.1: The literature on the varieties of capitalism

In 2001, Peter Hall and David Soskice published the edited volume *Varieties of Capitalism*, which has influenced much of the research on contemporary capitalism over recent years. In their introduction, Hall and Soskice differentiate between 'liberal' and 'coordinated market' economies; the United States exemplifies the former type, while Germany corresponds to the latter. These economies differ in the degree to which firms coordinate their actions within the company (with employees) and among themselves. Institutional differences among liberal market economies and coordinated market economies (e.g. in finance, vocational training, industrial relations and labour law), propel firms to follow different production strategies and to target different market segments.
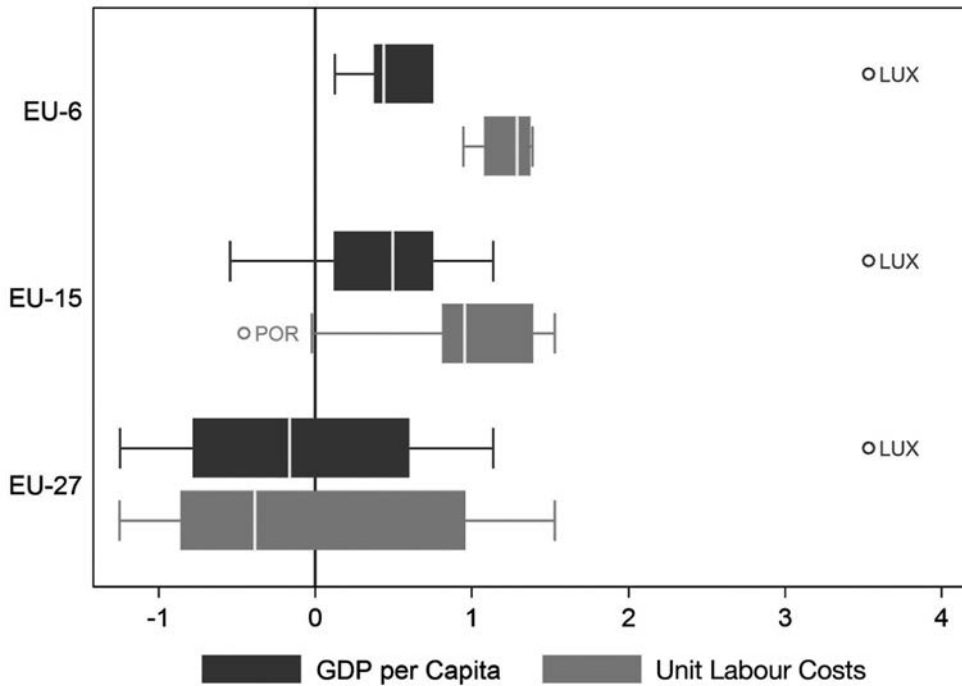
Figure 39.1 Wealth and labour costs in three groups of countries

Note: The boxplots are based on z-transformed indicators to make them comparable. The white vertical bar depicts the median value; zero is the mean. Hollow circles indicate outliers.

Data: *GDP per capita* at current market prices, PPS in Euro (Eurostat 2010a: 97); *Unit Labour Costs* in industry and services of full-time employees in Euro, 2007 (Eurostat 2010a: 309).

Figure 39.1 shows how diverse each group is in terms of wealth and labour costs. Clearly, the founding members are the least diverse and the wealthiest group (although Luxembourg is an outlier even in this group of relatively rich countries). Labour costs in the six founding countries by far surpass average labour costs, and the differences within this group are relatively small. In contrast, even the EU-15 countries are far more heterogeneous, in terms of both wealth and labour costs. However, these differences are minor in comparison to those that exist among the 27 current member states. Leaving Luxembourg aside, GDP per capita is nine times higher in Denmark than in Bulgaria, and almost three times higher in the EU-15 than in the ten post–Communist countries. If we turn to labour costs, even greater differences exist. Hourly labour costs are 4.5 times higher in the EU-15 than in the new member states (excluding Cyprus and Malta). These differences constitute a strong incentive for the citizens of new member states to enter the labour markets of the old member states, making the territoriality of labour standards a highly contested issue (Afonso 2012).

For welfare spending and taxation, a similar picture emerges (see Figure 39.2). Visual inspection again shows that the EU-6 countries are the most coherent group in terms of spending and taxation. The welfare state is more generous and taxation is higher in these countries than in the other groups. However, it is not only the amount of spending and taxation that differs, but also, more importantly, its structure: for example, all EU-6 countries belong to the group of Bismarckian welfare states, which are heavily reliant on social security contributions to finance
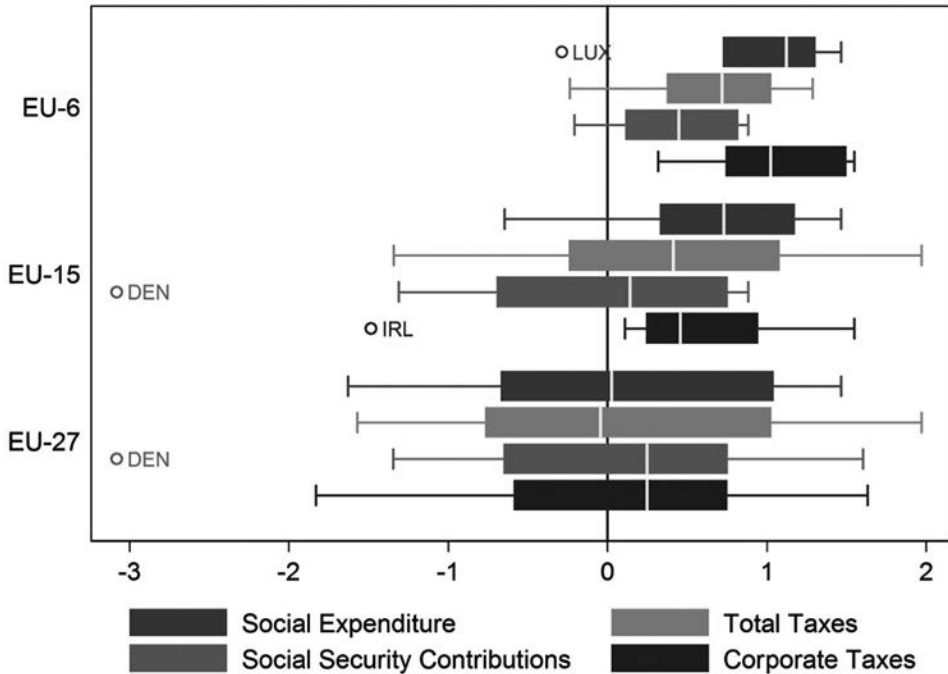
Figure 39.2 Welfare expenditure and taxation in three groups of countries

Data: *Social Expenditure* in % of GDP, 2006 (Eurostat 2010a: 336); *Social Security Contributions* as % of total taxation, 2008 (Eurostat 2010b: 313); *Total Taxes* as % of GDP, 2008 (Eurostat 2010b: 290); *Corporate Tax Rate*: adjusted top statutory tax rate on corporate income, 2010 (Eurostat 2010b: 136).

social protection. This does not hold for either the Anglo–Saxon or the Scandinavian countries, which are more dependent on income taxes. New member states form a heterogeneous group in themselves: some of them fall into the Bismarckian camp, but others do not. Similarly, the various member states follow different strategies in corporate taxation. Whereas smaller states generally use low nominal tax rates to attract foreign direct investment (FDI), larger member states are less inclined to do so. Accordingly, notable differences in the statutory tax rates for corporate income exist. Given these differences, any attempt to harmonize taxation or the financing of the welfare state seems a daunting task, even among the EU-15 countries.

One of the core insights of the comparative capitalism literature is that national production regimes differ in the degree to which economic action is coordinated, both between and within companies. Institutional differences – in labour markets, vocational training, corporate governance or financial regulation – facilitate different strategies on the part of firms. Strong trade unions and employer organizations have been identified as core elements of coordinated market economies. Figure 39.3 displays four indicators that differentiate between coordinated and liberal market economies. Somewhat surprisingly, all three country groups are internally highly diverse in terms of union density. In contrast, employers are much more highly organized in the EU-6 than in the two other groups. The most significant differences are found, however, in the scope and coverage of collective bargaining. The average number of employees covered by collective wage agreements is higher in the EU-6 countries, and differences among these
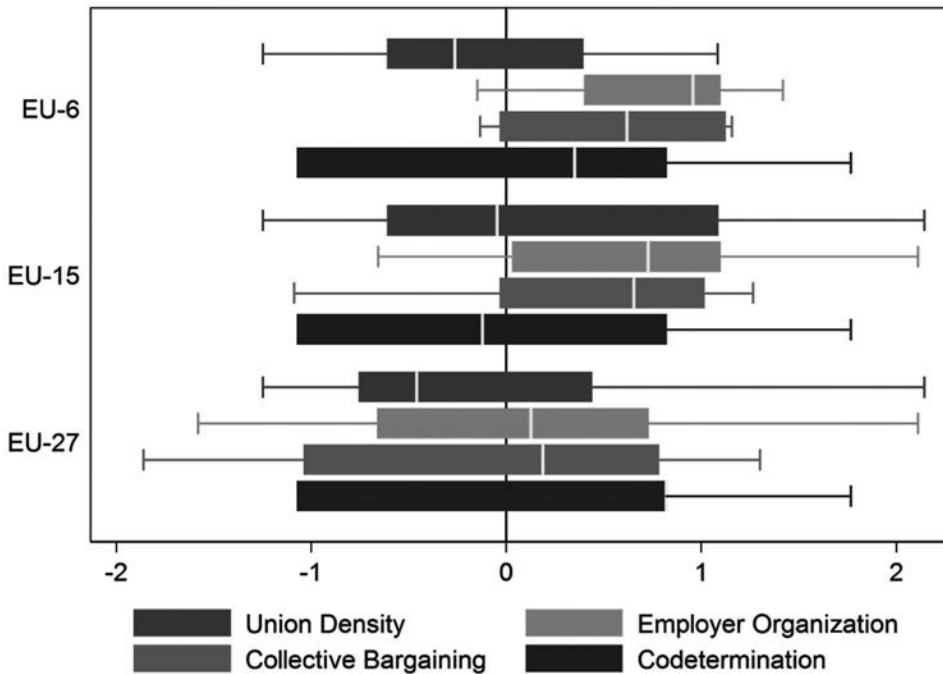
Figure 39.3 Production regime heterogeneity in three groups of countries

Data: *Union Density*: percentage of union-organized labour in the entire labour force (excluding retirees), 2006 (ETUC 2010: 4); *Employer Organization*: percentage of the labour force whose employers are members of an employers' association, 2006 (ICTWSS database – Visser 2009); *Board-Level Codetermination*: 1 = no codetermination to 4 = at least 1/3 of the seats are held by employees (Höpner 2004: 40).

countries are smaller. Although some new member states (for example, Slovenia) have extremely high coverage rates, this does not hold for others (like Lithuania). As a result, European Union countries are highly heterogeneous in terms of collective bargaining coverage. A final aspect that defines coordinated market economies is the requirement for management to consult with employee representatives. Within the European Union, there is no uniform model of board–level codetermination, even within the founding member states. Overall, the diversity of national production regimes exceeds that of welfare regimes. Institutional differences cut across old and new member states alike. Given these differences, it is hard to imagine uniform regulations or policies that could be applied in all member states.

However, a focus on cross–sectional data might conceal underlying processes of convergence. To address this possibility, Figure 39.4 displays trends over time for four variables. The left side of the figure reports the mean for all 27 countries, whereas the right shows coefficients of variation. Specifically, this latter measure indicates whether countries have grown more or less diverse over time. While the average levels of total taxation and social expenditure scarcely change during the period in question, the same does not hold for bargaining coverage and corporate tax rates, which have been declining over the last 10 to 15 years. However, even though these rates have declined almost across the board, the *rate of decline* has varied significantly, rendering countries *more diverse* at the end of the period than at the beginning. Rather than convergence, we observe stable or even growing differences in the production and welfare regimes of the 27 member states.
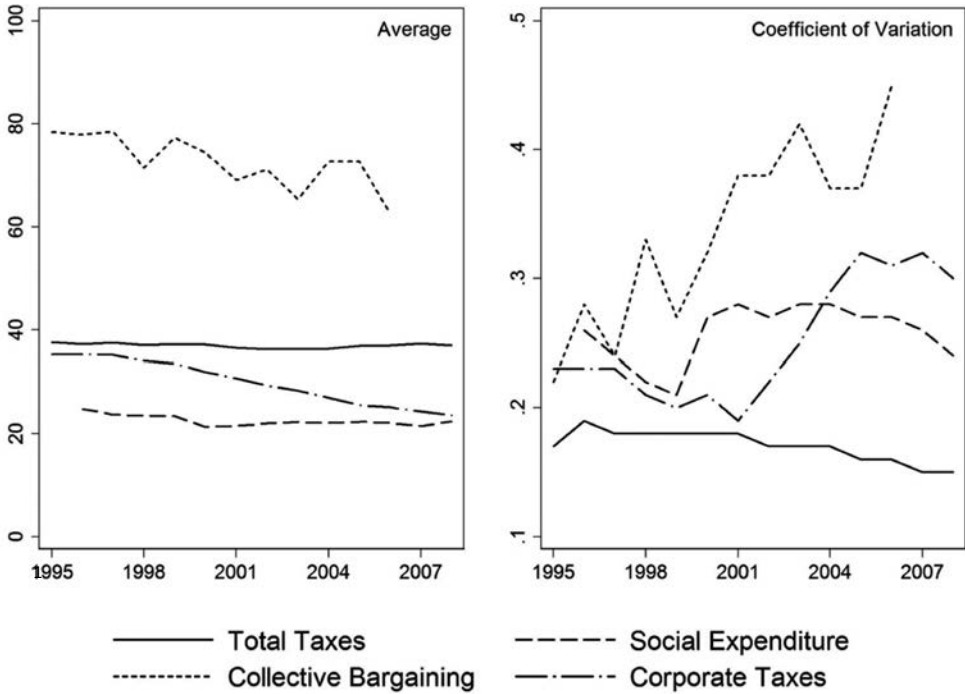
Figure 39.4 Trends in EU heterogeneity

Data: *Total Taxes* as % of GDP, 2008 (Eurostat 2010b: 290); *Corporate Tax Rate*: adjusted top statutory tax rate on corporate income, 2010 (Eurostat 2010b: 136); *Social Expenditure* in % of GDP, 2006 (Eurostat 2010a: 336); *Collective Bargaining Coverage*: Percentage of employees covered by wage agreements (ETUC 2010: 5).

This brief discussion shows that EU member states have become more heterogeneous with each round of enlargement; if the Balkan states and possibly Turkey or Ukraine entered the EU, these disparities would further increase. At the same time, spending patterns and the institutional set-up of national welfare states have not converged, and the diversity of collective bargaining institutions and taxation systems has even increased. According to these data, European integration will remain a process of integration among unequals for a long time to come, which will make it difficult to achieve consensus on interventionist policies that apply to all member states. Indeed, negotiations on the defining elements of national political economies have frequently ended in an impasse, as the next section shows.

Political and judicial integration under conditions of heterogeneity

Political integration decisions become unlikely when the respective integration projects target production and welfare regimes so asymmetrically that the outcome will create a gap between winners and losers (Scharpf 1999: Ch. 2). It is therefore unsurprising that certain areas (such as social security, wage bargaining and codetermination) have turned out to be resistant to political integration. The same can be said about capital and income taxes and other sensitive political–economic areas. In such constellations, once the initially ambitious harmonization projects have

failed, member states have often chosen to preserve their regulatory autonomy, as described in the first subsection below; however, these political agreements have proven to be unsustainable. In the following subsection, we will see that the European Court of Justice has effectively nullified these compromises by enlarging the reach and scope of the principles of the common market.

Political integration and national autonomy

The first example involves employees' board-level codetermination. The regulation of the internal organizational structures of firms (corporate governance) belongs to the competencies of the member states. Forms of corporate governance differ widely among European varieties of capitalism. This is particularly true for board-level codetermination: actual practices vary from half of the board seats being allocated to the employee side (which is the case in Germany) to no board-level codetermination at all (as in the UK and Italy). Given this heterogeneity, it comes as no surprise that member states have never managed to agree on a common European codetermination model. Nevertheless, the issue of board-level codetermination has appeared on the European agenda: the European Company Statute (*Societas Europaea*, SE) offers transnational companies the possibility to choose a European rather than a national legal status. This statute does not entail any obligatory minimum standards or harmonization, but rather provides a legal option that no company is forced to adopt against its will.

Numerous proposals and models have been discussed and ultimately rejected over the decades since the Commission, on the initiative of the French government, began drafting a statute for the European company in 1966 (Fioretos 2009: 1177–82). The first draft proposed one-third participation of employees, based on the then-existing German practice.[15] The discussions over different versions of this proposal extended through the 1970s, but to no avail. The SE was finally removed from the agenda in the early 1980s. In 1989, the Commission put forward a completely redrafted Directive that offered a choice between four different SE codetermination models, largely corresponding to German, Dutch, French and Scandinavian practices. Although the SE remained an entirely optional legal form and the proposal offered substantial choices between codetermination models, member states still could not agree. In particular, the UK government strongly opposed any European Directive that might serve as a 'Trojan horse' for company-level codetermination (Fioretos 2009: 1178). It took another 12 years before the Council finally endorsed a model that would not endanger national industrial relations systems. The SE statute, passed in 2001, does not regulate worker participation at all, but only obliges managers and employees to enter into a bargaining process with certain fallback provisions in the case of non-agreement between the negotiating parties.[16] If an SE is founded by merging firms from codetermination-free countries, no board-level codetermination applies. In short, decades of debate have led to a political compromise that has enabled the member states to protect their respective industrial relations systems (Callaghan 2011: 6).

The second example concerns capital taxation. In a common market, transnational firms can minimize their tax burden by transferring earnings and losses across borders without having to relocate production plants. In order to sustain their levels of corporate tax revenue, states must offer competitive tax rates to firms, and they have an even stronger incentive to lower corporate taxes if their neighbours do so or if they expect them to do so. In principle, the European member states could put an end to this form of tax competition by harmonizing corporate tax rates; indeed, such a move has been under discussion for decades. Genschel and colleagues identify two phases in the long history of failed harmonization attempts in this area (Genschel 2002: 128–231; Ganghof and Genschel 2008; Genschel *et al.* 2008). The first phase started with the so-called Neumark Report, written by a European expert group in 1962, which led to a

Commission Directive proposal in 1975. In this phase, the discussion revolved around the idea of full harmonization; however, the member states' willingness to harmonize was limited because the pressure was still marginal.

The second phase started roughly with the Single European Act (1986), which pushed for the transnationalization of firms and consequently created new opportunities for tax arbitrage. Due to increased tax competition, a race to the bottom of nominal corporate tax rates set in (Ganghof and Genschel 2008: 59), but still no harmonization of corporate taxes could be achieved. Two factors made harmonization unlikely. First, the Commission changed its perception of tax competition and began to adopt a positive view of its impact on tax ratios and budget discipline (Genschel 2002: 207). Rather than aiming at full harmonization, the discussion shifted its focus to minimum standards and coordinated determination of the taxable base. Second, as tax competition grew, the heterogeneity of interests among member states grew as well. Not all member states were equal victims of tax competition. For example, Ireland consciously employed a low tax regime to attract FDI and, after the Eastern enlargement in 2005, several accession states followed suit.[17] Among the various determinants of corporate tax strategies is country size. Small countries have a higher probability of profiting from tax competition because they have relatively few domestic tax bases to lose but comparatively much to gain if they undercut their neighbours' corporate tax rates (Dehejia and Genschel 1998: 23–6). As a consequence, harmonization attempts have thus far failed.

Our third example is the Posted Workers Directive of 1996 (Council Directive 96/71/EC). The similarities to the first example of board-level codetermination are striking. Due to fundamentally diverging interests among member states, no harmonization of labour standards in the European Union has occurred thus far.[18] Despite the political rhetoric found in countries with relatively high labour standards (such as Germany), most governments perceive the extension of their respective standards across the EU to be unrealistic. As a result, they focus on the protection of national autonomy in order to maintain their ability to legislate and impose their standards on market participants in their own territory. A potential threat to this autonomy is the transnational posting of employees. The greater the restrictions on member states' abilities to impose national standards on posted workers, the more intense labour standard competition will become.

Eichhorst has provided a detailed analysis of the process that led to the 1996 Posted Workers Directive, a Directive that – similarly to the European Company Statute – abstains from full harmonization and enables the member states to protect their respective standards (Eichhorst 2000: 143–297). The compromise was difficult to achieve, not only due to the heterogeneity of standards but also because of the different interests involved in protecting the respective standards. As Eichhorst shows, member states that received more posted workers than they dispatched tended to support autonomy-protecting solutions, in particular Austria, Belgium, Denmark, Finland, France, Germany, Luxembourg, the Netherlands and Sweden. The UK and Portugal were most strongly opposed, while somewhat weaker opposition was prevalent in Greece, Ireland, Italy and Spain. In the end, however, those who fought for the strict protection of the territoriality of labour law prevailed.

Some aspects of the Posted Workers Directive that was finally passed deserve attention. The Directive imposes a double ban on discrimination: not only does it forbid member states to impose standards on posted employees with which domestic firms need not comply, but it also forbids member states to deprive foreign employees of standards to which domestic employees are entitled. In other words, member states have not just the right but also the obligation to impose their standards on posted workers (Streeck 2000). In Article 3 (1), the Directive lists a number of areas in which member states must ensure the application of the respective standards, among them

working hours, health and safety, and pregnancy and maternity protection. Article 3 (7) makes it explicitly clear that this list is not a closed list of maximum standards, but an open list: 'Paragraphs 1 to 6 shall not prevent application of terms and conditions of employment which are more favourable to workers.' A further aspect that will be important for our discussion in the next subsection is the fact that the member states expressed their intention that the Posted Workers Directive should apply 'without prejudice to the law of the Member States concerning action to defend the interests of trades and professions', i.e. labour dispute law.[19]

In some respects, the same conflict reappeared on the European agenda some years later when the Directive on Services in the Internal Market was negotiated in the 2000s (Directive 2006/123/EC). Again, the debate primarily concerned the extent to which posted workers should be protected by domestic labour law. While the Commission favoured the strict adoption of the country of origin principle, the majority of the member states and the EP successfully fought for the superiority of the Posted Workers Directive over the Directive on Services in the Internal Market (see Article 1 (6) of the latter Directive). As Copeland shows, the conflict lines between the member states clearly resembled a production regime divide, consisting of Austria, Belgium, Denmark, France, Finland, Germany, Greece, Italy, Portugal and Sweden on the more 'protective' side and the UK and Ireland, all Eastern European 'dependent market economies', and Luxembourg and the Netherlands on the other (Copeland 2010).

Expanding markets: integration through law

In this subsection, we take up the three examples discussed above – codetermination, taxation and the Posted Workers Directive – and show how the European Court of Justice has partially reversed hard-fought political compromises. Initially, the 'four freedoms' (see Box 39.2) sought to guarantee discrimination-free transnational access to markets. Since the *Dassonville* and *Cassis de Dijon* decisions, however, the Court has replaced the *principle of nondiscrimination* with the *principle of non-restriction*.[20] According to the latter, any national regulation that potentially restricts the transnational exercise of one of the four freedoms – that is, any regulation that makes the exercise of one of the fundamental freedoms less attractive – violates European law, even if the regulation does not discriminate against foreigners (i.e. even if it is imposed equally on nationals and non-nationals alike). Such restrictions are only lawful if they pass a four-stage test, uniformly applied to the four freedoms: they must not discriminate against foreigners, they must be justified by imperative requirements of the general interest, they must be suitable to secure the attainment of the objective and they must not go beyond what is necessary.[21]

Our first example of such judicial expansionism is the liberalization of corporate law. As we have seen, in the debate over the European Company Statute governments have adopted rules that seek to preserve national codetermination practices. With a number of decisions, the ECJ has effectively undermined the ability of member states to impose uniform rules on companies located in their territory. Until the end of the 1990s, there was a general consensus that European law was not an obstacle to application of the so-called 'company seat theory' or 'real seat doctrine'. This doctrine stated that the legal status of a company was not based on its country of incorporation, but rather on the country where its actual headquarters was located. In other words, if the seat of a company was in Germany its internal matters were governed by German law. Given that headquarter relocation costs usually outweigh the advantages of a more attractive national corporate law, firms usually had no choice but to accept the respective body of regulation (Dammann 2003: 611).

The ECJ overturned the application of the company seat doctrine in its rulings in the *Centros*, *Überseering* and *Inspire Art* cases.[22] In the view of the Court, the application of this theory violated

> ## Box 39.2: The four freedoms of the Single European Market
>
> The four freedoms guarantee the free movement of goods, services, capital and people within the European Union and are therefore the cornerstone of the European single market. Since they have been laid down in the 1957 Treaty of Rome, their actual meaning has been a matter of ongoing political and judicial contestation. Since the European Court of Justice's Cassis de Dijon decision in 1979 and subsequent jurisprudence, the member states are obliged to justify any restriction of the four freedoms by reference to a mandatory requirement.

the European freedom of establishment, and the judges saw no overriding reasons of general public interest to justify this violation. In particular, the Court ruled that European law allows the establishment of foreign letterbox firms, in which the company seat has no practical meaning for the economic activities of the business. In practice, this implies that entrepreneurs now have the freedom to choose whichever legal form among the entire EU-27 they deem appropriate when founding a company (Deakin 2009).

The freedom to circumvent national corporate law has consequences for employees' codetermination: when a company's seat is in Germany but it does not choose the German legal form, management board codetermination does not apply once the company has grown beyond the size of 500 or 2,000 employees.[23] In Germany, the Court's corporate law decisions have led to a boom in the number of firms with foreign legal forms. In most of the cases, the respective firms do not exceed 500 or even 2,000 employees. However, codetermination is affected in an increasing number of cases. Sick and Pütz find that from December 2006 to December 2010 the number of cases relevant to codetermination (i.e. firms of more than 500 employees) increased from 17 to 43 (Sick and Pütz 2011: 35–8). In effect, the ECJ has transformed German supervisory board codetermination, generally perceived as a key element of Germany's model of capitalism, from an obligatory into a voluntary institution.

Our second example of the power of judicial integration concerns tax law, in particular the law on corporate income taxes. Politically, it has been impossible to harmonize corporate taxes, as we saw in the previous subsection. Nonetheless, some member states have sought to restrict companies' tax-avoidance strategies – the transfer of profits and losses across national borders to minimize the tax burden – in order to tame tax competition. However, in a series of decisions such as *Cadbury Schweppes* and *Marks & Spencer*, the ECJ ruled that the common market logic legitimized tax-transfer practices and that efforts to curb these practices were not justified by overriding reasons of the public interest.[24] By handing down these decisions, the ECJ has fuelled inner-European tax competition. The more heterogeneous the tax systems of the member states are, the more intense tax competition becomes, and the more unlikely it becomes that political harmonization efforts will succeed.[25] As a consequence, nominal tax rates are declining faster in the European Union than in the wider OECD.

As Ganghof and Genschel have shown, competition to lower corporate taxes does not necessarily reduce tax revenue (Ganghof and Genschel 2008). Thus far, the broadening of corporate tax bases has prevented a dramatic decline in tax revenues. More important is the indirect effect of corporate tax competition on personal income taxes. Because firms can be used as tax shelters for personal income, the corporate tax rate has a shelter function for personal income tax (the so-called 'backstop function'). As tax competition pushes nominal corporate tax rates down, the backstop function is undermined. In this situation, governments have two

options: they can accept the widening tax rate gap between corporate tax rates and top personal tax rates, thereby opening up loopholes for top earners, or they can limit the progressivity of personal income tax. Corporate tax competition therefore constrains the progressivity of income tax and, as a result, member states' redistributive capacity.

The ECJ's *Viking*, *Laval* and *Rüffert* decisions – our third example – have recently received a great deal of attention because they have been interpreted as landmark decisions on the struggle between neoliberal and regulated capitalism in the EU.[26] In the context of our discussion, two aspects are of particular importance. The first is the reinterpretation of the Posted Workers Directive of 1996. Recall that Article 3 (1) lists a number of mandatory rules for posted workers' minimum protection on matters such as pay, rest and holidays, while Article 3 (7) explicitly states that this minimum protection in force in the host country shall not prevent the application of terms and conditions of employment that are more favourable to workers (see the previous subsection). In *Laval*, however, the Court referred to the list in Article 3 (1) as defining the *ceiling* on the *maximum* standards that member states are allowed to impose on posted employees from other EU member states.[27] With this judicial reinterpretation, the Court effectively limited the host countries' room for manoeuvre in preventing races to the bottom in the field of labour standards, a problem that will become increasingly prevalent as heterogeneity among member states increases.

A second aspect of this case is equally relevant to our discussion: the Court also expanded the so-called horizontal or 'third-party' effect of the European market freedoms to trade unions. In general, the third-party effect implies that European law obliges not only member states but also private bodies (such as firms or trade unions) to refrain from actions that might restrict market freedoms. In its decisions in the *Viking* and *Laval* cases, the Court ruled that trade unions are obliged not to hinder or block transnational economic activity by collective action (such as strikes) unless their demands are justified by overriding reasons of public interest and pass the proportionality test (Joerges and Rödl 2009).[28] Until *Laval*, few observers would have argued that restricting disputes among the social partners was among the aims of the European fundamental freedoms (compare the barring clause in Art. 153 (5) TFEU).

These three lines of ECJ case law illustrate the dynamics involved in European judicial lawmaking. In the cases discussed above, the ECJ clearly overrode member states' attempts to shelter sensitive areas of national sovereignty from being transformed by European law. This outcome is puzzling if we treat the conflict between sovereignty and integration as the only decisive conflict axis. However, the ECJ's activism affects not only the conflict line between sovereignty and integration, but also the conflict line between market and state (and other forms of collective regulation). With its extensive interpretation of European law, the ECJ has weakened the redistributive capacity of the national tax systems, it has transformed employees' supervisory board-level codetermination from an obligatory into a voluntary institution, and it has subordinated collective labour law under the European economic freedoms.[29] Along this line of conflict, given the heterogeneity of European varieties of capitalism, the ECJ has targeted member states' preferences much more asymmetrically than along the conflict line between integration and autonomy, in terms of both transnational welfare redistribution and asymmetrical needs for institutional adjustment. Once we assume that the member states evaluate their gains and losses along both lines of conflict and weigh their potential political-economic gains against potential losses of sovereignty, it becomes less surprising that we see no unanimous motivation to 'curb' the Court's activities. Among the determinants of the Court's freedom to engage in judicial lawmaking is the ability of potential 'court curbers' to make resistance a credible threat.[30] However, in light of the diversity of the member states' political-economic interests, the threat of constitutional override becomes so small that it can be virtually ignored by the Luxembourg

judges. Integration through law, in other words, profits from the two-dimensionality of the European conflict structure.

The logic of this claim becomes evident when we review the cases discussed above. Let us assume that, in all three cases, all the member states were ready to agree that the ECJ's expansionist interpretation of the fundamental freedoms limited their political discretion by identifying 'legal obligations or constraints not found in the treaty texts or supported by the intentions of their drafters'.[31] But why should low-tax countries such as Ireland protest when judicial lawmaking constrains member states' ability to slow down tax competition? Why should the UK engage in protest against *Centros*, since the respective line of ECJ decisions helps to spread the British limited company across the European continent? And why should Eastern European countries and the UK curb the Court for *Viking*, *Laval* and *Rüffert*, given that judicial lawmaking has brought about precisely the labour market and services liberalization that the respective countries had – unsuccessfully – fought for in the political arena?[32]

Our claim rests on the premise that the ECJ has enough strategic capacity to evaluate the likelihood of resistance against its case law. Note that this assumption does not imply any 'hyper-rationality' on the part of the Court. In order to accept our interpretation, it is sufficient to assume that the judges understand that the ECJ is insulated from the threat of constitutional override when expansionist judicial lawmaking targets member states' preferences asymmetrically. Increased heterogeneity has reduced the likelihood that, beyond individual noncompliance (which frequently occurs), member states will collectively fight back. This point is of particular importance for the dialogue between integration theory and political economy because it implies that the political-economic structure of the EU is one of the determinants of the potential of *both* the intergovernmental *and* the supranational integration mode – with consequences not just for the struggle between regulated and neoliberal capitalism, but also, as we conclude in the closing section, for the prospects of European democracy.

Conclusion: how heterogeneity shapes the democratic deficit

The struggle over European integration does not take place on a level playing field. Whereas the project of regulated capitalism must overcome the joint-decision trap, the neoliberal project proceeds even under conditions of heterogeneous political-economic interests. As a consequence, market-enforcing rulings dominate over market-correcting policies. These imbalances harm democracy as 'a system of popular control over governmental policies and decisions' (Dahl 1999: 20), since, in a democracy, citizens must be able to choose between representatives who differ in their ideological profiles. Although party platforms may not differ on each and every item, they nonetheless need to diverge enough to make choices between them meaningful. If a change in the composition of parliament does not translate into changes in at least some policies, and if governments fail to be responsive to citizens' demands, electoral competition becomes superfluous and democracy becomes a charade. In the European Union, for reasons we have explored in this chapter, changing political majorities in the Council and the European Parliament often do not translate into policy change. Hence, we contend that the effects of member state heterogeneity impinge on the EU's potential to overcome its democratic deficit.

Those who are concerned about the democratic deficit of the European Union often promote institutional reforms that would bring about a further politicization of EU politics (Føllesdal and Hix 2006). The underlying assumption is that politicization will generate European parties, interest groups and social movements that organize *across borders* and that will, in turn, instigate public debates and help to build a European demos. However, in the cases that we have discussed, the lines of conflict do not predominantly run along ideological cleavages; instead, the quest

for liberalization often pits member states with high levels of regulation against those with lower levels. Even in the European Parliament, national and ideological cleavages cut across each other where core features of national production models are concerned. For example, the debates over both the Services Directive and the Takeover Directive showed that the two large party groups were internally divided along national lines (Callaghan and Höpner 2005; Crespy and Gajewska 2010). Under the present conditions of the political-economic conflict structure in the EU, intensified politicization might neither give rise to transnational alliances nor shape a European demos, but instead intensify struggles along national lines. The more intense and salient such conflicts become, the less likely the emergence of European parties that are coherent enough to offer distinguishable political programmes to voters will be. If this is the case, increasing the power of the EP will not necessarily increase the democratic quality of European decisions.

European integration has reached an impasse. Support for further integration is declining in many member states, and there are open conflicts among governments about how to deal with the financial and Euro crises, enlargement and border controls. 'More of the same' will not cure the disease. For many citizens, EU politics still seem opaque and inaccessible, despite efforts to make them more transparent. What is more, nation-states still attract most citizens' loyalty, and the willingness to step up redistribution across member states is clearly limited. One way to reduce the imbalance between political and judicial integration and, indeed, to shield European integration from the tide of nationalist sentiments would be to protect national autonomy to a greater extent than is presently being done. Integration among unequals means that a rather diverse set of national welfare and production regimes deserves autonomy protection, even if the respective institutions make the transnational exercise of the European economic freedoms, as the Court says, 'less attractive'. But this implies that the ECJ would have to interpret the European economic freedoms more narrowly – i.e. the Court would have to gradually revert to the original meaning of the European fundamental freedoms. At present, however, there is neither any indication that the ECJ might engage in such judicial self-restraint nor a realistic path to institutional reforms that would impose such restraint on the Court. The heterogeneity of national welfare and production regimes makes agreement on institutional reforms just as difficult as agreement on policies that incur costs for some but benefits for others.

Notes

1 This paper presents a further developed version of an argument that we first introduced in Höpner and Schäfer (2010, 2012).We would like to thank Alexandre Afonso, Hans-Peter Kriesi, Fritz W. Scharpf, Daniel Seikel, Kathleen Thelen, Benjamin Werner, Arndt Wonka and Nick Ziegler for their helpful comments.

2 To simplify matters, we will use the term 'European Union' (EU) throughout, rather than differentiating between the European Economic Union (EEC), the European Community (EC) and the EU.

3 See Weiler (1981) and Scharpf (1999). We use the terms 'judicial integration' and 'integration through law' interchangeably.

4 Caporaso and Tarrow (2009) have argued that the ECJ case law on anti-discrimination and on transnational access to the member states' social security systems provides European integration with a social, 'Polanyian' drive. Our interpretation fundamentally differs from theirs. Compare the details in Höpner and Schäfer (2012), in which we discuss not only the ECJ's case law on the fundamental freedoms but also its jurisprudence on anti-discrimination.

5 In his later writings, Haas distanced himself from his earlier unidirectional view on integration and argued that both integration and disintegration pressures coexist, the latter deriving from 'pragmatic-interest politics' (see Haas 1967: 315).

6 Haas (1958/1968: 90). Another example is the equal pay principle included in the Treaty of Rome. France advocated inclusion of the principle because it anticipated competitive disadvantage due to the higher wage gaps between males and females in the other member states. This principle became the

starting point for an extensive equal treatment jurisdiction on the part of the ECJ. If the differences between the member states had been smaller in the 1950s, the equal pay principle might not have been included in the first place.

7 Hoffman insisted on a wide definition of interests, not only determined by strictly material gains and losses, but also conditioned by traditions, experiences and cultures. See, for example, Hoffmann (1964: 1256) on the 'historical memories' of nations.

8 See the contributions to the volumes edited by Sandholtz and Stone Sweet (1998) and Stone Sweet *et al.* (2001). In addition, see Weiler (1987, 2004) Burley and Mattli (1993); Mattli and Slaughter (1998); Pollack (1997); Alter (2001, 2009).

9 Equally significantly, the Commission has the right to submit to the ECJ cases of potential failure of member state compliance with European law.

10 Mattli and Slaughter (1998: 180). In the words of Schepel and Wesseling (1997: 177), '[t]he main stake for the ECJ is to have its authority accepted and expanded. And for the ECJ to expand its authority is to expand the reach of EC law.' See also Pierson (1996: 133) and Alter (2001: 45).

11 Collective and individual noncompliance must not be confused. Individual non-enforcement frequently occurs and does not hurt the ECJ. Coordinated noncompliance, however, would severely damage the functioning of the European legal system, a scenario that the ECJ would seek to avoid. See Garrett (1992: 558).

12 This argument has far-reaching consequences for other debates in integration theory. For example, the European legitimacy deficit is much smaller than some have argued if agency drift does not exist. See Moravcsik (2002).

13 Mattli and Slaughter (1998: 181). The costs of noncompliance are even higher in situations in which governments would have to defect from cooperating not only with the ECJ but also with the national courts that brought the respective cases before the ECJ.

14 Here we follow supranationalist insights and assume that both the Commission and the ECJ have a strong integration preference. Note that we locate the supranational agencies' preferences in this dimension rather than in the second (political-economic) dimension. In other words, we do *not* assume that European judges or Commissioners have a preference for neoliberal policies.

15 German parity codetermination – i.e. one-half rather than one-third of the supervisory board seats being distributed to the employee side – has existed since 1976 (with the exception of the so-called *Montanmitbestimmung* in the coal and steel sector, in which half of the supervisory board seats have been allocated to the employee side since 1951).

16 Council Regulation 2157/2001 and Council Directive 2001/86/EC. See the details in Keller (2002).

17 See Figure 1 in Genschel *et al.* (2011: 591).

18 Compare the summary and literature cited in Höpner and Schäfer (2012).

19 The quote is from recital 22 of the Directive.

20 ECJ, C-120/78 (Cassis de Dijon); ECJ, C-8/74 (Dassonville).

21 ECJ, C-55/04 (Gebhard).

22 ECJ, C-212/97 (Centros); ECJ, C-208/00 (Überseering); ECJ, C-167/01 (Inspire Art).

23 In Germany, with its far-reaching codetermination legislation, supervisory board codetermination applies when firms have more than 500 employees, and the proportion of employees' supervisory board seats increases from one-third to one-half of all seats when the number of employees grows beyond 2,000 employees.

24 ECJ, 196/04 (Cadbury Schweppes); ECJ, 446/03 (Marks & Spencer). *Cadbury Schweppes* concerned the British taxation of foreign-sourced income; *Marks & Spencer* involved a ban on cross-border loss offsetting. For an overview of this line of ECJ case law, see Schammo (2008).

25 Genschel, Kemmerling and Seils (2011) provide empirical proof that the intensity of tax competition between European countries is greater than in the rest of the world. In this policy field, the EU does not shelter member states from globalization, but rather increases the magnitude of its effects.

26 ECJ, C-346/06 (Rüffert). In the *Rüffert* case, the ECJ declared a public contract bid in which the contracted companies were obliged to pay no less than the regional customary wage to be a violation of the freedom of services.

27 See Kilpatrick (2009: 845–9).

28 The Lisbon Treaty has made the Charter of Fundamental Rights legally binding. Some had hoped that this, in combination with Art. 152 TFEU (which states that the EU recognizes and promotes the role of the social partners), might prevent the ECJ from applying the proportionality test to the actions of the social partners. However, ECJ, C-271/08 (*Commission against Germany*) has dashed these hopes.

Anything else would have been a surprise, since the ECJ had begun to judicially develop European fundamental rights in the 1970s and had even recognized the right to strike as a European fundamental right in *Laval* and *Viking*. We thank Florian Rödl for pointing our attention to *Commission against Germany*.

29 We do not claim that all expansionist lines of ECJ case law have a liberalizing impact. On this, compare Höpner and Schäfer (2012), in which we also devote attention to the two 'left-liberal' lines of ECJ jurisprudence on equal treatment and on the judicially enforced transnational opening of the member states' social security systems.

30 Carrubba *et al.* (2008); Brunell and Stone Sweet (2010); Dyevre (2010: 30); Kelemen (2012). Note also that both Carrubba *et al.* (2012) and Stone Sweet and Brunell (2012) agree on this point, but disagree on whether the threat of override is credible in the case of the ECJ, thereby disagreeing on the scale of ECJ autonomy.

31 This is the definition of supranational judicial expansionism provided in Alter and Helfer (2010: 566).

32 As a matter of fact, Lindstrom (2010: 1312–21) shows that the conflict lines behind the observations submitted to the *Viking* and *Laval* hearings were exactly those that had been drawn during the struggles over the Posted Workers Directive and the Services Directive.

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40

The transformation of the Single European Market

From the Lisbon Strategy to Europe 2020

Annette Bongardt

Introduction

The common market or single market is at the core of what the European Union (EU) does. The delivery of economic results is therefore not only central for European economic integration, but also very important for the success of the political integration project.[1] Over the past decades, economic and political dimensions have been interacting with a view to European integration, thereby shaping (the evolution of) the EU economic governance framework.

This chapter is structured as follows. The first section traces the development of the common market objective, beginning with the European Economic Community (EEC) Treaty of 1957, thus situating the single market project (1986–92), which was launched to complete the common market, within the wider dynamics of European integration. This section describes the single market (or '1992') programme and addresses its economic results and shortcomings, with reference to the resulting changes in the ways in which scholars have studied European economic integration.

The following section addresses the transformation of the single market through an examination of the EU's economic reform agendas – namely, the Lisbon Strategy (2000–10) and its successor, the Europe 2020 Strategy (2011–20), which were intended as continuations of the single market's supply-side approach, and that pursue the efficiency rationale by different means. The section details the aims of the Lisbon Strategy (liberalization, economic reforms, inclusion of social and environmental objectives), including its 2005 revision (the Agenda for Growth and Jobs), and those of the Europe 2020 Strategy (targeting smart, inclusive and sustainable growth). It considers how the nature of European economic integration has changed over time – shifting from a trade model to a regulatory model – and refers to the relevant issues in terms of (negative and positive) integration, the regulatory state and, more generally, the economic order.

The subsequent section synthesizes the evolution of EU economic governance and points to the coordination issues involved in making the single market deliver economic results.

It contrasts the governance and implementation of the internal market (Community method) to the 'soft' implementation method applied in the EU's economic reform agenda (the open method of coordination) and compares their aims, rationales and governance set-ups. Reference is made to the special importance that EU economic reform has assumed in the Eurozone since the beginning of the sovereign debt crisis in Europe in 2010 and to the implications for European economic governance.

The final section concludes and offers some thoughts on the perspectives for the further evolution of the single market within the 'European model'.

From the common market to the single European market

The evolution of economic integration

European economic integration was initially studied from the perspective of regional integration. In discussions of the integration process, reference is usually made to the five-stage Balassa scale of increasing economic integration, in which a higher stage encompasses and adds on to the levels below (Balassa 1961). The scale starts with a free trade area at its lower end and increases stepwise, passing through stages involving a customs union, a common market and limited economic policy harmonization in an economic union, respectively, culminating in complete economic integration.

The Treaty of Rome of 1957, which founded the EEC, set an ambitious goal of European regional economic integration, defining as objectives a customs union and a common market. This implied preferential trade – in the form of a customs union rather than merely a free trade zone – as well as the creation of a common market, extending far beyond free trade in goods. Thus, in terms of economic integration goals, from the outset the EEC did not settle for the lowest degree (a free trade area) but aimed for the second (a customs union) and third stages (a common market). With the Treaty of Maastricht of 1992, which enshrined the goal of economic and monetary union, the European Community (EC) advanced to stage four on the Balassa scale in terms of its economic integration. The adoption of the single currency in 1999 deepened integration in the monetary sphere, although the Treaty left European Economic and Monetary Union (EMU) incomplete in its economic union.[2]

Balassa's economic integration stages are not rigid, nor is progress necessarily linear or continuous. However, the difference in objectives between a free trade area and a customs union (let alone a common market) represents a very large political step; this distinction divided the founding members of the EEC and the members of the European Free Trade Association (EFTA) into two different clubs (set on federalist and intergovernmental tracks, respectively) of economic integration in post-war Western Europe.[3] Since its inception, the EEC[4] has distinguished itself from other international organizations by means of its supranational (rather than intergovernmental) governance, as well as by the decision-making process facilitated by qualified majority voting in the Council; it is also set apart by its evolving objectives over time. The EFTA is intergovernmental in nature and employs decision-making rules based on unanimity, giving any member state a veto. In contrast to a free trade area, a customs union – and a common market, to an even greater degree – require members to share or abdicate national sovereignty for the sake of making economic integration work.[5] For the EEC, the (initial) choice of a higher level of economic integration implied that, rather than simply doing away with conventional trade barriers, member states had embarked on a path towards increasingly demanding supranational institutions and policies with growing welfare implications (Sapir 2011).[6]

It is telling that the EEC customs union was implemented on schedule in 1968 (tariff barriers were even abolished half a year ahead of schedule), whereas the completion of the common market (by then called the 'single market'), with its free movement of goods, services, capital and persons (known as the four freedoms) plus the freedom of establishment, was only realized at the end of 1992. Until the launch of the Single Market Programme in 1985, progress on the free movement of services, capital and persons had been limited. The free movement of goods in the common market had begun (again) to face problems of market segmentation along national borders, this time rooted not in tariffs but in invisible (regulatory) barriers created at the member-state level.

As a consequence, the trade-driven model of European integration, hitherto very economically successful, with higher growth rates than the EFTA, encountered difficulties as conflicts arose between integration objectives and member-state interventions in the economy (Tsoukalis 1997: 61–8). Member states tried to shield themselves from the impact of the two oil crises in the 1970s and their repercussions on national economies, which gave rise to protectionism at a national level that counteracted progress on the common market and market-scale benefits. Furthermore, the implementation of majority voting in the EEC, envisaged in the Treaty of Rome, had been watered down in the 1966 Luxembourg compromise,[7] which established a protocol maintaining unanimity voting on matters of national interest.[8] The European integration project began to suffer from the joint effects of economic and political problems (often referred to as 'Eurosclerosis' or 'Europessimism'). The EEC seemed unable to address either its economic problems (notably recession, structural unemployment and loss of market share in third markets) or its political paralysis (which resulted in the need for package deals, of which the Fontainebleau summit of 1984 was a case in point).

The necessity for economic results ultimately created the necessary consensus among member states on the proposal submitted by Commission President Jacques Delors in 1985 seeking to (finally) complete the common market. Consensus was facilitated by a convergence of preferences in line with supply-side economics – the predominant economic thinking of the time, as Keynesian policies were perceived as not having delivered in the past – and reinforced by pressures from EC industry, which saw the internal market as a precondition for and driver of competitiveness. Member states agreed to deepen economic integration through the implementation of a single market (the smallest common denominator, as this had been an objective since the Treaty of Rome) in order to tackle economic problems through wide-ranging market liberalization and the creation of a large-scale European internal market.

Efficiency properties of the single market

The single market programme (1986–92), as presented by the European Commission in the White Paper on 'Completing the Internal Market' (Commission of the European Communities 1985), contained close to 300 legislative proposals that sought to do away with all remaining intra-EC barriers, along with a timetable for adoption. The realization of a single European market required both the abolition of non-tariff barriers to trade in goods markets (e.g. certain environmental regulations), which had been increasing since the 1970s, and the liberalization of services markets and factor markets (capital and labour). The Single European Act (SEA) of 1986, the first revision of the founding treaties, enshrined the objective of establishing a single market without internal borders by the end of 1992; it also adapted the governance framework to facilitate effective and timely implementation by instituting qualified majority voting in the Council on single market matters (see Box 40.1).

Box 40.1 The Single Market of the European Union

The Single Market of the European Union, originally known as the Single European Market (SEM), was enshrined in the Rome Treaty of the European Economic Community. It is driven by the simple idea of 'treat[ing] the EU as one territory where people, money, goods and services interact freely to stimulate competition and trade, and improve efficiency'. The consumers' ability to choose from an increased number of goods and services is regarded as providing an important impetus for raising quality and cutting prices, which benefits the European economy as a whole.

Although the Common Market had been an important element of the Treaties of Rome, only in 1985 during Jacques Delors' presidency of the European Commission was a major structured effort made to implement legislation conducive to making the Single Market project a reality. European Commissioner Lord Cockfield introduced 286 pieces of European legislation that member states should implement by end of 1992.

On 1 January 1993, internal border controls between member states were abolished. The free movement of people, goods, capital and services slowly became a reality in a single market. Initially comprising 345 million people in 12 countries, the single market has expanded to encompass today more than 500 million people in 28 member states.

Despite significant achievements since 1993, the Single Market is still not complete. After 2006, a services directive was negotiated by the member states and European institutions, thereby increasing coverage to further parts of the economy. Nevertheless, the single European market is still work in progress, and quite uneven throughout the territory and certain areas, particularly in services of general public interest. However, in comparison to 1985, the single market has become a reality, since 2002 supported by a common currency (based on European Commission 2014a).

Source: authored by editor.

With the completion of the single market at the end of 1992, preferential trade theory, which had been used by economists to study economic effects while the Community remained at the level of a (albeit incomplete)[9] customs union, became inadequate for capturing market complexity. It was the European Commission that took the lead in this regard, accounting for real-world features such as market size and scale effects and imperfect competition.[10] The Commission set out the efficiency properties of supply stimulation (Cecchini Report; see Emerson *et al.* 1988), based on the economic logic that market opening and the elimination of cost-increasing barriers would lead to a more efficient market outcome. The increase in competition in formerly segmented national markets would exert pressures on domestic firms to reduce costs. Firms would improve their cost competitiveness by lowering economic rents, eliminating x-inefficiency[11] and exploiting economies stemming from restructuring. Increased competition would translate into lower costs and market prices, higher output and increased competitiveness for EC industry in relation to the rest of the world. Whereas the Commission emphasized static efficiency gains, Baldwin (1989) drew attention to the important additional dynamic medium- and long-term growth effects of the single market. The Commission similarly prepared the way for EMU, pointing to the need for further integration in the monetary area due to the liberalization of capital movements, but also to the microeconomic benefits of the single market (Emerson *et al.* 1992).[12]

The Community's higher degree of economic integration required greater (and raised more issues related to) sovereignty sharing, but this has on more than one occasion produced knock-on ('domino') effects resulting from the economic advantages afforded vis-à-vis less economically integrated outsiders. The deepening of integration from the customs union to the single market both triggered enlargement of the club to include former outsiders and drew others (closer) into the EU sphere through strengthened trade agreements.[13] Examples of the first case include the Community's first enlargement in 1973 and the negotiation of an EC–EFTA free trade agreement; the second case is exemplified by the creation of the European Economic Area (EEA), which has been followed by four additional rounds of enlargement to date.[14]

Baldwin and Wyplosz (2012) present a model (the BreakEven-COMPetition diagram) that captures the efficiency properties of the single market and its attractiveness for outsiders. Their model considers the effects of market liberalization, which puts an end to national market segmentation and gives rise to pro-competitive effects and industrial restructuring, while also taking into account both increased competition (notably imperfect competition) and market-scale effects. An important market performance-related distinction is made between short-term effects (pro-competitive effects on prices and margins brought about by the de-fragmentation of national markets) and long-term effects (industrial restructuring and scale effects).

Outcomes of the single market and its legislative and regulatory framework

The single market programme has created the largest internal market in the world in terms of purchasing power, with currently around 500 million consumers. It is the EU's chief platform for attaining competiveness, growth and employment, but is also put to the service of societal goals, such as equity and sustainable development.[15] As such, its importance has increased even further as EU external trade barriers have diminished following both bilateral and multilateral trade agreements. Participants in the single market comprise the EU-28 plus European Economic Area (EEA) members,[16] which fully participate in the single market and must comply with the EU's legal and regulatory framework.

However, *ex-post* studies on single market performance seem to indicate that rapid economic gains have not been realized.[17] Possible explanations range from the complexity of the single market project (which has made progress more gradual than predicted) to contingent factors that render comparisons over time and across countries difficult, to asymmetric liberalization and interrelations between markets. For instance, product, financial and labour markets are often interrelated, and reform in one market exerts pressure for reforms in other markets.[18] Political economy factors ought to be considered with regard to liberalization, as reform might also be resisted on these grounds (as illustrated by the Services Directive, which might have been seen to imply subsequent labour market reform). Although society as a whole stands to benefit from higher living standards as a result of increased trade and liberalization, there are winners and losers. Compensation questions will be critical not only for the political acceptability of reforms (issues of equity and distribution), but also with regard to the sustainability and the efficiency (providing adequate incentives) of social systems.

In the single market, the service sector has been lagging behind the goods sector with respect to market integration (Delgado 2006). Given its considerable weight in the EU economy (more than 60 per cent of EU GDP), the slow liberalization of the sector and the overall lack of competition imply unrealized efficiency gains and impaired single market performance and productivity. Although the single market has led to higher economic integration, with a marked increase in both intra-EU exports and intra-EU foreign direct investments, as well

as growth and employment effects, cross–border trade in services still trails intra–EU goods trade (cross–border trade amounts to 58 per cent of total trade in services, compared to 67 per cent of total trade in goods; 2008 data) (European Commission 2010a). The Commission estimates that the full implementation of the Services Directive could significantly increase trade in commercial services and foreign direct investment and thereby increase EU GDP (by an estimated 0.5–1.5 per cent).

The case of the Services Directive illustrates the importance of the regulation issue for the single market and for the EU's political integration project. Its original version (the 'Bolkestein Directive' of 2004) was intended to liberalize the sector, but it became watered down. The 2006 compromise version was to be implemented by the end of 2009, but it has been subject to delays at the member-state level. However, the real issue was not *whether* liberalization would take place, given that regulations that constitute invisible barriers to trade are incompatible with the common market and market integration, and that the goal of services liberalization and the freedom of establishment were enshrined in the Rome Treaty. Rather, the question was *how* market integration would take place in Europe – in a market-making or market-correcting fashion (negative or positive integration, in the terminology of Tinbergen [1954]).[19] The possible options depend on the degree of preference convergence across countries. They range from mutual recognition of national regulation (market-making) to harmonization of essential rules, with the remainder of national regulation subject to mutual recognition, to European (harmonized) regulation (i.e. market-correcting) (Messerlin 2005; Young 2010). As pointed out by Tsoukalis (1997: 68), the single market project has been associated more with mutual recognition, even though a mixed economy is more compatible with a new regulatory framework (harmonization of rules and adoption of common policies). However, the final mixture to be applied in the completion of the single market was unknown *a priori*.

The discussions about the Services Directive and its history demonstrate that EU regulation is not apolitical in nature. The original directive had envisioned the mutual recognition of home country regulation for the provision of services in the single market, given the different national realities and/or preferences and the need to guarantee non-discrimination. Significantly, opposition to the directive was directed against the home country principle, which boils down to competition between national regulatory systems in the internal market (negative integration). Subsequently, the discussion became focused on the defence of social models and turned against Europe; this shift is viewed as having significantly conditioned the negative outcomes of the referendums on the European Constitution in France and the Netherlands. The adopted (compromise) version of the Services Directive proposed by the European Parliament[20] abandoned the home country principle, limited the scope of the directive and allowed member states to impose general obligations for service providers in their territory, thereby avoiding regulatory competition.

The transformation of the single market

From market liberalization to regulation and the framework in which the state and markets operate

The European Commission undertakes its formal evaluation of the single market's legislative framework by means of the internal market scoreboard (now in its fifteenth year).[21] In 2013, the internal market was still operating below its potential, at 95 per cent, due to deficits in the transposition of directives (delays and incorrect transposition into national legislation) by EU and EEA member states, which have had the effect of fragmenting the single market.[22]

The incompleteness rate of 5 per cent corresponds to 73 directives that member states have failed to transpose, one-third of which (28 directives) have been held up by just one member state. The most segmented sectors in the single market are transport, the environment and financial services (with 20 outstanding directives in comparison to 117 in force, 14 directives to 151, and 7 directives to 108, respectively).

Among other governance tools, the online platform EU Pilot serves to expedite the completion of the single market's legislative framework. The platform is intended to help the European Commission by identifying integration problems at an early stage, thus reducing the need to launch formal infringement procedures against member states.[23] Another tool, SOLVIT, relies on reports from citizens and businesses to discover breaches of EU law by public authorities, providing a decentralized instrument for resolving issues and correcting single market malfunctions.[24]

In the real-world context of Europe's highly regulated and mixed economies, the single market programme has made further integration inevitable (Sapir 2011: 1206) and also highly political. Liberalization has introduced additional dimensions besides market opening, in particular market rules (regulation) and the (modernization of the) institutional framework in which the state and markets operate.

The single market programme was originally presented as a technical deregulation exercise. However, it led to a change in the model of European integration, and a move from a system based on trade integration to a regulatory model as regulation became one of the key factors keeping the internal market functioning openly and without distortions (Tsoukalis 1997: 79–81).[25] In addition to the liberalization/regulation issue (market-making or market-correcting), the focus shifted to the adequacy (i.e. the need of reform) of the institutional framework in which the state and markets operate; both of these issues touch on underlying values. The need to maintain the functioning of the single market and ensure good economic results (the competitiveness rationale) required member states to address the fundamental question of the role of the state in the economy or, in other words, the issue of the economic order. This meant that member states were confronted with the need to share a great deal of sovereignty that they had previously exercised individually.

The Lisbon and Europe 2020 Strategies: the EU's economic reform agendas

Since the mid-1990s, studies have pointed to a puzzling outcome (the 'productivity paradox'): liberalization efforts seemed not to translate into the expected economic results, meaning that the EU was losing out significantly in terms of productivity growth to the United States.[26]

Against this background, the European strategy for the knowledge-based economy (the Lisbon Strategy) was created in 2000 with the aim of transforming the European economy within a decade (2000–10) into the most competitive and dynamic knowledge-based economy in the world (European Council 2000).[27] This plan outlined an economic and social strategy intended to relaunch the EU within the changed context of worldwide competition, reflecting the paradigm shift to a knowledge economy and an innovation-based model of growth. This would primarily be achieved by stepping up the process of structural reform and innovation and by completing the internal market. The Strategy's economic pillar was to create the foundations for the transition to a competitive, dynamic, knowledge-based economy, with an emphasis on the need to constantly adapt to changes in the information society and to increase investment in research and development. Its social pillar sought to modernize the European social model, investing in human resources and combating social exclusion. The member states were charged with investing in education and training and conducting an active employment policy to facilitate the shift to a knowledge economy. In 2001, an environmental pillar (enshrining sustainable

development) was added, thereby calling attention to the need to decouple economic growth from natural resource utilization. The Lisbon Strategy was revised in 2005 to enhance its effectiveness, which led to a focus on the delivery of economic results (jobs and growth). The Europe 2020 Strategy (2011–20) was moulded on the Agenda for Growth and Employment, concentrating on (digital, inclusive, sustainable) growth.

The Lisbon Strategy represented a consensus on the need for a common EU-level response by the EU's mixed economies to new (economic, market, technological) realities and challenges, addressed through structural reform and institutional modernization. These challenges chiefly stemmed from globalization, the new economy, demographic aging and climate change, but also from the need to deliver results for the sake of the EU's international status (Alesina and Giavazzi 2006). The Strategy was implicitly meant to be of a transitory nature, under the assumption that a best-practice economy would be achieved within a decade. However, the EU's economic reform agenda(s) became quasi-permanent in character with the adoption of the integrated guideline elements (Noord *et al.* 2008: 3) and the Europe 2020 Strategy.

The Lisbon Strategy's success and that of its successor, the Europe 2020 Strategy, have ultimately hinged on achieving the necessary coordination to implement policies with a EU rationale so as to realize the efficiency properties of the internal market where increased liberalization and market coordination themselves are insufficient (Sapir *et al.* 2004). The EU agreed on a loosely coordinated approach to welfare state and market-structural reform, entailing commitment to common EU objectives and indicators to ensure that the single market delivered economic results; however, means were left in the member-state sphere, and commitments were non-enforceable. The consensus on a European economic agenda was possible because it accommodated the varying national realities, traditions and preferences in the common quest for competitiveness and (given member states' unwillingness to grant additional competences to the EU) because it could be implemented within an essentially unchanged Treaty setting.[28]

The Lisbon and Europe 2020 Strategies marked the development of European economic governance through soft coordination and broad agendas (Begg 2010). The adoption of open coordination rather than the Community method (the governance method of the single market) can be traced back to the constraints imposed by differences in preferences between member states regarding the equilibrium between the state and the market in the economy, as well as to divergent national traditions and the path-dependence of initial compromises and national institutions (Noord *et al.* 2008: 3–4; Kröger 2009: 14). As a consequence, the instruments employed for the implementation of the Strategies and for their common goals have remained a national competence. The intention was that the convergence of preferences would be achieved through best practices and benchmarking, and reinforced by public and peer pressure (Rodrigues 2001) (see Box 40.2).

The rationale for coordination and the open method of coordination (OMC)

With respect to the Lisbon and Europe 2020 Strategies, the case for EU-level coordination rests on economic and political arguments. The economic argument is that structural reform is of common interest (due to net demand externalities or complementarities, such as those between microeconomic [product and labour market] reforms and macroeconomic policies) and that peer pressure can promote implementation at the level of the European Council.

Noord *et al.* (2008: 3–4) relate the growing scepticism with respect to the Lisbon process as an EU-wide endeavour to the fact that the externalities of structural reform were regarded as small.[29] At the same time, its perceived relevance in EMU coordination has increased, given that the benefits and costs of structural reform are greater in the Eurozone, with its higher

Box 40.2 Lisbon and Europe 2020 Strategy

The Lisbon Strategy was agreed in the extraordinary Council of Lisbon during the Portuguese presidency of the European Union in March 2000. It was a ten-year strategy to make the European Union the most competitive economy of the world. One particular objective was to increase employment across Europe to specific targets. Due to the fact that social and economic policies were in the remit of member states, each country had its national programme of reforms in order to make its economy more competitive. Regular annual peer review in the Council of the European Union with the support of the European Commission would ensure monitoring of progress made. The so-called soft mode of governance and open method of coordination was used to monitor results. However, the Strategy was not very successful, so that a review took place in the middle of the period in 2005. The report by former Dutch prime minister Wim Kok made a critical review of the problems of the Strategy. A more targeted and efficient approach was developed to measure progress. The financial crisis of 2008 and the Eurocrisis led to major problems in fulfilling the targets set. Although the Lisbon Strategy did not achieve the results that had been set in 2000, it introduced the growing importance of a strategization of policy-making by the European Union.

The Lisbon Strategy was replaced by the Europe 2020 Strategy, which was adopted in the European Council of 17 June 2010. The new Strategy reduces the number of priorities to three main labels: smart growth through education, research and innovation; sustainable growth through a move towards a low-carbon economy; and inclusive growth through a strong emphasis on job creation and poverty reduction. The Europe 2020 Strategy is now linked to the new architecture of economic governance (see Chapter 41), which has introduced a European semester in the first half of each year that reviews the sustainability of budgetary policies and oversees the reforms in the member states towards the set strategic priorities. The targets of Europe 2020 are:

1   Increase of employment to 75 per cent of population (20–64 years).
2   3 per cent of GDP to be invested in research and development.
3   Reduce greenhouse gas emission by 20 per cent (or even 30 per cent) by 2020.
4   20 per cent of energy should come from renewables.
5   20 per cent increase in energy efficiency.
6   Reducing the rates of those leaving school early to below 10 per cent.
7   At least 40 per cent of 30–34-year-olds completing higher education.
8   At least 20 per cent fewer people in or at risk of poverty and social exclusion.

What one can observe is a growing integration of different policy areas which are all geared towards fulfilling the Europe 2020 Strategy (source European Commission 2014c).

Source: authored by editor.

degree of economic integration and larger economic policy interdependencies (Noord *et al.* 2008: 20).

The OMC adopted by the recent Strategies specifies coordination with open outcomes (Hodson and Maher 2001; Rodrigues 2001). Its choice for coordination reflects European policy-makers' long-term attempts to address the structural problems underlying the competitiveness issue, and it accommodates different policy practices (Radaelli 2003). The OMC allows consensus-seeking on values and institutions in European mixed economies in a way that

endeavours to make the competitiveness rationale compatible with European social and environmental values, notably equity and sustainability.[30] This reflects a perceived need for bottom–up support for reforms – as a process in the slow-moving convergence of preferences (broadly defined institutions) – and the notion of convergence as a gradual learning process.[31]

Depending on the areas concerned, the OMC involves 'soft law' measures that are binding on member states to varying degrees but never take the form of directives, regulations or decisions. The OMC represents an intergovernmental method of soft coordination in which key policy areas remain a national competence but are recognized as being of common interest. The OMC provides a new framework for coordinated action between the member states in those policy areas relevant for attaining the Lisbon targets (almost exclusively within the competence of the member states), so as to direct national policies and resources towards certain common objectives.

The Sapir Report (Sapir *et al.* 2004) came to provide the intellectual basis for the (revised) Lisbon Strategy. Previously, the Lisbon process had lacked such a foundation, unlike the single market (the Cecchini Report) and the EMU (the 'One market, one money' report). The result was the Agenda for Growth and Employment. With regard to governance, the Agenda introduced a certain tightening of instruments, notably by substituting national reform programmes for national action programmes, narrowing down the vast number of performance indicators and focusing on economic results (growth and jobs). However, member states were opposed to 'naming and shaming', a practice intended to reinforce peer pressure by publicly ranking their performance on Lisbon indicators (Kok 2004).

According to Sapir *et al.* (2004), economic governance within the EU's economic agendas is fraught with a number of weaknesses and has held back economic performance as a result. The authors refer to three issues: first, the difficulty of ensuring that commitment and coordination methods will deliver results; second, the tension between responsibilities and instruments (the increased scope for European public goods, in contrast to the EU's ability to deliver results); and, third, institutional complexity and uneven implementation and enforcement.

Tilford and Whyte (2010) analyse the progress made by the EU and its member states in terms of economic reform and liberalization on the basis of the Lisbon objectives at the end of the 10-year period. They conclude that the EU indeed made some progress towards the Lisbon goals, but that significant differences remained across policy areas and across member states. Differences between member states were even larger in 2010 than in 2000. Their data also showed a particularly low level of progress among cohesion countries and no additional reform efforts by Eurozone members.

The onset of the sovereign debt crisis in 2010 shifted policy attention away from positive economic spillovers from structural reform towards negative spillovers due to (the lack of) reform from the economic into the monetary side of EMU. The crisis further highlighted the weakness of soft enforcement mechanisms. The 2011 Euro Plus Pact emerged as a first attempt to strengthen structural reform with a special Eurozone dimension, but it continues to employ soft coordination. Market pressure makes an appearance as a sanctioning mechanism in the context of the sovereign debt crisis[32] and has somewhat accelerated structural reform (Schmieding *et al.* 2011).[33] The same applies to conditionality in country adjustment programmes.

The single market and the evolution of EU economic governance: coordination issues

The Lisbon and Europe 2020 Strategies aim at improving supply-side conditions to make the single European market deliver in a changed global setting. The Strategies seek to complement

the competitiveness rationale of the single market, but have been equipped with weaker means and instruments.

Sapir *et al.* (2004: 103–5) characterize differences in implementation in terms of the ultimate aims, intermediate objectives, means and instruments. The single market's goal is market integration and growth. Its intermediate objectives are narrowly defined (decreasing the cost of cross–border transactions for products and services), its means are precisely defined (elimination of border controls, harmonization and approximation of laws) and its instruments are effective (EU directives, enforcement by courts through case law). In contrast, the Lisbon (and the Europe 2020) Strategy, which are meant to complement the single market, are based on broader objectives, softer means and weaker instruments. The Lisbon Strategy's aim was growth, but also social cohesion and employment (and, since 2001, sustainable development). Its intermediate objectives were manifold, including advances in education and innovation, an increase in R&D spending, the liberalization of service industries and an increase in labour force participation and employment rates. Its means included the definition of common targets, performance

Table 40.1 The evolution of EU economic governance: single market and European economic reform agendas

Chief rationale for EU coordination	Governance method and main instruments	Comments on economic governance	Issues for coordination
Single Market			
Efficiency properties	Community method, co-decision (directives, regulations)	Single Market Act of 2010: brings in Europe 2020 Strategy for market results (new growth areas)	(In)sufficiency of transmission mechanism between single market and Lisbon process; importance of market rules
Lisbon Strategy (2000–10)			
Learning and political rationales: trade spillovers and peer pressure	OMC/soft coordination (common targets; indicators and benchmarking)	*Original Lisbon Strategy (2000)*: too many indicators, coordination through NAPs; *Revised Lisbon Strategy (2005)*: growth and jobs focus, fewer indicators, coordination through NRPs	Lisbon Strategy fails to meet objectives despite some progress on targets; spillovers perceived as small, little peer pressure
Europe 2020 Strategy (2011–20)			
Learning and political rationales: trade spillovers and peer pressure	OMC/soft coordination (common targets; indicators and benchmarking)	Focus on growth (digital, inclusive, green), coordination through SRPs, country reports, European Semester	EU-wide process v. Eurozone dimension (negative spillovers from lack of structural reform); sovereign debt crisis results in tightening in Eurozone: market pressure; growing peer pressure; some conditionality

Notes: National Action Programme (NAP), National Reform Programme (NRP), National Simplified Reform Programme (SRP)

reporting, and benchmarking and joint monitoring, with instruments that fell primarily under national competences (spending, taxation, regulation).

Table 40.1 sums up the evolution of EU economic governance from the single market to the Lisbon and Europe 2020 Strategies.

The single market governance framework and the European economic reform agendas are becoming ever more intertwined with the objective of ensuring single market results. This growing interdependency is illustrated by the Single Market Act (European Commission 2010b). Following up on the Monti Report (Monti 2010), the Single Market Act spelled out measures designed to build a stronger single market with improved performance by redirecting the single market towards new areas with a high growth potential. With some instruments falling under the single market legislative framework and others addressed within the framework of the Europe 2020 Strategy, and given the importance of market rules, the single market's delivery of economic results in the new growth areas hinges critically on the transmission mechanism between the single market (and its more powerful implementation method) and the Europe 2020 Strategy (with its weak governance). For Kröger (2009: 14), the market is the dominant form of governance, especially since empirical evidence does not convincingly show that the OMC facilitates market-correcting policies. As Schäffer and Baumann (2011) observe, the Single Market Act displays an emphasis on market-making rather than market correction, with economic governance (and social and environmental regulation) comparatively neglected and inhibited by issues of member-state sovereignty. The authors argue that the Act seems insufficient to create the required strong strategic transmission between the new single market initiative and the Europe 2020 Strategy, whereby the good functioning of the single market would promote better regulation (regulatory competition, harmonization) and policy learning (adoption of best practices in innovation, education, efficiency and sustainability).

Conclusion

The common or single market has undergone a transformation over time. The Single Market Programme was scheduled to complete the single European market by the end of 1992 through liberalization and deregulation. However, the puzzling lack of economic results (the 'productivity paradox') and the importance of the competitiveness rationale in a globalized world focused attention on the (in)adequacy of the existing institutional framework in which the state and markets operate. The single market thereby transformed from what had seemed like a technical deregulatory exercise into a wider and more political project. This shift was rooted in the recognition that, in the reality of European mixed economies, liberalization and deregulation must be complemented by market rules, and that institutional reform calls into question the role of member states in the economy (the economic order).

The Lisbon Strategy (2000–10) and subsequently the Europe 2020 Strategy (2011–20) have complemented the single market's supply-side approach and promoted structural reform in order to ensure that the market delivers economic results to citizens and businesses. Both Strategies set a decade-long economic reform agenda for the EU to confront European common challenges, notably globalization, the new economy and demographic aging (with sustainable development added in 2001). The central idea was to transform these challenges into economic opportunities and economic results by promoting structural reform, primarily at the member-state level, where political competences lie.

The Strategies reverted to open or soft coordination in the face of varying national realities and preferences and member states' unwillingness to transfer competences for hitherto national policies to the EU level. The OMC was designed to promote learning and convergence between

member states in the move towards a best-practice economy, setting a lengthy timeframe for consensus-seeking. However, towards the end of the Lisbon period in 2010 it became clear that there had been a certain degree of progress on Lisbon indicators, but that these improvements varied significantly across both policy areas and EU member states.

Drawn up against the background of the global financial and economic crisis, the Europe 2020 Strategy was geared towards growth (digital, social and green). It reinforced the idea of a European model that integrates European social and environmental values into an efficiency-driven market process. The Europe 2020 Strategy continued coordination through the OMC, and its governance framework was moulded on the revised Lisbon Strategy. However, its instruments were somewhat stricter with regard to enforcement (via evaluation of national simplified reform programmes in the European Semester). The Europe 2020 Strategy confirmed the non-transitory character of the long-term European reform agenda, but also its continuing reliance on weak governance (soft coordination), in contrast to the single market (Community method).

The Single Market Act demonstrated the increasing importance of soft coordination for the future performance of the single market, particularly with respect to market rules (market correction). However, this coordination requires a strong transmission mechanism between the single market (and the Community method) and the Europe 2020 Strategy (OMC). It is probably fair to say that policy learning and political arguments have turned out to be weak with regard to fostering coordination and enforcement during the Lisbon period.

With the onset of the sovereign debt crisis, the focus shifted from (relatively small) positive spillovers from EU trade to (large) negative spillovers into the monetary sphere due to (the lack of) structural reform. The crisis confronted Eurozone member states, whose interdependencies are more significant, with the limits of a loosely coordinated EU-wide approach. In addition, market pressure was introduced as a means of enforcing national commitments.

The breadth of the issues raised by the transformation of the single market, in particular with regard to the effective implementation of an efficient European model with social and environmental concerns, offers manifold avenues for further research. For instance, it is an open question whether and to what extent the existing governance set-ups of the single market and the Europe 2020 Strategy promote the successful integration of the green growth objective, given the limited integration of the environmental dimension in the Lisbon Strategy.

Notes

1 The so-called Copenhagen criteria, which define (political, economic, *acquis communautaire*) access conditions for new member states, bear witness to the importance that the European Union attributes to the (good functioning of the) single market. The economic entry criterion requires future member states to possess functioning market economies that can face competitive pressures without imbalances.
2 For a discussion of the concept of economic union, see Pelkmans (2006: 380–5). For the implications of insufficient economic coordination and the gradual improvements of governance in the sovereign debt context, see Chapter 41.
3 The EEC's six founding members were Belgium, France, Germany, Italy, Luxembourg and the Netherlands. The EFTA was founded by seven countries (Austria, Denmark, Norway, Portugal, Sweden, Switzerland and the United Kingdom).
4 The EEC became the European Community (EC) in 1993 and the European Union in 2009 with the entering into force of the Maastricht Treaty of 1992 and the Lisbon Treaty of 2007, respectively.
5 See Baldwin and Wyplosz (2012: Ch. 1) on the emergence of two economic clubs in Western Europe (the EEC and the EFTA), their different respective efficiency properties and their very different evolution. The support for supranational governance in the EEC is derived from a notion of common destiny in the name of certain shared common goods (peace, prosperity, democracy). It is associated

with the shared lessons of World War II – specifically, the enormous scale of human and economic dislocation that pre-existing governance had failed to prevent. In contrast, countries that had no reason to call into question their institutions preferred an intergovernmental solution to economic integration.

6 It is probably fair to say that these different initial attitudes to European integration – commerce versus ever-closer union – are still relevant at present. As observed by O'Shaughnessy (2005), the aim of creating and extending a common or internal market has been relatively uncontroversial during the process of European integration. It is (somewhat paradoxically) shared even by Eurosceptics, although they might not agree with the institutional and regulatory framework that is required to accomplish it.

7 Majority voting met with the opposition of General de Gaulle from France; in the course of the French 'empty chair' policy of the mid-1960s, this led to what became known as the 1966 Luxembourg compromise.

8 Of course, the definition of national interest might not be clear cut and could enable member states to hold up issues of common interest until a particular interest has been satisfied, thereby contributing to the political paralysis of the Community.

9 For instance, national voluntary export restraints (VER) were incompatible with a customs union.

10 For an account of how scholars have analysed European economic integration up to the present day, see Sapir (2011) and Bongardt and Torres (2013). Bongardt and Torres (2013) map European economic integration with regard to economic governance and sustainability.

11 'X-inefficiency' refers to the divergence between firms' observed behaviour and their efficient behaviour according to economic theory.

12 Capital liberalization in the single market would call for progress on European monetary integration because of the 'impossible trinity', that is, the incompatibility between the liberalization of capital markets, fixed exchange rates and monetary autonomy at the national level. On the other hand, a functioning single market with free movement and price and wage flexibility would contribute to moving the Eurozone towards an optimal currency area (OCA) and thereby to sustaining a European monetary union. OCA theory dates back to Mundell (1961).

13 For a discussion, see Baldwin and Wyplosz (2012: Ch. 1).

14 Three out of the four remaining EFTA member states participate in the SEA (that is, Iceland, Norway and Liechtenstein but not Switzerland) and thereby in the single market. The EEA was intended to stem an increase in EU membership by allowing countries merely interested in the commercial dimension (rather than in more complete union) to participate in the single market without having to become an EU member and share common policies. Nevertheless, membership in the EU club has increased from 15 to (currently) 28 member states.

15 Article 3(3) TEU establishes that 'The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.'

16 That is, EFTA members Iceland, Liechtenstein and Norway but not Switzerland.

17 See, for instance, O'Shaughnessy (2005), who reviews studies on a range of possible indicators: (1) the degree of price dispersion that remains in individual markets; (2) the extent to which cross-border transactions have grown relative to intra-border transactions; (3) the extent to which the costs of a cross-border transaction exceed those of an intra-border transaction; (4) the extent to which deepening of the internal market has raised the rate of growth of total factor productivity (TFP); and (5) the extent to which the benefits of a more efficient internal market are reflected in a decrease in the equilibrium unemployment rate.

18 For instance, financial integration tends to follow product market integration, which implies that product and services market reforms should continue in order to trigger reforms in financial and labour markets.

19 Pelkmans (2006: 7) defines negative integration in the EU context as 'the removal of discrimination in national economic rules and policies under joint surveillance', and positive integration as 'the transfer to common institutions or the joint exercise of (at least some) powers'.

20 Jensen and Nedergaard (2012) discuss why and how the Services Directive was watered down during the negotiation process in the European Parliament (EP). The authors point to the influence of the newly elected coalition government (Conservatives and Social Democrats) in Germany in the drafting of the text, which corresponded to a relatively low common denominator. As such, it was acceptable both to a majority in the EP and to the Council.

21 European Commission (2014b) (accessed 3 February 2014). Indicators are monitored and published in a 'traffic light chart' (green symbolizing above average, yellow average and red below average performance). The site allows comparisons of member-state performance by area, including transposition and infringements, as well as other governance tools.

22 European Commission (2013).

23 EU Pilot was introduced in 2008 by the European Commission (initially with 15 volunteer member states, thereafter extended to all EU members) in order to address and remedy at an earlier stage (potential) issues concerning the conformity of national law with EU law or the correct application of EU law. See European Commission (2014b).

24 SOLVIT was created in 2002 by the European Commission and the EU member states plus EEA members; it provides citizens and businesses with an informal alternative for resolving issues involving breaches of EU law by a public authority. It operates through SOLVIT centres in each member state as part of the national administration; these centres cooperate with one another via an online database. See European Commission (2014b).

25 On the issue of deregulation, reregulation and integration, see Young (2010). On the economics of single market regulation and the economic framework, see Pelkmans (2013).

26 On *ex-ante* studies, see Tsoukalis (1997: 68–72). For an analysis of the deterioration of the EU's productivity performance relative to that of the US beginning in the mid-1990s, see European Commission (2005a: 22–3).

27 For a discussion of the Lisbon Strategy, see Bongardt and Torres (2012).

28 Borrás and Radaelli (2011: 480) propose that this leaves room for institutional ambiguity, which can be used strategically by coalitions to (re-)define ideational and organizational elements at the EU and member-state levels.

29 According to the European Commission (2010a), high and growing EU trade over the Lisbon Strategy period resulted in significant economic spillovers (intra-EU trade and growth); of every €1,000 of wealth created in a given member state, €200 benefited other member states through trade.

30 As Sachs (2012) points out, the EU's approach contrasts with the US's relative neglect of the complementary role of the state in the economy in areas such as education, research, environmental regulation and financial regulation.

31 The lack of dynamism in parts of the European economy was also related to how European preferences and behavioural characteristics influence market functioning and how certain economic institutions condition or reflect culture and attitudes vis-à-vis change and risk-taking (Blanchard 2004; Micossi 2005).

32 The Euro Plus Pact was launched in 2011 by the European Council, with the aim of raising the degree of economic coordination between Eurozone members (but open to other EU members) and reinforcing the competitiveness and growth aspects of the European reform agendas (European Council 2011). In comparison to the Europe 2020 Strategy, its strategic objectives are narrower, focusing on competitiveness, growth, the sustainability of public finances, reinforcing financial stability and coordinating fiscal policy. The open method of coordination is maintained. Participants in the Pact consist of Eurozone members plus interested non-Eurozone EU member states (all except the United Kingdom, Sweden, the Czech Republic and Hungary).

33 Their key findings are that substantial adjustment (notably, in real unit labour costs) has taken place in a number of countries, and that the Eurozone is moving closer to an OCA as a result. This change is attributed to the effects of the European sovereign debt crisis.

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41

Political Economic and Monetary Union

EU and domestic constraints

Francisco Torres

Introduction

At the Intergovernmental Conference concluded in Maastricht in 1992, all European Community (EC) countries seemed to have come around to the view that a credible and sound counter-inflationary monetary constitution should be adopted (although not necessarily a European monetary constitution, in the cases of the UK, Denmark and Sweden). As was pointed out at the time in the flourishing new political economy literature, joining a monetary union based on institutions capable of delivering price stability was probably the best way to implement this strategy.

In such a case, there would be a tendency for high-inflation countries to benefit more than low-inflation countries from sharing their monetary autonomy in a common monetary institution. The problem therefore became motivating countries that already had credible monetary institutions (and hence low inflation) to share their monetary autonomy with recently 'converted' countries with higher rates of inflation and/or higher levels of debt that might resort to their old (inflationary/spendthrift) habits. This explains why the German central bank was perceived as reluctant to embark upon the project of European monetary integration.[1] It was also for this reason that the October 1993 ruling of the German Federal Constitutional Court (BVerfGE 89, 155) 'exercising its jurisdiction regarding the applicability of derivative Community law in Germany in a "co-operative relationship" with the European Court of Justice' made German participation in Economic and Monetary Union (EMU) conditional on the guarantee of monetary stability.[2]

In the run-up to EMU, the Committee of Governors of the Central Banks limited the financial stability responsibilities of the future common monetary authority,[3] while the Monetary Committee restricted its scope for policy coordination beyond the monetary area to the fiscal provisions laid out in the Maastricht Treaty.[4] There was a clear division of tasks between these two technical committees and politicians, who, along with the European Commission, confined themselves (or were limited by the circumstances) to setting the conditions for irreversibility and the extraordinary pace of EMU's implementation.

As a consequence, the broader aspects of economic and political governance in EMU were either not given full consideration or were rejected due to a lack of consensus.

The compromise at Maastricht involved a rapid leap forward to a one-speed monetary union requiring the fulfilment of entry criteria that would test whether (or show, to those opposing EMU or too large an EMU, that) there was a 'sufficient' prior convergence of preferences with regard to both inflation and budgetary and fiscal discipline.[5] As in the case of the creation of the European Monetary System (EMS), there were a number of unresolved institutional questions that remained open in order to allow the establishment of a timescale for the creation of EMU (Torres 2009: 57, 62).[6] These questions primarily concerned how to enforce the convergence/stability (entry) criteria once countries had joined EMU and how to further coordinate budgetary and various other polices in order to guarantee the sustainability of EMU.[7] The entry requirements, arbitrary as they might have been, enabled a compromise on various unsettled issues and, as a non-negligible side-effect, made a considerable contribution to the reduction of significant imbalances during the convergence period.

The Maastricht fiscal (entry) criteria were complemented in 1997 by the establishment of the Stability and Growth Pact (SGP). The SGP provided an operational clarification of the Treaty's budgetary rules and defined the procedures for multilateral budgetary surveillance in its preventive arm (soft law), as well as the conditions under which the excessive deficit procedure would be applied in its corrective arm (Schuknecht *et al.* 2011: 9; see also Stark 2001). Although its corrective arm was based on 'hard coordination' through legally binding obligations, the SGP's enforcement provisions remained weak, not least because it entrusted the ECOFIN Council (rather than a more representative and long-term-oriented principal such as the European Parliament [EP]) with the capacity to uphold the procedures initiated by the European Commission (Torres 2006: 41). It should be noted that the ECOFIN Council includes member states that have not abided by the Excessive Deficit Procedure (EDP) and those whose future noncompliance is expected.

However, unlike the case of national central banks, which were made independent as qualifying criteria before the inception of EMU, there was no parallel establishment of enhanced national fiscal rules or institutional fiscal arrangements in future Eurozone member countries. Consequently, the monitoring of fiscal policies and debt accumulation was not effective: neither financial markets nor the SGP (with its weak enforcement mechanisms) functioned satisfactorily as fiscal disciplinary devices. The same can be said as far as private debt accumulation is concerned.

In the light of the incomplete Maastricht EMU blueprint in the economic sphere, member states committed themselves to common European Union (EU) objectives and indicators under the heading of the Lisbon Strategy (2000–10) in order to make the internal market deliver sustainable growth. However, member state commitment under the Lisbon Strategy relied on soft coordination (the open method of coordination, OMC) for implementation. This reflects the fact that coordination failure in this case was not expected to put EMU at risk (Pelkmans 2006: 380–5). This risk assessment was only reconsidered after the onset of the financial and economic crisis and the sovereign debt crisis – more specifically, in view of the negative spillovers from the economic side of the Union to the monetary sphere.

Despite a rather successful first decade by many accounts, EMU's incompleteness (due to a lack of consensus on the institutional model beyond monetary policy) implied institutional fragilities and allowed for building up disequilibria. For example, during EMU's first decade the lack of national reforms in some member states and the incapacity of financial markets to distinguish between Eurozone sovereigns paved the way for increasing intra-EMU macro-economic imbalances. In addition, economic, financial and fiscal governance institutions were unable to handle increasing policy interdependence. This left EMU institutions, already affected

by the 2008–9 global financial crisis, incapable of dealing with the sovereign debt crisis that began in 2010. In response to the global financial crisis, the EU moved towards increased (albeit insufficient) coordinated financial supervision. With the sovereign debt crisis, new mechanisms of economic governance and stronger fiscal and macroeconomic surveillance mechanisms have been established in an incremental and cumulative fashion in an attempt to sustain EMU and prepare for an eventual leap forward in terms of the increased fiscal and political integration necessary to implement a banking union and avoid financial fragmentation.

This chapter proceeds to examine how EMU's incompleteness and member states' unsustainable policies have given rise to economic divergence within the Eurozone and to negative externalities from the economic side to the monetary side of the union, affecting its sustainability. It then analyses EMU's legitimacy, discussing the strategic political role of the European Central Bank (ECB) in conditioning EU and domestic reforms and in promoting the completion of an economic union in accordance with the sustainability requirements of monetary union. Finally, the chapter discusses how the politicization of EMU has facilitated the internalization at the domestic level of previously agreed-upon EU objectives, and how (despite political conflict in the short run) this may contribute to EMU's sustainability, enhancing its legitimacy and efficiency and promoting sustainable integration.

The incompleteness of EMU: economic divergence and negative externalities

Admission to the EU club provides access to a larger market but also presupposes some degree of institutional convergence as a precondition for membership through the implementation of the *acquis communautaire*. The possibility of improving economic governance in what had been an open-ended economic union design is conditioned by member states' views on whether nominal convergence (on rules) and real convergence are mutually reinforcing, or whether there is a trade-off between the two. At earlier stages of EU economic integration, differences in preferences and in national institutions had much less impact than they do now, in a monetary union with more significant interdependencies.

In contrast to monetary union, neither the concept of an economic union nor its significance with respect to the EU is well defined. An economic union could be a stand-alone construct, or it might be designed to meet (at least essential) requirements for the functioning of the monetary union, in line with the Optimum Currency Area (OCA) theory (see Box 41.1).

The EU concept of economic union as set out in the Maastricht Treaty does imply some coordination of economic policies, but was left incomplete with regard to the requirements of monetary union (Pelkmans 2006: 380–5). However, the well functioning of a monetary union (its sustainability) makes additional demands on the concept of economic union with respect to macroeconomic stabilization. Later attempts at reinforcing economic coordination at the European level – notably, increased fiscal coordination through the SGP and the coordination of economic and structural reforms under the Lisbon (thereafter the Europe 2020) Strategy – have been dependent on member state commitment, with weak enforcement mechanisms.

Divergence

The sovereign debt crisis has once again placed the lack of convergence at the top of the European agenda. The former cohesion countries – Greece, Ireland, Portugal and Spain (but also Italy) – diverged (or, in the case of Italy and Portugal, continued to diverge) from the Eurozone core countries in terms of real GDP growth; their low growth rate became an important factor in

> **Box 41.1 An Optimum Currency Area (OCA)**
>
> Traditional Optimum Currency Area (OCA) theory states that the condition for a country to surrender its monetary autonomy and join a monetary union is that the (microeconomic) efficiency gains must outweigh the macroeconomic costs of participation. These factors are dependent on the characteristics of the country in question. OCA theory has tended to focus on the stabilization policies (the macroeconomic costs) of a monetary union, namely the loss of the exchange rate as an adjustment mechanism; see Torres (2009). For an analysis of the role played by OCA theory in the process of European monetary integration, see Mongelli (2010). The political science perspective, also departing from a cost–benefit analysis at the member state level, concentrates on (political) equilibrium, treating EMU as a problem concerning international relations (i.e. member states making binding/irrevocable commitments) and the assessment of the sustainability of the system (Jones 2002: 84–5).

their negative risk assessment by the financial markets, which put the sustainability of EMU at risk. EMU had been expected to provide greater macroeconomic stability in cohesion countries, but it was also predicted that it would intensify economic competition and further affect patterns of specialization. The economic consequences would very much depend on domestic policies, as convergence seems to be responsive to policy decisions (Ardy *et al.* 2002).

Member state progress on the Lisbon Strategy goals, which were intended to create a foundation for competitiveness and sustainable growth, can be seen as an indicator of convergence. A member state that scores poorly will be less competitive and have lower growth (and a lower growth potential). In an analysis of member state and EU progress by policy area and overall,[8] what stands out (apart from the significant persisting differences between member states) are the low rankings of Greece, Italy, Spain and, to a lesser extent, Portugal.[9] These findings suggest that, with the exception of Ireland, those member states that have failed to achieve progress on the Lisbon goals are the countries that have started or continued to diverge.

Spillover effects across policy areas

Prior to the eruption of the crises, most discussions on EMU's legitimacy and sustainability considered the impact of (the lack of) European political integration as exogenous to the process of monetary integration and governance. There was also a distinct focus on spillovers from the monetary side to the economic side of EMU.

The academic and policy debates during EMU's first decade of existence (see, e.g., Enderlein 2006) concentrated on the fact that EMU's one-size-fits-all monetary policy) triggered spillover effects across various policy areas. These spillovers from the monetary side to the economic side of EMU could affect its legitimacy and therefore its sustainability. Some authors (notably De Grauwe 2009, 2011) have consistently argued that EMU could not survive without a political union, since the Eurozone has fewer explicit compensation mechanisms than the United States (no automatic fiscal transfers, lower labour mobility and wage flexibility, and less integrated financial markets).

However, there were endogenous legitimizing mechanisms at work – a wider output legitimization of EMU, provided by the EMU *cum* EU governance framework – that may have contributed to a collective acceptance of EMU's redistributive implications.[10] These expected

endogenous effects of the monetary integration process (some of which were political in nature) could compensate in part for non–satisfaction of the traditional OCA criteria, sustaining EMU. In fact, monetary policy spillovers to other policy areas (the concern most frequently discussed in the literature before the crises) seem not to have had much effect on EMU's legitimacy. This suggests the existence of endogenous legitimizing mechanisms.

On the other hand, the joint impact of the financial and economic crisis and the sovereign debt crisis have made it clear that member states have insufficiently accounted for negative (systemic) spillovers running not from the monetary to the economic sphere but the other way around: from the economic part of the union, where there has been insufficient (financial, fiscal and economic) policy coordination and domestic adjustments to prevent macroeconomic instability and imbalances, to its monetary side. Table 41.1 summarizes the types of spillover effects across policy areas, the mechanisms through which they have materialized and the responses they have provoked.

Table 41.1 EMU spillover effects across policy areas

Direction of spillover	
From the monetary side to the economic side of the union	*From the economic side to the monetary side of the union*
Mechanism	
One-size-fits-all monetary policy	Insufficient (financial) regulation and (fiscal and economic) policy coordination and structural reforms to prevent major macroeconomic imbalances
Responses by monetary and fiscal authorities	
Pressure by some national governments on the ECB to soften its stance by lowering interest rates	Pressure by the ECB on national governments to correct fiscal and macroeconomic imbalances and (also on the Commission, EU Council and European Council, through a strategic collaboration with the EP) to enact institutional reform (increased surveillance, automatic sanctions and clear division of responsibilities with regard to rescue mechanisms)
Attempts by member states to coordinate economic and social policies (Lisbon Strategy) and to strengthen the EU's role in other areas (social, environmental)	
Noncompliance with the rules of the SGP and disregard for the need to control the possible effects of a common interest rate (on bubbles and increasing unit labour costs)	The ECB's non-conventional measures, including the Securities Markets Programme (SMP), Long Term Refinancing Operations (LTRO) and Outright Monetary Transactions (OMT)
Resistance of some MS to a real banking union; complaints against OMT as *ultra vires* (with the GCC referring the case to the ECJ)	Pressure by some member states on the ECB to act as the lender of last resort
	Enhanced economic governance (six- and two-pack, Euro Plus Pact, as additions to the SGP and the Europe 2020 Strategy, and a new stability pact for Eurozone members with limited treaty changes to enforce fiscal discipline)
	Banking union: the ECB assumes the role of bank supervisor in the Single Supervisory Mechanism

The sovereign debt crisis added urgency to the completion of economic union, as member states sought to address the causes of the crisis (banking fragilities, competitiveness differentials between member states and budgetary disequilibria) and to impede spillovers into the monetary sphere, in particular in the Eurozone.[11]

In fact, the new mechanisms and institutions reflect member state recognition of the fact that the interplay between monetary policy and wider EU governance and coordinated action will be essential for a successful response to the crisis.[12] This enhanced governance includes non-standard (arguably quasi-fiscal) ECB measures such as the Securities Markets Programme (SMP), Long Term Refinancing Operations (LTRO) and the establishment of Outright Monetary Transactions (OMT),[13] the European Semester, the economic governance reform package or 'six-pack' (including the reinforced SGP, national budgetary frameworks and the new Excessive Imbalance Procedure), the 'two-pack' and the Fiscal Compact (TSCG), the Europe 2020 Strategy,[14] and further structural reforms as envisaged in the Euro Plus Pact and the new EU financial institutional architecture, notably the Single Supervisor Mechanism (SSM), which is a first step (with bank resolution and deposit insurance mechanisms under discussion) towards the creation of a banking union.[15] Structural reform has also been part of the formal EU/IMF (Greece, Ireland, Portugal, Cyprus and, in part, Spain) and informal ECB (Italy and Spain) conditionality programmes.[16]

With the creation of these mechanisms and the implementation of these policies, the issue of the collective acceptance of EMU's redistributive implications changed in nature, becoming significantly more politicized. As a result, significant divergences and political conflicts have erupted within the member states enacting reforms, as well as among member states and between them and EU institutions (which, as in other key historical occasions referenced above, have generally been bypassed by intergovernmental or even bilateral cooperation). Beyond the achieved consensus, domestic approaches have remained divergent, and the old divisions that impeded a more complete economic union than EMU have resurfaced, even within the European System of Central Banks and the ECB, creating the impression of apparently insurmountable differences.

EMU legitimacy and the role of the ECB

Since the outbreak of the crises, despite a consistent level of net support for the Euro (Roth *et al.* 2012), trust in European and national institutions has decreased substantially. Both the 2008–9 financial crisis and the 2010–11 sovereign debt crisis have also had a negative impact on European citizens' trust in the ECB, although trust in national institutions, other EU institutions and other central banks (such as the Federal Reserve and the Bank of England) has declined further.[17] In a situation characterized by a high level of economic, social and political uncertainty, it is hardly surprising that trust would be negatively affected. Surveys (Standard Eurobarometer surveys 74 to 79) also indicate that in the Eurozone, on average, there is a large majority (continuously increasing since January 2009) in favour of further broadening the EU regulatory (EMU *cum* EU governance) model – that is, establishing greater policy coordination between countries – in order to overcome the sovereign debt crisis.

Unlike a new intergovernmental treaty approved through a ratification process involving all national parliaments, incremental institutional changes do not provide input legitimacy, or at least not to the same extent. In fact, multilevel governance can only be legitimized through rather complex channels of responsiveness. This implies the pursuit of innovative forms of legitimacy, such as throughput legitimacy (as illustrated by the European Parliament's role as co-legislator in the ordinary legislative procedure, notably in the case of the 'six-pack', and in the monetary and economic dialogues)[18] and (both narrow and wider) forms of output legitimacy for EMU.

The ECB responded to the crisis by providing liquidity (including through non-standard measures), acting as the only European institution that could step in to avert major credit incidents; at the time, intergovernmental funds were either not in place, not operational for buying government bonds or simply not sufficient for the needs of countries such as Italy and Spain. For the same reasons, it also engaged in fostering new mechanisms and the establishment of new institutions, such as (the modalities of) an EU banking union, and agreed to take on supervisory powers. Moreover, in August and September 2012 the ECB announced that it would impose strict conditionality on member states; that is, governments would have to 'stand ready to activate the European Financial Stability Fund/European Stability Mechanism (EFSF/ESM) in the bond market with strict and effective conditionality in line with the established guidelines' (ECB 2012) for OMT in secondary sovereign bond markets. These purchases and potential interventions (readiness to act) and other ECB rescue actions throughout the sovereign debt crisis, such as the lowering of the creditworthiness requirement for the collateral that banks had to offer for their refinancing credit, have triggered controversy.[19]

The ECB has promoted reform in the terms in which it can exert pressure over Eurozone governments: proclaiming its treaty-based independence and withholding its support until governments take the necessary political steps to resolve the crisis. In fact, the ECB has been acting strategically in a consistent way throughout the sovereign debt crisis – specifically, with its support for the European Parliament against the position of the Council on the approval of the 'six-pack', and in letters with specific policy recommendations to the Italian and Spanish governments in Summer 2011, in which the ECB made interventions in secondary debt markets conditional upon domestic reforms.

This wider interpretation of the ECB's mission (its inflation and burden-sharing impacts across member states) has been controversial even within the institution, among members of its Executive Board and its Governing Council. Some members of these bodies have publicly emphasized their disagreements over particular aspects of the ECB's role, as in the case of the SMP and other non-conventional measures, and over the best way for the ECB to preserve its independence. These divisions within the bank's Governing Council have affected the overall political equilibrium of the EMU construct, but they also reflect the strategic political role that the ECB plays vis-à-vis the Council and individual Eurozone states. Divergent positions on non-standard measures within the ECB's Governing Council (namely, between a member of the Executive Board and a national central bank governor of the same nationality) have also resulted from strategic interactions with a particular Eurozone member, notably Germany.

Building on its strategic role and its sense of mission as a solitary institution (Padoa-Schioppa 2000: 37; Dyson 2009; Jabko 2009: 401) in the EMU's incomplete political construct, the ECB will remain the Eurozone's ultimate lender of last resort in one way or another. The ECB has been acting strategically in response to the perceived threat to its independence from an incomplete EMU (on its economic side), seeking to derive its legitimacy not only from delivering price (and financial) stability but also from its role as the guardian of EMU objectives, doing 'whatever it takes to preserve the Euro'. In that sense, it has sought to guarantee what may be viewed as its foremost objective: the sustainability of EMU. This implicit objective has led the Bank to engage in exceptional policies beyond standard monetary tools and wider economic policy debates, pushing for 'a gradual and structured effort to complete EMU' (Draghi 2012).[20] The strategic role that the ECB has come to play in the multilevel governance context has been particularly relevant for promoting the completion of the economic side of EMU in accordance with the sustainability requirements of monetary union.

However, the EMU's legitimacy extends beyond the ECB. The EMU *cum* EU multilevel regulatory model can also affect EMU's (wider output) legitimacy and sustainability, as it

encompasses European coordinated action through common agreed-upon principles. These wider political goals feed back into EMU's legitimacy, in the sense that the steps that have been taken or are envisaged in favour of enhanced economic governance are an open-ended process, associated with a new equilibrium between EU institutions and member states. Although such a response is compatible with the notion of incremental changes (Salines *et al.* 2011) and new equilibria resulting from an endogenous institutional response to the financial and sovereign debt crises (as explained by rational choice institutionalism), it is also congruent with the surge of a broader impetus for institutional reform that emerged during the crisis.

The internalization and politicization of EMU at the domestic level

Since the beginning of the crises, institutional change in the EU – specifically, the completion of EMU (of its economic pillar) with new governance mechanisms – has become the subject of ongoing multilevel political negotiation, allowing for greater participation by many different actors. This negotiation process takes place through a multitude of different channels, including intergovernmental treaties and the possibility of treaty changes (together with referenda and/or changes in national constitutions that might be necessary in some member states), as well as the ordinary legislative procedure (as in the case of most of the 'six-pack' and 'two-pack' legislation).

In fact, the crises revealed that some domestic policies were not only inconsistent with the stated objectives of the respective governments, but also unsustainable. The gravity of the crises demonstrated that this unsustainability was putting the very functioning of EMU at risk, as well as the respective welfare states and the quality of life for current and future generations.

Most EU countries had failed to internalize the established common objectives of fiscal (SGP) and economic and social governance (the Lisbon and Europe 2020 Strategies). The absence of market pressure – financial markets failed to differentiate between the sustainability of public debt and external imbalances among participants – and of binding and enforceable rules (in the Lisbon Strategy and in the SGP) contributed to the procrastination of some of these (economic and institutional) reforms.[21] The same held true for the announced objectives (voted on in national and European elections on various occasions) to which various governments and political parties had subscribed but that were poorly implemented.

The new crisis-enacted EU governance mechanisms exert an important influence and conditionality (through the availability of financial funds) on the implementation of reforms – which, for the most part, member states' political systems (governments, oppositions and even social partners) had agreed to in the 1990s and, via the Lisbon process, during the first decade of EMU.

With increasing market pressure, transparency in the domestic political and policy process has increased.[22] The vague references to European restrictions in national political debates have been transformed into fairly concrete constraints that are better understood by citizens, reducing the opacity of domestic political and policy processes. Still, in the face of economic and political uncertainty and amidst the gradual but hesitant and/or insufficiently coordinated EU intergovernmental action, increased contestation at the national level, in spite of its merits of leading to more precise discussions and even to increased effectiveness of special policies (i.e., forward guidance), may lead to political and social disaggregation and conflict. One should therefore keep in mind the inability of national political systems to deal with many of the global challenges that they face, increasing the gap in output legitimacy.[23]

Just as the challenges involved in the creation of EMU may have functioned as mechanisms for economic stabilization, the current challenge of completing the economic side of EMU could similarly foster structural reform and long-term development. A multilevel political negotiation process may also render policy-making more efficient by permitting the continuous

contestation of positions at various levels of government, enabling or facilitating convergence to an acceptable common position for all the levels concerned.[24] On the other hand, by demonstrating that national political systems are unable to deal with the inherent coordination and reform challenges without sharing sovereignty, the current crises may also contribute to the debate on the democratic quality of EU governance at different levels, starting at the national level. Institutions and governments have become more unaccountable through the process of globalization[25] and, in certain instances, also through the process of European integration, impacting the quality of democracy in the union.

De Wilde and Zürn (2012) suggest that the extent to which the level and scope of EU integration have led to greater politicization depends on the more or less conducive political opportunity structure. Some of the most salient elements of this structure in this regard are crises, such as the current sovereign debt crisis.

Furthermore, the conditionality attached to the adjustment programmes of countries receiving financial assistance reflects both supply-side preoccupations (that is, appropriate and legitimate incentives to induce reforms that sustain EMU and member states' access to financial markets) and a demand aspect of the problem (as citizens increasingly call for ownership of the reforms that impact their everyday lives). These supply- and demand-side elements are associated with different timeframes – for fast (political) institutional change and for slow (cultural) change, respectively.[26]

This contributes to the much higher degree of politicization of EU constraints,[27] which may in turn influence EMU's legitimacy and sustainability.[28] This is because a wider and more participated debate within better informed (of the challenges in question) domestic electorates may lead to better internalization of nationally compatible objectives and better implementation of domestic reforms, many of which have been hindered by national political systems and cultures. In fact, since the beginning of the crises (fast) institutional change in the EU – the completion of EMU's economic pillar with new governance mechanisms – has played a role in shaping new common objectives.

Furthermore, access to all these new common mechanisms and institutions has been accompanied by the (at times, hesitant) pursuit of institutional reform and the achievement of the objectives of the Union as laid out in Article 3 of the Treaty on European Union, namely sustainable development based on balanced economic growth and price stability, a competitive social market economy aimed at full employment and social progress, and a high level of protection and improvement of the quality of the environment. Values, beliefs and social norms form the foundation for common rules; at the same time, the multilevel debate opens up the possibility of increased ownership of structural reforms and new institutions by the public. From this perspective, a higher degree of politicization of EU constraints through increased democratic contestation of EU issues within national boundaries can also contribute to resolving the problem of sequential decision-making (Collignon 2010), since multilevel governance may help structure national debates towards common-interest European public goods. These frictions therefore constitute an opportunity for the EU – as various *demoi* or 'multiple but connected national politics' (Nicolaïdis 2013: 352)[29] and/or as a *demos* in the making – to collectively address its current institutional fragilities.

Conclusion

The steps that have been or will be taken in favour of enhanced governance allowing completion of the economic side of EMU are an open-ended process. As such, they are compatible with the idea of incremental changes and new equilibria resulting from an endogenous institutional

response to the financial and sovereign debt crises. However, the current response may well have reached the limits of its institutional framework with respect to the level of policy interdependence. As a consequence, in theory EMU could potentially disintegrate, should the financial and sovereign debt crisis transform into (and remain) a crisis of democratic governance (Zielonka 2012 and 2014). Alternatively, the crisis could trigger substantially increased economic and political integration, an option that national governments may choose as the less costly and the only effective way to deal with the current challenges.

The role of the ECB in sustaining EMU during the crisis will remain crucial. As a supranational independent institution operating within a changing framework (as EMU is still an incomplete and open-ended mechanism), the ECB will continue to act strategically, pushing for the necessary compromises within the Council. Its role is particulrly relevant in the transition to a new steady state in the process of EMU compaction. Such strategic behaviour is not without risks and therefore the ECB has a strong interest in finding ways to be perceived as responsive (within a wider EMU *cum* EU governance system) and as acting effectively on behalf of the interests of Eurozone citizens. In this sense, the Monetary Dialogue is a very useful platform and can certainly be further enhanced by both the EP and the ECB.

Depending on the path of institutional reforms – ranging from minor adjustments addressing improvements in surveillance and enforcement mechanisms to a re-founding of EMU as a functioning banking union equipped with the necessary fiscal provisions (if and when the Eurozone will get to a real banking union) – the sovereign debt crisis could become a source of new legitimacy for the EU integration process.

The jury is still out as to whether the severity of the current crisis has definitely rendered multilevel governance politically dysfunctional, or whether it may actually be contributing to the resolution of the crisis by addressing long overdue national and EU democratic failures and burden-sharing issues. With the onset of the crisis, the EU agenda has become increasingly politically salient, and the EU debate has been politicized as never before in national elections. These elections have become to a varying extent characterized by high democratic contestation of EU issues. This contestation will also most likely be a feature of the forthcoming European elections, which might provide more political visibility and import to the European Parliament. The real question is then whether this increased politicization will help structure national and European debates towards common-interest European public goods, leading to a convergence of preferences that will allow the EU to collectively (in its diversity) address its institutional fragilities in a more sustainable way.

Acknowledgements

Notes

1 This reluctance surfaced again with the sovereign debt crisis and the non-conventional (arguably quasi–fiscal) measures adopted by the European Central Bank.

2 This ruling conditioned the German stance on the creation and expansion of the various rescue packages and financial support mechanisms throughout the Eurozone sovereign debt crisis. It was followed by *Bundesverfassungsgericht* rulings on the Lisbon Treaty on 30 June 2009, on the rescue packages on 7 September 2011 and on the European Stability Mechanism (ESM) and the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (TSCG, also known as the Fiscal Compact) on 12 September 2012. This last ruling opened the door to Germany's ratification of the ESM Treaty and the TSCG with additional conditions, notably reinforcing the rights of the national parliament. A ruling on the ECB's Outright Monetary Transactions (OMT) is expected in 2014.

3 According to Thygesen (2013: 133), who was himself a member of the Delors Committee in his academic capacity, the ECB's very limited responsibilities with regard to financial stability reflected the preferences of the central bankers, who were directly involved in the drafting of its statutes and sought to shelter it from any responsibilities other than the objective of price stability, as well as those of European political leaders, who did not want the institution to become too powerful. However, in the course of the financial crisis (and as far as the banking sector is concerned) the provision of liquidity support to financial markets made the ECB a 'full-scale central bank', although the same support did not materialize in the sovereign debt markets. As stressed by the ECB during the crisis (e.g. Bini-Smaghi 2011), solvency support should be provided by national governments in order not to blur the distinction between monetary and fiscal policy and to safeguard the ECB's independence.

4 See Dyson and Quaglia (2010: 346). In accordance with various studies and reports at the time, the European Commission had stressed the need for policy coordination. See, for instance, Emerson *et al.* (1992).

5 See http://www.ecb.europa.eu/ecb/history/emu/html/index.en.html.

6 The Treaties of Maastricht and Amsterdam did not provide a clear *ex-ante* specification of the rules of Economic and Monetary Union. See Eichengreen and Ghironi, De Grauwe, Gros, Giovannetti and Marimon in Torres (1996) for a discussion of possible *ex-ante* specifications of EMU rules concerning, among other things, enforcement mechanisms.

7 Looking back at the first years of EMU, which featured increasing competitiveness and fiscal imbalances that became particularly acute with the onset of the financial and sovereign debt crises, these unsolved sustainability-related issues included banking, financial, product and labour-market regulation, social policy, competitiveness and other structural policies.

8 Tilford and Whyte (2010).

9 Another interesting finding involves the EU's failure to integrate the sustainability objective into the Lisbon growth strategy. It is probably fair to say that the more immediate concerns with combating the effects of the crises and fostering growth have somewhat eclipsed long-term sustainability issues and their growth potential in the EU policy discussion (see Chapter 40).

10 Roth *et al.* (2012) measure public support for the Euro in the Euro Area 12 (all founding members of EMU plus Greece) from 1990 until 2012. With the exceptions of Greece (until the beginning of the financial crisis) and Spain (during the crisis), the Euro has enjoyed a consistent level of support. Also, as pointed out in Torres (2009), between 1998 and 2007 (therefore leaving aside the effects of the financial, economic and sovereign debt crises), support for EMU increased in countries that experienced slow growth (Germany) and/or difficulties in adjustment (Portugal).

11 Dyson (2013) describes the situation as a state of supreme emergency, discussing the difficulties of contingent commitments to take exceptional measures at the supranational level.

12 With the crisis, economic mechanisms (labour mobility, wage flexibility), political/institutional adjustment mechanisms (public insurance mechanisms) and/or the coordination of a number of policies (such as social policy) have been evolving in the direction of greater integration.

13 See Darvas and Merler (2013) for a thorough account of the ECB's extended roles beyond price stability, its main constraints (fiscal dominance, financial repercussions and regional divergences) and some of the conflicts inherent in its participation in financial assistance programmes and its introduction of the concept of monetary policy under conditionality (in the case of OMT).

14 In the process, the Lisbon Strategy lost its transitional character, with economic coordination continuing under the Integrated Guidelines (IG) and the Europe 2020 Strategy from 2010 onwards.

15 For an updated description of those new institutions and mechanisms, see http://ec.europa.eu/economy_finance/economic_governance/index_en.htm.

16 Financial assistance facilities have included the European Financial Stabilization Mechanism (EFSM, an EU mechanism), the European Financial Stabilization Facility (EFSF, a private company owned by Eurozone countries) and the ESM (an intergovernmental organization).

17 Reported in Chart 2 of 'Central Banks', *Economist*, 17 February 2011, based on Bank of England, GfK NOP, European Commission, Eurobarometer and Gallup surveys.

18 Besides its monetary dialogue with the ECB, with the adoption of the 'six-pack', the European Parliament has engaged in an economic dialogue with the Council, the European Council, the Eurogroup and the European Commission. It has also significantly influenced the development of the 'six-pack', the 'two-pack' and the SSM. See Torres (2013) and De Schoutheete and Micossi (2013).

19 The global financial crisis and the sovereign debt crisis have shed light on the changing role of most relevant central banks (see Buiter 2012; Torres 2013).

20 This interpretation contrasts with Dyson's (2013) view and has potentially different implications for EMU's legitimacy. Dyson (2013: 221) highlights the risks of 'abandoning the ground-floor principles of the Maastricht treaty', with 'the ECB being drawn into filling a political vacuum', whereas Torres (2013: 293) stresses the incomplete contract that the ECB is filling in in the new EMU construct.

21 See Arghyrou and Kontonikas (2011: 40). It should also be noted that the lack of market pressure also relaxed the pressure to enact better EU institutional governance frameworks of economic monitoring and new coordination mechanisms, thereby further aggravating real divergence within the Eurozone.

22 Both market pressure and peer pressure rose with the transformation of the global financial and economic crisis into the sovereign debt crisis. This implies that the Europe 2020 Strategy (and any extensions of it for the Eurozone and some other EU member states, such as the Euro Plus Pact), although continuing under the same soft method of coordination, will bring about different results. For Schmieding *et al.* (2013: 3), in 2014 'the Eurozone could begin to reap the rewards of reform amid a firming cyclical recovery', with the combined twin deficits of the four former cohesion countries that were granted external assistance practically disappearing and Germany's trade surplus diminishing.

23 National political processes seem incapable of internalizing the consequences of interdependence or providing adequate political incentives in that context (Maduro 2012).

24 This hypothesis parallels previous analyses of the efficiency of the co-decision procedure (see Torres 2006).

25 See Rodrik (2011), whose main thesis is that it is impossible for democracy, national sovereignty and economic globalization to occur simultaneously.

26 According to Roland (2004), 'culture', which includes values, beliefs and social norms (such as technology), evolves slowly and continuously and is definitely a determinant of economic growth.

27 For Tsoukalis (2012: 50), the crisis has generated a lively public debate about the proper method of dealing with it at the European level. This is not merely a juxtaposition of national debates limited to a small number of *cognoscenti*; rather, it involves ordinary citizens.

28 See Føllesdal and Hix (2006), who argue that increased politicization may enhance legitimacy, since a democratic polity such as the EU requires contestation over political leadership and debate over policies. The authors claim that 'all that may be needed is for the political elites to make a commitment to open the door to more politicization of the EU agenda' (Føllesdal and Hix 2006: 557). The current crisis has had precisely that side-effect, irrespective of the political elites' stance.

29 Nicolaïdis (2013: 353) defines 'European Democracy' as 'a Union of peoples, understood both as states and as citizens, who govern together but not as one', which is distinct from both national and supranational versions of single-demos polities.

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Social pacts and changing systems of interest intermediation in Europe

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This chapter examines the different ways in which the interests of workers are represented in their relations with governments and, to a lesser degree, with employers. In the 1970s, trade unions bargained extensively with employers over wages and conditions, but also increasingly engaged in national negotiations with governments over a range of social and economic issues. The tripartite structures of interest representation that emerged at that time were analysed as forms of 'corporatism' and were thought to reflect the shifting balance of power between strong, militant trade unions and governments (Schmitter and Lehmbruch 1979). Despite the widespread declines in trade union membership and strike activity since the early 1980s, tripartite negotiations have continued throughout much of Western Europe, but have been less prominent in Eastern Europe. The resulting agreements, generally known as social pacts, have emerged in a variety of countries, including some with poorly developed tripartite structures.

In order to understand the significance of social pacts, this chapter first provides an overview of trends in the principal forms of worker representation, focusing on indicators of trade union strength and collective bargaining. The next section turns to social pacts as the main form of union–government interaction over the past three decades, looking first at Western Europe and then at Eastern and Central Europe, where social pacts have been much less common. Numerous indicators point towards a decline in trade union strength in the workplace, which clearly has implications for unions' bargaining power in the marketplace. At the same time, however, unions have continued to play a political role through their inclusion in social pacts. No consensus has emerged in the existing literature with regard to the factors that best explain the variation in the use of social pacts across countries and over time. We conclude by discussing directions for further research.

Trade union membership and influence

Trade unions, together with employers' organizations, form the basis of systems of interest intermediation in Europe and are also one of the main partners in social pacts. To understand the role of unions in these evolving systems of interest intermediation, we first discuss trends in union strength and influence since the 1980s.

The state of the trade union movement is conventionally measured along a number of discrete dimensions: membership, collective bargaining coverage, collective bargaining outcomes and political influence (Behrens *et al.* 2004). In some countries, these measures are highly correlated: both union density and bargaining coverage are very high in Denmark, Finland and Sweden, and both are low in the UK, the USA and the Baltic countries (Estonia, Latvia and Lithuania; see Table 42.1). In many other countries, however, these two variables are not clearly related. In France, for example, union density is approximately 8 per cent, but bargaining coverage is 92 per cent; Spain's union density is low, at 20 per cent, while bargaining coverage lies between 70 and 80 per cent.

After rising during the 1960s and 1970s, union density across Western Europe has declined since the early 1980s in almost every country. In Eastern Europe, membership decline only began after the collapse of communism in 1989–90 but then proceeded at a rapid pace. This trend has evidently continued into the twenty-first century, as 'after 2000 union density rates fell in *all* 27 EU member states, with the possible exception of Belgium' (Bryson *et al.* 2011: 98). More fine-grained analysis suggests that the rate of density decline is much steeper in the private sector in comparison to the public sector, despite the fact that private sector density was typically much lower to begin with (Visser 2006: 46). Countries with larger public sectors, such as the Scandinavian countries, therefore tend to have lower overall rates of density decline (Schmitt and Mitukiewicz 2012; Scruggs and Lange 2002: 144). In attempting to account for the variation in union density decline, recent research has focused on two interlinked issues: the role of 'globalization' and the role of institutions in moderating the impact of global economic forces. Additional research has concentrated on the attitudes of workers and employers towards unions and on union strategies.

The term 'globalization' covers a range of economic, social and political processes, although most of the research on trade unions has focused on the economic dimension. Studies usually measure trade openness, financial openness and inward and outward investment, either separately or through composite measures. The theoretical reasoning is that in a more globalized economy, capital mobility shifts the balance of power away from the unions, reducing their ability to raise wages and protect jobs. This weakness makes them less attractive to new workers, and density therefore declines steadily over time. However, the main research finding is that there does not appear to be a strong, direct link between measures of economic globalization and changes in trade union density (e.g. Dreher and Gaston 2007; Sano and Williamson 2008; Scruggs and Lange 2002). Individual cases illustrate this point: the most open economies in Europe include those with high and stable density, such as the Scandinavian countries, as well as those that have experienced dramatic falls in density, such as Austria and Ireland.

In response to these findings, researchers have begun to examine the role of institutions in moderating the impact of globalization. Some interesting findings show that, first, where workers are obliged or encouraged to join unemployment insurance funds administered by trade unions – the so-called 'Ghent system' found in Belgium, Denmark, Finland and Sweden – union density remains high and decline is modest (van Rie *et al.* 2011). Second, where unions have an organized presence in the workplace or have good access to workplaces, density is higher than in the absence of these conditions (Sano and Williamson 2008; Schnabel and Wagner 2007). Third, the impact of trade openness varies with the existing level of union density: it has little impact in high-density countries, where unions are protected by institutions such as the Ghent system, and little impact in low-density countries, such as France and the USA, where the scope for further decline is limited. The greatest impact has been observed in countries that used to have modest levels of density, but where trade openness has produced dramatic declines, such as Austria, Australia, Germany and the UK (Sano and Williamson 2008).

Evidence on worker attitudes has proved inconclusive. An analysis of data provided by the 2002–3 European Social Survey (ESS) suggests that an individual's self-defined left–right political orientation is associated with union membership in Sweden but not in Denmark or Finland (Schnabel and Wagner 2007). However, the 2006 ESS shows that political orientation is linked to union membership in all three countries (van Rie *et al.* 2011). The large-scale commitment of union resources to organizing in non-union workplaces has produced only modest membership gains, in both the UK and the USA (Bronfenbrenner and Hickey 2004; Simms *et al.* 2012). Research on American employers has found that their deep-seated hostility to trade unions and collective bargaining has played a significant role in discouraging workers from joining unions, despite the well-documented preference for union representation among a sizeable minority of US employees (Boxall *et al.* 2007).

The contribution of employers in Europe to union decline is under-researched; this is puzzling, because across much of Western (but not Eastern) Europe the coverage of collective bargaining remains high, despite the long-term decline in union density. For 13 West European countries (the EU15 plus Norway, minus Luxembourg and the liberal market economies of Ireland and the UK), bargaining coverage averaged 81 per cent in 1980, rising to 85 per cent in 2000 before falling back a little by 2008–11 (see Table 42.1). Linking these data with the figures for union density reveals a growing gap between the proportion of workers covered by union representation through collective bargaining and the proportion who actually belong to trade unions: the gap was 32 per cent in 1980, rising to 47 per cent by 2008–11. For the most part, high levels of bargaining coverage are maintained because many employers in Western Europe belong to an employers' organization that bargains across an entire sector. Once a collective agreement is reached, its terms are applicable to all members of the employers' organization. In some countries (namely, Austria, Belgium, France, Germany, the Netherlands, Portugal and Spain), a legal mechanism extends these industry-wide collective agreements to employers outside the employers' organization (European Commission 2000: 41). There has been a marked shift in the level at which collective bargaining is conducted, with a growing number of issues now regulated by collective bargaining at the company level (Flanagan 2008: 413–16). However, this decentralization of bargaining has not thus far been accompanied by any sustained or widespread moves by West European employers to abandon collective bargaining or attempt to regulate the employment relationship unilaterally, without any union involvement. It is only in the liberal market economies of Ireland, the UK and Eastern Europe (except for Romania and Slovenia) that we see evidence of a substantial shift away from collective bargaining on the part of employers.

The stability of West European bargaining coverage in the context of union decline is puzzling. Why have so few employers sought to extricate themselves from bargaining relations with unions? Three reasons can be suggested. First, the employers with the greatest exposure to global competition have been able to secure their competitive position by relocating some production facilities to Eastern Europe, or by threatening to do so unless workers agree to major concessions on wages and working conditions (Bohle and Greskovits 2012: 210). For instance, in early 2004, Philips, Samsung and SEAT announced plans to transfer production from their Spanish plants to Poland and Slovakia in order to cut labour costs (EIRO 2004). Second, collective agreements have become increasingly flexible, allowing employers to avoid some of their terms. In Germany, for example, collective agreements have for some years included 'opening clauses' that can be triggered by firms in serious economic difficulties, allowing them to reduce salary increases below the minimum levels specified in the agreement (Behrens 2013; Streeck 2009: 40–1). Third, not only have unions agreed to such clauses, but they have also often agreed to far-reaching changes in work practices, coupled with relatively modest wage

Table 42.1 Trade union density (UD) and collective bargaining coverage (CBC) in Europe (1980–2008)

	1980		1990		2000		2008–11***	
	UD	CBC	UD	CBC	UD	CBC	UD	CBC
Denmark	79	82	75	84	74	83	67	85
Finland	69	77	72	81	76	90	69	90
Norway	58	70	59	70	54	72	52	74
Sweden	80	85	80	86	79	94	68	91
France	18	85	10	92	10	90	8	92
Greece	39	70	32	70	27	65	25	65
Italy	50	85	39	83	35	80	35	85
Portugal	61	70	32	79	24	87	19	90
Spain	7	76	11	82	15	91	20	73
Austria	57	95	47	98	37	99	28	99
Belgium	54	97	54	96	56	96	50	96
Germany	35	80	31	80	25	68	18	61
Netherlands	35	85	25	82	23	86	18	84
Ireland	57	64	51	60	38	55	33	42
UK	51	71	39	54	31	36	27	31
Bulgaria	–	–	81	–	28	40	20	18
Czech Republic	–	–	64*	–	27	48	17	41
Estonia	–	–	62*	–	15	29	8	25
Hungary	–	–	83	–	22	43	17	34
Latvia	–	–	28**	–	21	18	15	20
Lithuania	–	–	33**	–	20	13	10	12
Poland	–	–	30	–	24	42	14	29
Romania	–	–	80	–	36	–	33	70
Slovakia	–	–	67*	–	32	51	17	32
Slovenia	–	–	61	–	43	100	24	92

Source: ICTWSS Database Version 4.0, 2013.

Notes: – Data not available. * 1993 ** 1995 *** Data from different years between 2008 and 2011 for different countries.

increases. Between 1995 and 2007, productivity rose by 16.9 per cent in the Euro area, but real wages negotiated between unions and employers rose only 6.8 per cent (Keune 2008). Figures on the distribution of national income between labour and capital suggest that even high levels of bargaining coverage have not prevented a significant decline in the labour share. After increasing in the early 1970s under the influence of union militancy, the labour share of national income in the EU15 has declined ever since (see Table 42.2).

Table 42.2 Labour share of national income, EU15 (1960–2010, percentage)

Year	Labour share (%)
1960–70	71.5
1971–80	72.9
1981–90	70.2
1991–2000	67.6
2001–2010	65.8

Sources: Glyn (2006); Keune (2008); *Employment in Europe 2010*.

This body of evidence on the outcomes of collective bargaining is consistent with the claim that declining union density has eroded union power. It also offers some explanations for the continued willingness of employers to engage in collective bargaining.

Systems of interest intermediation and social pacts in Western Europe

According to the indicators discussed above, union power has eroded in many workplaces across Europe. At the same time, however, unions have played a perhaps curiously prominent role in negotiating policy adjustments with governments in many countries in Western Europe (but less so in Eastern Europe). Union involvement in national-level politics in and of itself is nothing new. In post-war Western Europe, union inclusion became rooted in national-level politics through corporatism (among other practices). In this section, we focus on systems of interest intermediation present at the national level, in particular in bi- or tripartite systems including the government, unions and (sometimes, though not always) employers; these include corporatism and social pacts, sometimes also referred to as 'concertation'.

Corporatism has been the subject of numerous studies. Since the 1980s, much of the debate has focused on whether corporatism is in decline, or whether indications of its decline are merely temporary. This debate is complicated by the fact that the term 'corporatism' (sometimes also referred to as 'neo-corporatism') has been used to denote both 'a particular structure of the interest representation system, characterized by monopolistic, centralized and internally non-democratic associations, and "concertation" or "social partnership", as a particular policy-making process' (Baccaro 2003: 683; see also Siaroff 1999). Siaroff (1999) notes that corporatism as an analytical concept has been employed to describe systems of interest intermediation and institutionalized processes of national policy formation, as well as to describe centralized wage bargaining. Instead of relying on corporatism scores, he develops an 'integration' measure for 24 OECD countries from the late 1970s to the late 1990s, finding that the overall mean has increased, although there is some variation across countries.

Explanations for the rise, decline and resurgence of corporatism include a turn towards tripartite interest mediation as a consequence of Europeanization and domestic economic problems. Schmitter and Grote (1997: 12) identify the cyclical re-emergence of corporatism on a 20- to 25-year cycle, but argue that the reasons for the most recent wave of corporatism do not parallel those that motivated earlier waves; they assert that a simple, monocausal explanation for the emergence, decline and re-emergence of corporatism does not exist. Katzenstein (2003: 24), in turn, identifies 'random, exogenous shocks and historical crises' that 'activate deeply seated institutional memories and practices in small states with an indigenous tradition of corporatist politics or encourage processes of imitation in states lacking such a tradition'. These explanations certainly offer some reasons that may underlie the larger patterns of tripartite interest inter-mediation, but fall short of explaining patterns of variation across countries and over time. For example, why do some countries choose to imitate the corporatist practices of small states, while others opt to ignore these practices? Why do different governments choose different processes to address similar exogenous shocks over time and across countries? Cyclical explanations and theories that point towards historical patterns are well equipped to rationalize the relevance of these patterns over time, but they are less effective at accounting for variation. Furthermore, the literature tends to conflate different concepts related to peak-level bargaining and union involvement in national-level policy-making, and the distinction between corporatism, concertation and social pacts is not always clear. Consequently, the analytical purchase of these competing explanations is, at times, difficult to assess.

More recently, the discussion has moved towards a view of interest intermediation through social pacts as discrete, though occasionally institutionalized, events that contrast with the embedded, regular, predictable corporatist practices. Social pacts have become a visible form of interest mediation at the national level across Western Europe, particularly since 1980. They are the outcomes of negotiations between governments, unions and sometimes employers (although some studies include bilateral agreements between unions and employers as well). Social pacts are one of the avenues by which the social partners and the government can negotiate specific agreements of relevance to organized labour. The majority of pacts address wage reforms, labour legislation and the welfare system (Hamann and Kelly 2011); however, many studies focus exclusively on national wage agreements (e.g. Hassel 2006). Social pacts have been signed in most countries in Western Europe (with the exception of the UK), but they have also emerged in several countries in Eastern Europe. These countries exhibit considerable differences in terms of their welfare systems, organization of industrial relations and corporatist structures; thus, they cannot easily be grouped into existing typologies, such as welfare regimes or varieties of capitalism. Social pacts are sometimes used to address certain economic problems, but governments by no means always resort to pacts in times of economic crisis. In fact, European countries have displayed considerable variation in their use of social pacts over the last three decades. This section focuses on countries in Western Europe; we analyse interest intermediation in Eastern Europe (including social pacts) in the following section.

Existing explanations for the emergence of these pacts emphasize varying combinations of three main sets of variables: economic problems, such as inflation, public deficits and unemployment, for which wage restraint represents a potential solution; institutional variables, such as collective bargaining coordination and centralization, the existence of tripartite institutions and trade union density; and governmental variables, especially governmental weakness. Many scholars have suggested that certain economic problems stemmed from, and were reinforced by, the 1992 Maastricht criteria for European Monetary Union and the 1997 Stability and Growth Pact (e.g. Avdagic *et al.* 2011; Baccaro and Lim 2007; Hassel 2006). This approach, grounded in explanations based on political economy, provides significant insights into why countries as varied as Spain and Ireland have engaged in social pacts. However, it cannot satisfactorily explain why pacts pre-dated the EMU criteria, why governments continue to engage in social pacts, and why there is no correlation between pacts and the existence of tripartite institutions. Nor can it adequately account for the substantial non-wage components of most pacts. Finally, it is striking that although social pacts have occurred with some frequency in many European countries, they have certainly not become the sole or primary policy-making mechanisms for dealing with economic pressures. In fact, in many cases governments have resorted to the legislative process to pass reforms in response to economic pressures instead of privileging social pacts as the preferred modus operandi. Thus, if it is economic pressures alone that prompt governments to seek out negotiated solutions with unions and employers, it is unclear why a number of governments in both Western and (especially) Eastern Europe have opted for unilateral policy implementation when the context would seem to have favoured some form of concertation.

A related approach emphasizes the role of institutions, especially wage-bargaining institutions, as important factors mediating competitive pressures. For example, Traxler and Brandl (2010) find a correlation between social pacts and centralized bargaining processes. Hassel (2006) argues that industrial relations institutions are closely correlated with governments' preferences for social pacts to moderate wages. These studies can account for some variation in the incidence of social pacts across countries, although they are limited by their primary focus on wages and relative neglect of pacts on welfare reform or labour legislation.

A third body of research on social pacts focuses on the motivations of the bargaining partners to enter into pact negotiations, and specifically on the power of the government and unions. Baccaro and Lim (2007) and Baccaro and Simoni (2008) illustrate that weak governments and moderately strong trade unions have been the most likely to sign social pacts. Avdagic *et al.* (2011), Meardi (2006) and Molina Roma (2005, 2006) also base their arguments on the power of the government and unions, but deviate by concentrating on the balance of power between unions and the government. This body of work finds that where the government has a relative advantage in power over organized labour, pacts are more likely. Park (2009), however, examining a different set of cases, concludes that strong union movements increase the likelihood of pacts.

Yet another set of explanations, under the heading of governmental variables, focuses on shared perceptions and understandings on the parts of the government and the social partners. This shared understanding includes the acknowledgement that a crisis exists, that it can be addressed by negotiations between the government and the social partners, and that agreed-upon policies can be implemented (see Compston 2003; Menz 2011).

Another approach in this category understands social pacts as the result of electoral pressures on governments. Ahlquist (2010) highlights the public nature of social pacts as a core characteristic that renders them a useful electoral strategy, especially for governments that have lost autonomy over fiscal and monetary tools to influence economic outcomes, such as EU countries under the Maastricht criteria. Analysing pact data from 20 OECD countries from 1974 to 2000, Ahlquist's results support his expectations that social pacts become more likely closer to the end of an electoral cycle. He also finds a party effect, in that leftist governments are more likely to sign pacts, as well as an economic effect: high unemployment is related to social pacts in countries aspiring to meet the Maastricht convergence criteria. Similarly, Hamann and Kelly (2007, 2011) argue that governing parties forge social pacts not only to deal with economic problems but also in response to electoral pressures as they seek to secure votes and access to office. These pressures stem from increased electoral volatility, linked in particular to declining partisan identification and the emergence of new parties. Social pacts are attractive when party leaders perceive them as helpful in reducing the potential electoral costs of labour and welfare reforms and wage restraint. Under certain conditions, parties will opt to impose such policies unilaterally if they believe that this approach will yield electoral gains or minimize electoral costs. Analysing only those social pacts initiated by the government that address contentious issues (cutting benefits in the area of welfare, including pensions, labour rights and wages), Hamann and Kelly (2011) study social pacts in 16 countries (EU15 plus Norway). Their data show that pacts are more likely to be offered by minority governments, unconnected coalitions and centrist governments (Christian Democratic or Centre Party) in fragmented legislatures. In contrast, rightist governments are less likely to offer social pacts to unions. Although social pacts are more likely to be found in countries with low union density, such as Spain, other economic and institutional variables are not significant. They conclude that variations in the incidence of social pacts over time and across countries are therefore best explained by political variables.

Thus, existing studies show no consensus on the factors that might explain the prominence of social pacts or their variation across time and countries. To a large extent, this is likely the result of differences in the definition and operationalization of social pacts, as well as the case selection and time period under investigation. In addition, the theoretical assumptions underlying these studies have resulted in the selection of different variables, making it difficult to compare findings across studies.

Trade unions, tripartism and social pacts in Eastern Europe

One immediate legacy of the East European communist regimes was a remarkably high level of trade union density. The party-controlled unions had typically 'organized' almost 100 per cent of the workforce, and in the early years of post-communism density levels remained high. Reliable data are available only for the 10 EU members: Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia. These figures indicate that in 1990 union density stood at 83 per cent in Hungary, 81 per cent in Bulgaria and (in 1991) 80 per cent in Romania (Visser 2013). By the mid-1990s, median union density in these ten countries was hovering around 60 per cent. But over the next 12 to 13 years density fell dramatically throughout the entire region (see Table 42.1): by 2009, median density was just 17 per cent, and in two countries (Estonia and Lithuania) it had fallen to 10 per cent or below. The only countries with density levels comparable to the 2010 West European median of 28 per cent were Romania (33 per cent) and Slovenia (24 per cent) (Visser 2013; figures for 2008–11).

On the basis of their high density levels, East European trade unions were initially able to secure what appeared to be significant institutional breakthroughs in the form of national tripartite consultative bodies covering a wide range of policy areas. In the 1990s, tripartite institutions were created in all ten of the EU ex-communist states: Bulgaria (in 1993), the Czech Republic (1990), Estonia (1992), Hungary (1990), Latvia (1993), Lithuania (1995), Poland (1994), Romania (1997), Slovakia (1990) and Slovenia (1994) (EIRO 2013; Gardawski and Meardi 2010; Jensen 2003; Ost 2000).[1]

Many of these tripartite committees were explicitly intended by governments to be consultative, not negotiating, bodies, although they have been regularly used in a number of countries to negotiate periodic improvements in the minimum wage (e.g. Poland and Romania; see, for example, Jensen 2003). They do appear to be quite resilient: in 1994, an attempt by the Slovenian government to bypass the tripartite council was vetoed by the parliament (Stanojević and Krašovec 2011). In 1997–8, the two main Polish union confederations withdrew from the Tripartite Commission for a few years in protest at decisions they disliked (Gardawski and Meardi 2010), and in 1998 Hungary's tripartite council was abolished by a newly elected right-wing government, only to be re-established after another change of government in 2002 (Bohle and Greskovits 2010). Although many of these institutions were still in operation in the late 2000s, the drastic post-2008 cutbacks in public spending were introduced almost everywhere with little or no involvement from trade unions (Bohle and Greskovits 2012).

The spread and longevity of these tripartite institutions stands in marked contrast to the paucity of tripartite agreements, or social pacts, negotiated between governments, unions and employers. Across Eastern Europe, Slovenia stands out as the only country with a succession of social pacts: between 1994 and 2009, the social partners negotiated and signed eight social pacts (in 1994, 1995, 1996, 1999, 2001, 2002, 2003 and 2007). While the early pacts focused exclusively on wages, later pacts also covered employment, training, welfare and pensions (EIRO 2002; Stanojević 2010: 325). Social pacts were agreed upon in certain other countries, but relatively infrequently: Bulgaria (2006), Czechoslovakia (1991), Hungary (1993), Poland (1993), Romania (2001 and 2005) and Slovakia (2008) (Bohle and Greskovits 2010, 2012; EIRO 2004, 2013; Keune and Pochet 2010: 400). Additional social pacts were repeatedly offered in Poland – in 2002 (employment, public spending, labour law reform), 2006 (economic policy) and 2008 (early retirement) – but were just as regularly rejected by the unions (Gardawski and Meardi 2010). A Hungarian government proposal in 2003 for wage moderation met with a similar union response (Bohle and Greskovits 2010). There have been two social pacts signed in the

Baltic States, both in Estonia: in 1995, on the upgrading of the minimum wage, and in 1997, on the creation of a fund to compensate workers affected by employer insolvency. There is no evidence of tripartite social pacts in Latvia or Lithuania (Jensen 2003).[2]

Reliable data on the effectiveness of these institutions or the resulting pacts are scant. Cerami (2010) argues that governments in the Czech Republic, Hungary and Slovakia used tripartite bodies to consult with both unions and employers on contentious reforms of welfare and pensions in the early 1990s; unfortunately, he does not provide any evidence for this claim. Avdagic (2005) reports that unions in Czechoslovakia (before it split into the Czech Republic and Slovakia) were able to secure collective bargaining rights and employment protection measures in exchange for wage restraint. In many other countries, however, the weight of evidence suggests that an imbalance of power has prevented unions from exerting any significant influence within tripartite bodies on issues such as wages, pensions and welfare (e.g. Avdagic 2005; Ost 2000). However, other authors have come to a different conclusion, arguing that tripartite concertation during the transition years contributed to the stabilization of the nascent democracies. Katzenstein (2003: 22), for example, reasons that '[t]ripartism did help elicit popular support for shaky regimes seeking to affect a wrenching transition from socialism to capitalism', thus pointing to the importance of symbolic action in times of crisis.

Explaining social pacts in Eastern Europe

How can we explain the very low frequency of social pacts across Central and Eastern Europe in comparison to Western European countries? The literature offers three main lines of explanation for the emergence of social pacts: a high 'problem load' challenging the government (Pochet and Fajertag 2000); the existence of appropriate institutions, particularly union and employer organizations; and governmental variables, including the balance of power between the government and unions (Avdagic *et al.* 2011; Baccaro and Lim 2007) and party politics, viz. electoral pressures, party competition, partisanship and governmental weakness (Hamann and Kelly 2007, 2011). The problem load hypothesis suggests that when governments are confronted with serious economic problems they will opt for social pacts in order to protect their legitimacy in the face of unpopular policies. However, this argument cannot account for the rarity of social pacts in Central and Eastern Europe; as measured by unemployment, inflation, inequality or slow growth (see Kaser 2010), the 'problem load has been enormous throughout the CEE' (Keune and Pochet 2010: 400).

Governmental weakness is conventionally measured by governmental type: minority governments and majority coalition governments are assumed to be weaker than single-party majority regimes, since minority governments must negotiate with opposition parties in order to pass policies, while coalition governments may collapse if a coalition partner resigns. For the period 1990–2008, the most prolonged periods of minority government occurred in Romania (1992–6, 2000–8), the Czech Republic (1996–2002 and 2006–8) and Poland (1991–3, 2000–1 and 2003–6) (Conrad and Golder 2010). However, there was only one social pact in Romania, none in the Czech Republic and three rejected pacts in Poland during this period. In contrast, the country with the most sustained record of signing social pacts – Slovenia – was ruled for most of 1990–2008 by majority governments (Conrad and Golder 2010). Many of the minority governments in Eastern Europe ruled as coalition governments, this being the most common in Estonia (1992–2008), Poland (1991–2001, 2003–8), the Czech Republic (1993–2008), Romania (1992–6, 2000–8) and Slovenia (1994–2000, 2002–8) (Conrad and Golder 2010). It is clear that while some coalition governments have offered and signed social pacts, notably in Slovenia but also in Poland, most have not done so. Moreover, the incidence of minority and

coalition governments since 1990 has been significantly higher in Eastern Europe than in Western Europe (Keman and Müller-Rommel 2012: 9), yet the frequency of social pacts has been substantially lower. In other words, while governmental weakness as measured by minority or coalition status may give some insight into social pacts, this variable provides only a partial explanation at best.

The balance of power hypothesis suggests that weak governments – minority and/or coalition governments – and weakening unions, as measured by rapidly declining density, will frequently enter into pact negotiations but will rarely succeed in reaching agreement (Avdagic et al. 2011). This does not appear to be the case, as 15 of the 19 pact offers made by coalition governments to unions with declining density have been accepted. Moreover, because union density has declined rapidly since the early 1990s, one might expect the frequency of pacts to decrease over time, but there is no evidence that it has done so: ten pacts were agreed upon in 1990–9, and nine between 2000 and 2010. However, if we conceive of the balance of power in terms of union capacity to impose costs on governments, this argument has more validity. Slovenia, the one country with a strong history of social pacts, features a high level of union density and, almost uniquely in Eastern Europe, it has a union movement that has backed up its bargaining position in social pact negotiations with general strikes (in 1992 and twice in 1996) (Crowley and Stanojević 2011; Stanojević 2010; Stanojević and Krašovec 2011).[3]

The institutional argument also appears to have some purchase: Slovenia is the only East European economy that has developed the hallmark features of the Coordinated Market Economy rather than the Liberal Market Economy attributes that seem to pervade the rest of Eastern Europe and the Baltics (Kaser 2010; King 2007). Union density (24 per cent), employer organization density (almost 100 per cent until the mid-2000s) and collective bargaining coverage (over 90 per cent) in Slovenia are amongst the highest in Eastern Europe; moreover, its employment protection legislation is the strictest in Eastern Europe, and its welfare state is relatively generous (Armingeon 2012: 132–3).

Before addressing the party competition hypothesis, some comments on party and electoral systems in Eastern Europe are in order. In the immediate post-communist years, elections were contested by large numbers of parties, quite a few of which were new, short lived, dominated by charismatic individuals and/or prone to splits (Bakke 2010). Consequently, the effective number of parties in East European legislatures is significantly higher than in Western Europe (Webb and White 2007a). Since that time, the party systems have crystallized around recognizable party families – social democrat, liberal, centre/agrarian, Christian democrat, conservative and far right – and the left–right cleavage has become more salient in party competition (Webb and White 2007b). However, in comparison to Western Europe, East European parties are typically smaller and more centralized; electoral turnout is significantly lower and is declining more rapidly; and electoral volatility is approximately twice the West European average (Keman and Müller-Rommel 2012; Webb and White 2007a).

If the variable of electoral competition is measured by mean level of alternation in governing parties (1990–2008), party competition was most intense in Bulgaria, Hungary, the Czech Republic and Lithuania (countries with a total of just three pact offers, 1990–2010) and least intense in Latvia, Slovenia and Romania (ten pact offers, mostly in Slovenia) (Bértoa and Mair 2012). Whereas party competition does not seem to correlate with pact offers, government partisanship offers more promising insights. Post-communist East European governments have been dominated by conservatives and pro-market liberals. Data from Müller-Rommel et al. (2004) for the period 1990–2003 show that these two party groups were in power for the majority of this time in Bulgaria, the Czech Republic, Hungary, Latvia and Slovakia. Such parties are known in Western Europe for their antipathy to social pacts. Social democrats were in power for most

of this period in Lithuania, Poland and Romania, but in these and other countries they displayed little enthusiasm for social pacts (Avdagic 2005). The most pro-pact party families in Western Europe have been the centre and social liberals,[4] and these two party families dominated the governments of Estonia (in the 1990s) and Slovenia (for the whole period). Estonian governments signed two social pacts in the 1990s, whereas Slovenian governments have signed eight pacts since the mid-1990s. Partisanship does therefore appear to be associated with success in signing social pacts, although the relationship is curvilinear rather than linear on a one-dimensional, left–right party spectrum.

The balance of power, the institutional environment and the attributes of governments and parties all seem to influence the dynamics of social pacts in Eastern Europe. Underpinning the party political and government weakness arguments is the concept of blame avoidance, the idea that governments seeking to enact unpopular policies will delay, obfuscate and/or attempt to divide and co-opt their critics in order to avoid electoral punishment. In the light of the waves of welfare cuts, wage reductions and unemployment that have marked post-communist economies, one might have expected parties and governments in unstable party systems to be more responsive to voter discontent and to show more interest in social pacts as a mechanism of blame avoidance. Bonoli (2012) suggests two reasons why the logic of blame avoidance has not played out this way. First, governments have been able to assign blame to other agencies, such as previous communist governments, multinational corporations, the EU Commission and the IMF. Second, a significant number of governments have tried to turn austerity policies into a virtue, claiming they are essential in order to secure admission to the EU or the Eurozone. Rather than blaming others for such policies, they have sought to claim credit for the modernization of their economies in a manner reminiscent of socialist governments in the Southern European economies in the 1980s.

Conclusion and directions for future research

Systems of interest intermediation across Europe have been both stable and in flux in various dimensions. One of the intriguing features of West European employment relations is the persistence of high levels of collective bargaining coverage alongside low and declining levels of trade union density. In the Scandinavian, Benelux and Southern European countries (N = 13), mean bargaining coverage was 83 per cent in 2008–11, whereas union density averaged just 37 per cent. This pattern contrasts dramatically with the liberal market economies of the UK, Ireland and most of Eastern Europe, where low union density is reflected in low bargaining coverage. Moreover, the distribution of union membership in most countries is heavily and increasingly skewed towards the public sector; union density in private manufacturing and private services is typically only a fraction of the levels found in the public sector. At the same time, however, unions in many countries in Western Europe have remained engaged in national-level policy-making through bi- or tripartite agreements; these social pacts have featured less prominently in Eastern Europe. These patterns suggest several avenues for future research.

One important objective for future research is map and explain the degree to which West European employers continue to support collective bargaining with declining trade unions as the primary mechanism of pay determination. It could be the case that many large employers believe that collective bargaining confers a degree of legitimacy on unpopular measures (such as wage freezes and layoffs) and is therefore worth preserving. In economic terms, it may be the case that weak unions extract such limited concessions on wages and employment that collective bargaining has become a 'hollow shell', an institution that delivers few gains but imposes almost no costs on employers.

A second issue on the research agenda is the impact of the economic recession on the incidence of social pacts. Preliminary evidence suggests that the countries that signed relatively large numbers of pacts pre-2008 have continued to do so. Social pacts were signed in Portugal and Spain in 2008, in the Netherlands in 2009, in Italy and Spain in 2010, in Finland and France in 2011, and in Belgium and Italy in 2012 (EIRO, various issues). Similarly, those countries without social pacts since 2008 generally had very few pacts before 2008, e.g. Austria, Germany and Greece, although Ireland and Norway are exceptions in this regard: governments in both of these countries signed numerous social pacts before 2008 but have signed none since then. It would thus be interesting to examine whether the explanations for the frequency and geographic distribution of social pacts pre-2008 are equally applicable to the social pacts signed during the recent global economic and financial crisis.

This issue is connected to a third under-researched area: the substantive outcomes of social pacts. On the one hand, unions weakened by recession and high unemployment may be unable to extract significant concessions from governments; as a result, the recent social pacts may provide unions with a voice in policy-making discussions but little or no influence. On the other hand, governments have also been weakened over the past few years. Austerity policies have sparked popular discontent, culminating in electoral defeats for governing parties in a number of countries: the UK (2010), Denmark, Ireland, Portugal and Spain (2011), France and Greece (2012) and Italy (2013). Governmental weakness has been exploited by trade unions in some countries, especially where pact negotiations have been accompanied by general strikes. It remains an open question, however, to what extent the negotiations and general strikes of the past few years have resulted in concessions from governments committed to various forms of economic austerity. Given these patterns, it would also be intriguing to further explore whether the resilience or collapse of governments in response to the economic crisis is in any way related to their willingness to include unions in the policy reform process through social pacts.

In addition, future research should investigate whether the reforms broadly negotiated and agreed to in social pacts have a different impact on economic problems from those imposed by governments through the legislative process without the approval of organized labour. It would also be useful to analyse any changes in pact outcomes before and after the economic crash of 2008. And finally, it would be interesting to trace the impact of the continuing decline in union density on governmental willingness to engage in pact negotiations.

In sum, systems of interest intermediation are conditioned by numerous factors, in particular the strength of the social actors, the historical experiences of interest intermediation, and economic and political trajectories. These factors help explain why systems of interest intermediation differ significantly over time and across countries.

Acknowledgements

Notes

1 Tripartite bodies were also created in most of the former Yugoslav republics, namely Croatia (1994), Kosovo, Macedonia (2010), Montenegro (2001) and Serbia (though not Bosnia). There is no evidence of social pacts in any of these countries (EIRO 2013).
2 Curiously, the ICTWSS database lists a total of 29 social pacts in these ten countries, including four in the Czech Republic, four in Lithuania, four in Romania and three in Slovakia (Visser 2013). We can find no evidence in the research literature of any of these pacts; in response to our inquiry, Jelle

Visser acknowledged that while there might be legitimate questions about some of them, they could nonetheless be construed as 'understandings' even if they were not full-blown agreements (personal correspondence, 8 February 2013).

3   General strikes have been called in recent years in other East European countries, including Bulgaria (2004), the Czech Republic (2008), Estonia (2009), Hungary (2007) and Slovakia (2003) (EIRO, various issues).

4   East European liberal parties are often classified as 'rightist' and grouped with conservative parties (e.g. Armingeon 2012: 117). Müller-Rommel *et al.* (2004), however, offer a more subtle classification that distinguishes the social (or centre-left) liberals found in Romania and Slovenia from the rightist (or market) liberals that have had success in countries such as Latvia.

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43

Interest groups and patterns of lobbying in Brussels

Justin Greenwood

Introduction

Most developed political systems feature substantial interactions with stakeholders; however, the EU is remarkable in its high degree of dependence upon organized interests to achieve systemic goals, as exemplified by the significant extent of EU funding for NGOs. Before examining the specificities of the EU system of interest representation, the first section of this chapter contextualizes a set of more generally applicable issues regarding the role of interest groups in political participation. This will clarify the factors affecting the systemic dependencies upon organized interests in the EU political system, as well as the principles that inform the instruments used by EU political institutions to structure their relationships with interest organizations.

Typologies of interest group roles in political participation

Participation in political decision-making in democratic systems can be described as a range between two extremes. At one extreme, participation is viewed as undermining the role of political institutions as representatives of public interest, due to the possibility that decision-making will be skewed in favour of special interests (Schumpeter 1943; Majone 1996). This outlook is commonly found in civil society in Southern Europe and in Central and Eastern European countries, where 'lobbying' has pejorative connotations and even the contribution of NGOs is viewed with scepticism (Eurobarometer Flash 2013: 9). At the opposite end of the spectrum is Pateman's 'no democracy without participation' (Pateman 1970: passim), a tradition that relies on supplementing representative channels; here, 'stakeholder participation' is seen as an element of 'good governance' essential for enhancing output (effectiveness) and input (participation) legitimacy. Stakeholder participation is commonplace in a variety of regions across the globe in which instruments of consultation inform regimes of 'better regulation'. These systems also embrace the concept that participation itself facilitates acceptance by increasing public awareness of the reasons that inform the choices made by political institutions. Instruments for consultation that gather a wide range of diverging viewpoints that are subsequently presented in follow-up reports can also provide an opportunity for political institutions to engage in 'divide

and rule' strategies. Stakeholder participation varies from corporatist traditions in Germanic and Nordic countries to Anglo-US pluralist traditions (from whence the word 'lobbying' originates) in which a multitude of interest groups are encouraged to act as checks on one another as well as on the state. In this latter tradition, any form of engagement – including critical perspectives – may be interpreted as support for the wider political system. Checks on excessive powers, whether wielded by states or by other forces, thus become a democratic function, and participation in a 'marketplace of ideas' (in which arguments and advocacy are subjected to scrutiny, tests of robustness and counter-arguments) is interpreted as vital to the perceived legitimacy of the system. Political institutions might undertake measures (such as funding for NGOs) that are intended to expand the breadth of participating interests; such measures are rationalized on the basis that they promote a counterweight to business interests, create a ready constituency of support for policy proposals that are likely to encounter opposition from entrenched interests and provide a flow of information into the political system. This information may be of a political (e.g. testing whether legislative proposals are viable) or a technical nature (e.g. making proposals practically feasible or providing street-level feedback that reveals policy failure).

In international organizations, interest groups are often used as surrogates for 'civil society' and as agents to assist in policy delivery (Mercer 2002; Ottaway 2011). Because international organizations are far removed from civil society, interest groups act as proxies and surrogates for democratic mechanisms, playing a *de-facto* role of 'unofficial opposition' within a political framework that lacks a system of government and opposition, popular parties or an engaged public. International organizations need to regulate these interactions because of the extent of their reliance upon the participation of lobbyist groups and the degree to which these exchanges are vulnerable to negative interpretation; regulation also establishes the 'rules of the game' for political participation. This can range from accreditation arrangements resembling corporatist structures to a series of rules seeking to ensure a 'level playing field' for competition between groups and access to political institutions, similar to how 'free' markets require rules that structure market exchanges.

The EU system of interest representation

As reviewed above, the EU system is contextualized by the needs of international organiza-tions. Its pluralist framework with underlying regulations to ensure structured competition between multitudes of groups is somewhat unusual; for example, the system differs from that of the United Nations, the World Health Organization and the Council of Europe, organizations in which accreditation arrangements restrict access to the political system to an elite set of interest groups. In the EU system, the regulations feature language that explicitly excludes accreditation arrangements on grounds of anti-elitism (JTRS 2012). This is similar to perspectives that place primary emphasis upon the density of interest group populations as a countervailing force and source of debate in the public sphere; in this view, it makes little sense to erect obstacles to group formation through regulatory requirements such as 'representativeness' or accreditation (Kohler-Koch 2010: 107). The underlying regulation is instead articulated on the basis of 'transparency for public legitimacy' (Kallas 2005: 3) by means of a 'Transparency Register' (dating from 2011, but with earlier predecessor schemes), as the Register Secretariat describes:

> European institutions' interaction with citizen's associations, NGOs, businesses, trade and professional organizations, trade unions, think tanks, etc. is constant, legitimate and necessary for the quality of democracy, for their capacity to deliver adequate policies, matching needs

and reality. Citizens have a right to expect this process to be transparent and to take place in compliance with the law as well as in due respect of ethical principles, avoiding undue pressure, illegitimate or privileged access to information or to decision makers.

(JTRS 2013: n.p.)

With 28 member states, decision-making in the EU can only be founded upon consensus. Consensually oriented decision-making systems are especially in need of an opposition; in a system in which there are three decision-making institutions but no framework of 'government and opposition', interest groups provide a ready constituency to fulfil this role. At an early stage in preparing policy initiatives, policy-makers require signals indicating how policy proposals are likely to be received by governments in the member states. In the EU system, the regulatory character of much of the policy-making enhances the role of interest groups, due to their capacity to act as support mechanisms for political institutions with supranational outlooks. The European Commission has long encouraged the formation of groups capable of supporting its regulatory policy proposals in the face of entrenched opposition from producer interests (Young 2010: 377). These relationships are therefore critical for the European Commission as a means of achieving further European integration. Most of the Commission's services administer budget lines with funding streams that are intended to support NGOs, either by providing core operating grants or through project instruments broadly aimed at fostering European integration. NGOs that receive grants from EU political institutions obtain, on average, 43 per cent of their income from such sources (Greenwood and Dreger 2013: 140).

The most extensive relationship with interest groups is found in the European Commission, largely due to its roles and interests in policy formulation and implementation, coupled with its lack of resources relative to the functions it undertakes. The European Parliament's role as co-legislator similarly increases its need for expertise as well as for allies. Because of their interests and difficulties in connecting with civil society, these institutions are somewhat reliant upon interest groups as surrogates for civil society. Various interpretations identify the role of organized interests in the EU system as somewhere between participatory governance and an attempt to promote a European public sphere (Heidbreder 2012: 12). In this quest for a variety of different types of legitimacies, an infrastructure has emerged to formalize exchanges with 'interested parties' using devices commonly found elsewhere. This reliance upon 'outside interests' is evident in a number of Commission communications of varying status dating back to 1992 (European Commission 1992, 1997, 2000, 2001), in which the Commission progressively seeks 'an open and structured dialogue between the Commission and special interest groups' (as the title of the first of these documents indicates). The last such communication, the 2001 White Paper on Governance, represents a landmark change – namely, a push to increase participation intended to enhance both the legitimacy and the effectiveness of European governance (Heidbreder 2012: 10). This led to the development of a system of procedures for the involvement of 'interested parties' (a term often used by the European Commission to denote a wider scope than 'interest groups'), in which civil society is both an active policy collaborator in governance and an agent of a European public sphere (Heidbreder 2012: 12):

The Commission talks about 'interest representatives' and 'representing interests' because these are neutral terms, in keeping with its positive approach to the activity of representing interests. It uses them in preference to 'lobbyist' and 'lobbying' which for some people carry negative connotations.

(European Commission 2013: n.p.)

This outlook reflects a concern with democratic legitimacy, rather than an instrumental focus on symbolic consultation or on simply satisfying its informational needs. Thus, procedures for access to documents, for instance, empower requesters to acquire documentation from EU institutions, enhancing the ability of civil society to act as a systemic accountability agent; however, in practice only interest organizations with sufficient resources for full-time staff with EU policy knowledge are capable of trawling through the reams of documents on the 'Europa' website. Although a variety of different Commission services have their own structures for communicating with interest organizations, they operate within a system of minimal standards applicable across the Commission. The subsequent sections of this chapter review the details of these schemes and assess their orientation. The European Parliament has enacted relatively few rules structuring its interactions with interest organizations, other than an access-pass scheme within the framework of the Transparency Register, an instrument discussed in further detail later in this chapter.

The Transparency Register has been the focus of globalized lobby regulation activists working towards the development of ever higher regulatory standards, generally using instruments in the USA as a benchmark. These actions are led by a professionalized social movement that emerged from the counter-globalization tradition and arrived on the Brussels scene after the 'Battle of Seattle'. This has since grown into a family of 80 organizations of both 'insider' and 'outsider' orientation, sourcing substantial funds to employ a large staff working out of the 4,000m^2 purpose-renovated 'Mundo-B' eco-building in Brussels, which features shared facilities (conference centre, café, etc.) and is within easy walking distance of the European Parliament. Their presence is both a cause and a consequence of the shift away from regulatory EU competencies (in which a premium is placed on technical information) towards those that have more salience in electoral politics. Virtually all types of legislative policy-making, technical or political, require expert resources. The Parliament's now almost complete set of powers as a co-legislator enables it to make a mark on EU policy; however, the expert resources available in the European Parliament to support its legislative work do not match those of the European Commission, with the inevitable result that a number of amendments sponsored by Members of the European Parliament (MEPs) bear the hallmarks of lobbying organizations. The organizations that are extensively involved in preparing the Parliament's political responses to legislative proposals – the rapporteurs and their shadows from other parties, all drawn from the lead committee(s) – use the pluralistic forces of interest groups more systematically, checking technical information with opposing sets of stakeholders or using groups as political messengers and supporters.

The actual number of organizations that lobby EU institutions is subject to political contestation by lobby regulation activists. The Transparency Register appears to list about three-quarters of the business-related organizations lobbying the EU and 60 per cent of NGOs (Greenwood and Dreger 2013: 139). The Register also includes a sizeable number of groups that have nothing to do with lobbying EU institutions but use the Register as free publicity. At the start of 2013, there were 3,577 organizations in the Register that identified 'European' as one of the territorial levels of interest they represented (Greenwood and Dreger 2013: 150). Around two-thirds of these (2,316, or 64.76 per cent) were business-related organizations; one-quarter (824, or 23.04 per cent) were NGOs. Of this constituency of 3,577, 2,095 groups had an address (primary or secondary) in Brussels; when those with an address in countries neighbouring Belgium were included, the total reached 2,240. This seems to be the core of organizations that lobby EU institutions (Greenwood and Dreger 2013). At the start of 2013, there were 1,179 organizations with at least one individual accredited to the European Parliament, accounting for 2,733 individuals in total.[1]

The most recent measure developed by the EU aimed at connecting with civil society is the 2012 European Citizens' Initiative. This agenda-setting measure seeks to develop a European public sphere; in something of a break from the past, this attempt is independent from interest groups. The Initiative calls for the creation of 'Citizens' Committees' to act as organizing agents in the place of interest groups; if a legislative proposal obtains the support of one million citizens from at least seven member states, such a committee can request that the Commission consider the proposal. The measure has mobilized a number of campaigns from the member states that are clearly far outside the Brussels circuit. However, the systemic dependence upon interest organizations is evident from the small number of initiatives which have succeeded in reaching the required threshold of signatures.

Impact assessments with consultation

Impact assessments (IA) are used by the European Commission to justify legislative proposals to civil society in concept and detail. These evaluations are informed by consultations with a wide range of outside interests, in an attempt to collect detailed input to identify feasible policy options and hone legislative proposals, as well as to acquire broader legitimacy. A structure of procedures has emerged to ensure that everyone has a chance to make their voice heard. The origins of these procedures can be traced back to a High Level Working Group in 1992, which had complained of inadequate and intermittent information flows as well as *ad-hoc* consultation, resulting in an unpredictable and confusing process and an ill-informed public (Sutherland Report 1992). This had created a situation in which stakeholders were forced to locate the relevant policy-makers and develop their own bilateral relations with them, meaning that resources for intensive networking were required. The Secretariat General's response, 'An Open and Structured Dialogue between the Commission and Special Interest Groups', sought to 'place these relations on a more formalised footing which will make them more transparent for the benefit of all concerned' as well as 'broadening participation in the preparation of Commission proposals' (European Commission 1992: 1). The 2001 White Paper on Governance (WPG) developed this latter participatory theme on 'connect[ing] Europe with its citizens' (European Commission 2001: 3) through 'better involvement and more openness' (European Commission 2001: 4). This WPG also includes a discussion on how to manage participation, noting that 'consultation helps the Commission and other Institutions to arbitrate between competing claims' (European Commission 2001: 15).

Whereas the orientation of the WPG emphasizes input legitimacy, another important strand of contributory thinking has emerged that has shaped the information exchange regime between the Commission and outside interests. The Mandelkern Group was established in 2000 in response to member-state criticisms of the quality of the Commission's policy initiatives (Radaelli 2004: 741); its recommendations resulted in a regime for impact assessments embedded within a framework of 'better regulation'. Impact assessments are presented on the Commission website as a means to 'guide the policy-making process through an open analysis of the options and provide a discipline to ensure that economic, social and environmental factors are fully taken into account' (European Commission 2012a).

Thus, the WPG concerns over input legitimacy have been combined with the Mandelkern emphasis on output legitimacy. Both of these aspirations are clearly evident in the details of the regime that structures information flows between the Commission and outside interests, in which a 'system' is clearly visible for the entire process of interactions. In 2002, a series of standards were introduced for the use of expertise and for consultations; these were later embedded within

the regime of impact assessments introduced in 2003, which sought to ensure that policy options were informed by a sound evidence basis. These procedures have evolved through a series of incremental reforms, each reflecting the predominant concerns at the time (i.e. output or/and input legitimacy). Although the procedures are required practice and have become standard policy norms, they are not backed by legal provisions; the extent to which they might be viewed as enforceable in the event of a case before the Court of Justice remains an open question (Tanasescu 2009).

Legislative notification and impact assessments

The first step in the legislative process is for all new initiatives to be announced in advance through the annual publication (available on the Internet) of a 'Commission Legislative Work Programme' (CLWP), ensuring that notice of future regulatory initiatives is provided in sufficient time for actors not among the 'usual suspects' in Brussels to engage in the process. The CLWP notification includes an 'Impact Assessment Roadmap', within which the proposed means of consultation is laid out; the audience can range from a general public forum to technical discussions held with target groups of stakeholders. The results of such consultations are published in an impact assessment report, along with the final legislative proposal; this should include an explanation of how consultation influenced the policy choices selected. As with similar instruments in many other contexts, there has been a predictable scepticism among seasoned practitioners regarding the extent to which impact assessments are actually responsive to such input; IAs may simply justify a policy decision taken long before formal consultation procedures commenced, with consultation responses being used as ammunition in a 'divide and rule' strategy. These criticisms can only be evaluated by examining the operational detail of such schemes.

All legislative proposals, as well as white papers, action plans, expenditure programmes, guidelines that define future policies, and implementing measures (other than those that are highly technical or limited in impact) require an impact assessment (European Commission 2009a: 6).

The guidance manual governing the creation of IAs reveals a highly involved process requiring the production of a report in seven sections that provides details on the following aspects: the consultation undertaken with interested parties; a justification of why the problem needs to be resolved at the EU level (the 'subsidiarity test'); the policy options; an analysis of the economic, environmental and social impacts; a comparison of the options; and arrangements for monitoring and evaluation (European Commission 2009a: 1–50). Consultation with stakeholders on impact assessments should begin at an early stage in the process in order to enable the data generated to inform the analysis. The impact analysis section of the guidance manual mandates the identification of 'winners' and 'losers', as well as sub-sections for analysis of the effects upon, *inter alia*, social inclusion, gender equality, participation and governance. On such matters, the guidelines state that the consultation of NGOs is essential; the publicly available status of the manual ensures that these standards will be enforced by advocacy organizations.

The production of an impact assessment report is accompanied by mechanisms of support and oversight. The minutes of the (support) Impact Assessment Steering Group (IASG) concerning a final report are forwarded to an Impact Assessment Board (IAB) for evaluation of the process undertaken and the quality of the report; these boards are comprised of Commission officials from economic, social and environmental departments. After meeting with the authors of the impact assessment report, the board holds a formal hearing. Boards are empowered to require legislative developers to restart the impact assessment process or to redesign elements

of it (European Commission 2009a; European Commission 2010), and the final report must include details on how the proposers made changes to the report following the board's comments. A positive evaluation is required from the IAB before the report can be sent to the responsible Commissioner to consider whether a legislative proposal is necessary and what form the instrument might take, before any proposal enters into inter-service consultation within the Commission. The evaluation of the quality of each impact assessment is published online, and includes an assurance guarantee of conformity with the consultation standards developed in 2002. The work of IABs is in turn subject to scrutiny by the Court of Auditors, as well as oversight exercised by the increasingly active European Parliament Committees. Together, these procedures ensure thorough consideration of policy options based on informed analysis and public exploration of alternatives.

A Strategic Review in 2008 involving public consultation on the IA process resulted in the following changes: reinforcement of feedback mechanisms and an emphasis on the importance of seeking alternative approaches from NGOs; improvements to the assessment of social impacts; inclusion of an examination of impacts on SMEs in comparison to large firms; greater quantification of impacts; and greater use of external expertise to validate methodologies, pluralize expertise and provide independent assessments (European Commission 2008, 2009b). Annual reports on the impact assessment process include examples of the ways in which legislative proposals have been halted or downgraded as a result of IAs or scrutiny from IABs. In 2011, over one-third of reports had to be resubmitted and 41 per cent of reports required substantial changes (European Commission 2012b).

The IA regime seems to have grown in depth, with the addition of procedures progressively developed to strengthen the system. The use of IAs in practice has been extended far beyond the circumstances for which they are required, and in comparison to the systems adopted in the member states the EU is a clear leader (Jacob *et al.* 2008). The operational politics do not suggest a symbolic regime or one that has been 'hijacked' by special interests, but rather a process that provides an account of how the information generated during consultation processes is used to arrive at policy choices.

Consultation

The consultation regime is defined by a Commission Communication from 2002 with reference to Amsterdam Treaty Protocol 7, which obligates the Commission to 'consult widely before proposing legislation' (European Commission 2002b). The 2002 reference document states that the guiding principle for the Commission is that of 'a voice but not a vote' for interested parties. Among the general minimum standards is a stipulation that, in addition to having an opportunity to express their opinions, adequate feedback will be provided to all such parties (European Commission 2002b).

There has been a recent trend towards public consultation prior to more specialized forms of consultation (European Commission 2009b: 2). Open public consultation is used in three-quarters of all impact assessments (European Commission 2012c: 5); 90 per cent of all impact assessments also involved targeted stakeholder consultation, often during the later stages of the assessment process. The centrepiece of public consultation is a website, 'Your Voice in Europe', where policy documents are posted and responses are encouraged. The 2014 open public consultation on the Transatlantic Trade and Investment Partnership (TTIP) attracted a record 150,000 responses. With such a volume, the impact of an individual response is likely to be minimal, such that the diversity of responses provides room for manoeuvre for political institutions. Quittkat and Kotzian argue that participation in online public consultations by the

'usual suspects' in Brussels should primarily be seen as 'playing the game'; these organizations do not expect that their contribution will make very much impact due to the relatively large number of other voices, but they hope to gain access to, or a role in, the second tier of focused (non-public) consultations (Quittkat and Kotzian 2011: 404–5).

Consultations focused on target audiences are the instrument of choice when the issues are of such a technical nature that they are inaccessible to the wider public. A browse through the list of open consultations on 'Your Voice in Europe' confirms the largely technical nature of 'everyday policy-making' in the EU. Specialist consultative fora can include meetings of or with experts (Gornitzka and Sverdrup 2011) and/or stakeholders, in formal or informal, regular or ad-hoc settings. The choice of the stakeholders invited to attend informal gatherings is also vested in the Commission. In terms of composition, the participants in expert fora from civil society are approximately evenly divided between producer and non-producer interests (Gornitzka and Sverdrup 2011). From the Commission's perspective, this setting is where stakeholder participants from radically different perspectives can engage in interactive discourse and come to understand the variety of constraints to which the Commission is subjected in reaching its policy decisions. These fora are therefore of significant value in helping to build consensus.

Once a consultation is closed, online links are provided to a follow-up page that should contain, *inter alia*, information about consultation responses, the consultation report within the impact assessment and the final legislative proposal. However, there are a number of issues with implementation. Practices in publishing the responses received during consultation exercises vary; in 2011, publication occurred in not quite two-thirds of all consultations (European Commission 2012c). Furthermore, practices in publishing the reports on the consultation exercises themselves are also variable. A survey conducted in 2008 by Hüller and Quittkat found that fewer than 40 per cent of online consultation reports were publicly available (Hüller and Quittkat 2009: 20; Quittkat 2011: 659) despite the inter-institutional agreement of 2003 mandating that the results of consultations be made public (Official Journal of the European Union 2003: para. 26). The Commission's more recent analysis claims a higher level of compliance, with 58 per cent of summary consultation reports published in 2011 (European Commission 2012c: 16).

In a review of all impact assessments during the first three years of the regime, the Centre for European Policy Studies (CEPS) was able to determine from consultation reports that stakeholder input had made a difference in half of all IAs, in the sense that it had resulted in a change in the choice of the regulatory option or a major change in the final proposal (Andrea Renda, in Tanasescu 2009: 217). Notably, the CEPS study observed that stakeholders who had participated in a targeted consultation were more likely to regard the outcome as legitimate in comparison to participants in open public consultations. The conclusions of the CEPS study are supported by an external evaluation finding that stakeholder involvement improved the quality of impact assessments (Jacob *et al.* 2008: 2–6). Tanasescu therefore concludes that 'when consultations are conducted in a timely and correct manner, stakeholder input does make a difference and is reflected in the final version of the IA Report' (Tanasescu 2009: 223).

Over time, there has been a growing focus in Commission procedures on input legitimacy in addition to its traditional need for output legitimacy. Considering impact assessment-related policies as a whole, it is important to note that the Commission has championed the development of these procedures at some inconvenience to itself, in a manner that increases its workload, pluralizes its power (through policies geared towards both output and input legitimacy that require it to engage in transparent public explanation for its actions) and enhances the ability of others to monitor it and call it to account. There has been an indisputable upward trend in the standards of impact assessment-related policies as a whole towards those consistent with input legitimacy purposes.

Acquiring and providing information: access to documents and the Transparency Register

Directive 1049/2001 on Access to Documents addresses information asymmetries by making the work of EU institutions (as well as those who provide documentation to them) more easily accessible to scrutiny. This is a freedom-of-information measure facilitated by a web-searchable register of documents and a very brief e-submission form that allows requesters to obtain documents held by institutions within 15 working days of a request. Of the 6,447 access requests received by the European Commission in 2011, 80.2 per cent were granted in full; in a further 7.63 per cent of cases, partial access was granted. There was a revision of the institution's decision in more than half of the cases appealed by applicants (European Commission 2012d: n.p.). Academics accounted for around one-quarter of applications, followed by interest organizations (one-fifth). A small number of interest organizations have been disproportionately responsible for such access requests. A niche NGO, Access Info Europe, has been created (as a branch organization of a wider network) in order to increase the usage of the regime by other NGOs.

The European Ombudsman plays an oversight role, sometimes working in parallel with 'watchdog' NGOs to expand the office's jurisdiction. The 2010 Annual Report states that the service 'regularly receives complaints from the Corporate Europe Observatory (CEO), which help us to identify shortcomings in the EU administration and to advise the EU institutions on how to rectify them' (European Ombudsman Service 2010). CEO is a Mundo-B tenant that has made considerable use of access requests, successfully appealing to the Court of Justice of the European Union (General Court) in cases accusing the Commission of procedural failures related to access to documents. The measure and its enforcement mechanisms have substantially increased the workload of the Commission, but they have become one of the key tools empowering civil society organizations to play the role of accountability agents. This runs paradoxically counter to the concept of bureaucratic self-interest – empowering watchdogs at the expense of political institutions, entailing a considerable increase in both workload and accountability. But the overriding concern with democratic legitimacy is evident in the development and the implementation of the measure, extending to documentation originating with third parties.

The Transparency Register

The Transparency Register primarily involves a flow of information in the other direction (i.e. from interest organizations to civil society and EU institutions) via self-disclosure of various categories of information in a public web database. The European Commission and European Parliament have a set of rules that regulates the behaviour of lobbyists and the lobbied (appointed and elected officials, and those who assist and advise them). The rules concerning the latter are unremarkable, including transparency declarations and measures to avoid conflicts of interest (or anything likely to be perceived as such), and the rules are under constant development. The main instrument with regulatory impact on lobbyists is the Transparency Register and its associated code of conduct.

The 2011 Transparency Register merges two preceding systems: the European Parliament's 'Accredited Lobbyist' scheme dating from 1998, based on the registration of individuals, and the European Commission's 2008 'Register of Interest Representatives' (ROIR), which was based upon organizational registration. The Council has yet to join the scheme, despite signalling its intention to do so in June 2011. Registration is voluntary but highly incentivized. The two strongest incentives are the availability of a special access pass to the European Parliament

building that allows some freedom of movement (as opposed to access only to a certain location for a specific meeting) and the possibility that non-registered organizations will not be invited to participate in consultations with target groups of stakeholders. Another incentive involves one-to-one pressure, in that 'invitations' to join are also granted to non-registered organizations at the start of meetings with Commission officials. A lesser incentive is related to information flows: registered organizations are able to subscribe to receive consultation alerts for elective topics, but this knowledge can easily be acquired elsewhere. There are currently over 5,500 registrations, covering an estimated 75 per cent of business-related organizations and 60 per cent of NGOs that have an address in Belgium (Greenwood and Dreger 2013: 139). However, a number of organizations from across the globe without any link to EU policy-making or implementation use the database as free advertising space; one-third of registrations do not check the 'European' box when asked to state the different territorial levels of interest represented. A major point of criticism with the Register is that there is no systemic check preventing uploads to the public interface when information is not provided; furthermore, the random checks in specified data fields conducted by the Commission are quite limited in scope. This is partly due to the lack of monitoring resources in the institutions, partly the expression of a preference for a mutual system of checks and balances among those registered, and partly because the Secretariat General of the Commission views checks on every entry as an accreditation scheme that is too reminiscent of arrangements for elite access. The result is that the quality of data in the register is somewhat variable, although it is gradually improving. In practice, the scheme relies upon interest organizations to monitor the information entered by others and file complaints strategically, in the hope that this will result in a good standard of information for the core set of organizations lobbying EU institutions. The reputational consequences for transgressing organizations can potentially be significant when the punishment involves suspension from the register, particularly in the case of commercial public affairs consultancies, where a loss of client base will follow.

Of particular note is the wide scope of the Transparency Register, which encompasses formal organizations as well as structures with no legal status, and employs both indirect and direct means of communicating messages to EU institutions. An organization cannot claim to be covered by 'indirect registration', i.e. through its affiliation with another registered entity. Registered groups are asked to provide public information on who the organization represents, contact and website information, and the organization's mission, funding, lobbying of personnel and expenditures. There is some variation in information requirements across different categories of actors; for example, questions about lobbying expenditures are voluntary for NGOs and compulsory for business-related organizations. As a result, around 15 per cent of the entries in the NGO category would more accurately be categorized elsewhere, the majority of which are business associations (such as the European Tube Manufacturers Association) or even companies (such as Qantas Airways) (Greenwood and Dreger 2013: 145). Although there is guidance on the information to be included, some organizations enter obviously implausible data. When the Joint Transparency Register Secretariat receives a complaint that it subsequently upholds, a variety of options are available; however, most complaints are settled by the offending organizations rectifying the data deficit.

The main gap in the register involves law firms that provide political consultancy services. Although this is not a sizeable number of firms, their absence from the register has a significant consequence, as these firms attract clients who do not want their business to be disclosed; they use the 'client confidentiality' demanded by the legal professional code as an excuse not to register. Many think-tanks and churches were previously reluctant to appear in the old (2008) Register of Interest Representatives because they rejected the labels of 'lobbyist' or 'interest representative'.

This has been resolved by the name change to Transparency Register for the 2011 successor scheme; in addition, in the presentation of the register there is a clearly visible bold black line that separates producer-related interests from NGOs, think-tanks and research-related organizations, churches and public-sector entities (de Castro Asarta 2011). It is notable that the discourse on the 'legitimacy of lobbying' (de Castro Asarta 2011) from the Green Paper introducing the ROIR (European Commission 2006) has disappeared completely from the Transparency Register legislation.

Conclusion

A common driver in any democratically oriented political system is the quest by political institutions to enhance the legitimacies of their policies; interest groups provide a readily available source of legitimization. The disconnect between transnational organizations and civil society and the consensual nature of their decision-making procedures require interest groups to perform as surrogate democratic agents. The twin demands of critic and ally seem paradoxical, but ultimately provide political support from within systemic parameters. Transnational organizations have a particular need for political supporters and messengers to achieve their policies; these proxy actors engage with resistance from entrenched interests and lobby government institutions. Consequently, such organizations develop key frameworks within which these groups can operate, including funding and regulatory infrastructures. The EU has chosen a pluralist design centred upon a multitude of interest groups, requiring a high degree of funding for NGOs. The predominance of regulatory policy-making among EU competencies results in underlying interest group politics based on interactions that are often highly technical in content. Nonetheless, an increasingly significant feature in recent years has been the growth of political contestation by interest groups, as well as the presence of professionalized social movements bridging 'outsider' and 'insider' tactics. The European Parliament, keen to make its mark on European politics and policy, has increased the political content of technical regulation as a result of its now virtually complete powers as a co-legislator.

The European Commission has developed an elaborate framework enabling groups to act as checks and balances, both on one another and on political institutions. Extensive procedures have been developed to structure exchanges between political institutions (mainly involving the Commission) and interest organizations in an attempt to obtain legitimacy for this dialogue. These procedures are of particular importance because of the high degree of systemic reliance upon interest organizations found in EU political institutions. The centrepiece is the system of impact assessment procedures, in which consultation and transparency measures are embedded elements. These elements confirm the emphasis on the development of mechanisms of political consultation in the public sphere, which seek to moderate the potential for 'negative externalities' in dialogues with 'interest representatives' – a term that the European Commission prefers over 'lobbyists' in order to communicate what the EU seeks from the dialogue. Procedures intended to structure interactions with interest organizations have largely been developed since 2001, and compare favourably with instruments – where they exist – in the member states.

Note

1   The European Parliament accreditation pass scheme is the one section of the register that is still growing significantly as of mid-2014; updated figures list 4,170 individuals (http://ec.europa.eu/transparency register/public/consultation/listaccreditations.do?locale=de&reset= [accessed 20 July 2014]).

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Part VIII

Civil society and social movements in European politics

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44

Immigration policy-making in Europe

Sara Wallace Goodman

Introduction

Immigration has become one of the most politically contentious and publicly contested issues in modern-day Europe. Immigration and immigrant-related diversity have become facts of life across the continent, but the adjustment by states to this new reality has not always been seamless. What started as a byproduct of colonialism and ill-conceived guest-worker schemes has now become a cornerstone of Europe's economic future and a permanent fixture in the make-up of European society. Often described as Janus-faced, immigration presents both opportunities and challenges, where the trajectories of an aging population meet the demands of an increasingly interdependent and competitive international labour market. Although immigration has proved to be an incontrovertible asset in terms of demographic and economic growth, as well as some of the social goods that result from living in a context of diversity, immigration remains a hotly debated issue that defines both electoral outcomes and the successes and failures of certain governments, even raising questions as to the viability of the welfare state.

This chapter presents a general overview of immigration in Europe today, examining both the empirical reality of immigration and the state policies that seek to manage it. The chapter is organized into two parts. In the first part, I provide a brief, descriptive overview of general patterns of immigration in Europe. In the second part, I examine the main policy instruments available to states to control and respond to migration, focusing primarily on immigration, but also including sections on citizenship and integration policy-making. Each section also includes a review of the relevant literature to shed light on how scholars in the field have approached policy analysis. There is general consensus on the push and pull factors that bring immigrants to Europe, but many different perspectives on how – and, indeed, whether – states are managing this flow of people. Indeed, the literature on European migration is so voluminous that it has flourished into a subfield in its own right. The central argument of this chapter is that state policies, and consequently immigrant experiences, are remarkably varied as a result of these different policy configurations. While Europe as both an idea and an institution has never been more unified, immigration, integration and citizenship polices are areas in which we see continued divergence and enduring state sovereignty.

Descriptive overview

A brief review of migration to Europe

Until the 1960s, migration in Europe was primarily defined by the experience of emigration. Greece, Ireland, Italy and the UK were particularly affected by citizens leaving their home countries to seek out better economic or other opportunities elsewhere. This loss of manpower, both in parallel with and in response to the challenge of rebuilding post-war economies, created the need to bring in foreign workers. There were two primary means of doing so: (1) making use of post-colonial ties to encourage immigrants from newly independent but linguistically connected countries; and (2) establishing bilateral treaties with underdeveloped countries to establish temporary guest-worker schemes. The former is characteristic of the migration patterns established in the UK and France, while the latter is characteristic of the experience in West Germany, Austria and, to an extent, the Netherlands. The UK is an interesting example of the former method; however, according to Randall Hansen, 'British economic policy did not . . . link open immigration with the labour market. Unlike France, Germany, and Switzerland, the UK simply did not actively encourage large-scale migration, permanent or temporary' (Hansen 2000: 8). Still, migrants were attracted to Britain's economic prosperity, and liberal policies (until 1962) provided for relatively unfettered immigration opportunities from both new and old Commonwealth countries.

In Germany, there has been a voluminous wave of guest-worker migration, and today approximately 7 million foreign residents – including 2.5 million of Turkish origin – live in Germany. The German case is illustrative not only of guest-worker practices but, ultimately, of the infamous 'guest worker myth', the misconception that such states were the 'reluctant'[1] recipients of immigrants. In order to sustain Germany's post-war economic growth, once the wave of returnees and refugees subsided the Labour Ministry began to establish bilateral agreements to bring foreign workers into the domestic labour market on a temporary basis. Beginning with Italy in 1955, these agreements extended through the late 1960s, most notably with countries such as Turkey (1961) and Yugoslavia (1968), importing workers who were intended to fill industrial and agricultural jobs on a flexible, rotational, temporary basis. With the oil shock in 1973, given the glut of temporary workers already in Germany, a moratorium on economic migration was established. Although this halted the flow of economic migration, it also paved the way for family reunification (to join settled guest-workers) and asylum-seekers (some of whom otherwise would have come as guest-workers). Indeed, as Anthony Messina notes, '[t]he labor stop inadvertently stimulated a wave of secondary immigration and accelerated the pace of immigration settlement' (Messina 2007: 126). West Germany would later become the recipient of a whole host of immigrants, owing to the break-up of the Soviet Union, the reunification of Germany and the country's low barrier for recognition of political asylum, but none of these waves would leave such an indelible mark on the rhetoric and politics of immigration as the generations that stemmed from these guest-worker schemes.

The immigration experiences of post-colonial and guest worker-receiving states converged by the late 1980s and through the 1990s, as humanitarian-based migration from the former USSR and the former Yugoslavia and events on the African continent and beyond began to affect all borders; however, the trails blazed by previous generations of migrants served to reinforce future waves of migration. The aggregate of migration and settlement over time has made non-European migration both sizable and attractive to researchers. In examining the top nationalities of foreign-born populations (a measure that captures not annual inflow but rather the total number (stock) of foreign-born persons resident in a host society in a given year),

Table 44.1 Top three nationalities of foreign-born populations (2009)

Country	Nationalities of foreign-born populations
Austria	Germany, Serbia and Montenegro, Turkey
Belgium	France, Morocco, Italy
Denmark	Turkey, Germany, Poland
Finland	Former USSR, Sweden, Estonia
France	Algeria, Morocco, Portugal*
Germany	Turkey, Poland, Russian Federation
Greece	Albania, Germany, Turkey**
Ireland	United Kingdom, Poland, US***
Luxembourg	Portugal, France, Belgium**
Netherlands	Turkey, Suriname, Morocco
Portugal	Angola, France, Mozambique**
Spain	Romania, Morocco, Ecuador
Sweden	Finland, Iraq, former Yugoslavia
United Kingdom	India, Poland, Pakistan

Source: author's compilation.

Notes: OECD (2011). Data for Italy not available. * Data from 2007. ** Data from 2001. *** Data from 2006.

presented in Table 44.1, we can see that historical paths play a significant role in defining the current levels of migrant-related diversity. France's immigrant population largely consists of immigrants from Algeria, Morocco and Tunisia, legal immigrants in Greece mostly come from Albania, Germany's migrant population is overwhelmingly Turkish, Sweden's foreign population is largely a legacy of comparatively permissive asylum policies, and the post-colonial ties between the UK and India and Pakistan are apparent.

However, from Table 44.1 it is also evident that although the flow and fate of non-European-based migration (so-called third-country nationals [TCNs]; see Box 44.1 for more information) is central to domestic political debates, the primary source of foreign-born populations in European countries is other European countries. These second-country nationals have taken advantage of the eased travel and free movement within the common market to settle across EU member states. However, when intra-EU movement and the successive enlargements of the EU – which have considerably expanded access to the European labour market to an ever-increasing set of countries across the continent – are controlled for, it is non-European migration that has had the greatest impact.

In one way or another, each country in Western Europe has become heterogeneous. As Table 44.2 shows, this level of heterogeneity based on foreign-born populations varies

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Box 44.1 Categorizing status in the European Union

- *Second-country national (SCN)*: a person who is a citizen or a national of an EU member state; used in the context when that person moves from one EU member state to a second EU member state.
- *Third-country national (TCN)*: a person who is not a national of an EU member state; used in the context when that person moves from outside the EU to any EU member state.

Sara Wallace Goodman

Table 44.2 Foreign-born population as a percentage of total
population (2009)

Country	Foreign-born population as percentage of total population
Austria	15.5
Belgium	12.11*
Denmark	7.5
Finland	4.37
France	11.55
Germany	12.94
Greece	7.44**
Ireland	17.18
Italy	7.09**
Luxembourg	36.93
Netherlands	11.09
Portugal	6.32
Spain	14.3
Sweden	14.39
United Kingdom	11.32

Source: stats.oecd.org (accessed 26 January 2013).

Notes: * Data from 2005, the last year recorded by the OECD. ** Reporting foreign population, as figures for foreign-born population are unavailable. In every case, foreign-born population is a larger number than foreign population.

considerably from the most diverse (Luxembourg) to the least (Finland), but all countries have been permanently affected by immigration and, as a consequence, by immigrant–related diversity.

As the descriptive evidence shows, immigration to Europe is not a monolithic process. There is variety in terms of sending countries, as well as in the reasons underlying recruitment and reception. Migration is guided by a number of path–dependent decisions, and both policy continuity and change serve to reinforce these differences. It is also interesting to note how the perception of immigration has altered over time. In the late 1960s, migrants were viewed as economic actors. It was not until later (mainly during subsequent waves of family reunification) that they were viewed as social actors seeking settlement and social/welfare rights. Relatedly, these actors would come to be identified by their religion – and grouped together as a type of uniform 'Muslim threat' to Europe – only much later, starting in the 1980s with the Rushdie affair in the UK and the (first) headscarf controversy in France.

Policies for managing migration

The number and types of policies that states have in their toolkits to address this demographic shift are as varied as the nature of migration itself. Each policy governs a different dimension of the immigration process. Figure 44.1 illustrates the different processes included under the ambit of 'immigration policy-making' and maps the respective statuses obtained as a result of each of these processes. When politicians and policy-makers craft immigrant-oriented policies, any number of these processes can be addressed. While the unidirectional trend line
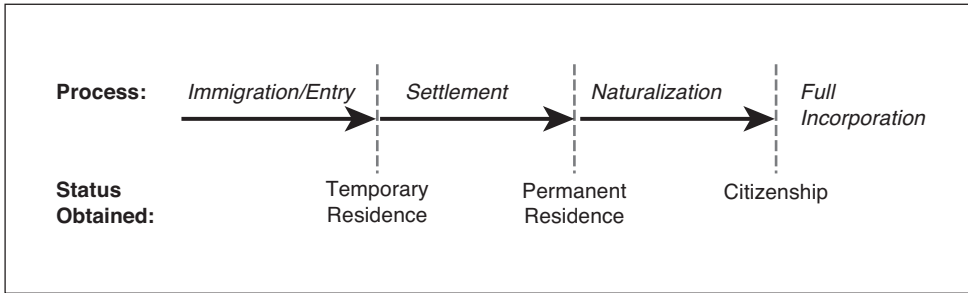
Figure 44.1 A simplified schematic of the stages of immigration

suggests a continual process, it is not teleological. A migrant may be thwarted at any stage – resulting in an indefinite renewal of temporary permits or sometimes deportation – and there is nothing determinative about naturalization; in other words, a migrant will be likely to linger at the stage of permanent residence (whereby the state permits a person to remain on an ongoing basis) if the barriers to citizenship are too high or if the incentives distinguishing citizenship from permanent residence are too small. For example, among the top reasons permanent residents do not seek citizenship is that the procedures are too difficult, the administrative fees are too high or they would be forced to renounce a second citizenship. These have nothing to do with the value of citizenship *per se* but rather with the procedure for obtaining it.

Given the dynamism of the immigration process, there is necessarily significant complexity associated with the number and nature of policies that seek to govern and manage it. The most obvious area of policy-making is immigration policy itself, i.e. the rules and practices that determine and guide the volume and rate of immigration in a receiving society. A second area of immigration policy-making is citizenship policy, or the rules and practices that enable immigrants to achieve full legal incorporation (or inhibit this process) through the acquisition of status and the accompanying rights and protections conveyed by citizenship. These two policies are intimately connected; often the rules for immigration will determine eligibility for citizenship, and sometimes citizenship rules are crafted with immigration goals and realities in mind.

A third area of immigration policy-making is that of integration policy, defined as the rules and practices that guide the incorporation of newcomers into aspects of host society life. Integration can be political (promoting participation in the political process), social, cultural or economic, to name a few potential aspects. Tomas Hammar long ago drew a distinction between *immigration* policy, which regulates the entry and stay of foreigners, and *immigrant* policy, which is concerned with integration into the host society (Hammar 1985). This distinction is still applicable, but the two policies are not mutually exclusive. A more appropriate method of conceptualizing the relationship would be the following: '[i]mmigration policy-making' is an umbrella term used to refer to all immigrant-related policies, under which any number of policy subsets may exist, including policies of intake, policies of integration (Hammar's 'immigrant policy'), etc. Integration encompasses a set of policies that spans a wide range of issues, from whether potential migrants can speak the host country language (in order to allow them to find work) to whether naturalized citizens politically participate at the same rate as native-born citizens. This chapter will focus less on the immigrant policy-making aspect of integration, primarily discussing aspects of integration policy that regulate immigration, such as cultural requirements for entry, settlement and citizenship. However, the presence or absence of integration policies can directly impact the successful settlement of immigrants. Box 44.2 provides a summary of the definitions used to differentiate these policies.

> ### Box 44.2 Three kinds of immigration policy
>
> - *Immigration*: rules and practices that determine and guide the volume and rate of immigrant intake to a receiving society.
> - *Citizenship*: rules and practices that enable immigrants to achieve (or prohibit them from achieving) full legal incorporation through the acquisition of status and accompanying rights and protections.
> - *Integration*: rules and practices that guide the incorporation of newcomers into aspects of host society life.

Although these policy areas are related and often overlap, they are not interchangeable. For example, citizenship is certainly a type of integration policy, as it seeks to regulate the legal incorporation of immigrants. However, many policies that facilitate integration (e.g. state support for religious institutions or guarantees for the availability of translation services) fall outside the scope of citizenship. Furthermore, integration policies may be used to regulate immigration or citizenship, such as the recent fad to promote civic integration (i.e. language and country knowledge) as a condition for the processes of entry (the granting by the state of temporary residence to an individual), settlement (granting of permanent residence) and naturalization (granting of citizenship), but there is also a bevy of immigration and citizenship policies that evince no concern for integration. The following sub-sections discuss these three facets of immigration policy in more detail, primarily concentrating on immigration policy itself, but also including considerations of the impact of citizenship and integration policy on the immigrant experience.

Immigration

There are several different categories of immigration, and the intake levels of these groups result from a variety of immigration policies that can be described by degrees of permissiveness or exclusion. These categories include work-based migration (both high and low skilled), family-based migrants (either those joining migrants or those invited to form families) and humanitarian-based migrants (i.e. asylum-seekers), as well as a host of other categories, including migrants that qualify as ethnic returnees. There is also migration that operates outside of state regulation: illegal or irregular migration. As this sub-section will argue, immigration policy-making in Europe can be described by two trends: the objective to increase desired migration (highly skilled workers) while simultaneously decreasing undesired migration (family based), and the gradual harmon-ization of immigration policy through an ever-increasing number of EU directives.

The immigration literature has sought to explain how states navigate between national and supranational interests and between domestic politics and elite preferences in order to achieve desired levels of control. The apparent 'gap' between preferences for closure and control and what many perceive as a seemingly unrestricted, uncontrolled reality was one of the first theoretical issues to structure the emergent literature on immigration. This hypothesis, elaborated by Wayne Cornelius *et al.* in their edited volume *Controlling Immigration*, postulates that 'significant and persistent gaps exist between official immigration policies and actual policy outcomes' (Cornelius *et al.* 2004: 4), gaps that are caused either by the unintended consequences of policy or by the inadequate implementation of policy. As a result of this gap, the authors argue, the restrictiveness

of official immigration policies is converging. In other words, states share a desire to reduce unwanted immigration and therefore adopt similar practices for achieving their mutual goal. As James Hollifield points out elsewhere, 'almost all of the receiving states were trying to reassert control over migration flows, often using similar policies and in response to public opinion, which was increasingly hostile to high levels of immigration' (Hollifield 2008: 191). In fact, Terri Givens and Adam Luedtke posit that the harmonization of immigration policy at the EU level lags behind other policy areas precisely because 'when the political salience of a given immigration issue is high, any harmonization that results is more likely to be restrictive toward immigrant rights' (Givens and Luedtke 2004: 145).

To address this gap and the idea of convergence, Christian Joppke rephrases the question as 'why liberal states accept unwanted immigration' and points to state sovereignty for the answer (Joppke 1998). Recognizing that states may rhetorically dislike immigration but nonetheless face economic and demographic imperatives, Joppke argues that restrictionist policy goals and expansionist outcomes are the result not of a weakened state, as post-nationalists argue (Sassen 1998; Soysal 1994), but rather of a strong liberal state practising self-limiting sovereignty through the domestic political process – including client politics (Freeman 1995), elections and the role of courts. Messina concurs that immigration is a 'phenomenon that has been and primarily remains defined and governed by sovereign national governments and states' (Messina 2007: 10). Continuing, he argues that high immigration levels are shaped by a political logic, despite rhetoric advocating the contrary:

> Specifically the role of politics in adjudicating the often competing claims thrown up by the domestic economy and domestic economic actors, foreign policy pressures and commitments, and humanitarian norms within the domestic and international arenas, that is primarily responsible for creating and sustaining an environment that allows significant migration to Western Europe.
>
> (Messina 2007: 11)

In terms of restrictive convergence, there is no real debate over the fact that 'Fortress Europe' is seeking to escalate control over immigration. However, there are only certain types of immigration that states seek to curtail; moreover, there are only certain types of immigration that states are able to limit. European directives, as well as national legislation and the courts, may support the interests of either states or migrants at different times. States can wield self-limited sovereignty, but only within limits (for a discussion, see Ellermann 2013).

The migration literature has expanded considerably since these formative years. A plethora of studies in the field have gone beyond explaining gaps between policy and practice, primarily looking to the actors behind the crafting of policy. A great deal of attention has been devoted to politics and far-right parties (Schain 2008; Givens 2005; Messina 2007). However, many actors besides far-right populists are involved in creating immigration policy (Akkerman 2012; Bale 2008). Paul Statham and Andrew Geddes illustrate how an 'organized public' can impact immigration policy (Statham and Geddes 2006), while Antje Ellermann shows how immigration bureaucrats can manage this public opposition (Ellermann 2006). Other work has focused on the nuanced and varied processes of policy-making. Christina Boswell et al., for example, point to the increased use of expert knowledge rather than politics to inform policy on immigration, but go on to stress that a 'large part of migration policy still involves responding to popular pressures' (Boswell et al. 2011: 7). Will Somerville and Sara Wallace Goodman (2010) take a maximally disaggregated view of migration policy-making, finding that some areas of policy

are heavily influenced by business networks (immigration policy), while others are motivated by a publicly responsive, elite-driven executive (asylum).

This literature overview only skims the surface. Immigration studies has become a subfield in its own right – bridging the disciplines of political science, sociology, legal studies and economics – precisely because there are so many questions about the impact this unprecedented demographic and cultural shift may have on receiving societies. Investigations of the many actors involved in the process of policy-making and the policies themselves, not to mention the aspects of political behaviour demonstrated by immigrants (which is outside the scope of this chapter), have fostered a distinct new area of study.

To understand how immigration scholarship has tried to keep pace with its object of study, it is imperative to turn to an examination of the nature of immigration itself. This next section provides descriptive data on the size, flow and composition of immigration in Europe. Table 44.3 presents the distribution of migrant inflow by type as a percentage of total inflow. This disaggregated view moves beyond the vague generalization that 'immigration has a significant impact' by describing the diverse types of immigration experienced by each state. It also provides a useful empirical foundation for understanding why some states value certain policy choices over others. By and large, free-movement migration is the most dominant type of migration in nearly all Western European countries (the exceptions being France, Portugal, Sweden and the UK). This category refers to intra-EU migration, meaning European migrants who enjoy freedom of movement and access to labour markets in other EU member states. However, an examination of the category percentages of non-EU migration is far more telling with regard to state policy priorities. In Austria, even with its strict quota system, family migration accounts for the bulk of permanent migration from outside of the EU, as a majority of TCNs gain access as the family members of Austrian citizens or citizens of the European Economic Area (EEA). Family members of EEA and EU citizens, even if they themselves are from outside Europe, are protected from quota limits under EU law. Taking another example, we see in France how the percentage of family-based migrants far outstrips the percentage of either work or free-movement migrants (the work–family ratio is nearly 1:4). Indeed, family migration makes up the largest category of legal migration to Europe in most EU states. By contrast, in the UK and Denmark the ratio of work to family-based migration is 1:1. Sweden and Finland, countries with comparatively permissive immigration policies, exhibit a high percentage of migration from both family-based movement and asylum-seeking.

Immigration policy craft is the art of using rules to maximize desirable categories and minimize undesirable ones, where 'desirability' can be defined by labour market needs, public opinion or political pressure alike. In order to maximize the number of highly skilled migrants, a strategy that is categorically defined as a desired stopgap measure to counter labour market shortages, an aging population and waning economic competitiveness, a number of states participate in policies of active recruitment and eased or facilitated immigration. The UK, for example, adopted a points-based migration system in 2005 that rewards applicants with educational qualifications, English proficiency and certain levels of income. Austria also recently introduced the 'Red–White–Red' card, which functions on a points-based scheme and prioritizes highly qualified workers even above skilled workers in occupations suffering from shortages. Although policy harmonization at the EU level on labour migration has not proceeded at the same rate as that of asylum or family-based migration, recent implementation of the EU Directive on Highly Qualified Workers (the 'Blue Card' directive) promotes the recruitment and facilitates the admission of highly skilled workers from third countries (in other words, non-EU or EEA countries) by simplifying procedures, standardizing residency processes and improving the legal status of foreign residents. However, this points to an interesting and novel dynamic of

Table 44.3 Migration inflows by type, percentage distribution (2009)

	Work	Family (incl. accompanying family)	Humanitarian	Free movement	Others	Total
Austria	1.2	22.0	10.9	65.4	0.5	100
Belgium	19.6	37.7	5.0	37.7	–	100
Denmark	17.2	17.8	3.6	57.0	4.5	100
Finland	8.8	35.0	16.6	35.8	3.7	100
France	12.6	42.8	5.8	30.2	8.6	100
Germany	9.1	24.4	5.6	59.1	1.7	100
Ireland	7.9	23.1	0.9	68.1	–	100
Italy	35.2	31.2	2.6	29.7	1.3	100
Netherlands	8.9	22.2	8.6	60.3	–	100
Portugal	30.5	33.3	0.0	30.0	6.2	100
Spain	30.6	24.7	0.1	43.4	1.2	100
Sweden	3.8	48.7	15.6	31.9	0.0	100
United Kingdom	35.8	33.6	0.8	19.0	10.8	100

Source: OECD (2011). Data for Greece and Luxembourg not available.

high-skilled recruitment in Europe. EU regulations seek to promote general economic growth in Europe, but states must compete with one another over the specific intake of highly skilled migrants. This is a significant coordination/competition paradox: states benefit from EU-directed recruitment but compete over where these highly skilled migrants ultimately settle. For example, both Germany and the UK have robust schemes to attract highly qualified newcomers. But, whereas the UK has been overwhelmingly successful in attracting highly skilled migrants, Germany's 'Green Card' scheme in 2000 and a second attempt in 2005 were utter failures, with only a handful of visas issued.

In addition to the active recruitment of high-skilled workers, states share the goal of decreasing the inflow of irregular and family-based migrants. (The former President of France Nicolas Sarkozy famously referred to this difference in preferences as one of *immigration choisie*, 'selected immigration', versus *immigration subie*, 'endured immigration'.) In order to minimize family-based migration from outside the EU, Austria has imposed a strict yearly quota on new non-EU immigrants. A number of countries (Austria, Denmark, Germany, the Netherlands and the UK) – bolstered by the EU Directive on the Right to Family Reunification (in effect from 22 September 2003) – have made the process of initial migration or spousal migration increasingly difficult through the addition of language and country knowledge requirements ('integration measures', in the language of Article 7) for gaining entry and receiving a temporary residence permit (for more, see Goodman (2011). These integration conditions are also in place for TCNs seeking long-term residence. However, ambitions to regulate family-based migration (particularly family-forming migration, where an EU citizen or resident brings an intended spouse from abroad) have been effectively stymied by legal safeguards, particularly in France, where the constitutional 'right to a family life' has held up against attempts to undermine it.

The increasing Europeanization of immigration policy, as already noted, plays a key role in defining state policy. The family reunification directive and a related directive on long-term residence status convey the impression that the EU is motivated by liberally oriented, human

rights-minded ambitions to improve the legal status of migrants. However, states have been able to implement aspects of the directives that have actually made the process of immigration and settlement more arduous and precarious, integration requirements being an example. Restrictive-minded states (Germany, Austria and the Netherlands) played a key role in giving the family reunification directive its exclusionary teeth (Groenendijk 2006), and thus it is no surprise that this directive can be used as a strategic instrument for introducing restriction. But just as supranational institutions can be massaged by intergovernmental politics, state ambitions for restriction can also be effectively checked. One case in point is the 2008 European Court of Justice's decision in the *Metock* case, which held that an EU citizen has the unconditional right to spousal reunion when moving from one member state to another when the spouse in question is not an EU citizen. In other words, the court ruled that conditioning the right of residence of non-EU spouses of EU citizens on prior residence in an EU country was unlawful. While the decision specifically pertained to Ireland, in practice it provided an effective check on Denmark's increasingly prohibitive rules barring family reunification and enabled thousands of immigrant families in Sweden to settle in neighbouring Denmark, unconstrained by domestic restrictions. This represents a significant obstruction of state efforts to curb family-based migration, marriages of convenience or (in the most altruistic light) forced marriage.

Finally, in terms of regulating illegal migration, solutions range from actualizing 'Fortress Europe' through increased border control (especially by strengthening the Frontex border-control agency) to regularization schemes. However, in this latter activity tension between states is evident. While Europe notably has no internal borders to legal migration, these borders are still in force for illegal migrants. Spain's decision to regularize the visa status of over half a million migrant workers was vociferously opposed by neighbouring France. France also famously stopped trains from Italy carrying illegal North African immigrants in 2011 as a pushback against Italy for issuing temporary residence visas to refugees, enabling their free movement. These immigrants of Tunisian and Libyan origin who fled their countries during the Arab Spring naturally sought settlement in France (given their Francophone points of origin), but chose a point of entry in comparatively permissive Italy. And, of course, France has also been guilty of lax regulation of refugees at its borders – for example when it permitted refugees at the Red Cross centre in Sangatte to cross illegally into the UK until 2002.

The overall picture of immigration policy is complex, involving decisions by states that must find a balance between their preferences and obligations, their national goals and supranational constraints. Adding to this chaos, of course, is domestic politics. Stakeholders (ranging from employers to migrants), civil servants, knowledge experts and populists are among the many actors who exert pressure on lawmakers, not to mention the diffuse but significant pressure of public opinion. These same actors are also influential in other areas of immigration policy-making, and sometimes changes in other areas (such as citizenship or integration policy) can help achieve goals related to immigration flow. Often, these policies are not mutually exclusive, but instead strategically linked as part of a comprehensive migration policy.

Citizenship

Like immigration policies, citizenship is also categorized by its degrees of permissiveness. At one end of the spectrum, states are considered to have liberal policies where we see inclusive or minimal material conditions, such as a short residence requirement, allowance of dual citizenship, acquisition through *jus soli* (being born in a territory) and double *jus soli* (being born in a territory to parents born in a territory), and few cultural or membership conditions for acquisition, such as an easy citizenship test or a minimally onerous language requirement.

At the other extreme, states are considered to have restrictive policies where we see exclusive or maximal material conditions, such as a lengthy residence requirement (often involving the obligation to first obtain a permanent residence permit), a renunciation requirement forbidding multiple citizenships, cultural requirements with high barriers or narrow access by birth (usually restricted to *jus sanguinis*, i.e. inheritance of citizenship through parentage).

The categorization and comparison of citizenship policies based on an ever-growing list of material and procedural conditions represents a qualitative leap forward from earlier depictions of citizenship policy as merely a reflection of civic versus ethnic tropes of nationhood. This type of perspective, popularized in Rogers Brubaker's seminal work *Citizenship and Nationhood in France and Germany*, borrows its categorization from the nationalism literature, arguing that

> state interests in an expansive or restrictive citizenry are not immediately given by economic, demographic, or military considerations. Rather, judgments of what is in the interest of the state are mediated by self-understandings, by cultural idioms, by ways of thinking and talking about nationhood.

> (Brubaker 1992: 16)

A number of recent studies provide evidence to counter this argument, particularly Marc Morjé Howard's *The Politics of Citizenship in Europe* (2009), which illustrates the direct ways in which domestic politics can affect change (e.g. left governments can produce liberalization) and continuity (particularly the 'activation' of anti-immigrant public opinion by far-right parties and public mobilization in blocking liberalization). By abandoning nationalism-inspired language and looking to the settings of policy instruments, we can more readily identify degrees of similarity

Table 44.4 A selection of naturalization policies for residence-based migrants in six West European states (from 2012)

Country	Residence duration (years)	Allows dual citizenship	Language knowledge	Citizenship test	Administrative fee	Right of appeal
Austria	10	No	Yes	Yes	€1010 plus provincial fees	Yes
Denmark	9	No	Yes	Yes	1000 DKK (≈ €133)	No
France	5	Yes	Yes	No assimilation interview	None	Yes
Germany	8	Only for non-EU citizens	Yes	Yes	€255	Yes
Netherlands	5	Only if born in Netherlands or spouse	Yes	Yes	€810	Yes
UK	5	Yes	Yes	Yes	£851 GBP (≈ €1018)	No

Source: Goodman (2010); EUDO-Citizenship website.

and difference beyond the dichotomous framework of *jus soli* and *jus sanguinis*,[2] or between 'de-ethnicization' and 're-ethnicization' (Joppke 2003).

The brief overview presented in Table 44.4 of some major naturalization policies across a selection of West European states reveals the true complexity and configurative nature of policy.[3] Naturalization is the primary process by which immigrants become citizens in a host society. In fact, naturalization is the most densely regulated and most politicized aspect of citizenship law. Its application ranges from ordinary, residence-based migrants to refugees, spouses and minors. As Table 44.4 shows, while a short residence requirement and allowance of dual citizenship are typical indicators of civic *qua* liberal states, these same states have some of the most arduous integration requirements, the highest administrative fees and limited political rights of process. In order to reflect the growing dynamism and non-dichotomous nature of citizenship policy, a number of researchers have developed fine-grained measures of policy allowing the creation of scaled indices. Notable examples include, in chronological order, with increasing compre-hensiveness: Harald Waldrauch and Christoph Hofinger's (1997) Legal Obstacles to Integration (LOI) index, Marc Howard's (2009) Citizenship Policy Index (CPI), the Migration Policy Group's (2011) Migration Policy Index (MIPEX Version III) and the EUDO Citizenship Law Indicators Index (CITLAW).[4]

Access to citizenship is the final interaction between a migrant and the state in terms of establishing legal status. It is consequential not only for achieving a migrant's full political incorporation, but also because its expansion and contraction directly affect the size and composition of the state's eligible voting population. Of course, many European states offer municipal voting rights to permanent legal residents, stripping national citizenship of some of its distinction. But ultimately, it is still citizenship that signifies equal rights and recognition as well as full membership in a national political community. The sense of belonging and community that this conveys is critical to immigrants; according to the Immigrant Citizen Survey, 'around three out of four non-EU immigrants in most [surveyed] cities said that they are or want to become citizens' (Huddleston and Dag Tjaden 2012: 77). Given that citizenship still has a distinct value, states vary in terms of whether they want to extend citizenship or limit it. For example, the UK proposed a scheme of 'probationary citizenship' in the last days of Gordon Brown's premiership, a plan to lengthen the time between application and naturalization, adding conditions such as volunteerism and other commitments of 'active citizenship'. This was among the inevitable responses to the terrorist attacks on the London Transport system of 7 July 2005, in which British-born Muslims perpetrated violent acts against their fellow citizens. As citizens, they had apparently not been properly instilled with 'British values', and this idea naturally affected immigration policy. A number of other states, including Austria, Denmark and Germany, have made the path to permanent residence more arduous, with conditions requiring clean criminal records, income minimums, independence from welfare and social assistance, and civic integration (Goodman 2012). By making citizenship conditional on first obtaining permanent residence, this invariably and purposely makes citizenship more difficult to obtain.

In sum, if immigration policy is the 'front end' strategy for controlling immigration intake, then citizenship is the 'back end' strategy for managing the ultimate impact of that population on the host society. What happens in between – the extent to which an immigrant can participate in the social, economic, political and cultural life of the host society – is guided by integration policy, the subject of the final sub-section of this chapter. Some states make deliberate use of integration policies to facilitate transitions and establish a level playing field, while other states have done little in terms of integration-promoting policies.

Integration

In this final sub-section, I consider policies of integration and their effects on the immigration process. With the exception of civic integration policies, namely language and host society knowledge requirements (Goodman 2011; Groenendijk 2011), integration policies do not impact a migrant's opportunity to enter a host society; however, they significantly impact a migrant's ability to successfully settle in that society. Integration policies seek to incorporate newcomers into the host society, where the sign of ultimately successful integration is when a non-native-born person can perform as well as a native-born person on measures including economic opportunity (i.e. employment and hiring), political participation, education, etc. A number of policies fall under the auspices of integration (and, of course, not all deal exclusively with immigration), including anti-discrimination policy, equal opportunity policies, affirmative action policies, cultural recognition and minority rights policies, and recognition of religious governance, to name a few.

As in the literature on welfare states and political economy, some states are viewed as *laissez-faire* in terms of designing or delegating policies to promote integration, while others are more direct and centralized. Ever since the first studies on integration, scholars have continued to examine and compare integration policies through the lenses of models along these lines. The archetypical comparison of state integration policies is between multicultural Great Britain (emblematic of the former system) and assimilationist France (emblematic of the latter).[5] *Multicultural* policies are those that recognize society as diverse and consequently provide for inclusion based on group differences. In other words, individuals may experience discrimination or setbacks because they are members of larger groups who suffer from systematic or historical disadvantages. Multicultural approaches recognize and seek to accommodate cultural minorities by encouraging participation in a larger society that is rooted in cultural communities. The origin of this approach was the Dutch *polder* or 'pillar' system, where societies are 'vertically' divided such that Protestants, Catholics and social democrats govern over their own institutions – from political parties to sports clubs, trade unions and newspapers – and come together at the top level of government.[6] Under multiculturalism, the state empowers the excluded individual by empowering the religious or ethnic group that is the basis of that exclusion. By contrast, *assimilation* is a unidirectional process in which immigrants forgo their past culture, language or other loyalties and are fully absorbed into the new society. The quintessential assimilationist model is France, where immigrants are required to adopt Republican values including difference-blind identity in the public sphere.

From this comparison, a third model or type of integration policy also evolved: the absence of integration policies despite the presence of immigrants. This final 'strategy' is described as *exclusionary*, with Germany held up as a model, as the country did not officially recognize the factual reality of immigration until 2004. Today, Germany has numerous immigrant integration policies, including comprehensive civic integration for settlement, indicating that this triptych model approach is somewhat outdated. Christian Joppke even posits that this variety in national models is being replaced altogether, in what he identifies as a convergence in civic integration policies (Joppke 2007). Keith Banting and Will Kymlicka counter this claim by pointing out that civic integration buttresses but does not replace the bevy of integration policies already in place in the adopting states (Banting and Kymlicka 2011).

It is worth digressing here to consider how integration scholars look at 'integration models'. Many (primarily sociologists) use the label 'citizenship models' to refer to what are, in fact, models of integration. This is an example of concept-stretching at its most problematic.[7] Using the term 'citizenship models' to describe integration policies obfuscates each policy's distinct

purpose. As an example, in one of the first authoritative overviews of integration policy in Europe, Stephen Castles and Marc Miller explicitly refer to 'ideal-types of citizenship', referencing 'folk', 'republican' and 'multicultural' as models, thus conflating rules of citizenship and practices of integration (Castles and Miller 2009 [2003]: 225–6). This misapplication continues today: these policies have been cited alongside one another as 'configurations of citizenship' (Koopmans *et al.* 2005) and 'citizenship rights' (Koopmans *et al.* 2012).[8] However, as even the brief discussion in this chapter has shown, models of citizenship and immigrant integration are quite distinct. Access to citizenship is certainly a type of integration policy, but citizenship is not defined by the plethora of integration policies that exist to improve the lives of migrants, with the exception of civic integration. Admittedly, this chapter (and political scientists in general) interprets citizenship as a legal status, while sociologists borrow more directly from T. H. Marshall's (1950) understanding of the term as a status of expanding rights.

Terminological issues aside, a large swath of contemporary studies of integration policies have moved beyond deductive, black-box national models and towards examinations and comparisons of policies in a configurative manner, much like citizenship studies. The most robust example is the MIPEX database, which measures integration policies as diverse as labour market mobility (including access to employment, public employment services and workers' rights), education, political participation (including electoral rights and political liberties, as well as public funding or support for immigrant organizations) and anti-discrimination (including definition and scope, fields of application (i.e. employment or education) and enforcement mechanisms). In aggregate, immigrants experience more favourable policies in the Nordic states (Finland, Norway, Sweden) and the Benelux countries, while some of the least favourable conditions are found in newer EU member states (Bulgaria, Lithuania, Slovakia, Latvia).[9] A second index, consisting of the EUDO Citizenship Integration Indicators (CITINT), examines not the policies of integration but rather their outcomes, comparing citizens to non-citizens as well as natives and first-generation immigrants to third-generation non-EU citizens in terms of labour force indicators (including unemployment and level of education) and socio-economic status indicators (including housing conditions and unmet health needs) (Hutcheson and Jeffers 2012).

Integration, in addition to being defined as a series of policies that seek to equalize non-immigrant and immigrant behavior and status, can also be compared to a two-way street: both the immigrant and the receiving society undergo changes, meeting somewhere in the middle. The immigrant undergoes change in order to succeed in the host society, while the host society provides for opportunities and acts to ensure the individual's success. (In contrast, assimilation can be described as a one-way street in which only the immigrant undergoes cultural replacement, taking on host society values, culture, etc.) This second definition of integration is fitting, since, in the end, a society with integration policies is a society that recognizes its obligations to and the unique needs of the newcomer. In states without these policies and protections (such as the newer receiving societies of Southern and Eastern Europe), immigrant lives are more precarious and susceptible to otherwise avoidable challenges.

Conclusion

Immigration has been and will continue to be a decisive factor in the countries of the EU, in terms of demographic, economic and even cultural change. Multilevel decisions ranging from EU directives to national policy-making and implementation at the local level affect the relationship between a migrant and a receiving state, making immigration one of the most robust and dynamic areas of policy-making today. This chapter outlines the contours of these policies. In not only describing the empirical landscape of immigrant-related diversity but also identifying

policy strategies for managing it, this discussion highlights the many different approaches taken by states to address the many different problems of immigration. There can be any number of interactions between a migrant and a state; as this chapter shows, states can use some or all of these interactions to activate, control, limit or expand migration. States may share goals, but can pursue any number of different policy means to achieve them. Progress in EU-level migration policy-making has been uneven, with harmonization in asylum and immigrant integration outpacing citizenship and labour migration issues. We continue to see variation in state approaches to immigration policy-making at all junctures of status acquisition – from entry to citizenship – as well as integration, and there have been no indications that states have any intention of surrendering sovereignty on these matters.

Notes

1 This label, used to distinguish such states from those that actively recruit and receive immigrants, was coined by Cornelius, Martin and Hollifield (1994).
2 For example, Elizabeth Cohen points out that duration of residence and length of wait time are just as crucial for demarcating membership and eligibility as place of physical birth (Cohen 2010).
3 For a more detailed discussion and a comparison of naturalization policies across 33 European countries, see Goodman (2010).
4 Available on the EUDO Citizenship website: eudo-citizenship.eu (accessed 4 February 2013).
5 See Bleich (2003); Favell (1998).
6 Indeed, it is surprising that the UK became so popular in comparative studies, when the Netherlands was the true model of multiculturalism. For more on pillarization, see Vink (2007).
7 For more on the perils of concept-stretching, see Adcock and Collier (2001).
8 For various objections to the 'models' approach, see Bertossi and Duyvendak (2012).
9 Available at mipex.eu.

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45

Associations and associational involvement in Europe

Jan W. van Deth and William A. Maloney

Introduction

Democratic political systems of all shapes and sizes – cities, regions, nation-states, supranational organizations – face the simply articulated, but enduring and chronic, challenge of basing political decisions on the active engagement of citizens and citizens' organizations. Contemporaneously, political and social disengagement is seen as a blight afflicting many advanced democracies. Beyond falling voter turnout and waning partisanship, declines in membership of numerous associations, clubs, groups and organizations – i.e. a shrinking civil society (and social capital stocks) – are seen as major aspects of a more general disengagement process. In his seminal work on the conditions for democratic government, Robert Putnam emphasized the centrality and pivotality of associationalism. Putnam famously argued that, 'Good government in Italy is a by-product of singing groups and soccer clubs' (Putnam 1993: 176). He subsequently extended his (civic erosion) analysis to include the US and his claims about the beneficial effects of a vibrant civil society with high levels of social capital grew exponentially. According to Putnam (2000: 290), social capital not only delivers 'good government', but it also, 'makes us smarter, healthier, safer, richer, and better able to govern a just and stable democracy'. Even the most evangelical adherent of his approach would not consider it a magic bullet for all democratic ills. However, what is widely accepted is that modern democracies are dependent on an active and vibrant civil society and a healthy stock of social capital.

The democratic benefits transmitted by associations are numerous and include: enhanced and bespoke representation – securing public policy outcomes that better match citizens' preferences; surrogates for those who lack expertise or the necessary political resources (e.g. children, animals, the socially and politically disadvantaged); vehicles for citizen participation; generators of pro-democratic and civic values and social integration; and as countervailing challengers to the power of big business and professional interests. Furthermore, they deliver a number of welfare services and assist in the provision of self-help support. The importance of these activities is underlined by Salamon *et al.*'s (2013) report which found that the non-profit sector was a major employer and made a significant contribution to the gross domestic product (GDP) of several countries. It accounts for no less than 11.5 per cent of the Belgian workforce, 8.9 per cent in France, 8.2 per cent in Norway, 4.4 per cent in Portugal and 2.4 per cent in the Czech Republic.

As plausible as these benevolent consequences might be, a closer look at involvement and associationalism in Europe reveals various democratic impediments (cf. van Deth and Maloney 2012). On the demand side, it is clear that not all citizens have the means and resources to be civically and politically active and many lack the motivation or enthusiasm for associational membership. In addition to this, increasing numbers of citizens perceive passive (financial only) participation as the 'optimal' type of engagement and eschew organizations that seek to actively involve them in group activities. Consequently, much participation is 'contracted-out' to full-time policy-influencing professionals (Maloney 1999). On the supply side, numerous groups (and policy-makers) face the dilemma of reconciling democratic efficiency and greater participatory democracy. To be politically and organizationally effective groups need to adopt a professional and technocratic approach to organizational maintenance and advocacy/lobbying. Accordingly, the usual suspects – Schattschneider's 1960 *Heavenly Chorus* – demand to be more actively involved and on the supplyside associations offer these citizens greater participatory opportunities. Thus, the supply side can be seen as accentuating the demand side participatory deficit and exacerbating political inequality. Furthermore, policy-makers require effective policy-making partners who possess the necessary policy expertise and knowledge to assist in the delivery of workable policy outcomes. Accordingly, associations face the challenge of delivering valuable policy-relevant information to policy-makers – something their supporters/members lack. As Bosso (2003), Crenson and Ginsberg (2002) and Skocpol (2003) highlight, these informational demands/pressures mean that groups don't actually need members to be effective in the policy-making process.

In this chapter we present a broad critical overview of the main theoretical perspectives, in particular the social capital model, and some empirical findings from research examining associations and associational involvement in Europe. We start this expedition with a concise overview of the development of various theoretical and conceptual interpretations moving beyond the Tocquevillian-inspired tradition towards more recent institutional approaches stressing the relevance of constitutional and political contexts (second section). In the third section, some major empirical findings are presented highlighting clear differences in associationalism in various regions (Scandinavia, North-western Europe, Central/Eastern Europe, Southern Europe and the UK). Finally, we conclude with a discussion of the theoretical, methodological and empirical challenges and controversies (fourth section).

Social capital, associations and democracy

Social capital and democracy

Late twentieth-century social science research witnessed a renaissance of the work of Alexis de Tocqueville and in particular his attractive solution for solving collective decision-making 'problems' in democratic systems. The primary contention in Tocqueville's work was that political systems would remain democratically healthy through the (continued) participation of citizens in a wide and diverse variety of voluntary associations. Within these associations citizens develop social and political networks *and* pro-democratic and pro-civic orientations that facilitate the effective and proper functioning of democracy. The Tocquevillian revival began with Coleman's work in the late 1980s and was developed in two different directions by Putnam and Bourdieu in the 1990s (emphasizing social integration and social inequality, respectively). Bourdieu defined social capital as 'made up of social obligations ("connections")' and his research focused on relations between individuals within specific groups or categories (Bourdieu 1986: 243). Coleman's and Putnam's definition of social capital focused on functional aspects.

For Coleman, different understandings of social capital 'all consist of some aspect of social structure, and they facilitate certain actions of individuals who are within the structure' (Coleman 1990: 302), while Putnam referred to social capital as 'features of social organization, such as trust, norms, and networks' (Putman 1993: 167). In other words, social capital comprises both *structural aspects* (connections between people or networks) and *cultural aspects* (obligations, or social norms and values, and particularly trust) (cf. Putnam 1993; Fukuyama 1995; Inglehart 1997).

Clearly working in the spirit of Tocqueville, Putnam and others assumed that membership and participation within voluntary associations are crucially important for the generation of a minimum level of civic virtue. Consequently, the strength of democracy rests on the existence of a wide variety of associations. Thus when Putnam (1995, 2000) provided empirical evidence that pointed to a decline in membership of many types of associations, clubs, groups and organizations in the US, he concluded that a decline of civil society had also occurred – i.e. Putnam's civic erosion thesis. In the early 1970s, Olsen (1972) linked social involvement in organizations to the political engagement of citizens. Like Verba and Nie (1972), he concluded that the opportunities provided by voluntary associations to develop individual skills and competence play an important role in the mobilization of citizens for political purposes. Olsen summarized the available interpretations as follows:

> involvement in voluntary, special–interest, *nonpolitical* associations will in time activate individuals politically . . . There are many reasons why such participation can increase individual political activity: (1) It broadens one's sphere of interests and concerns, so that public affairs and public issues become more salient for him. (2) It brings an individual in contact with many new and diverse people, and the resulting relationships draw him into public affairs and political activity. (3) It increases one's information, trains him in social interaction and leadership skills, and provides other resources needed for effective political action.
>
> (Olsen 1972: 318; original emphasis)[1]

Such argumentation follows a clear Tocquevillian line of reasoning: while it is the case that most voluntary associations are not politically active,[2] they are nevertheless expected to function as 'schools of democracy' by increasing the levels of social trust and the number of social connections. Consequently, higher participation levels imply larger stocks of social capital that will engender higher levels of political engagement. The strength of this line of argument is its focus on *non-political organizations as the main source for the development of politically relevant orientations and behaviour.*

Putnam (1993, 2000) undoubtedly captured – and helped create – the *Zeitgeist* after the end of the Cold War. Unsurprisingly, subsequent research exposed several cracks in the neo–Tocquevillian armour. First, conceptual ambiguities were identified from the outset (cf. Portes 1998; Woolcock 1998; Lewis 2010; McCulloch *et al.* 2012). Lewis (2010: 14) argues that Putnam's analysis conflates social capital at three distinct levels – 'individual, organizational and societal'. McCulloch *et al.* note that social capital has been criticized for

> combining its causes and consequences . . . trust has been interpreted as a cause of social capital, a component of it, and as an outcome that results from it.
>
> (McCulloch *et al.* 2012: 1132)

Second, the Tocquevillian thesis appears to have limited empirical substantiation outside the US, and causality and measurement issues remain unsolved (cf. Hall 1999; van Deth 2003;

Rothstein and Stolle 2008a). Hall (1999: 457) maintained that there was no evidence of any significant decline in 'aggregate levels of social capital' in Britain since 1945 and that civic engagement levels remained relatively high. He concluded, 'the erosion of social capital that Putnam and others find in the American case is not a uniform phenomenon across the industrialized democracies'. Rothstein and Stolle (2008a: 442) note that several empirical studies have challenged the link between voluntary association, participation and trust. Trust is highest among citizens who join organizations, but this is related more to self-selection than their activities and experiences within groups, which actually do very little to enhance these positive attributes (cf. Mouw 2006). As Rothstein and Stolle conclude:

> The use of membership in adult voluntary associations as a measurement of social capital should be handled with great caution, and its use as a producer of social capital is in all likelihood misplaced.
>
> (Rothstein and Stolle 2008a: 443)

Third, the extent of the beneficial effects of social capital has been challenged, including the well-rehearsed argument about the 'dark side' of social capital that can contribute to anti-democratic behaviour (van Deth and Zmerli 2010). In practice, social capital can facilitate the continuation of social and political inequality and the exclusion of 'outsiders'. As Rothstein and Stolle (2008b: 276) note, '[m]any voluntary organizations and networks are actually built to instil distrust'. In a similar vein, McCulloch *et al.* (2012: 1132) remark that 'social capital may be used both to form groups which are exclusive and separate from society and to create and maintain social inequalities'.

Fourth, the presumed causal effect of engagement in voluntary associations on democracy has been questioned. Do associations strengthen social capital or are citizens with relatively high levels of social capital more willing and likely to be active in associations? This self-selection argument is based on the understanding of social capital as an individual property. Many authors, however, depict social capital as a feature of society as a whole; that is, as a collective good, in principle available to all citizens (cf. Rahn *et al.* 1999: 113; Newton 2001: 207). Accordingly, a citizen does not even have to be a member of an organization or show a minimum level of trust in other people to benefit from the fact that in her/his society transaction costs are low for every contact or contract. Following such argumentation, several authors stress the relevance of institutional and political contexts for associational involvement and social capital. Maloney *et al.* criticized the Putnam (1993) model for neglecting 'the role played by political structures and institutions in shaping the *context of associational activity* and hence the creation of social capital' (Maloney *et al.* 2000: 803; original emphasis). While Rothstein and Stolle make the bolder claim that 'government policies and political institutions create, channel, and influence the amount and type of social capital in their respective societies more than the other way around . . . social capital rests on the *quality of government institutions*' (Rothstein and Stolle 2008b: 279, 293; original emphasis). Moving from (neo-Tocquevillian) 'society centred approaches' towards 'institutional approaches' (Stolle and Hooghe 2003), the presumed causality between social capital and 'good governance' is reversed. This is especially relevant in consolidated democracies characterized by a strong emphasis on the rule of law and non-partisan civil services.

Several scholars have developed their arguments along these lines. For Sztompka (1998), 'good government' depends on 'institutionalized distrust', whereas Offe argues that institutions 'provide normative reference points and values that can be relied upon' (Offe 1999: 70). Following her careful empirical analysis of the 2000 World Values Survey, Roßteutscher questioned arguments emphasizing the pivotal nature of trust for democracy, concluding:

whilst social trust fosters support for democratic ideals in democracies, in autocracies it suppresses democratic beliefs . . . Social trust is a system-stabilizing force, provoking trust in government and support for dominant regimes. Whilst these are democratic ideals in the case of democracies, they are non-democratic ideals in the case of autocracies. In short, there is nothing intrinsically democratic about trust!

(Roßteutscher 2008: 235

Associations and democracy

European democracies support a wide variety of associational types that have been variously labelled – e.g. voluntary associations (broadly construed), non-profit organizations (NPOs), non-governmental organizations (NGOs), non-state organizations (NSOs), civil society organizations (CSOs), social movement organizations (SMOs), organized interests, interest groups, etc. Many of these categorizations overlap, some significantly and others less so, and at times the labels are carefully and deliberately selected by scholars for specific reasons. For some the use of terms such as 'interest groups' or 'new social movements' is an attempt to provide theoretical accuracy, while for others it is simply intended to signal a normative standpoint. Some scholars choose to label the associations they study as NGOs as a means of indicating some normative desirability (or pathology). Categorizing an association as an NGO as opposed to, say, an organized interest or an interest group may be an attempt to confer on it a more normatively desirable status. As Grant (2002: 3) highlights, using the term 'civil society' – of which NGOs are a key component – may confer greater legitimacy on what might otherwise be perceived as an interest group system. Thus organized interests or interest groups might be characterized as pursuing selfish, sectional or special interests and as democratically flawed organizations. In contrast, NGOs and NSOs seek to secure collective goods for disadvantaged citizens or under-represented causes and are perceived as making a much higher quality contribution to the civic and democratic health of a nation. Empirical research examining key associational characteristics and activities shows a blurring of some categorizations and less diversity than the labels imply. Friedrich quotes Nanz and Steffek's (2005) definition of a civil society organization as

a non-governmental, non-profit organization that has a clearly stated purpose, legal personality and pursues its goals in non-violent ways. Apart from activist organizations this definition includes social partners (i.e. trade unions and employers associations), consumer associations, charities, grass roots organizations and religious communities.

(Friedrich 2007: 11)

As Friedrich (2007: 12) argues, '[o]n purely empirical grounds there seems to be no reason not to call these organizations "interest groups" as pluralists would probably do'. An important distinction, however, concerns the use of the term 'civil society' not for a specific type of organization, but for a collection of organizations. In this approach civil society 'occupies the middle ground between government and the private sectors' and is characterized as being 'public without being coercive, voluntary without being privatized' (Barber 1995: 281). The benevolent consequences for democracy rely on the existence of civil society as 'dynamic webs of interrelated nongovernmental institutions' (Keane 1998: 6) – not on the properties of single associations.

Finally a healthy and vibrant civil society is not simply comprised of numerous voluntary associations; it should also contain a wide and diverse range of organizations. It should be able to accommodate and facilitate the existence of: large, medium-sized and small bodies; affluent and less resource-rich groups; directly representative and surrogate organizations; groups that

offer opportunities for supporter activism and those that pursue organizational goals on the basis of professional activism; self-help, humanitarian and charitable associations; promotional and sectional groups; advocacy and service delivery bodies; organizations dependent on public money for survival and others that can survive largely on private sources of income; and organizations that represent a wide range of citizen interests and concerns, etc. In short, the associational universe within civil society should be truly multifaceted, and democracy is strengthened by such representational and participatory diversity. Such density and diversity within the associational universe would be praised by scholars of a pluralist leaning because there are large numbers of organizations – some seeking to represent broad interests and others focusing on specific niches – delivering better (and more effective) representation. These scholars also believe that such a system would be characterized by competition and contestation, and that democracy and democratic systems are strengthened by such a struggle. For example, Skocpol (2003: 235) argued that '[c]onflict, tough argument, and close competition are good for democratic civil society and for electoral democracy'.

Patterns of associational involvement in Europe

Reliable and detailed aggregate information about citizens' associational involvement and associations and civil society is difficult to find. For example, there have been numerous surveys of members of specific organizations and population surveys that ask citizens about participation generally, but (understandably) very few cover the vast associational field either nationally or comparatively. In addition to this, in many countries the formal associational registration system is restricted to the local or regional level and no statistics exist at higher levels. Furthermore, these registers tend to lack up-to-date or accurate information – e.g. they include disbanded and defunct organizations and large numbers of clubs and associations actually fail to register. As Ladd wryly notes,

> If you want to know a major league baseball player's batting average against left-handed pitchers in games completed after 11:00 p.m., you can get it in a flash. But if you want to document what's been happening to associational membership, be prepared to spend a lot of time assembling the material yourself.
>
> (Ladd 1999: 15–16)

There are some notable exceptions that have attempted to construct systematic comparative data on associations and associational involvement, including the Johns Hopkins' *Center for Civil Society Studies (2014)* for the 'nonprofit sector' and the *Civicus (2014)* project, which has collected information about 'citizenship'. However, a lack of comprehensive comparative data on the entire voluntary associational universe compels us to rely heavily in this chapter on the analyses provided by the *Citizen, Involvement, Democracy* (CID) project – an extensive and comprehensive empirical study of associational involvement in Europe (Maloney and Roßteutscher 2007a; van Deth *et al.* 2007).

Empirical evidence on associational involvement is usually based on straightforward questions in large-scale surveys of representative samples of populations in various countries. These questions ask citizens about 'membership/supportership of', 'belonging to' or 'affiliation to' a number of broad categories of voluntary associations presented to respondents in list form. (In some studies additional information is collected by enquiring about spending, volunteering or personal contacts.) The results of a number of cross-national surveys are summarized in Table 45.1. The entries in this table show the percentages of respondents indicating that they were involved in

at least one voluntary association in each country. The results corroborate previous findings that associational involvement differs considerably between countries and points in time (Curtis *et al.* 1992; van Deth and Kreuter 1998; Norris and Davis 2007; Adam 2008). All these studies confirm that, broadly speaking, Europe can be divided into three major areas. First, we find exceptionally high levels of associational involvement in the Scandinavian countries and the Netherlands – averaging 80+ per cent across all the surveys listed in Table 45.1. In these well-established democracies large majorities of the populations are engaged in voluntary associations. Apparently, high levels of state intervention and the provision of welfare-state arrangements do not reduce the willingness of citizens to become active – 'crowding-out effects' are absent (Rothstein and Stolle 2003; van Oorschot and Arts 2005). A second area consists largely of Western European countries such as Austria, Belgium, France, Germany, Britain and Switzerland, where considerable parts of the populations are engaged in voluntary associations. However, the Czech Republic, Slovenia and Slovakia have average associational involvement levels over 50 per cent. Finally, the relatively young democracies of Southern and Eastern Europe (Bulgaria, Greece, Hungary, Poland, Portugal and Spain) show consistently low levels of associational involvement ranging between 24 and 36 per cent. It is also interesting to note that Italy's average involvement level (43 per cent) is below that of Latvia and Estonia (50 and 44 per cent, respectively) and just above Croatia's (42 per cent). Explanations for these remarkably low levels of engagement in Eastern Europe centre on a general distrust of associations, a strong emphasis and heavy reliance on personal networks, and disillusionment with post-Communist institutional and economic developments (Howard 2003). The living memory of enforced participation during Soviet times is also a major contributory factor that has dampened enthusiasm for associational involvement (Plagnol and Huppert 2010).

The figures presented in Table 45.1 show quite remarkable – and highly dubious – fluctuations of associational involvement within individual countries. For example, the 2004/6 ISSP survey records associational involvement levels in Denmark at 98 per cent, France 86 per cent, Poland 82 per cent and Hungary 70 per cent, while the 2006 EB survey reports Danish involvement levels at 49 per cent, French at 39 per cent, Polish at 19 per cent and Hungarian at 18 per cent. These variations are predicated on considerable numbers of measurement errors caused by using different lists of voluntary associations in each study, and variations in both questions and question wordings – i.e. using phrases that are interpreted differently by respondents in various countries (van Deth and Kreuter 1998: 138–40; Morales 2002; Gesthuizen *et al.* 2013). Notwithstanding these variations in research object specification and measurement, the patterns of involvement (of three major groups of European countries) remain similar. For instance, irrespective of which survey instrument we examine, Sweden always exhibits a higher level of involvement than Britain and Britain is always ahead of Romania or Portugal. The results of the cross-national studies in Table 45.1 plausibly demonstrate regional variations in Europe precisely because this differentiation is not dependent on the qualities of each study.

Examining associational involvement comparatively leads us to rely on research carried out in the CID project. Morales and Geurts' (2007: 138) analysis of association involvement (broadly defined) uncovered considerable variation in associational membership and the pattern of donations made to these associations. Associational involvement ranged from 90+ per cent in Denmark, Norway, Sweden and Switzerland to 49 per cent in Spain and 28 per cent in Russia (see Table 45.1, CID column). Associational membership was highest in Denmark, Norway, Sweden and Switzerland (85+ per cent) and lowest in Portugal, Spain and Russia (43, 42 and 25 per cent, respectively). Furthermore, Morales and Geurts' (2007) and Pattie *et al.*'s UK research of similar data (Pattie *et al.* 2004) uncovered significant levels of chequebook participation (Maloney 1999), where citizens' involvement is characterized by

Table 45.1 Associational involvement in Europe (1990–2010, percentage of people living involved)

	1990–91 WVS/EVS	1998 EB 49	1998 EB 50.1	1999 EVS	2000–01 CID	2002–03 ESS	2004 EB 62.2	2004–06 ISSP	2006 EB 66.3	2008–09 EVS	2010 EB 73.4	1990–2010 Average
Norway	81				96	90	96	97		81		89
Sweden	85	90	86	96	92	94	96	97	54		53	84
Denmark	81	86	85	84	93	94	94	98	49	92	52	83
Netherlands	84	84	80	92	87	90	93		56	97	56	82
Finland	77	79	71			87	89	93	50	75	47	74
Switzerland	43				73			93		62		68
Luxembourg		75	58	62		88	87	92	46	64	47	66
Germany West	67	65	56	52	74	79	75	94	54	51	46	65
Austria	53	67	52	67		82	73	89	60	43	48	64
Belgium	57	62	48	66		82	72	94	39	68	38	62
Ireland	49	65	52	59		80	83	56	41	27	41	59
Slovenia	39			53	63	67	72	90	36	95	34	57
Germany East	84	56	41	43	56	72	64	88	46	36	34	57
Great Britain	52	58	52	49		80	73	78	30	46	33	56
Slovakia	56			66			50	86	33	60	43	55
France	38	56	40	41		63	74	78	39	47	43	53
Czech Republic	63			62			46		32	53	28	52
Latvia	68						76		28		28	50
Northern Ireland	56	62	51	46			74		29	22	34	47
Estonia	73			35			58		29	40	30	44
Italy	34	51	35	43		54	48	61	36	38	27	43
Croatia				44				51		54	18	42
Malta	37			45	28		89		22	22	20	39
Russia	77			32						20		39
Cyprus							67	52	22	24	29	39
Hungary	50			33		34	41	70	18	22	22	36
Lithuania	60			20			66		23	27	21	36
Spain	25	48	28	32	49	49	33	64	19	25	22	36
Poland				27		29	41	82	19	17	30	35
Portugal	33	34	26	28	58	38	43	62	14	19	14	34
Greece		25	24	61		27	43		17	28	13	30
Bulgaria	41			26			27	53	12	20	15	28
Romania	30			21	20		27		20	25	26	24

Sources: compiled by the authors using the following data sets: EVS: European Value Study; WVS: World Value Survey; EB: Eurobarometer; CID: Citizenship, Involvement, Democracy Project; ESS: European Social Survey; ISSP: International Social Survey Programme

financial contributions. Citizens who make donations peak at 66 per cent in Norway and Switzerland (Denmark and Sweden lag some 20 percentage points behind), and again Spain and Russia are bringing up the rear (23 and 6 per cent, respectively). Pattie *et al.* (2004: 78), looking specifically at political participation, found that donating money was the most common form of involvement in the UK – 62 per cent of their respondents said that they had donated money to an organization and 75 per cent said that they would be prepared to do so. Morales and Geurts (2007: 144) showed that involvement via donations was heavily concentrated in humanitarian aid, human rights, traditional charities and social–welfare organizations. In general their data demonstrate that more citizens are 'involved in associations without being members' and that research should not simply look narrowly at volunteering 'as an indication of active forms of involvement' (Morales and Geurts 2007: 137, 139).[3]

Morales and Geurts (2007: 144) found that the most popular type of association in Europe is sports clubs. In Scandinavia approximately 50 per cent of adults are engaged in sports clubs in some way. Trade unions have large numbers of members in Scandinavia and Eastern Europe, while lodges, service clubs and immigrant organizations mobilize the smallest number of citizens. There are of course some variations: involvement in humanitarian aid and human rights groups is widespread in Norway; residents associations are very popular in Scandinavia and the Netherlands; and environmental and animal rights organizations benefit from strong support in Switzerland and the Netherlands. Finally, when they examined activity patterns Morales and Geurts (2007: 144) found that, unsurprisingly, the sports clubs are organizations where citizens are most active, and other recreational, cultural and hobby associations also generate relatively high activity levels. In their (CID) study of associations active at the city level in Europe[4] Maloney and Roßteutscher (2007c) found a similar pattern to Morales and Geurts (2007). While associations are engaged in a wide range of areas, the most common fields of interest are leisure and welfare.[5]

Morales and Geurts (2007: 145) also discovered some interesting cross-national variations in involvement patterns. Youth associations were characterized by high levels of active involvement in Northern and Central Europe, while New Social Movement groups (e.g. environmental, human rights and humanitarian aid organizations) attracted a large share of donations across Europe. In Norway, Switzerland, Sweden and the Netherlands donors 'outnumber members in almost all of these organizations'. In contrast to such minimal levels of involvement, East German and Portuguese citizens were more likely to volunteer in organizations supporting medical patients and the disabled than simply become members. Morales and Geurts (2007: 147) split the organizations in their study into those that primarily seek to secure private goods and those that seek public goods. They found that private good oriented bodies were marked by high levels of membership involvement in most countries and that public good organizations tended to have relatively low involvement levels – chequebook participation was dominant. Morales and Geurts (2007) concluded that

> Associations that primarily seek private goods tend to promote active involvement to a higher degree . . . [and] countries in which the overall level of involvement is high tend to have a greater proportion of passive involvement. Apparently, it seems difficult to get large proportions of citizens involved *and* active at the same time.
>
> (Morales and Geurts 2007: 149; original emphasis)

Finally, Maloney's and Roßteutscher's (2007b, 2007c) data found significant variations in the density and diversity of associations active at the local level across several European cities. The largest number of associations (5,002) and the highest density (15.6 per 1,000 inhabitants)

were found in the German city of Mannheim. In Aalborg (Denmark) and Aberdeen (Scotland, UK) the number of groups was *circa* 2,000, with densities of 12.6 and 8.9 (per 1,000 inhabitants), respectively. Bern (Switzerland) and Enschede (the Netherlands) had fewer associations than Aberdeen but higher densities (9.7 and 11.0), while the Spanish locale of Sabadell had the fewest associations and the lowest density (6.1). Both the number of organizations *and* the density structure found at the local level in Europe follow a broadly similar pattern to that idenitified in the range of organizational involvements at the national level (summarized in the previous sub-section) – i.e. the Danish city (Aalborg) had the highest density levels and the Southern European area (Sabadell) had relatively low levels.

Challenges and controversies

As argued above, there is a paucity of reliable comparative empirical information on associations and associational involvement. Notwithstanding this empirical Achilles' heel, the (presumed) causes and consequences of associational involvement have generated some spirited and vigorous academic discussions and debates. Two key developments over the last 30 years or so have had a significant impact on the associational universe: the retreat of the state and the professionalization process.

Retreat of the state

Starting in the 1980s, governments throughout Europe (and beyond), of all ideological persuasions, have increasingly looked to the voluntary sector to provide goods and services previously delivered by the state ('the retreat of the state' or 'state failure'). For example, in the UK the prime minister, David Cameron, attempted to galvanize these ideas under the umbrella of the *Big Society*. Cameron argued that communities needed to be empowered and that (local) volunteering efforts should be focused on a wide range of areas – providing some local services (libraries, housing, education, transport, recreational and leisure facilities, neighbourhood watch schemes, etc.). In short, the tenet of his argument was against Big Government that drained the energy and civic enthusiasm of communities. Government 'has turned lively communities into dull, soulless clones of one another. So we need to turn government completely on its head. The rule of government should be this: if it unleashes community engagement – we should do it; if it crushes it – we shouldn't' (Cameron 2010). These ideas are not wholly the preserve of Conservative thinkers. The previous (UK) Labour administration was also enthusiastic about the contribution of the voluntary sector. When he was finance minister (Chancellor of the Exchequer) Gordon Brown outlined numerous areas where the voluntary sector could take a greater role: education, the environment, communication technology, business and service overseas:

> I believe there is a strong moral basis for the principle of voluntary action. Voluntary action is an outlet for our natural altruism. It is an expression of an active community and as such a central ingredient in civic society. It is part of a protective shield for the individual against the might of the state. It is a source of social cohesion.
>
> (Brown 2001: 20)

In this age of austerity these arguments can easily be presented as a way to justify significant public expenditure restraint and cuts and as clearly signalling the retreat of the state. As Kisby (2010: 488) argues, the state 'seems to be regarded as part of the problem, rather than part of

the solution'. However, in an argument analogous to that advanced by Rothstein and Stolle (2008b) with regard to social capital and the state, Keck and von Bülow (2011: 285) argue that '[r]olling back the state did not necessarily generate a stronger civil society . . . There is considerable evidence to show that citizens' action is most likely to be meaningful in the context of *more* effective government, not less' (original emphasis).

With public finances likely to be under restraint for the foreseeable future, the demands on voluntary associations are likely to grow and may present some significant challenges. Voluntary associations may find themselves dealing with the consequences of welfare retrenchment, they may have to provide some goods and services previously delivered by the state, and they may find state and private funds more difficult to access because the pool of resources is shrinking. These very same processes can be described in a much more critical way by focusing on the ideological nature of social capital. For example, Fine (2010) depicted neo-Tocquevillian approaches as being part of a 'neo-liberal' or 'capitalist' response to 'failures' of the modern state. Accordingly, associational involvement and volunteering are perceived as instrumental to concealing the weaknesses of the state's ability to regulate capitalism effectively. Therefore, a 'new spirit of capitalism' based on an 'ideology of activism' is required which ignores the various interests behind these processes.

Professionalization

The ongoing process of professionalization permeates the width, depth and breadth of the voluntary association universe and has a significant impact on the shape and structure, and the *modus operandi*, of many voluntary associations. In particular, large-scale groups have taken a specific organizational form, structuring themselves according to hierarchical business principles aimed at maximizing operational efficiency. The key characteristics of professionalized organizations include employing a highly educated, professionally trained and accredited staff in a wide range of areas (e.g. finance, management, administration, communication, marketing, media, science, law, etc.). Many of these employees have previous work experience in the public and private sectors (e.g. government administration, private companies, lobbying organizations, other voluntary organizations). Accordingly, these organizations are structured in line with these professional competences and there is a scientific and technocratic approach to all organizational activities and functions (recruitment, marketing, lobbying/campaigning/advocacy, etc.). This organizational transformation is also reflected in organizational discourses. For example, in their interviews with Austrian civil society organizations, Maier and Meyer (2011) identified *managerialist* and *professionalist* discourses.[6] The managerialist discourse – focused on 'effectiveness, efficiency, resources, and strategy' – argued that the decision-making process should follow a rational cycle; and characterized other CSOs as *competitors*, funders as *investors* and all sorts of actors as *customers* (Maier and Meyer 2011: 738, 742). Under the professionalist discourse educational attainment and aptitude were emphasized as 'the central selection criteria' for staff. The work of staff was

> guided by ideals and standards that originate from their profession . . . A key distinction is the one between experts and laypersons. Professional identity is strong; the members of a profession have a shared understanding of their work that is grounded in shared knowledge and a common educational background. Organizational identity, in contrast, is often weak.
>
> (Maier and Meyer 2011: 745–6)

Turning to the policy-making process, Grundy and Smith (2007) argued that advocacy organizations are 'abandoning traditional templates of activism and advocacy to participate as legitimate experts in policy discourse' (quoted in Onyx *et al.* 2010: 46–7). In their survey of advocacy groups Onyx *et al.* (2010: 52–3) found that many organizations sought a *mature*, professional relationship with policy-makers – a solutions campaigning, rather than a confrontational approach to influencing policy. The successful campaigns that Onyx *et al.* (2010: 57) observed largely 'complied with the tacit rules of professional conduct' and were largely non-confrontational. Finally, institutional patronage (governmental and corporate) has become a crucial income source in the associational sector. Salamon *et al.* (2013) showed that a large proportion of non-profit organizations' income comes from institutional sources. In Belgium 68 per cent came from government and 4 per cent from philanthropy, and in the Czech Republic it was 65 per cent and 13 per cent. Greenwood (2007: 343) notes that at the European Union (EU) level 'the Commission spends approximately 1 per cent (€1bn) on funding groups and almost the entire (300) citizen interest group universe (excluding Greenpeace) mobilized at the EU level receives some EU funding'. While Sanchez Salgado (2011: 9–10) showed that the EU is a bigger funder of national NGOs than some national governments; 45 per cent of the total public patronage of Humanitarian and Development NGOs in France comes from the EU, which is significantly more than these groups receive from local or national government. Indeed, in the 1980s and 1990s over 80 per cent of humanitarian NGOs in France and the UK received some funds from the EU, as did approximately 50 per cent of Spanish humanitarian NGOs. Numerous organizations throughout Europe (and elsewhere) have become heavily dependent on patronage, with up to 80–90 per cent of their operating budgets coming from such sources (see Greenwood 2007; Sanchez Salgado 2011).[7]

All of these professionalization-related developments have significant implications for associations, associational supporters and members, and the quality of democracy. Organizational structures, the division of labour and organizational discourses tend to dichotomize organizations between a professional staff that is actively engaged in the political process and the passive amateur supporter/member, who is largely a spectator – making the occasional fleeting appearance and providing some of the necessary financial support. The political and technocratic demands of the policy-making process further reduce the active involvement of citizens because many citizens lack such expertise and knowledge. The political opportunity structures and political access channels also lead organizations to interface in specific ways with policy-makers and to configure their organizations to match these structures. As Saurugger notes:

> the organizational structures of civil society have reformed to match better the perceived access structure of the European political system . . . Organized civil society – organized as groups or social movements – has a tendency to become increasingly professionalized to represent the interests of their constituency in an efficient way.
>
> (Saurugger 2007: 397–8)

Finally, there is evidence that patronage affects organizational policy priorities. Císař (2009: 25) argues that institutional patronage directly affected the agenda demands of the Czech advocacy sector; it was 'shaped by Western donors who made them focus on the issues typically pursued by public interest groups in their countries of origin'. Nownes and Cigler (1995: 397) found that such monies tend to go to 'issues and groups that are "hot"'. Patronage may directly influence organizational tactics – i.e. groups may be less willing to employ confrontational strategies or demand more radical policy changes. As Onyx *et al.* (2010: 43) put it, associations may engage in '*advocacy with gloves on*' (original emphasis).

Conclusions

The collection of robust comparative information on associations and associational involvement has proved to be a major challenge in the last few decades. Information about associational involvement appears to be mainly restricted to (population) surveys, including basic questions on membership and various modes of engagement. The results obtained with these instruments seem to rely heavily on the list of associations presented and the exact wording of the questions. Although several attempts to construct equivalent measures have been made, cross-national and longitudinal comparisons remain severely hampered by substantial variations and fluctuations caused by problems of measurement. Besides, very few empirical studies go beyond simple self-reporting of associational engagement, and thus far only one study has systematically combined information from citizens, associations and volunteers (Maloney and van Deth 2010). The lack of reliable data is even more evident if we look at the changing position of associations in democratic societies and the features of civil society. Formal registration data and official statistics are of limited (rough guide) use. The need for more reliable and comparable data on associational involvement and associations is undisputed and presents a continuing challenge for scholars in this field.

Notwithstanding the criticisms above, current empirical information provides a few consistent findings. First, associational involvement in Europe varies widely, with very high levels in North-western Europe, much more modest levels in Central European countries and low levels of involvement in Southern and Eastern Europe. These differences are also visible when other specific modes of engagement are compared across Europe. Second, associations all over Europe continue to face changing demands and expectations due to state retrenchment and the professionalization process. Associations may find themselves increasingly acting as a 'safety net' for those who fall through the cracks of state provision. These bodies also face ongoing pressures to professionalize their operations to increase their advocacy and lobbying effectiveness and to ensure organizational survival. Whether these developments can be depicted as the 'healthy improvement of private initiatives' in times of state direction or as a neo-liberal instrument to revitalize capitalism is a matter of ideological debate. Normative discussions of this genre highlight the relevance and saliency of these developments for the future of democratic decision-making processes.

The quality of European democracies has never appeared to depend on associational involvement in the ways suggested by American findings and neo-Tocquevillian devotees. Nevertheless, associations – and not individual associational engagement – are central to arguments regarding the quality of democracy in Europe. As Wollebæk and Strømsnes remark, the importance of associations 'lies not in socializing individual active members but in institutionalizing social capital' (Wollebæk and Strømsnes 2008: 250). In turn, institutional social capital offers citizens opportunities to be involved in associations without being threatened by the consequences of free-rider behaviour. Marginalized social groups create and perpetuate alternative institutions as a mode of social capital to resist and oppose mainstream ideas and interests. In this way, associational involvement has the potential to offer a corrective to many problems and challenges facing European democracies – not by re-socializing people but by providing a context for trustworthy behaviour.

Notes

1   A similar line of reasoning from a radical-democratic perspective is presented by Evans and Boyte (1992) with their plea for 'free spaces' in order to provide people with the opportunity to develop the skills and civic virtues.

2   Even in clearly nonpolitical organizations 'exposure to political communications . . . is not frequent, but neither is it rare' (Verba *et al.* 1995: 373).

3   Careful comparisons of these results with other studies showed that World Value Surveys and European Value Surveys have underestimated the level of active citizen involvement in voluntary associations because 'those who take part in activities organized by associations far outnumber those who engage in voluntary work' (Morales and Geurts 2007: 139).

4   Aalborg (Denmark), Aberdeen (UK), Bern (Switzerland), Enschede (the Netherlands), Mannheim (Germany) and Sabadell (Spain).

5   Maloney and Roßteutscher (2007c: 58) identified variations between the cities they studied. For example, associations in Aberdeen exhibited a heavy emphasis on welfare issues, in Sabadell leisure activities were popular, in Bern it was culture, music and health. The areas of concern that were among the least well represented included in the six cities were Environment, Animal Rights, Peace, Humanitarian Aid, Women and Human Rights.

6   Maier and Meyer (2011: 738) identified five discourses: 'managerialist, domestic, grassroots, professionalist, and civic'.

7   In 2010 Climate Action Network-Europe received almost 92 per cent of its €862,744 annual budget from patronage: 4.5 per cent from members' fees and contribution, 8.6 per cent from European governments, 28.3 per cent from the European Commission and 54.8 per cent from foundations.

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46

Gender and European politics

Alison E. Woodward

The great transformations of history that shaped the last 50 years of European politics have been accompanied by one of the greatest social transformations of the twentieth century. Women are now full political and economic citizens in most countries of Europe. The European waves of state transformation, expanded citizenship and welfare, moves from social democracy to neo-liberalism, an increasingly contentious civil society and increasing European integration have all been intertwined in a complex net outlined in the chapters of this book. This net encompasses the changing position of half of human kind. Today it is unbelievable that women in Lichtenstein only got the vote in 1984, and that more than one-third of major European democracies did not allow women to vote at mid-century. But for those living in 1948, the idea that European major powers, such as the UK (Margaret Thatcher 1979–90), France (Edith Cresson 1991–2) or Germany (Angela Merkel 2005–present) would have a female prime minister, or that Spain, Germany, Finland, or Latvia would have a woman defence minister would have seemed like science fiction.

The change in the role of women in formal politics in European countries is nothing short of revolutionary, even if some may call it an 'incomplete revolution' (Waylen *et al*. 2013b: 3). Today many European parliaments are near gender parity, thanks to measures including various forms of quota either used by political parties or mandated by law. Further, European nations frequently feature in the top of indexes such as the UNDP or the World Economic Forum Gender Gap Index (World Economic Forum 2013) where 11 of the top fifteen countries are European, thanks in part to the empowerment of women. Political representation has changed radically, as both European political parties and states have imposed targets and quota regulations in electoral and administrative settings (Franceschet *et al*. 2012). European legislation today reflects the principle of equal treatment for women and men, and many countries require that the state carry out gender mainstreaming. New administrative machineries for women and gender equality have been introduced in most countries as well as at the level of the European Union. Still, these dramatic changes have not lead to full gender equality as the European Institute for Gender Equality's Index shows (European Institute for Gender Equality 2013). Continuing economic pay gaps, the persistent absence of women in top decision-making positions, as well as cutbacks in welfare provisions and questioning of bodily rights indicate that important roadblocks remain.

References to women in politics in political science were few and far between up until the mid-1960s. Only Duverger (1955) had carried out any overview of the importance of women in politics. In the eighties works such as Lovenduski's on women and European politics (1986) started the ball rolling. By the end of the twentieth century a lively community of scholars worked on gender and politics, with one of its most important hubs in Europe. Research on the subject of women in European politics has become a multi-dimensional industry. A major Oxford University Press handbook covers Gender and Politics in general in 872 pages (Waylen *et al.* 2013a). The European Consortium on Political Research section on Gender and Politics organizes biannual conferences with an attendance above 500. Given the volume of recent scholarship on gender in both formal and informal politics, this chapter can only hint at the importance of gender for understanding major themes in the transformation of European politics and provide some signposts to a gendered understanding of European politics. After a short comment on the theoretical work on European women, gender and politics we turn to the major issues in formal politics, namely changing citizenship, representation in terms of numbers (descriptive representation) and content (the substantive representation of women), and the role of women's movements and the state in changing the position of women in politics and in the economy. The welfare state, specific policies and machineries designed to advance the position of women and an expansion of politics to include women's interests have all contributed to change. A special focus will be on the role of the European integration process in Europe and gender. Both the widening competencies of the European Union, with its treaty commitment to equality between men and women, and the changing landscape after 1989 with the disappearance of the Soviet-socialist model of emancipation are vital. Finally, some key elements of the policy approach to gender issues used by European countries will be scrutinized, with particular attention to women's policy agencies and tools such as gender mainstreaming, anti-discrimination legislation and a widening usage of quotas beyond politics.

Thinking gender in European political theory

The evolution of European political scholarship about gender follows a trajectory from research on 'women *in* politics' to research on 'women *and* the state' to a concern for the gendered nature of political conceptualization and practice and the impact of critical feminist scholarship on policy. Along the way there have been efforts to reconceptualize what we call 'politics'. The variety of experiences in Europe has made it a laboratory for the global development of gender and politics scholarship.

One of the main early concerns of feminist investigations in political theory was rediscovering women in political thought and politics. Looking for women in political theory easily turned up numerous European women with political theory agendas – most famously Mary Wollstonecraft (1792). Across Europe women thought and wrote about the nature of politics and women's role in society – ranging from Olympe de Gouges's early pleading for universal suffrage in 1791 to socialists Rosa Luxembourg and Clara Zetkin in Germany (LeGates 2001), Alexandra Kollontai in Russia (Holt 1980) and Simone de Beauvoir (1949) in France. Discovering the women who were left out of European political theory was an important step pioneered by gender scholarship (Okin 1979), but even more crucial were the contributions of feminist critical scholarship to rethinking the canon of political concepts (Blakeley and Bryson 2007; Bryson 2003; Squires 1999). These investigations and rediscoveries often crossed the Atlantic, and in the 1970s and 1980s included women formally in academia and women consciously and purposefully outside the academy, but in the women's movement. They demanded the reconceptualization of politics and participation. Major debates surged around

the questions of the personal as political. Politics needed redefinition going beyond its formal institutional frame to take into account the role of politics in structuring gendered relations. Another important debate centred on the tensions between biological and social sex and the implications for policy, the so-called Difference and Equality debate within feminism (Phillips 1993), which took a concrete political form as what was called the Wollstonecraft dilemma of demanding equality while recognizing women's specific needs (Lombardo 2003). Other topics included the role of the body, including reproductive and sexual rights (Elman 2007), the place of law in achieving radical feminist demands (MacKinnon 1989), and the relation between feminism and Socialism (Eisenstein 1979). This list of primarily Anglo-Saxon authors does not do justice to the variety of authors and accents in the debate, which took very different forms in Scandinavia, France, Germany and the Anglo-Saxon context. The debates took on extremely confrontational and divisive forms in the women's and feminist movements in all European countries, and cannot be summarized here. Each feminist political debate is associated with different sorts of national political impact. For example the Nordics focused on the welfare state and women's interests (Bergkvist *et al.* 1999) while the French debated parity in politics (Jenson and Sineau 1994).

Thus research concerns changed from 'women in politics' – localizing them and discussing their absence in academics and political life – to an increasing concern with the implications of feminism for basic concepts in politics (Goetz and Mazur 2008) and for strategies. The explosive activism of the 1970s reflected in the debates about difference and equality, sexual orientation, race and class harbingered later discussions about not only what 'equality' for men and women would actually entail, but also a standard chronological depiction traces a development from liberal approaches, seeking equal treatment for women and men, to socialist feminist approaches questioning the role of capitalism and patriarchy in the oppression of women, to a larger discussion of the extent to which women are different from men and need special treatment, the above-mentioned 'equality versus difference' debate. In retrospect these debates seem to be reflected in the demands placed on policy makers. At the level of the European Union, for example, one can trace an evolution of policies from first aiming to ensure equal treatment before the law to later focus on actions designed to take account of the specific situation of women in society, with a recognition of 'difference', before ultimately leading to a consideration of the inter-relations of inequalities, and the launching of the concept of gender, leading to a need for transformational strategies such as gender mainstreaming. The concept of 'gender' itself, with its focus on the process of the social construction of masculinities, femininities and gendered structures in inter-relationship, was crucial for moving the focus beyond women as objects, and to the inter-relationships between the sexes and how a gendered social order reproduces and maintains inequalities and specificities.

Full citizenship and representation

What/who is a citizen? Embodying citizenship and sex

In the questioning of basic concepts and political participation, a central concern is the nature of citizenship. Scholars such as Ruth Lister (Lister 1997; Lister *et al.* 2007) early brought the precarious situation of women as citizens into critical consideration. Women at mid-century in Europe were nowhere full citizens. Civil and economic and social rights were all unequal between women and men in every single country here under study. The lack of fundamental civil rights for women, and discriminatory legislation, leading to unequal pay, inability to independently make financial transactions, and finally to exercise full political rights as voters and office holders,

not to mention the curtailments on physical freedom due to restrictions on sexuality, reproduction and the all-pervasive violence with a basis in gender inequality, deprived women in Europe of full citizenship. One of the major transformations in the last 60 years in most European countries has been a radical transformation and harmonisation of legal codes to gradually introduce increasing legal equality between women and men. Even here, the record is far from complete. Feminist debate and scholarship in Europe and beyond made major contributions to a reconsideration of citizenship, moving beyond T.H. Marshall to include in citizenship rights an understanding of social citizenship that covers intimate relationships (Gendered Citizenship in Multicultural Europe, Europe 2014). In Europe citizenship discourse expands to consider the interactions between gender and other citizenship exclusionary categories such as ethnicity, which is a particularly European concern with its multiple layers of citizenship beyond the nation state (Halsaa *et al.* 2013).

Women in decision-making: descriptive representation

What is democracy in Europe and where did it begin? Paxton's (2008) pithy critique of Huntington's democratic waves argued that where there is no woman's suffrage there is no democracy, and that many European countries are thereby relatively new democracies rather than old ones as argued by Huntington. In 1913 only one European country (Finland, 1906) allowed women to vote. It was not until after 1975 that more and more parliaments crept above 10–15 per cent women, but then the creeping became an explosion (Rodríguez-Ruiz and Rubio-Marin 2012). Breaking the log jam holding women out of parliamentary politics became an important focus for European women's activism – and an action point of the EU. Both within parties and from outside, pressure continued to increase the presence of women in politics (Leijenaar 1997; Phillips 1995; Dahlerup 1998) or, as some put it, end the 'over-representation' of men (Waylen *et al.* 2013a: 25).

Today the descriptive presence of women is seen as an important indicator of the level of gender equality in a country. A demand for more women in decision-making in general was made both on the grounds of democratic representation and of justice. Most rankings of gender equality include the percentage of women in parliaments and governments (e.g. United Nations Women Empowerment Index, World Economic Forum Gender Gap, EIGE, Gender Equality Index) as an important indicator of women's empowerment. In the old member states of the European Union the change in the last 20 years has been considerable, beginning in a wave in Northwest Europe, where Sweden reached parliamentary gender balance as early as 1994. Comparative research reveals that explanations for progress are multiple (Dahlerup and Leyenaar 2013; Paxton *et al.* 2007). Electoral institutions matter as well as the status of women and the type of welfare state, but more generally cultural climate, gender relations and party culture are also important in explaining some of the deviant cases such as the situation of European countries in transition. Under socialism there was almost parity representation of women (Scott 1977, Matland and Montgomery 2003) but after 1989 the formal representation of women took a deep dip. These countries are much less likely to use systems that have been effective in Western Europe, such as internal party quotas or legal quotas, to propel change (Dahlerup 2006; Dahlerup and Friedenvall 2011). They thus score lower in terms of women's formal representation, despite having prerequisites such as integration in the labour force and high educational attainment. Other exceptions also persist, such as the UK, meaning that the revolution in terms of sheer numbers is still ongoing. Nonetheless, as Figure 46.1 indicates, European women enjoy some of the best descriptive representation in the world.
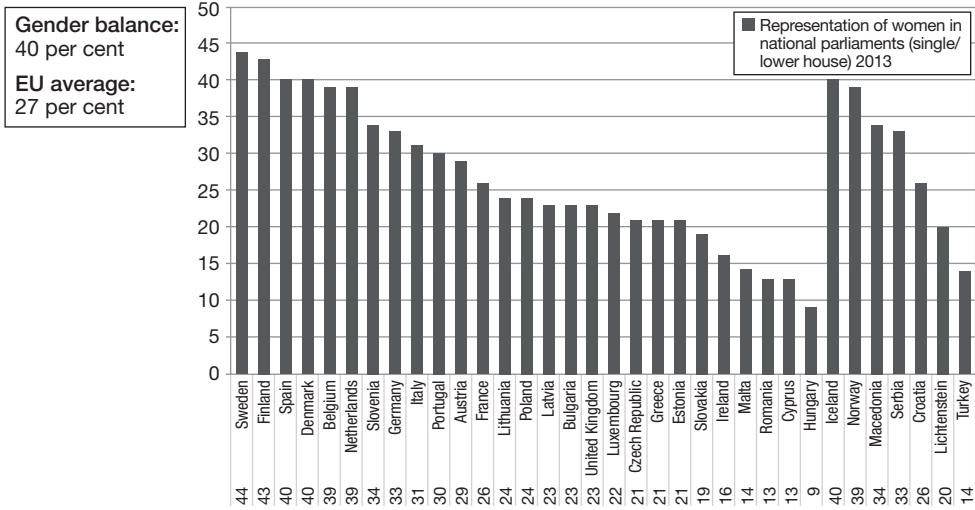
Figure 46.1 Representation of women and men in national parliaments (single/lower house,
2013)

Source: European Commission Directorate General for Justice (2013: 22).
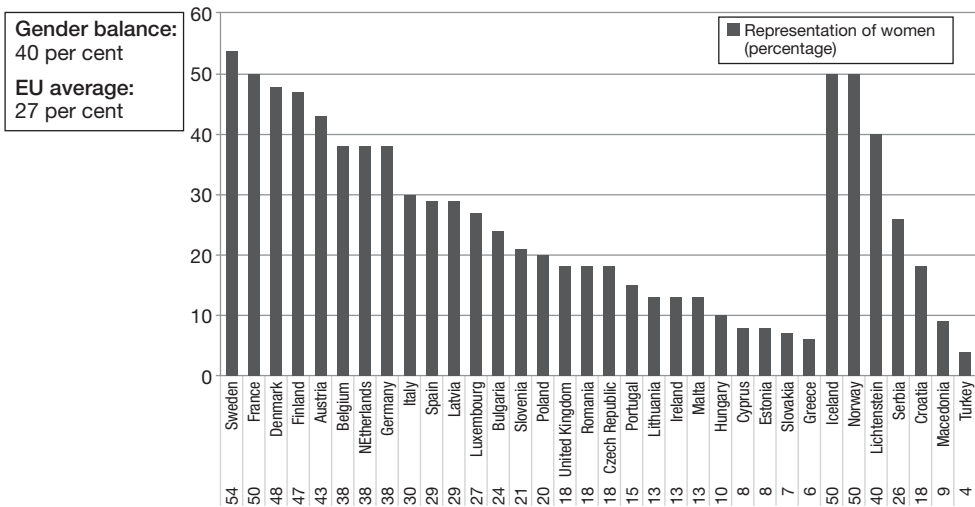
Figure 46.2 Representation of women and men in national governments (senior ministers,
2013)

Source: European Commission Directorate General for Justice (2013: 20).

It is also the case that women in Europe have occupied almost all executive functions from Prime Minister and President to top ministries (Bauer and Tremblay 2011). Governments such as Sweden and Norway also have targets for the gender balance of the composition of the cabinet. As can be seen in Figure 46.2, women in several countries are nearly in parity in the executive. However, evolution is slow. Between 2004 and 2013, the representation of women in national government posts as senior ministers evolved from 21 per cent to 27 per cent (European Commission Directorate General for Justice 2013: 20).

In terms of content, there is still considerable horizontal segregation as far as ministerial specialization and headships of commissions. Women are found disproportionately in social-cultural fields such as health, education and family affairs, but by now women have also held the high status posts of finance, foreign affairs and defence minister in both large countries such as Spain, France and Germany and the smaller Nordic and Baltic states. Still there is a tendency to allocate basic governmental portfolios such as Internal Affairs or Defence to men, while women disproportionately receive the socio-cultural responsibilities. This segregation actually increased in the period from 2004 to 2013 (European Commission Directorate General for Justice 2013: 21). A concentration of women in feminine domains could be related to one of the main arguments for more women in politics, that women would be better placed to represent women's interests.

Do European women in politics make a difference? Substance of politics

Although the motivations for more women in decision-making can be because of egalitarian and justice considerations, one important argument has also been that an increased proportion of women in decision-making would lead to changes in both the process and the content of decision-making, or the substantive representation of women's concerns (Phillips 1998; Celis *et al.* 2008). In terms of the institutional practice of politics, gender equality considerations in Scandinavian parliamentary settings, for example, led to changes in meeting hours and provision of measures for work–life balance. The Scottish Parliament was designed consciously to be more gender friendly in terms of its hours and electoral system (Brown 1998). However, this has not been the case overall, as shown by several mediatized cases of top female figures in France or in Belgium not taking time off after having babies and the continued harassment of female politicians, including women of colour. The same mixed record can be found in terms of the content of decision-making. There are several elements to the question of women's impact on the substance of decisions. A long-simmering debate has been about what women's interests would actually be, given the diversity among women. How would we know if women's interests were being served, if we cannot identify what women's interests are? Nonetheless, there is research that demonstrates that critical female actors are disproportionately responsible for bringing issues that are almost incontrovertibly related to gender equality on to the agenda. The key word here is critical actors – it is not necessarily sufficient just to have a critical mass of women in parliament to be sure that issues of particular concern to women come on to the agenda (Childs and Krook 2009). While the quantity of women in a legislative assembly could have an influence, some authors note that it might also be the case that high proportions of women could lead to male legislators becoming recalcitrant and threatened, and to a higher degree of backlash. The jury is still out on many of these issues. This institutional change is really recent. Only a few European parliaments have been above 30 per cent for any significant amount of time. Comparative studies of the extent to which higher percentages of women in European parliaments lead to more 'women-friendly' or women's interest representation are still few.

The state in Europe

Political representation is important in democracies because it is the major mechanism for steering the state. Throughout this *Handbook* it is evident that states in Europe have evolved and changed dramatically. For the situation of women, the nation-state and its policies have been crucial in constituting and constraining women as economic, social and sexual citizens, as we have discussed. Parliaments draft the legislation that is the framework for state action and nation-states participate in international treaties in the accelerating dance of global governance. A first remark is that these complex factors have changed the nature of the European nation-state significantly, and these changes are also reflected in the laws and policies of the state. Not only have women achieved enfranchisement, but more and more states include formal ambitions and guarantees of the equality of men and women in their constitutions and founding documents. With these legislative bases, women can make claims on the state and demand rights.

A major focus of discussion in scholarship has been on the role of the state in guaranteeing opportunities for women to be integrated in the economy and to be empowered. The state in Europe has been a target of gender critique in terms of its negative role in shaping gender emancipation possibilities, but also seen as a tool for guaranteeing rights and providing support.

Welfare state as tool

The role of the welfare state, which is highly developed in Western Europe, but in a multitude of forms, is particularly important for shaping different possibilities for women (Sainsbury 1999). The variety of welfare states in Europe, products of history, culture and religion and political engagement, provide an exceptionally fruitful ground for comparison (Sainsbury 1996). Welfare state scholarship predominantly focused on the role of the state in redressing socio-economic inequality, but feminist criticism brought to the fore the fact that the state was a fundamental agent in producing different gender regimes (Lewis and Ostner 1995, Walby 1997, Orloff 2009). European variety, stretching from the female worker citizens so typical of the Nordic states to the familial focus on the woman as mother in Continental and Southern European states, could be argued to be directly connected to success or failure in terms of women's autonomy and well-being.

The discussion about the role of the state in imposing one model or another, and particularly the role of the European Union in Europeanizing one or another gender regime above all others (dictating that women should be in paid employment, promulgating policies for early childcare and rating countries against one another on this indicator), has been intensive. It is of course tied to political ideologies about the role of the state in relation to family and the private sphere in general. In the Nordic countries, long-term women's movement political activism combined with social democratic visions produced situations where women enjoy substantial autonomy of income and social support, and are highly active in the labour market and politics. Yet, the discussion of the extent to which the welfare state was actually 'women friendly' raged, given that much of the employment was in the welfare sector itself, employing women to allow other women to go to work (Borchorst and Siim 2008, Bergkvist *et al.* 1999, Hernes 1987, Haavio-Mannila *et al.* 1985, Van der Ros 1994).

Women's policy machinery

A criticism of the state was the invisibility of women, except as a special concern in their sex roles (as mothers, as sex workers, as those to be protected) (Guerrina 2010). With the

enfranchisement of women and their growing economic inclusion and political voice, as well as thanks to external demands from activists, on the one hand, and international bodies such as the UN and the EU, on the other, for more attention to women's issues, national administrations in Europe began to include special offices for women's issues or women's policy agencies. Often these offices were combined as Ministries for Family, Youth and Women, but gradually the internal and external pressures led most Western European nations as well as many Central and Eastern European countries to develop an address within the state apparatus for women's issues. In part due to international treaty obligations to provide information on the status of women (CEDAW/UN), one could begin to talk about specific women's policy machineries or architectures in most of the countries treated in this *Handbook* by the mid-1980s. An influential survey (Stetson and Mazur 1995) mapped the presence of these agencies and their varying roles (pro–neutral or anti-feminist) in providing state administrations for the improvement of women's status. Agencies and ministries of varying format and form with openly feminist aims became major allies to women's movement actors outside the state. Scholars applied the name of 'state feminism' to patterns where the state administration openly advocated issues advancing gender equality. A major finding was that not all such agencies worked for women's emancipation, and that the alliances between political parties and elected officials, civil society and administration were often decisive for whether outcomes in European national policy were favourable to women. The Research Network on Gender, Politics and the State particularly focused on a number of key issues in politics both clearly related to women (abortion and political representation) and dealing with more general issues such as job training, or top issues in politics, to measure the impact of women's policy machineries in primarily European polities. They discovered a multitude of complex alliances that underwrote the ability of women's agencies to have an impact on politics ((Haussman and Sauer 2007, Lovenduski *et al.* 2005, McBride and Mazur 2011; Outshoorn and Kantola 2007). Other research (Lombardo and Forest 2012; Verloo 2007) has focused on the extreme variation in how European state actors frame gender issues, relating to the aforementioned variation in gender regimes and political culture. These varying framings correlate with the large variation in outcome for women, and help explain the fact that in most indices the European states are distributed widely among the top 100, with many developing countries scoring better than the industrialized and highly educated North (Verloo and van der Vleuten 2009). As we will see, the research shows that Europeanization does not act as a magic homogenizing gender blanket producing equal status for women and gender equality in politics everywhere.

Public policy

European theoretical debates about the origins and nature of gender inequality, the global women's movement and the specific contours of the European nation-state have influenced the evolution and formation of policy instruments and approaches for gender equality. Several authors characterize the logic of policy instruments utilized to improve gender equality as following several stages (Rees 1998, 2002; Squires 2007; Woodward 2012) that have sometimes been chronological and sometimes transversal/crossing depending on the context and players. The first step included eliminating legal discrimination and guaranteeing equal treatment, which stems from the logic of liberal feminism. In Europe, pension schemes, hiring, wages, property ownership, and civil and social rights were frequently divided into men's rights and women's rights. Equalizing treatment became a first and fundamental principle of improving the balance between men and women. The European Union played a fundamental role in guaranteeing equal treatment thanks to a number of decisions in the European Court of Justice (ECJ) which

meant that member states had to harmonize their legislation and conform to equal treatment in all areas even remotely related to the labour market (Hoskyns 1996). Although it could be cynically remarked that equal treatment has frequently meant a loss of women's benefits (van der Vleuten 2007), the guarantee of equal treatment has also made litigation possible. However, the logic of equal treatment ignores the real situation of difference in the positions of women and men in society, and fails to address the longstanding cultural devaluation of women's worth. The argument was made that *de jure* equality did not equal *de facto* equality. Thus a second policy approach has been to recognize the real differences between women and men in society. Here the aim was to improve women's status vis-à-vis men, and offer compensation and recognition for women's differences through strategies of positive or affirmative actions, involving extra training for women, explicit hiring techniques and other measures to support women's real life situations (childcare, etc.) and stimulate their participation in society. The equal treatment approach (women should not be treated differently from men) and the women-centred rehabilitation policy (women as women need special measures due to their specific situation) reflected the 'equality–difference debate' described above. However, transversally other interpretations of the problem in academia were also gaining tread in political and policy circles. Notably the idea of gender and the inter-relational aspects of inequality seemed to offer a solution to the Wollstonecraft dilemma. The inequality between men and women was not a simple matter of men oppressing women, but was a product of structural and informal relationships that were socially constructed. The sociological concept of gender underlined the role of interaction in the production of gender relationships and also clearly implicated both sexes. A fundamental aspect of this concept is that gender permeates society. All social and political activities, not just the ones where the roles of men and women are clearly visible, are gendered. Thus a third policy approach was born, that of gender mainstreaming, requiring a recognition that all public policy had intended or unintended impacts on the relations between the sexes. An analysis of the policy *ex ante* in terms of its impact on gender equality could therefore help design policy that would not negatively affect one of the sexes, and potentially also provide stimulus for more gender equality. Judith Squires (2007) described these steps in policy-making as presence, voice and process, and visionarily added a fourth possible policy dimension in which men and women would be brought into a discursive situation, leading to true democratic transformations. However, the empirical research on the status of gender equality policy in Europe in 2014 seems to indicate that budgetary crises, demands from other equality groupings and inertial/policy fatigue have led to a stand-still in addressing the remaining policy roadblocks to a fairer, gender-equal society in Europe. Indicators such as the percentage of women in decision-making in science, the economy or even politics, the wage gap, the situation of violence against women, all show a recalcitrant stagnation.

European integration

Of all the transformations affecting European politics and the position of women, none is more important than the transnational impact of increasing European integration under the aegis of the European Union. The emergence of the EU as a prominent intergovernmental force has also been essential for the translation and export of certain visions of gender equality. In what has been described as a boomerang effect (Zippel 2006) or a pincer effect (van der Vleuten 2007), ideas and policy practices on gender equality exchanged between EU member states on the one hand became enshrined in Treaty law for EU members and aspiring members, and on the other hand became discursive benchmarks in debates about what true gender equality in political and social life might entail.

While no one would argue that gender equality was ever a main goal of the European integration process, by the 50-year anniversary of the Union it was seen as one of the major normative achievements. Beginning from a modest sentence in the Treaty of Rome guaranteeing equal pay for equal work, and thanks to tireless activism from within and without the Brussels edifice (Hoskyns 1996), gender equality has been enshrined as a fundamental value in the Treaty of Lisbon (Art. 2, van der Vleuten 2012). Further, the tool of gender mainstreaming is recognized in the treaty as the major instrument for achieving equality between men and women (Abels and Mushaben 2013; Lombardo and Forest 2012).

The EU approach to promoting gender equality runs on several tracks (Abels and Mushaben 2013; Kantola 2010; Squires 2007). First, thanks to the legislative framework, the EU increasingly acts as an arbiter through the ECJ. The directives guaranteeing equal treatment in the labour market dating from the 1970s have been crucial tools in underwriting court cases both nationally and at the ECJ, and leading to harmonization of law in member states so that women can enjoy equal rights. The process of adjustment in the 1980s in the older member states brought about major changes in social and economic rights (e.g. pension schemes) and spilled over into other areas. Today many member states also include gender equality as a goal in their constitutions (e.g. Germany since 1949, Belgium 2003). Progress in the 1990s under the Treaty of Amsterdam provided an even broader base by not only guaranteeing equal treatment, but further obliging the member states to promote equality and forbid discrimination (Art. 13). Crucially, the framing of Article 13 in the Treaty of Amsterdam also included other important grounds that were protected against discrimination (race, sexual orientation, age, disability and religion). This has led to extensive activity before the ECJ in terms of discrimination, and also to an intense discussion about the interactions of different inequalities, in terms of multiple discriminations and intersections.

A second role of the EU has been as an exporter and promulgator of its norms. Through its presence in international fora it has increasingly claimed to be a model, while also actively pursuing the attainment of equality by providing resources as well as requiring enforcement. The formal norms of treaty ambitions and directives have been accompanied with action plans from the EU to provide means and guidance to member states as well as benchmarks for achievement. Particularly in the golden years between 1985 and 2000, a number of action plans were implemented that worked to strengthen the position of women in employment. The approach had only limited elements of hard law, as after 1995 getting formal directives for many of the remaining questions became more and more difficult. Use of comparisons, constitution of expert groups and national administrators, and ultimately the establishment of a European Institute for Gender Equality (EIGE) have all been steps that have helped create a community of expertise on gender equality. Further, a requirement of the anti-discrimination law was the establishment of machinery for handling discrimination complaints, which led to those countries who did not yet have a women's policy machinery needing to create offices at least specializing in discrimination issues. These and many other activities have pushed a Europeanization of gender equality approaches (Liebert 2003), even if the picture is still not homogeneous, as studies such as those by Lombardo (2003), Verloo (2007) and Halsaa et al. (2013), among others, report. There is substantial diversity in understanding what gender is. Particularly relevant has been the rapid expansion of the EU in 2005 and 2007, enfolding many countries who had not been debating the issue of gender equality in the frame being used in the EU. Central and Eastern European countries in particular had pursued very different trajectories, and there were large gaps in public opinion about the importance of gender equality issues, not only about the role of women, but also in terms of sexuality, reproduction and sexual orientation (Einhorn 2010;

Galligan and Clavero 2012). While required to take aboard the *acquis* which included the provisions on commitment to promoting gender equality and guaranteeing equal treatment, several of the countries involved had rather different interpretations of what would be required. In particular, issues around bodily freedoms and abortion, as well as gay and lesbian rights, are extremely problematic in some member states.

In terms of political representation, the EU and its funded civil society organizations, such as the European Women's lobby (Strid 2009), have actively campaigned since the mid-1990s for more women in decision-making, with particularly notable campaigns around elections to the European Parliament causing that body to move above the 30 per cent mark. However, other areas of decision-making, such as finance, science and business, are moving more slowly, and the EU has been debating the use of quotas to change the composition of corporate boards (Dahlerup and Friedenvall 2011; European Commission Directorate General for Justice 2013).

An important role in the exportation of norms and practices has been played by the EU in financing the collection of statistics. In the 1990s the first data base on women in decision-making was funded based in Berlin. For the first time statistics were available about women in parliament, as well as in other political functions. This data base has since been taken over by DG Justice, and now includes many other levels of governmental decision-making, providing an important comparative resource for both scholars and activists.

Future concerns: the research agenda

The research agenda for the future is a varied one. First of all, the increasing diversity of European citizens and issues of migration, resurgent religiosity and integration raise new questions about gendered representation and its interface and intersections with other identities. How can these be represented in European politics? A typical example of the issues at hand is the widespread debate about the veil, which takes extremely varied forms in different nation-states (Rosenberger and Sauer 2011; on the veil discussion, see Chapter 4). However, the role of religion in relation to gendered politics has also continued in importance, whether it be the Vatican or the Muslim Brotherhood. A gendered perspective also implies further research on men and masculinities (Hearn and Pringle 2009), both in relation to violence and in relation to political behaviour, to enrich insight beyond the popular press into figures such as Silvio Berlusconi and Vladimir Putin. The socio-economic crisis beginning in 2008 had gendered impacts on state policy and the position of women, altering their economic resources and potentially undermining their potential for political participation. What will this mean for civil society capacity and the role of the state in promoting equality? Changes in the political climate in Europe, including the role of populist and right-wing political movements in many European countries, challenge fundamental rights of women. Finally, what about the role of Europe as an exporter of gender norms for women and politics internationally? Is the EU really such a front runner? These are all questions to be dealt with in future research.

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47

Contentious politics in the EU

Donatella della Porta and Louisa Parks

Introduction: contentious politics in contemporary Europe

Contentious politics in the EU takes a variety of forms, from the highly visible mass protests holding European Councils to siege to apparently banal petitions. This chapter will provide an overview of the contentious politics that has targeted the EU since the beginning of the millennium, describing specific cases and actors to illustrate the different forms of contentious politics that have arisen at various combinations of territorial levels.

A focus on contentious politics in the EU as a polity-in-the-making is particularly important in the light of the role social movements played in the development of European nation-states. Charles Tilly has shown how these groups gradually came to direct their demands towards national governments as the modern nation-states emerged (e.g. Tilly 1984; Marks and McAdam 1996; Tarrow 1996). Paradoxically, this shift was critical in legitimizing the rise of national polities, linking the emergence of the national social movement in Western Europe to the advent of electoral democracy. Research on the labour movement, for example, has stressed its contribution to the development of democracy and social rights between the eighteenth and twentieth centuries (Bendix 1996). Thus, the potential role of contentious politics in transforming the EU into a less distant and incomprehensible institution, or even in decreasing its democratic deficit, represents an important avenue of research.

One might also expect that contentious politics will increase deliberation within the EU (Eder and Trenz 2008: 172). The collective claims-making observed in the cases we will describe fosters strong publics that have provoked deliberation in EU institutions and contributes to the formation of new epistemic communities among citizens (ibid.). Contentious politics are also important in terms of their contributions to transnational participation and citizenship. In groups that are dependent on their members' expertise, carry out campaign actions at both EU and national levels, and employ both conventional and contentious actions, proper member participation can be achieved (Kohler-Koch 2008: 264).

This chapter will provide an overview of the different types of contentious politics in the EU. We begin with some examples of contentious politics that have taken place very much *within* the auspices of the EU, where transnational movements and organizations have targeted specific policies and legislation. These examples involve an interesting mix of contentious politics

and actions that are much more traditionally ingrained in the EU institutional sphere. Although this type of contentious politics is perhaps less visible in television and print media reports than the more spectacular examples we will later address, it has been shown to have demonstrable effects on EU policy (della Porta and Parks 2013). Specifically, we investigate the involvement of trade unions and environmental groups in campaigns focused on EU policy. After exploring these examples, we move on to describe the global justice movement and its protests at European summits, which has been the most visible type of mass protest at the European level. We then examine the European social forums that grew out of the global justice movement, before ending our overview of contentious politics in the EU with some observations about the recent Occupy and *Indignados* protests. Although these recent movements are not obviously EU oriented, in our view their focus on global democracy and popular disappointment in the EU's neo-liberal agenda are important.

Contentious politics *within* the EU

As mentioned above, social movements and protest played a significant role in the development of European nation-states, shifting their attention to the national level as power migrated there. Following this logic, such movements should also be important in the development of the European Union (EU), again shifting their focus in parallel with the transfer of power from the national to the supranational level. In other words, the EU, like other intergovernmental organizations, has altered the landscape of opportunities available to social movements. If changes in the power structure provided the impetus for the emergence of national social movements from their earlier and more parochial incarnations, then a similar 'scaling up' could reasonably be expected to accompany the transfer of power to the EU (e.g. Tarrow 1995). There is indeed evidence of a surge in European-level associations that supports this idea. In particular, following the extension of the EU's competences that resulted from the Single European Act of 1986, the number of European public interest groups increased exponentially (Lahusen 2004; Mazey and Richardson 1993). However, as multi-level structures, it has been argued that the supranational EU institutions generally discourage contentious politics in the form of protest (Marks and McAdam 1999). Although the mass protests of the global justice movement at various EU summits would appear to belie this theory, it does seem to be applicable in the case of specific policies and legislation. In particular, this is due to the lack of resources of the EU Commission and Parliament and the consequent openness of these institutions to the advice and contributions of a wide range of civil society groups (not least because of the democratic legitimacy that may be derived from such consultation processes).[1]

This model does not always hold, but contentious politics at the EU level has certainly exhibited characteristics that differ from the images of mass protest commonly evoked by discussions of contentious politics. To begin with, there have certainly been fewer protests targeting the EU than protests targeting national states. Imig and Tarrow find low but increasing levels of EU protest between 1984 and 1997 (Imig and Tarrow 2001), while Uba and Uggla identify bursts of protest activity corresponding with events that increase the public discussion of the Union, such as treaty changes and enlargement, between 1992 and 2007 (Uba and Uggla 2011).

In order to illustrate contentious politics *within* the EU, we will focus on two distinct groups of organizations that campaign to influence EU policy and legislation. Of course, the resulting picture does not come close to conveying the range of contentious politics taking place in this arena, but these groups do provide instructive and contrasting examples. The first group is the trade union movement, which in recent years has used more contentious approaches to great

effect. These cases are interesting precisely because transnational EU protest on specific issues is rare, and they are significant because these successful examples may herald changes in how campaigning happens in this arena. The second group is the environmental movement, which has exhibited a tendency to supplement its scientific and lobbying efforts with media-friendly 'stunts' with less mass involvement. Both camps have found success at the EU level – the trade union movement in more recent years, and the environmental movement at earlier stages.

The European trade union movement

Throughout the EU, trade unions have been engaged in contentious politics for a very long time. Farmers' unions in particular have been active on issues concerning the Common Agricultural Policy, sometimes resorting to road blocks and other highly contentious methods.[2] Eurostrikes involving members working for multinational companies coordinated by national unions have also taken place.[3] Covering the entire spectrum of trade union activism in the EU is not possible here, and therefore we focus on examples of contentious EU-level trade union episodes that we believe are particularly noteworthy. The literature has generally considered trade union organization at the EU level to be weak (Gajewska 2008; Martin and Ross 2001). The principal organization here is the European Trade Union Confederation (ETUC), which is a federation of national trade unions. Founded in 1973, long after the formation of a similar federation by employers in 1958, the group only began to come into its own as a vehicle for representing workers' points of view on European-level legislation in 1991. This owed much to the activism of the Delors Commission, which provided considerable funding for the ETUC.[4] Nevertheless, divisions between member unions, which range from Christian Democrat to Communist, have often represented an obstacle to the organization's development of transnational positions (Balme and Chabanet 2002: 66). In 1991, the ETUC became an official legislative player alongside the UNICE in the social dialogue. The joint texts of the actors involved in the social dialogue (where agreement is achieved) take the place of Commission proposals for relevant legislation. The social partners also act as privileged interlocutors on a host of other non-legislative issues in this area.

However, in recent years, some members of the ETUC have begun to question whether exclusively institutional involvement in EU processes through the social dialogue is the best way forward.[5] This new direction for the organization is particularly evident in its involvement in a coordinating role in the campaign against the directive on services in the internal market (better known as the 'Bolkestein Directive').

The draft of the Bolkestein Directive was presented by the European Commission, the EU's executive body, in January 2004. This came as a shock to the ETUC and other unions organized at the EU level, as no consultations had been held during its drafting (thus calling into question the ETUC's role in the social dialogue). The main point of contention in the draft was the 'Country of Origin Principle', whereby member-state companies providing services in other states of the EU would only have to abide by the laws in place in their home country, not those of the country where they provided the service. This, the unions argued, would lead to a 'race to the bottom' in social protection by governments seeking to make their own companies more competitive, and would also have serious repercussions on issues such as the right to strike and collective wage agreements. In their eagerness to quickly respond to the draft, the unions at the EU level bypassed their usual, rather lengthy consultation procedures; this move gave the campaign more synergy than is often the case where positions must be painstakingly negotiated among scores of member unions. The Belgian member of the ETUC also sensitized the Belgian Socialist Party to the controversy, prompting that party's research institute to launch an

extremely successful online petition entitled 'Stop Bolkestein', which also sparked a number of email campaigns and protests. Protest played an important part in the campaign, alongside a targeted lobbying initiative. Lobbying tasks were divided among the participating unions and continued throughout the campaign in order to prioritize the directive on the agenda of the European Parliament (EP). Protests took place at the EU level in November 2004, March 2005 and February 2006, and member unions and social movement groups also staged numerous protests in the member states.[6] The EP finally voted to substantially amend the directive in February 2006, removing the Country of Origin Principle.

Although many notable circumstances contributed to the success of this campaign (stemming primarily from the debate over the Constitutional Treaty, which focused the attention of the public on the EU, facilitating mobilization), the fact that EU-level trade unions had mobilized in a contentious way and, to some extent, succeeded in blocking a move towards greater liberalization in the EU was significant.

In another somewhat similar episode of EU-level contention, trade unions were also successful in their contentious politics against the proposed ports directive on two occasions.[7] In the case of the first ports directive, launched in February 2001, trade unions were excluded from initial consultations by the European Commission. Again, unions perceived potentially serious problems with the draft text concerning employment and social problems, as well as environmental and safety concerns. Protests were prominent and occasionally violent during the campaign, which ended when the EP rejected the draft proposal outright – a highly unusual outcome, particularly in the light of the fact that the text had already progressed to conciliation (where the EP and Council members generally work out a joint text together following two failed readings). An even more contentious campaign followed in 2004 and 2005 when the European Commission relaunched the ports directive with a text not based on the conciliation agreement. This time, the opposition was even more widespread, including industry organizations as well as the unions, with unions blocking ports in several European countries before the vote in the EP. Again, the EP rejected the directive outright. At the time of writing, the Commission has passed yet another Regulation on ports to the EP and Council.[8]

Again, in this case there were other important circumstances that facilitated the success of the campaign, not least the activism of the EP (which had also been an important factor in the Bolkestein campaign). However, these examples are particularly interesting with respect to contentious politics in the EU, as they indicate that protest can be fruitfully employed in campaigns on very specific pieces of EU legislation. Bieler (2011: 178) suggests that the structure of the EU makes combinations of lobbying or advocacy and protest of this sort much more likely to succeed in halting neo-liberal restructuring, citing these very cases, while Parks (2009) argues that a more nuanced view of the political opportunities provided by the EU (sensitive to territorial levels and institutions) suggests that protest combined with lobbying offers the most comprehensive approach to campaigning in this transnational arena. Contentious politics takes many different forms, however, and it is not necessarily protest marches, strikes and mass demonstrations that lead to effective multi-level campaigning on EU matters. This point will be explored in the following section on the work of environmental groups at the EU level.

Environmental groups in the EU

The European branches of the largest environmental groups, along with umbrella groups representing member organizations from across the EU, were primarily established with a view to lobbying and providing information to national and local groups (Marks and McAdam 1999: 105; Parks 2008: 91–3). Nevertheless, with the participation of member groups, they also carry

out smaller-scale, media attention-seeking forms of contentious politics in the vein of 'creative confrontation' (a technique closely linked to the history of Greenpeace) – the logic being that a few people participating in spectacular actions is more effective than mass protests in creating space for discussion by way of media attention. The track record for these tactics at the European level is mixed, and success appears to be heavily dependent on the capacity of EU-level groups to (indirectly) mobilize individuals; in this aspect, it closely resembles the cases outlined above with respect to trade unions in the EU. Again, we will focus on two examples of campaigns on EU issues to illustrate the contentious politics employed by these groups. This time, the focus is on genetically modified organisms (GMOs) and the EU Chemicals Regulation (known as REACH – Registration, Evaluation, and Authorisation of Chemicals).[9]

The first European directive on the experimental use of GMOs was passed in 1990, and as the market grew steadily during the first half of the 1990s legislation on labelling (the 'novel food' directive) was initiated. However, institutional wrangling over these rules lasted until 1998, with limited results. Against the background of the EU's hesitation, as well as the increased salience of food safety issues in the wake of the BSE crisis, a first wave of protest against GMOs began in 1995, lasting until early 1996.[10] This wave saw protests against governments and biotech companies (including the sabotage of experimental fields) and actions against the transport of genetically modified goods. Two 'Global Days of Action' were organized in 1997, and the targets of protests shifted from the national to the EU level in accordance with decision-making schedules. A second wave of protests arose in 1998 with the progression of legislation on labelling. Protest and lobbying actions took place all across Europe, leading many supermarket chains to ban the sale of GMOs in their stores, while many European governments were obliged to change their positions on the issue (Kettnaker 2001; on the UK, see Imig and Tarrow 2001; Lezaun 2004). In June 1999, the EU imposed a *de-facto* moratorium on the import and sale of all GM products until proper legislation could be put into place, leading Margot Wallström (the then-Environment Commissioner) to 'declare NGOs victorious' (Imig and Tarrow 2001: 29).

As legislation on the traceability and labelling of GM foods wound its way through the various institutions under the co-decision procedure (with its final adoption in July 2003 spelling the effective end of the moratorium), other issues connected to the GMO field began to move into the spotlight. One of these concerned the coexistence of GMO and ordinary seeds and crops. Again, European and national groups mobilized, albeit in rather different ways. European-level groups increased their lobbying efforts; more innovatively, a conference on the subject was organized by Friends of the Earth Europe and other groups at the EP, sponsored by an MEP who went on to present an own-initiative report to the body that was then adopted as its official position. One of the central points of the campaign was the demand for European-level legislation on coexistence, but the Commission proved unyielding on this point. In response, European-level groups began to follow up, coordinate and publicize – tactics that had long been employed by their member groups at the local level. This involved convincing local governments to ban the cultivation of GMOs on their territory and declare themselves 'GM free'. A website providing information and advice on campaigning and legal tactics was set up, and this form of contentious politics grew and spread. Alliances with like-minded regional governments also added gravitas to the campaign, with the regional governments appealing the Commission rejection of their laws banning the cultivation of GMOs to the European Court of Justice. Ultimately, the efforts of the campaign did not result in any European legislation following a WTO ruling in May 2006, but the success of the GM-free network in terms of presenting the EU with a *fait accompli* is clear. Although some mass-based forms of contentious politics were seen in the GMO campaign, other types of events were more common. Again, this was mixed with more conventional lobbying actions in the EU that bolstered these efforts. Also important in the contentious politics

on the issue of GMOs were the wide networks of alliances that environmental groups developed – from supermarkets and other retailers in the earlier stages to regional governments in the later campaign on coexistence, as well as a range of environmental groups including Friends of the Earth, Greenpeace and the European Environmental Bureau.

The second example of environmental campaigning within the EU is the coalition active on REACH – the EU's legislation on chemicals. Here, the main aim of the campaign was to 'rescue' a piece of draft legislation that at its earliest stages had been generally approved by environmental groups, but was perceived as having been 'hijacked' by industry interests in its legislative draft version. The extended consultation on the legislation included a public internet consultation in which a wide coalition of EU environmental groups[11] and others participated. In addition, this coalition presented a 'Declaration for a Toxics-Free Future' signed by 22,000 EU citizens.[12] The campaign also saw the launch of another website, entitled 'Chemical Reaction', intended to publicize the actions of national and local initiatives and coordinate online actions such as email campaigns. The wide-ranging coalition meant that a variety of resources (including financial resources, expertise, etc.) could be shared among the participating groups. The campaign continued with a joint report to the European Parliament, revelations about the chemicals contained in various consumer products, offers to move Commission members' offices to the headquarters of the German chemical producer BASF, testing the blood of members of the EP for the presence of chemicals, letter-writing campaigns and the invasion of the EP by 100 German garden gnomes. Although the coalition was ultimately unsuccessful in getting its demands included in the legislation that eventually came into force in 2007, the campaigning on REACH once again highlights the wide range of different types of contentious politics taking place in the EU, as well as the role of coalitions of various groups with expertise in different types of campaigning at this level.

By way of conclusion, it is interesting to note that the contentious politics described here as taking place *within* the EU (in that the actions targeted specific EU policy, rather than taking place exclusively at the transnational level) more closely resembles the kinds of contentious politics that were seen before the turn of the millennium, primarily at the national level. The experiences of the social forums and the Occupy/*Indignados* movements that we explore in later sections appear more innovative in this regard. However, the adoption of 'traditional' forms of contentious politics within the EU arena is an important area of study, given that Brussels is now considered to be gaining ground on Washington for the title of 'lobbying capital of the world'. Perhaps the presence of these forms of contentious politics, and especially the involvement of ordinary EU citizens, can play an important part in counteracting the influence of private industry lobbying (see Chapter 42).

Contentious politics in the EU: recent developments and examples

In the late 1960s, and in particular in 1968, student protests swept across Europe and indeed the world, calling for peace, a less conservative social order and recognition of the rights of various groups. In their aftermath, research on new social movements pointed to an innovation in contentious politics, in particular the increase in symbolic actions designed to demonstrate commitment as well as attract media attention.

However, in the 1980s and 1990s, at least in Western Europe, social movements seemed to become increasingly institutionalized (della Porta 2003). Some movement organizations developed extensive structures; they acquired substantial material resources and a certain level of public recognition, set up paid staffs (thanks to mass membership drives) and exhibited a tendency to substitute protest with lobbying or concertation actions. Other groups involved in

the process of contracting out social services had entered the third sector, acquiring profession-alism and often administering public resources, also with little recourse to unconventional political action. In the meantime, protest became the domain of local campaigns and citizen committees, often fragmented down to the street or neighbourhood level, with the pragmatic objective of protecting limited territories. In some countries, even social centres established by squatters seemed to be torn between commercialization (administering spaces for alternative culture) and the radicalization of forms of action.

At the turn of the millennium, this apparent trend was interrupted by the global justice movement that brought about the return of *direct action*, in Europe and throughout the world (della Porta *et al.* 2006). Thousands of protesters demonstrated at European summits, G8 meetings and similar high-level meetings, discussing in social forums whether 'another world is possible'. As the second decade of the 2000s approached, the financial crisis prompted the rise of the protest camps of the Occupy and *Indignados* movements. We will take a closer look at each of these three distinct but highly interconnected episodes of contentious politics in the following three sections.

The global justice movement in Europe

The global justice movement (often labelled the 'anti-globalization movement') is generally considered to have begun with the 'battle for Seattle' protests against the World Trade Organization in 1999. The movement has been characterized as a 'movement of movements', encompassing a wide array of organizations and individuals on the basis of a general distaste for neo-liberal economic globalization and calls for global solidarity and justice between North and South. This heterogeneous movement of networked individuals and organizations, ranging from long-established and hierarchical bodies to *ad-hoc*, informal and horizontally structured groups, is difficult to describe in any succinct way, but three identifying criteria have been suggested: first, the global nature of the contentious issues it challenges; second, the innovative forms of transnational mobilization it employs; and, third, the new, tolerant and multiple identities it has fostered (della Porta 2007). In Europe, a handful of transnational protests represented the founding events (or at least symbolic reference points) for this new wave of protest-seeking global justice. For example, the European Marches against Unemployment, Job Insecurity and Social Exclusion gathered 50,000 people in Amsterdam in June 1997 to demonstrate at the European summit (Balme and Chabanet 2008: 133). Many small groups of marchers from points all over Europe (particularly Germany and France) made their way to Amsterdam, making this protest transnational in the truest sense. In Switzerland, the 1998 counter summit against the WTO in Geneva and the subsequent anti-World Economic Forum demonstrations were also pivotal, as were the demonstrations in Italy against the OECD meeting on new technology in Naples in 2001 and the Genoa anti-G8 protests later that same year. For Spain, the protests in Barcelona against the World Bank in 2001, as well as the campaign against the Spanish presidency of the EU, were similarly important, and in the UK the anti-G8 protests in Birmingham in 1998 have been identified as founding events.

These varied events came to be known as *counter-summits*, defined as arenas of 'international-level initiatives during official summits and on the same issues but from a critical standpoint, heightening awareness through protest and information with or without contacts with the official version' (Pianta 2002: 35). Such events have accompanied every major EU summit from 1999 to the present day, although protests are now less intense than they were in the late 1990s and early 2000s, waning as new repertoires began to emerge.

Often in concert with counter-summits, *global days of protest* organized activist marches on the same day in many countries in a new model of transnational protest. For example, in what was defined as the largest mass protest in history, millions of people joined the international day of action against the Iraq war on 15 February 2003 in cities across the world.

All these events have displayed a tendency towards spectacle that emphasized individual creativity. In fact, many of these protest performances included various combinations of diverse forms of action: stands were erected, concerts took place, spaces were organized for debates and theatre performances were improvised on the streets. Among the many elements in the repertoire of contention of the global justice movement, mass demonstrations played a major role, as did the open discussions of the social forums, as we will illustrate in the next section. But there was also a strong investment in action that sought to 'practice the objective' – that is, symbolically show the potential for alternative politics and society. In particular, 'fair trade' and other forms of critical consumption were developed to allow citizens to have a direct impact on the market, by damaging the producers of bad products through boycotts, but also by encouraging good producers and practices. Ethical banks grew, together with the number of goods produced in an environmentally and socially friendly way. In addition to transforming markets and firms in all European countries (Balsiger 2011), critical consumerism helped construct alternative norms and fostered experiments with new lifestyles (Bossy 2011). Global justice activists and their organizations also invested a great deal in communication – producing and disseminating information on the evils of 'turbo-capitalism', among other subjects, and exploiting the potentials of new technologies, especially those offered by the Web 1.0.

Although global in name, different constellations have been observed within the global justice movement in different European countries (della Porta 2007). In countries including France, Italy and Spain, disruptive protest dynamics dominate. For example, the symbolic penetration of no-go areas for demonstrators (red zones) was a widespread tactic during counter-summits in these countries; the destruction of transgenetic fields as well as the '*démontage*' of McDonald's marked the early history of the French global justice movement. In Italy, very different groups were involved in the blockades of trains transporting arms for the war in Iraq. Here, the networks of participants were both denser and more decentralized than elsewhere in this cluster of countries, including both informal groups and formal associations, but overwhelmingly activist based and protest oriented. In terms of issue definition, global justice in this group of countries is linked with a struggle against neo-liberalism at home within a global discourse and a conception of radical participatory democracy.

In the second constellation of European countries, including Germany and Great Britain, contentious politics in the global justice movement has taken on a different hue, relying largely on lobbying and media campaigns (such as Reclaim the Streets and the Jubilee 2000 campaigns in Great Britain). Here, strong associations and non-governmental organizations have been more visible, although not unchallenged by individual activists, and global justice issues have predominantly been framed in terms of solidarity with the global South. More traditional and hierarchical conceptions of internal democracy have tended to prevail.

Although a global movement in nature (and, of course, in name), the European 'section' of the movement is notably characterized by the blame it places on international organizations, and in particular on the EU, for failures in the world. The critique of the EU offered by the global justice movement at successive counter-summits can be summed up in the phrase 'another Europe is possible'. The discussions that led to this position will be dealt with in greater depth in the section on the European Social Forums; in brief, the position of the movement is that Europe in its current neo-liberal guise is unacceptable, and that a different, more social Europe must be built. This image of 'critical Europeanism' has been confirmed by studies on

the attitudes of activists (della Porta and Caiani 2009). While strong criticism of the EU in its current form is generally shared, so is a high affective identification with Europe and a certain level of support for the creation of a European level of governance. In this sense, global justice activists participating in contentious politics in the EU represent a 'social capital' of committed citizens who, although critical, might serve as an important resource in the building of a European citizenship.

The European Social Forums

> We have come together from the social and citizens' movements from all the regions of Europe, East and West, North and South. We have come together through a long process: the demonstrations of Amsterdam, Seattle, Prague, Nice, Gothenburg, Genoa, Brussels, Barcelona, the big mobilisations against neoliberalism as well as the general strikes for the defence of social rights and all the mobilisations against war, show the will to build another Europe.
>
> (quoted in della Porta 2009: 24)

In the 2000s, protest in Europe was also progressively linked to the construction and exchange of knowledge. The global justice movement explicitly promoted the innovative experiment of social forums, beginning with the first World Social Forum held in Porto Alegre, Brazil, in 2001 (della Porta 2007). These forums for open discussion and exchange built on the counter-summit model described above, with the aim of echoing the World Economic Forum held annually in Davos, Switzerland. The model was then taken up at the macro-regional level, with meetings organized in all the main continents.

In Europe, the intention of creating a public space was openly stated at the first European Social Forum (ESF), held in Florence, Italy, in 2002. This and successive ESFs (held subsequently in Paris in 2003, London in 2004, Athens in 2006, Malmö in 2008 and Istanbul in 2010) played an important role in the elaboration of activists' attitudes towards the European Union, as well as the formation of a European identity and the Europeanization of social movements. Participation in the forums was open to all civil society groups (with the exception of those advocating racist ideas and those using terrorist means), as well as to political parties. ESF programmes included hundreds of workshops and dozens of conferences (with invited experts), testifying to the importance attributed (at least in principle) to the production and exchange of knowledge. At the first ESF, which took place on 6–9 November 2002, 60,000 participants from 105 countries attended the 30 plenary conferences, 160 seminars and 180 workshops organized at the Fortezza da Basso in the city of Florence.

Although at first glance they may seem to be merely discussion forums, the ESFs, and indeed the countless local and national social forums held across the continent, can be considered a new form of the global justice movement's contentious politics. In attempting to create an inclusive public sphere, the European Social Forum represented an experiment of deliberative democracy that explicitly challenged the mechanisms of representative democracy judged to have failed the citizens of the world. The forum was conceived of as a space in which attention would be devoted to communication, with a focus on networking, respect for diversity, equal participation and inclusiveness. Encounters between diverse activists in terms of geographical origin and organizational affiliation (or lack thereof) sought to maintain a positive emphasis on diversity in the creation of movement discourses. As these encounters built up over the successive years of the ESF, 'a "cultural logic"' began to spread 'as embedded sets of values oriented towards the building of horizontal ties, decentralized coordination of autonomous units,

and the free circulation of information allowed by the Internet' (della Porta and Caiani 2007: 229). Activists in turn explicitly identified the forum as a place for a 'new way of doing politics' focused on horizontal ties, direct participation, consensus and openness, as opposed to the 'old way' involving the delegation of representation, hierarchy and majority rule. The transnational nature of the ESF is also viewed as an important feature of this new way of doing politics, in line with the global outlook of the activists involved.

The way that democracy was practised within the ESF was linked to the participants' critique of democracy outside that forum. In line with the perception of the ESF as a form of contentious politics, those involved supported the development of a civil society that would be autonomous from the state. In this perspective, the ESF *prefigures* a potential new model of political participation. The activists involved considered protest to be highly important, but attached even greater value to the example set by the social forum. Despite tensions within the ESF with regard to how politically engaged it should be (in terms of taking unitary positions), this view was widely shared.

The various forums elaborated several critiques of the existing EU (stigmatized as a 'Europe of the market'), but also called for an alternative Europe – a Europe of the citizens. Generally speaking, within social forums across the world, mistrust in representative institutions is high. In the ESF, this mistrust applied in particular to the EU, which was criticized on the basis of two perceived problems. The first was its neo-liberal stance – an unsurprising critique, given the links of the ESF to the global justice movement and thus to its views. The second problem concerned the EU's democratic deficit, an issue that is more closely tied to the deliberative and participatory practices of democracy seen within the ESF. However, the criticism and mistrust of the EU among ESF activists belies a strong current of Europeanism. Indeed, studies have found that almost all ESF activists agree about the need to construct alternative supranational institutions of governance (della Porta 2009). They appeal for the construction of a number of 'Europes' – the Europe of rights, a social Europe, a Europe 'from below'. Thus, while firmly rooted in a global vision, the ESF has a strong European dimension in both outlook and composition, indicating a Europeanization of social movements that contests but also accompanies the development of European institutions (della Porta and Caiani 2009).

'Anti-austerity' politics: Occupy and Indignados

With the onset of the financial crisis in Europe in 2008, a crisis that hit different European countries at different times and to varying degrees, a new wave of movements began to emerge, ostensibly to challenge the austerity policies adopted by governments (often under strong international pressure) to address the crisis. These protests took the form of camps established in public squares throughout the world, drawing inspiration from similar occupations that had recently taken place during the protests of the Arab Spring in Mediterranean and North African countries. Emblematic in this regard is the case of Spain, where protests were organized across the country on 15 May 2011 against the government's response to the financial crisis, with turnouts of an estimated 130,000 people (Castells 2012). Following these demonstrations, camps were established, first in the Puerta del Sol in Madrid, then in Plaza Catalunya in Barcelona and in other smaller cities across the country. Similar camps were also established in Portugal, Greece and, to a lesser extent, Italy. In the UK, the name 'Occupy' was borrowed from the movement's North American counterpart, and a camp was established in Paternoster Square in front of St Paul's Cathedral.

One striking feature in the diffusion of this movement's practices and tactics is the use of online social media platforms such as Facebook and Twitter. As the events of the Arab Spring

unfolded, the main sources of information – for both activists and the mainstream media – were often piped through such platforms. In a very concrete example of the importance of these channels for and in diffusion, members of 'hacktivist' groups such as Anonymous worked to provide online access to the outside world to Egyptian protesters when services were shut down by the Mubarak government (Castells 2012: 62; Knappenberger 2013). These platforms have also been used by the Occupy/*Indignados* movements to provide visibility and attract media attention for protests, to recruit new members, circulate information and the like. In Spain, for example, the Free Culture and Digital Commons movement played a key role in the origins of the 15 May protest movement (Fuster Morell 2012). These online platforms were also viewed as enhancing democratic procedures and individual participation, allowing remote participation, for example.

Nevertheless, several problems were also observed in these movements in connection to the widespread use of social platforms in these ways. With a view to mobilization, the use of Web 2.0 technologies (as opposed to the Web 1.0 mailing lists used during the era of the global justice movement and the social forums) facilitated a 'logic of aggregation' among interpersonal networks that allowed the mobilization of ephemeral, temporary 'crowds of individuals . . . which disaggregate as easily as they aggregate' (Juris 2012: 267). The temporary nature of this support affected the ability of the movement in terms of 'facilitating complex, interactive discussions regarding politics, identity, strategy, and tactics' (ibid.). Although the use of new media has made communication faster and cheaper and has facilitated the mobilization of inexperienced participants, it has also added complexity that has generated clashes, often leading to activist burnout and disengagement in a relatively short timeframe (Mattoni 2012).

With the aim of mobilizing 'normal people' rather than just activists, the camps of the Occupy movement in the UK and North America and the *Indignados* movement in Southern European countries brought people together not only to protest against austerity cuts, but also to formulate a response to the problems created by those cuts through deliberative democratic means (della Porta 2013). The assemblies of the camps focused special attention on the creation of egalitarian and inclusive public spheres; in this sense, the historical line connecting these groups to the social forums, which declined as Occupy and the *Indignados* movement were in ascendance, is clear. The fact that the main driver behind the first *Indignados* mobilizations in Spain was an organization named *Democracia real ya* – 'Real Democracy Now' – speaks volumes on this point. The true contentious politics of this movement thus lies once more in an explicit challenge to representative democracy, to perceived threats to freedom of speech (particularly concerning the Internet) and to the neo-liberal solution to the financial crisis created by the current model of democracy, a solution seen as depressing consumption and thereby jeopardizing any prospects of (sustainable) development.

A more detailed examination of what these movements talk about when they talk about democracy reveals that the activists' discourse on democracy is complex. Exploring how democracy is practised in the assemblies of the different camps is perhaps the best way to illustrate the various streams within the activists' critique of representative democracy, since we are once again dealing with an attempt to *prefigure* a possible future democracy in which activists 'practice what they preach'. Assemblies held in the camps to discuss various themes were attempts to create high-quality discursive democracy, recognizing the equal rights of all to speak in a public and plural space, open to discussion and deliberation on a range of themes from the abstract to the concrete, as well as actual solutions. Systems of undisruptive hand signals were developed to signify approval, the need for a response, the need to move the discussion forward and the like, while moderators sought to ensure balance in discussions. Occupied spaces and the discussions they hosted thus formed the true crux of the contentious politics of this movement,

becoming 'vibrant sites of human interaction that modelled alternative communities and generated intense feelings of solidarity' (Juris 2012: 268). The divisions between those physically occupying public squares and those participating in a more intermittent or even virtual way, along with the significant fractures created by the eventual eviction of camps by police, support this view.

The functioning of these assemblies thus indicates the content of the critique of 'politics as usual' in representative democracies in Europe. The well-known slogan of the Occupy movement, 'We are the 99 percent', is in itself a clear indictment of the non-representativeness of this model of democracy in activists' eyes (while also recalling 'You G8, we 6 billion', a slogan of the global justice movement). The perceived failures of representative democracy have thus been challenged in the direct democratic assemblies of the camps. This perception of the failure of democracy has also been expressed in a sense of outrage (*Indignados* translating as 'outraged') concerning the corruption of politicians, both in the most literal sense of accepting bribes and in what activists see as their enslavement to international institutions (in particular the International Monetary Fund and the EU) and economic powers. The latter have been viewed as responsible not only for the economic crisis *per se*, but also for the tautology – not accepted by activists – that austerity policies are the only solution to the crisis. The corruption of politicians thus encompasses this perceived servitude to powers that have little or nothing to do with the '99 percent' of ordinary citizens whom they should be representing. In addition to demonstrating the practice of direct democracy in their assemblies, activists also call for greater possibilities for referenda with reduced quorums (in terms of the numbers of signatures required to trigger them and voter turnouts required for their validity) and an increase in the areas subject to decisions through referenda.

With varying success, camps spread across Europe as austerity policies hit a growing number of EU countries with progressive force. In the beginning, austerity measures were only imposed in certain countries, such as Iceland and Ireland, that appeared to be especially complicit in the financial crisis; however, the alarm soon spread to Southern Europe, moving on to threaten once-stalwart economies, such as France and the UK. With the proliferation of the financial crisis, some EU-wide action was also organized, such as an EU day of mobilization that took the form of general strikes in Spain and Greece.

Although both waves of protest employ cosmopolitan language, demanding global rights and blaming global financial capital, the global justice movement moved from the transnational to the national (and the local) level, whereas the new wave took the reverse route. In fact, protests followed the geography of the emergence of the economic crisis, which hit European countries with different force and at different times. First, between the end of 2008 and the beginning of the following year, self-convened citizens in Iceland – the first country hit by the crisis – demanded the resignation of the government and its delegates in the Central Bank and financial authority. Protests in the traditional forms of general strikes and trade union demonstrations contesting the drastic cuts to social programmes and labour rights followed in Ireland, a country that had previously been considered a showcase for the economic miracles of the neo-liberal economy, but had suddenly transformed into a textbook illustration of economic deterioration. Next, in Portugal a demonstration arranged via Facebook in March 2011 by the so-called 'Geração á rasca' (generation in trouble) against the country's growing economic difficulties brought more than 200,000 young Portuguese citizens to the streets. Gaining global visibility, the *Indignados* movement developed with the aforementioned protest in May 2011 in Spain, a country whose position in terms of economic development was sliding downwards at an alarming rate. The *Indignados* protests in turn inspired similar mobilizations in Greece,

where opposition to austerity measures had already been expressed in occasionally violent forms. The wave of protest then moved to the US and beyond.[13]

Research has already singled out numerous examples of the cross-national diffusion of frames and repertoires of action. Both direct, face-to-face contacts and mediated encounters have contributed to bridging the protest in various parts of the world, in a form of upward scale shift. On 15 October 2011, a global day of action launched by the Spanish *Indignados* produced demonstrations worldwide, with protest events registered in 951 cities in 82 countries.

However, the degree of transnational coordination of the protest seems to be lower than that of the global justice movement at the turn of the millennium, for which the global social forums and later the macro-regional social forums had represented a source of inspiration and offered arenas for networking. At the same time, surveys carried out in various European countries have indicated a growing emphasis on the national level of government. The transnational brokerage in the most recent social movements emerged in, if not weaker, at least different, form: more grassroots oriented and mediated through new media. In view of the varying timing and depth of the financial crisis, mobilizations were also more sensitive to national political opportunities (or the lack thereof) than the global justice movement (mobilized around common transnational events).

Conclusions

The wide range of forms of contentious politics seen at the EU level seems encouraging in terms of the formation of an EU public, which is considered to be fundamental to promoting deliberation in EU institutions and ultimately resolving the democratic problems suffered by the EU. However, the contentious politics we observe at the European level is by no means comparable to the participation seen at national and local levels in Europe. The groups we describe in our examples of intra-EU campaigns are heavily engaged within the EU institutional sphere, and contentious politics makes up only a small fraction of their efforts. Such groups experience particular difficulties in inspiring mobilization among national and local members, and many – like the ETUC – have no direct links to grassroots movements but must instead work through nationally organized member organizations. A truly transnational public is far from a reality. In the more innovative contentious politics observed in the EU, the example of the Occupy/ *Indignados* movements also raises an alarm regarding the formation of an EU public. The return to the local level signalled by this movement in the wake of the financial crisis may be interpreted as a warning for the EU: if this supranational institution is to endure and rebuild its 'permissive consensus' – that is, the tacit agreement of its citizens – then this must be done with the understanding and legitimacy conferred by participation.

Nevertheless, the picture is not entirely gloomy. The Occupy/*Indignados* movements, like their predecessors, are transnational in format and in their democratic aspirations. In addition, certain links bridging our (artificial) distinction between contentious politics in the EU and within the EU can be observed. In 2012, widespread protests took place throughout the EU over the Anti-Counterfeiting Trade Agreement, which was perceived to be a serious threat to freedom of speech on the Internet. These actions brought together organizations 'in' and 'within' the EU, including the Greens–EFA European Parliamentary group. The campaigns on the Bolkestein and Ports Directives also saw similar alliances emerge (despite tensions). The Assembly of the Movements of the 2006 European Social Forum in Athens refers explicitly to this cooperation: 'This year has been significant in that a number of social struggles and campaigns have been successful in stopping neoliberal projects such as the proposed European Constitution

Treaty [sic], the EU Ports Directive, and the CPE in France' (quoted in della Porta 2009: 24). As we stated in our introduction, contentious politics can also advance the formation of transnational participation. Participation in the various forms of contentious politics described here may qualify as such transnational efforts, relatively rare as they might be.

Studying contentious politics in the past, the present and the future of the EU is thus an important and fascinating task. Research has shown a rise in contentious politics in relation to the EU when important issues affecting this organization are at stake (Uba and Uggla 2011). This increased contestation is not necessarily a bad thing for the EU – in fact, it may contain the seeds of (a part of) the solution to the democratic deficit. Ultimately, this body must change in accordance with the wishes of its citizens if it is to survive. In addition, the dynamics and innovations of contentious politics are compelling in their own right. How these phenomena evolve in the coming years will surely captivate scholars and the public alike.

Notes

1 The formal participatory regime for organized civil society in the EU remains essentially ad hoc, with general agreement that 'the Commission favours well-established CSOs [civil society organizations] with a high reputation and expertise' (Friedrich 2011: 118). In recent years, however, the Commission has moved away from discourses viewing civil society as contributing to democracy in the Union and towards a more instrumental view in which transparency is considered an objective for civil society rather than the EU (ibid.).

2 See, for example, Chapters 4 and 5 in Imig and Tarrow (2001).

3 See, for example, Chapter 9 in Imig and Tarrow (2001) on the Renault 'Eurostrikes', as well as Erne (2008) on strikes by workers at ABB Alstom.

4 For a summary of the ETUC's history, see Martin and Ross (2001).

5 Interview with a representative of the ETUC conducted in September 2005 by Louisa Parks.

6 Movements gathered around the 'Stop Bolkestein' slogan also demonstrated in Strasbourg in February 2006. However, the protests of unions and movements were held on different days due to disagreements over the general objection to the EU *per se* among movements versus dissent towards Bolkestein in particular among the unions, a split also seen among member unions of the ETUC, particularly in France.

7 The following draws on Leiren and Parks (2014), which provides a more in-depth comparison of these two cases.

8 See Proposal for a Regulation of the European Parliament and of the Council establishing a framework on market access to port services and financial transparency of ports, available at http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52013PC0296:EN:NOT (accessed 20 January 2014); the European Commission press release 'Transport: European Commission to Bring Forward New Package of Measures for Ports in 2013', 8 September 2011, available at http://europa.eu/rapid/press-release_IP-11–1009_en.htm (accessed 21 March 2013).

9 On GMOs and coexistence and the REACH campaign, see Parks (2008), Chapters 3 and 4.

10 This brief description is drawn from the study by Kettnaker (2001), which provides an excellent account of the intricacies of the campaign as well as a thorough and accessible overview of the issues involved.

11 This coalition consisted of the European Environmental Bureau, Friends of the Earth Europe, Greenpeace, the World Wildlife Fund, the European Consumers' Union Bureau (BEUC), Women in Europe for a Common Future and the European Public Health Alliance.

12 On the Commission's internet consultations, see Persson (2009).

13 On the spread of this form of contentious politics, see della Porta and Mattoni (forthcoming). For detailed timelines of the Spanish and US movements, see the appendices to Castells (2012).

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Part IX

Europe and the world

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Theories and myths of European foreign policy

Ian Manners

Introduction and review

> Attempts to think about European foreign policy are often frustrated by uncertainties about how to define basic terms such as 'state' or 'foreign policy'. Definitional problems are compounded by the unique nature of the EU. Clearly, the international system is populated with important non-state actors, but there is a tendency to see foreign policy as essentially an act of government and therefore exclusive to states.
>
> (Allen 1998: 43)

As David Allen observed almost two decades ago, thinking about European foreign policy (EFP) can be frustrated by the uncertainties of terms and definitions, as well as by the exclusive tendencies of foreign policy analysis. As a prominent scholar of EFP (understood as the nexus between European Union and member state foreign policies), Allen's scholarly career coincided with the early formative period of 1978–2012. During this period, Allen consistently made a case for the need to understand EFP at both the national and European levels beyond the nation-state (Allen 1978).

As Allen's insights from 1998 suggest, the uncertainties over how to interpret EFP are multiplied in a more global era reconfigured by globalizing, multilateralizing and multipolarizing processes. In order to make greater sense of EFP in a global political-cultural context, this chapter will consider the ways in which political theories and cultural myths co-constitute each other in both symbolic and substantive terms. EFP is understood here to involve the international, supranational and transnational policy processes of European states and institutions in relation to the rest of the world. In this respect, the study of EFP includes an analysis of the engagements of European states in international and multilateral diplomacy, the interregional and multipolar interactions of European international organizations, and the behaviour of European non-governmental actors working through the above agents as part of transnational and globalizing activism. As Allen acknowledged, 'states have no monopoly on international activity but they do have a relatively exclusive claim on the idea of foreign policy' (Allen 1998: 43).

The chapter adopts a pan-European approach in analysing EFP at the interfaces of these international, supranational and transnational policy processes. This analysis includes the

consideration of the foreign policies of EU and non-EU states, as well as the impact of the European integration processes on both members and non-members alike. In a similar vein, the chapter seeks to review the literature on collective European activity, whether international, supranational or transnational, in order to identify common patterns. Theory is defined as an 'explanation of observed regularities' that constitute a 'particular conception of the world' (Bryman 2012: 21; Gramsci 1971: 9). In this chapter, EFP is examined through the lens of political theory, defined as 'a commitment to theorise, critique, and diagnose the norms, practices, and organisation of political action in the past and present, in our own places and elsewhere' (Dryzek *et al.* 2008: 4; Manners 2013: 474). However, it is important to recall the centrality of power in predetermining the questions asked and the theories used: 'theory is always *for* someone and *for* some purpose' since 'theory constitutes as well as explains the questions it asks (and those it does not ask)' (Cox 1981: 128; Hoskyns 2004: 224; Manners 2007: 78). Myths are understood here as 'stories that are of psychological importance to a community' (Morales 2007: 3). In this respect, 'a myth consists in the re-elaboration of a narrative that answers the human need for significance' (Bottici and Challand 2013: 89). Drawing on Roland Barthes, Cynthia Weber argues that the '*myth function* in IR theory is the transformation of what is particular, cultural and ideological (like a story told by an IR tradition) into what *appears* to be universal, natural and purely empirical' (Weber 2001: 6–7). In this chapter, the 'mythology of the EU in world politics can be told and untold in many different ways. . . . In this respect the mythology of global Europe is part of our everyday existence, part of the EU in and of the world' (Manners 2010a: 67–8).

The earliest literature on EFP was clearly constrained by the Cold War, as the ground-breaking edited volumes by Wallace and Paterson (1978), Allen *et al.* (1982), Hill (1983) and Allen and Pijpers (1984) illustrate. These works were primarily concerned with describing the emergence of EFP within the confines of contemporary theoretical limits. In the post-Cold War era, a number of collected works have provided common ground for rethinking EFP, including Carlsnaes and Smith (1994), Hill (1996), Peterson and Sjursen (1998), Carlsnaes *et al.* (2004), Tonra and Christiansen (2004) and Lucarelli and Manners (2006a). In contrast to Cold War scholarship, this research pushed the empirical and theoretical boundaries beyond EU/member state distinctions, to explore non-state-centric thinking. By the early twenty-first century, two strands of literature on EFP had emerged, focusing on EU and member state foreign policies, respectively. Among the most widely read contributions on EU foreign policy are Whitman (1998), Bretherton and Vogler (2002/2006), H. Smith (2002), K. Smith (2003), Keukeleire and MacNaughtan (2008), Hill and Smith (2011) and Whitman (2011). In parallel, a somewhat lesser-read literature on member state foreign policies can be found in works such as Manners and Whitman (2000), Tonra (2001), Hocking and Spence (2005), Gross (2009), Wong and Hill (2012) and Hadfield *et al.* (2014).

Any review of this literature would illustrate the extent to which the analysts are working within and with a series of theories and myths that underlie the workings of EFP – sometimes explicitly, but often implicitly. This chapter places particular emphasis on identifying the theories and myths that have shaped and been shaped by EFP analysis. To this end, the chapter interweaves the literature, theories and myths that constitute our understanding of EFP in a more global era reconfigured by globalizing, multilateralizing and multipolarizing processes. This interweaving is structured by the historical narratives of the Cold War, post-Cold War and War on Terror eras. These historical narratives provide a framework for the analysis of the theories and myths, literature and practice of EFP throughout the chapter. The investigation goes beyond simply analysing the primary and secondary literature to examine the cultural (re)configuration of the myths and ideas of EFP through an analysis of popular culture. The chapter concludes

with a review of the main arguments regarding the interactions of the three policy processes, the co-constitution of the theories and myths of EFP, and the evolving combination of the fixity of statism with the fluidity of polarism in a more global era of European politics.

The Cold War era: theories and myths of bipolarism in the 1980s

> The Cold War is over. The risk of a global nuclear war has practically disappeared. The Iron Curtain is gone. Germany has united, which is a momentous milestone in the history of Europe. There is not a single country on our continent which would not regard itself as fully sovereign and independent. The USSR and the USA, the two nuclear superpowers, have moved from confrontation to interaction and, in some important cases, partnership. This has had a decisive effect on the entire international climate.
>
> (Gorbachev 1991)

Mikhail Gorbachev's Nobel Peace Prize Lecture reminds us of the Cold War conditions that had structured thinking on both the theories and myths of EFP during the preceding four decades. The risk of global nuclear war, the Iron Curtain, a divided Germany and superpower confrontation were all conditioning features of the Cold War context of EFP in the 1980s. The Cold War era created a particular theoretical myth that predetermined EFP – namely, that the world was structured by a bipolar balance of power that was stable and inevitable. There are three approaches to understanding theories and myths of EFP in the period of Cold War bipolarism: state-centric balancing, liberal interdependence and structural ownership. What these concepts had in common was an emphasis on the material origins of international relations and EFP. However, as Gorbachev also noted in his acceptance speech, 'the year 1990 represents a turning point. . . . We have begun resolutely to tear down the material foundations of a military, political and ideological confrontation' (Gorbachev 1990). His remarks remind us that the foundations of the theories and myths underlying EFP during the Cold War were themselves ideas whose time had passed by 1990.

State-centric balancing

State-centric theories of International Relations (IR) are commonly, and misleadingly, labelled 'realism' (IR-realism) by their adherents because they seem to realistically capture the world. State-centric approaches were the most common method of understanding the theories and myths of EFP during the Cold War, and residual aspects of IR-realism remain important in both unipolar and multipolar thinking in the 2000s and 2010s. Within this approach, following Allen, foreign policy is reserved for the activities of government and is exclusive to states. Within IR-realism, foreign policy is driven either by state or 'national' interests (such as survival) or by the distribution of 'power' (such as military capabilities) in the international system. Despite these contradictions in IR-realism, state-centric theories have sought to explain EFP by focusing on national interests and/or power-seeking in foreign policy. Within EFP, the theoretical expectations of state-centric theories were that European states would use their foreign policies to balance one another and/or balance external powers such as the USA or USSR. Many of these historical dimensions of EFP are represented in works such as Allen and Wallace (1977), Allen and Pijpers (1984), Nuttall (1992), Hill and Stavridis (1996) and Mockli (2008). Although none of these scholars adheres to state-centric theories of EFP, this literature illustrates the pervasive assumptions of national interest and/or balanced bipolarism inherent in EFP.

Liberal interdependence

Liberal theories of IR provided a more thorough way to capture the complexities of EFP during the Cold War by emphasizing the importance of interrogating both 'national' interests and the distribution of 'power'. This extension of EFP beyond assumptions of national interest facilitated a more comprehensive understanding of the domestic sources of foreign policy, for example in the study of West European reactions to the Falklands/Malvinas conflict (Hill and Stavridis 1996). The opening up of EFP to the changing distributions of 'power' reflected the impact of economic interdependence on foreign policy in the 1970s (Cooper 1968, 1972). Theories of liberal interdependence also reflected the increasingly inseparable interactions between domestic and economic factors in EFP, the study of European Community external policies and the emergent European Political Cooperation (Sjöstedt 1977; Nuttall 1992).

Structural ownership

Both state–centric and liberal interdependence theories of EFP called attention to the economic structure of international relations and, more importantly, to the question of who owned what within this structure. Both Marxist and Gramscian theories of capitalist hegemony at the time argued that EFP was shaped by material interests, not just in the form of 'national' economic interests, but also in terms of a national and increasingly transnational capitalist class. The Suez Crisis of 1956 and the consequences of the 1973 Arab–Israeli War brought home to foreign policy analysts that both decolonization and OPEC were having a profound impact on EFP (Galtung 1973; Allen and Pijpers 1984). The implications for European integration and EFP (with respect to relations with the USA and Japan during the 1980s) reflected both these longer–term consequences and the relative decline of European hegemony in terms of structural ownership of the world. The structural consequences of these shifts in ownership were identified by the leading scholar in international political economy, Susan Strange, whose predictions of the retreat of the state, casino capitalism and mad money gradually came true throughout the 1970s and 1980s (Strange 1971, 1996, 1997, 1998).

Cold War myths of European foreign policy

During the 1970s and 1980s, the emergent field of EFP was powerfully shaped by mutually reinforcing theories and myths concerning the nature of international relations and the role of states within these relations. Within Europe, popular culture and foreign policy myths played a profound role in this process, as reflected in popular novels, films and video games. Whereas novels and films were the most culturally significant media types of the twentieth century, video games have become the defining media of the twenty-first century (Lipschutz 2001; Weber 2001; Dyer-Witheford and de Peuter 2009; Chatfield 2011). The novels and film adaptations of writers such as Graham Greene, Ian Fleming and John le Carré helped portray and constitute Cold War Europe through their fictional worlds of travel, espionage and foreign policy. These works, e.g. *The Third Man* and *From Russia with Love*, and the worlds of James Bond and George Smiley achieved iconic status as they effectively mythologized the Cold War. However, this cultural (re)construction of Cold War foreign policy has continued into the post-Cold War era, in films such as *The Lives of Others* (directed by Florian Henckel von Donnersmarck, 2006) and *The Farewell Affair* (directed by Christian Carion, 2009).

More importantly for the post-Cold War generations, the foreign policy assumptions of the Cold War are being (re)produced through top-selling video and computer games such as

Civilization and *Supreme Ruler: Cold War* (Chaplin 2007). Grand strategy computer games, including Sid Meier's *Civilization* (MicroProse, 1991) and *Europa Universalis* (Paradox Development Studio, 2000), have acculturated a generation of players to the idea of a world made up of civilizations or empires that compete through exploration, diplomacy and warfare. *Europa Universalis* and its sequels specifically recreate a version of the European state system during the fifteenth to eighteenth centuries in which gamers vie for supremacy through the exploitation of colonial wealth, diplomacy and military might. What these strategy games (and many more like them) teach is that civilizations, empires and states have employed comparable expansionist foreign policies in which economic trade, diplomacy and conflict are the natural components of international competition. Specifically Cold War-themed computer games such as Tom Clancy's Red Storm games *The Hunt for Red October* (1987), *Red Storm Rising* (1988) and, more recently, *Supreme Ruler: Cold War* (BattleGoat, 2011) reinforce this cultural perspective. Cold War computer games like these emphasize the bipolar character of global competition, in which technological innovation, trade, diplomacy and espionage are almost always precursors to inevitable military conflict.

The post-Cold War era: theories and myths of multilateralism in the 1990s

> In the 21st Century I believe the mission of the United Nations will be defined by a new, more profound, awareness of the sanctity and dignity of every human life, regardless of race or religion. This will require us to look beyond the framework of states, and beneath the surface of nations or communities. We must focus, as never before, on improving the conditions of the individual men and women who give the state or nation its richness and character.
>
> (Annan 2001)

Ten years after Gorbachev's speech, Kofi Annan's Nobel Peace Prize Lecture evokes a very different world in which the 'framework of states' had given way to a more global context, with the United Nations serving as the primary framework for multilateralism. In the post-Cold War period, a united Germany and a reunited Europe were the leitmotifs of an EFP that had shifted from the state-centrism of the Cold War to the multilateralism of the 1990s. The immediate post-Cold War period generated a new theoretical myth that influenced EFP – the advent of globalization with associated demands for better regional and global governance. In the 1990s, three different approaches were important to the understanding of the theories and myths of EFP in the period of post-Cold War multilateralism: social construction, post-structural deconstruction and transnational capital. These particular approaches shared an emphasis on the ideational foundations of global relations and EFP. As Kofi Annan stated in his acceptance speech, 'the idea that there is one people in possession of the truth, one answer to the world's ills, or one solution to humanity's needs, has done untold harm throughout history – especially in the last century' (Annan 2001). His comment serves as a reminder of the dangers that the possession of, and belief in, absolute ideas and truths about global politics provided for the ideational basis of theories and myths of EFP during the immediate post-Cold War period.

Social construction

The collapse of Cold War myths concerning the bipolar stability of IR suggested to many the need to examine what the revolutions in Eastern Europe implied about the 'power of ideas and

norms rather than the power of empirical force' (Manners 2002: 238). Drawing on the sociological work of the 1960s and 1970s, in particular that of Anthony Giddens, early social constructivists began to raise questions about the reality of IR, EFP and European integration (Wendt 1992; Laffan 1996; Christiansen *et al.* 1999). In the social constructivist perspective, foreign policy is constructed through the interactions between the norms and rules of state societies and international society. During the 1990s, social constructivists were increasingly interested in how EFP was constituted in terms of norms and identity, for example in the response to the situation in Yugoslavia, as well as diplomatic rules and culture (Jørgensen 1997; Lucarelli 1997; Tonra 1997). Social constructivist theories seeking to understand identity conflicts over ethnicity in Yugoslavia and Rwanda became accepted in the study of EFP. By the end of the 1990s, social constructivist interpretations were found in most mainstream texts on EFP, including Manners and Whitman (2000), Tonra (2001), Bretherton and Vogler (2002/2006), Carlsnaes *et al.* (2004), Tonra and Christiansen (2004) and Lucarelli and Manners (2006a).

Post-structural deconstruction

Although the post-positivist revolution in IR pre-dated the arrival of social construction, post-structural EFP analysis took longer to gain significant traction (Smith 1994). The collapse of IR theories raised profound questions, not only concerning the nature of international relations and foreign policy, but also with regard to how we might interpret and study the apparently rigid structures of the post-Cold War world. Increasingly, EFP analyses followed the knowledge/power traditions of French and American IR post-structuralism, as represented by Michel Foucault (1989), Jacques Derrida (1988) and Der Derian and Shapiro (1989). Post-structuralist scholars of EFP in the 1990s were particularly focused on the discourses through which the self/other and domestic/foreign were spoken and made real (Holm 1997; Larsen 1997; Diez 1999). Ole Wæver (1994) asked whether post-structural researchers should be 'resisting the temptation of post foreign policy analysis', a question he answered positively in a volume edited with Lene Hansen on Nordic identity and policy in relation to European integration (Hansen and Wæver 2001). Post-structuralist scholarship developed significantly in its second decade as the securitizing events of the 2000s took hold over EFT after the attacks in New York, Kabul, Baghdad, Madrid and London. Within this context, post-structuralist EFP analysis has focused on the foreign policy of small states, regional identity and security policy (Larsen 2005; Pace 2005; Merlingen and Ostrauskaite 2006).

Transnational capital

The post-Cold War period also prompted a rethinking of Marxist and Gramscian theories of capitalist hegemony, in particular through the rearticulation of neo-Gramscian theories of transnational capitalist class. With globalization seemingly the driving force of post-Cold War global politics, such approaches sought to understand both the role of transnational capital in shaping EFP and the responses in terms of regional and global governance. Neo-Gramscian scholars argued that the definition, pursuit and aim of foreign policy were increasingly shaped by satisfying and servicing the needs of a footloose, tax-free class of hegemonic financiers. The widespread practices of offshore financing, private banking and the outsourcing of production during the 1990s demonstrated these consequences. The foreign policy interest in oil-producing states, such as Iraq, Iran and Kuwait, together with the relative lack of interest in states such as Sudan, Somalia and Afghanistan during the 1990s, seems to confirm this interpretation of transnational capital. The study of transnational capital has demonstrated the importance of the

political economy of EFP, particularly in understanding the historical materialism of European relations with the world (Cafruny and Peters 1998; Bieler 2002; Bohle 2006; Manners 2007; Bailey 2013).

Post-Cold War myths of European foreign policy

During the 1990s, the developing field of EFP was also reshaped by changing interpretations of theories and myths concerning the role of foreign policy actors within global politics. Although novels and personal accounts still played an important role, in the 1990s they were quickly superseded by films and documentaries in the popular cultural media. Authors such as le Carré and Clancy continued to write semi-fictionalized accounts of foreign policy, such as *The Constant Gardner* (le Carré 2001), *Politika* (Clancy 1997) and *Ruthless.com* (Clancy 1998), but personal accounts like Michael Nicholson's (1994) *Natasha's Story* and Roméo Dallaire's (2003) *Shake Hands with the Devil: The Failure of Humanity in Rwanda* had greater overall impact. Films such as *Welcome to Sarajevo* (directed by Michael Winterbottom, 1997, based on *Natasha's Story*), *The Peacemaker* (directed by Mimi Leder, 1997) and *No Man's Land* (directed by Danis Tanović, 2001) clearly expressed the culpability and the consequences of the failure of EFP and the UN in Yugoslavia. Other films, including *Hotel Rwanda* (directed by Terry George, 2004), *The Constant Gardener* (directed by Fernando Meirelles, 2005), *The Interpreter* (directed by Sydney Pollack, 2005) and *The Whistleblower* (directed by Larysa Kondracki, 2010), have all contributed to a distinctly post-Cold War understanding of EFP and the international issues of genocide, neo-colonial exploitation, the UN and the International Criminal Court, and UN-sanctioned human trafficking.

The post-Cold War theories and myths of EFP can also be found in the video games and computer games of generation Y, although two different genres emerged in the 1990s. The first EFP-related gaming genre recognized the importance of domestic politics and corporate power in foreign policy, as seen in the 1990s world of post-communist governments and corporate globalization. Tom Clancy's Red Storm game *Politika* (1997) is a strategy game centred on post-communist Russia in which players lead one of the eight main factions (the KGB, the Church, Reformers, the Mafia, Communists, the Military, Nationalists or Separatists) struggling for power following the sudden death of President Boris Yeltsin. In contrast, *Ruthless.com* (1998) focuses on corporate raiding in a global marketplace, with the gamer playing the CEO of a software company that experiences legal, security-related and computer attacks. This genre acknowledges that in the post-Cold War world domestic politics and corporate power are as important as terrorists, drug lords and political extremists for EFP. The second EFP-related gaming genre has tended to overlook the changes in foreign policy resulting from the end of the Cold War, as seen in examples such as *Spycraft: The Great Game* (Activision, 1996) and *World in Conflict* (Massive Entertainment/Ubisoft, 2007). Whereas *Spycraft* focuses on CIA–KGB relations in the context of a post-Cold War nuclear arms treaty, the best-selling *World in Conflict* is set in an alternative post-1989 universe in which gamers play as either the USA/NATO or the Soviet Union. Ignoring the changing realities of domestic and corporate power, this second genre emphasizes the continuity of conflict between the two superpowers in the 1990s.

The War on Terror era: theories and myths of unilateralism in the 2000s

To begin with, I believe that all nations – strong and weak alike – must adhere to standards that govern the use of force. I – like any head of state – reserve the right to act unilaterally

> if necessary to defend my nation. Nevertheless, I am convinced that adhering to standards, international standards, strengthens those who do, and isolates and weakens those who don't.
>
> (Obama 2009)

Just eight years after Annan accepted his medal, the Nobel Peace Prize was awarded to US President Barack Obama for his rejection of the unilateral worldview of George W. Bush (Grunwald 2009). The intervening period had seen a transformation in EFP and its analysis, similar to the changes following the end of the Cold War. The War on Terror (WoT) was a defining feature of EFP from the terrorist attacks of 11 September 2001 to the death of Osama bin Laden on 2 May 2011. During the Bush presidency, January 2001 to January 2009, the multilateralism of the 1990s was displaced by American unilateralism of the 2000s. During the WoT era a specific theoretical myth of EFP emerged – namely that Bush's unilateralism intentionally sought to divide European states; however, a more multilateral response resulted as European foreign policy influence declined during the 2000s. In the 2000s, three different approaches were developed to understand theories and myths of EFP in the period of WoT unilateralism: socialization, diplomatic habitus and critical social theories. As Barack Obama argued in his Nobel Prize Lecture, 'adhering to standards, international standards, strengthens those who do, and isolates and weakens those who don't' (Obama 2009). His comment speaks to the power of international standard-setting and the weakness of the use of force during the WoT period.

Socialization

During the 2000s, an increasing number of scholars began to apply concepts of Europeanization and socialization to the study of EFP. Within the Europeanization approach, Tonra (2001), Wong (2005), Miskimmon (2007) and Gross (2009), among many others, sought to theorize the 'domestic implications of European integration' (Lynggaard 2011: 18) for both EFP and the target states of EFP. Most of the scholars working within the Europeanization approach drew explicitly on new institutionalist theories, including historical, sociological and rational institutionalism. Thus, this move towards Europeanization and socialization stemmed partly from the social constructivism of the 1990s, as the EFP theories of liberal constructivism and rhetorical action illustrate (Lucarelli and Manners 2006b: 210; Kissack 2010: 24). Liberal constructivism, as found in the 'boomerang-spiral' model (Keck and Sikkink 1998; Risse *et al*. 1999) anchored in the work of Martha Finnemore, sought to examine the mobilization of networks of transnational advocacy activists around policy principles in attempts to bring about change in other areas or arenas, usually human rights (see, for example, Joachim and Dembinski 2011). The combination of rationalism and constructivism was developed in 'rhetorical action' theory (Schimmelfennig 2003), which can help explain the ways in which 'least receptive' or 'peripheral' states become rhetorically entrapped in EFP multilateralism (Kissack 2010: 159).

Diplomatic habitus

The application of Pierre Bourdieu's concept of 'habitus' to describe the socially acquired and embodied systems of cultural reproduction in EFP proved fruitful in the late 2000s (Bourdieu 1977; Manners and Whitman 2003: 397; Lucarelli and Manners 2006b: 210). More specifically, practice analysis in EFP has employed a Bourdieu-inspired approach based on the understanding of practices as competent performances (Adler and Pouliot 2011) in the study of action and interaction. This practice analysis is based on interviews with the diplomats, negotiators, policy-

makers and everyday participants who engage in EFP (Mérand 2008; Adler-Nissen 2013a, 2013b). As Adler-Nissen (2008) has described, the in-depth and often repeated interviews focus on the perceptions and working experiences of practitioners and participants in an attempt to uncover their daily practices and more or less conscious strategies in their engagements with one another. This approach to the diplomatic habitus of EFP places an emphasis on understanding the important analytical aspects of practice: performance, patterns, competence, background knowledge and the creation of discursive and material worlds (Adler and Pouliot 2011).

Critical social theory

During the 1990s, EFP scholars began to apply the concept of international identity and critical social theory to interrogate the interactions between the EU and its member states (Manners and Whitman 1998, 2000, 2003; Whitman 1998; Manners 2000). The normative power approach to EFP is based on social theory's understanding of human action and social institutions (Giddens 1984: xvi; Manners and Whitman 2003: 394). More specifically, the normative power approach is located in critical social theory, 'the interpenetrating body of work which demands and produces critique in four senses' (Calhoun 1995: 35; Manners 2007: 82; 2011: 227): (1) critical engagement with the social world; (2) a critical account of the theorist's social and personal conditions; (3) critical re-examination of the theorist's conceptual frameworks; and (4) critical confrontation with other works of social explanation. The central research question of the normative power approach to EFP involves the understanding of normative power in global politics, with a particular focus on the EU and its member states. It draws on critical social theory to analyse the use of 'normative justification' in EFP, as found in over a dozen analyses over the past decade (Adler *et al.* 2006; Lucarelli and Manners 2006a; Sjursen 2006; Aggestam 2008; Laïdi 2008a, 2008b; Tocci 2008; Gerrits 2009; Kissack 2010; Manners 2010b; Sicurelli 2010; Whitman 2011; Kavalski 2012; Woolcock 2012; Whitman and Nicolaïdis 2013).

War on Terror myths of European foreign policy

By the 2000s, the global context of EFP had been radically altered, as reflected in the theories and myths that constitute the field. Not only had George W. Bush's unilateralism undermined the multilateral world of the 1990s, but the WoT had shifted the focus of EFP from normative concerns (such as genocide and human rights) to security issues and restrictions of liberty. The world in which these changes were taking place was also rapidly transforming, with its technology, media and social landscapes radically altered by the end of the 2000s. The twenty-first century is no longer governed by traditional media and cultural forms, but by the instantaneous and global consequences of the internetworked age. Films capturing this tectonic shift dominate the popular understanding of the 2000s, such as the failures of the WoT captured in *Syriana* (directed by Stephen Gaghan, 2005), *Body of Lies* (directed by Ridley Scott, 2008) and *Green Zone* (directed by Paul Greengrass, 2010). However, a far broader repertoire of films has demonstrated the diverse nature of the issues affecting EFP in the 2000s, such as *The Day after Tomorrow* (directed by Roland Emmerich, 2004) with regard to climate change, *The Girl in the Café* (directed by David Yates, 2005) on the G8, *Battle in Seattle* (directed by Stuart Townsend, 2007) on the WTO, *The International* (directed by Tom Tykwer, 2009) on international banking crime and *Four Lions* (directed by Chirs Morris, 2010) on home-grown terrorist jihadists.

The era of WoT unilateralism has found its greatest expression in video and computer gaming, an industry that now outsells the film and music industries (Sample 2008). Two major

video-gaming franchises, Electronic Arts' *Battlefield* and *Medal of Honor*, present gaming scenarios set in Afghanistan, Iraq and Iran that feature Middle Eastern opponents as well as terrorists. Computer games from the early years of the WoT era, such as *Battlefield 2* (Electronic Arts, 2005) and *Shattered Union* (2K Games, 2005), tended to view the WoT and US unilateralism within a Cold War-like paradigm of conflictual power blocs. In *Battlefield 2*, gamers play as the USA, China, Russia, the EU or a fictional Middle Eastern Coalition. *Battlefield 2: Euro Force* expansion (Electronic Arts, 2006) features an EU army, including contemporary military hardware such as the Eurofighter. In a parallel universe, *Shattered Union* mimics the controversial 2000 US presidential election, with a similar scenario set in the late 2000s/early 2010s. Gamers can choose to play as occupying powers in the US, such as the EU or Russia, or as secessionist states like California or Texas in this counterfactual second American civil war context. In contrast, later computer games, such as the thirteenth instalment in the *Medal of Honor* series (Electronic Arts, 2010) and *Battlefield 3* (Electronic Arts, 2011), generally viewed the twenty-first century global War on Terror as defying national boundaries, with scenarios set in Afghanistan, Pakistan, the Philippines, Somalia, Spain, Bosnia, Kurdistan and Iran, while terrorists plan and execute attacks in US and European cities. Best-selling computer game franchises such as these illustrate how the bipolarism and multilateralism of previous decades have given way to the WoT, black ops and cyberspying that increasingly constitute the political and popular culture of EFP in the twenty-first century.

Conclusion and a view to the future: European foreign policy in a post-Western world

> Jean Monnet ends his *Memoirs* with these words: '*The sovereign nations of the past can no longer solve the problems of the present. And the [European] Community itself is only a stage on the way to the organised world of the future.*' This federalist and cosmopolitan vision is one of the most important contributions that the European Union can bring to a global order in the making. . . . That is the foundation of our multilateral approach for a globalisation based on the twin principles of global solidarity and global responsibility.
>
> (Van Rompuy 2012)

In 2012, the Nobel Peace Prize was awarded to the European Union which 'for over six decades contributed to the advancement of peace and reconciliation, democracy and human rights in Europe'. In concluding this survey of the theories and myths of European foreign policy over the past four decades, it can be suggested that this Nobel Prize represented both the end of a noble narrative about the pacific origins of European integration and the endpoint of meaningfully independent European 'national' foreign policies. Although European states continue to perpetuate the myth of national foreign policies, events such as those in Berlin in 1945, Suez in 1956, Sarajevo in 1994 and Syria in 2013 illustrate how EFP has changed over the past seven decades. As Herman Van Rompuy observed in his Nobel Lecture, quoting Jean Monnet, 'the organised world of the future' based on 'a global order in the making' consists of three different dynamics: globalization, multilateralization and multipolarization.

These three processes can be identified across the three eras considered here. They remain a constant pressure and constraint on EFP, even as the locus of international relations broadens towards more global politics in a post-Western world. The processes currently recognized as globalization (but elsewhere described as modernization, Westernization or [neo-]liberalization) have been discussed in this chapter in terms of liberal interdependence, structural ownership and transnational capital. The processes of multilateralization have been described in terms of

liberal interdependence, social construction and diplomatic habitus, while the processes of multipolarism have been discussed in terms of state-centrism and socialization. Finally, the narratives, processes and eras of EFP presented in the chapter can be deconstructed, critiqued and reconstructed using the approaches of post-structural deconstruction and critical social theory.

In the context of the changing global order, the Eurozone sovereign debt crises and the European External Action Service created by the Treaty of Lisbon, these three processes are found to be driving the newly developing research agenda in EFP. Examples of issues and debates that have emerged in recent research include, first, globalization in relation to EFP – for example in the work of Vivien Schmidt (Schmidt and Thatcher 2013) and Ben Rosamond (2014). Second, there is a continued interest in multilateralism and EFP, as found in the research of Knud Erik Jørgensen (2010; Costa and Jørgensen 2012), Kissack (2010) and Van Schaik (2013), among others. Third, the new global order in the making, shaped by the consequences of the emerging BRICS economies, has attracted considerable research interest in multipolarity and EFP, as explored by Renard and Biscop (2012), Kierkegaard *et al.* (2012) and Makarychev (2014).

If the popular culture and digital imaginations of the millennial generation are anything to go by, European foreign policy in a post-Western world will be radically different from the twenty-first century transformations that analysts are just coming to terms with. As this chapter has suggested, the theories and myths of EFP have evolved rapidly over the past three decades, playing a constitutive role in the possibilities for future generations. Going beyond the discussion of popular media in the Cold War, post-Cold War and WoT eras, the computer games of today that project strategic gaming and foreign policy into the future say something potentially interesting about the assumptions of twenty-first century EFP. Widely played games such as *Front Mission* (Square Enix, 1995), *Battlefield 2142* (EA Digital Illusions, 2006), Tom Clancy's *EndWar* (Ubisoft, 2010) and *Command & Conquer: Generals 2* (Electronic Arts, 2013) all feature the European Union as one of the strategic factions in the future of global politics. Whether or not 'video games are this decade's cutting-edge art form' (Lewis 2013), it should be clear to anyone even remotely aware of the new media generation that theories and myths are never the converse of realities and facts in understanding European foreign policy.

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Towards a common foreign and security policy

Achievements and challenges

Helene Sjursen

In the sphere of global politics, the European Union (EU) is perhaps best known for its failures.[1] It is described as an inefficient foreign policy actor, incapable of pulling its weight without the support of third parties. In situations of international crisis, it is argued, EU member states never manage to agree on what should be done. And when they occasionally do agree on something, they are dependent on the military capabilities of the United States to accomplish it.

None of the above is surprising. The general assumption is that international politics is governed by power rather than law. In an anarchical world, only actors with strong capabilities and the ability and willingness to use them will succeed in advancing their interests and values. A group of nation-states tied together only through a voluntary scheme of cooperation, such as the Common Foreign and Security Policy (CFSP), will by necessity fail.

However, an increasing number of studies claim that the EU is no longer a mere irrelevance in global affairs; in fact, it can point to a number of achievements. According to these studies, the EU does produce a foreign policy of some kind, and national sovereignty is giving way to integration. Is this really the case? And, if so, what are the challenges entailed in this gradual but large-scale transformation? These are the questions addressed in this chapter. More specifically, I assess the extent to which these claims of a move beyond intergovernmental cooperation in the CFSP can be substantiated. Furthermore, I discuss the kind of foreign policy an entity that is neither a state nor an international organization can actually deliver, and the potential sources for its legitimacy.

The investigation of the fundamental changes implied in the claim of an emerging autonomous EU foreign and security policy is of relevance not only to CFSP specialists but also to the wider community of EU scholars. This is particularly the case if the member states' monopoly on violence is being partially transferred to the EU level, as a move beyond intergovernmentalism might imply. This would affect the nature of the polity as well as the status of its constituent parts – the member states. It would further raise questions regarding democratic legitimacy. But this issue is also of relevance to scholars of international relations. The very possibility of an actor without the traditional instruments of power impacting global affairs – as the EU did in negotiations with Iran in 2013, for example – challenges established

conceptions of who and what matters in international politics. Observations of member states voluntarily surrendering sovereignty to common European institutions challenge deep-seated ideas and conceptions of foreign and security policy as the exclusive domain of the state. This prompts us to question our understanding of the nature of foreign policy, its underlying mechanisms and its purpose.

The chapter opens with a brief overview of the background and early developments in foreign and security cooperation within the EU. Subsequently, I approach the question of the nature of the CFSP from two perspectives. The first focuses on internal aspects, that is, the degree and form of integration. The second takes what the EU does as its starting point, and addresses the substance of foreign policy. Thus, in the second part of the chapter the institutional structures and decision-making processes that regulate the domain of foreign and security policy as they function in the context of the Treaty of Lisbon are analysed. I argue that power and authority have become more dispersed than one would expect in an intergovernmental system. A peculiar form of integration is taking place in this domain. Subsequently, in the third part of the chapter, I turn to the substantive issues and suggest that the concept of humanitarian power may be a useful analytical device for examining the foreign policy output of the CFSP. This concept also points to a critical standard against which the EU's foreign policy may be assessed. In the fourth part of the chapter I discuss the implications of the above observations regarding the ongoing transformation of European foreign policy for democracy. The shift of executive power to the EU level might enhance the efficiency and coherence of EU foreign policy, but it also makes it more difficult to trace decisions back to a democratic mandate from national political systems. The democratic credentials of the EU's foreign policy are thus still unresolved.

Context and background

Integration in the domain of foreign and security policy has taken a different path from that of other policy domains within the EU. As a key element of political union, the idea of establishing a single European foreign policy has been undesirable for many member states. In particular, those member states that view the EU as primarily an economic entity have been reluctant to relinquish national sovereignty in foreign and security policy. After the failure of the European Defence Community and the thwarted ambitions of the European Political Community in the 1950s, the issue of integration in foreign and security policy was left untouched by the European Community (EC) for nearly 15 years, only returning to the agenda (with much less grandiose ambitions) in the late 1960s. At this point, the member states agreed to establish a voluntary system of foreign policy *cooperation*, European Political Cooperation (EPC), outside the Treaty framework. This system aimed only to ensure consultation amongst the member states of the then-EC on issues of common concern. There was no mention of integrating national foreign policies into a single policy. It was only with the Single European Act (1986) that foreign policy was introduced into the Treaty framework and consultation on matters of foreign policy became a legal obligation.

With the end of the Cold War, the so-called 'widened' concept of security came to the fore. Many strategists considered this new security agenda to be particularly well suited to the EU. Replacing the EPC, the CFSP was launched with the Treaty of Maastricht (1991). Under the CFSP, the restrictions on the issues member states were allowed to discuss were removed. Now, not only was the EU able to discuss foreign policy matters, but it also aspired to develop a common defence policy and perhaps also a common defence.

However, the new Common Foreign and Security Policy was based on a fundamental contradiction. It was supposed to ensure that the external sovereignty of the member states

remained intact, while at the same producing a common policy. Developments within the EU were slow, and for a long time the ambitions laid out in the Treaty seemed to be nothing more than vain hopes. But things changed in the autumn of 1998, when British prime minister Tony Blair unexpectedly abandoned his country's usual reservations and declared his support for an autonomous EU security policy. This puzzling change in the British position is usually linked to Blair's efforts to present himself as a 'true' European. As a result of this British move, one of the major hindrances to the realization of the objectives of the Maastricht Treaty were eliminated. In the Treaty of Amsterdam, the member states introduced a new actor: the High Representative of the Union for Foreign Affairs and Security Policy (HR).[2] In addition, a planning unit (the Policy Unit) was created to assist the HR; this was the first permanent institution in the domain of foreign and security policy to be established in Brussels. Subsequently, the Political and Security Committee (PSC), the Military Committee (EUMC) and the EU Military Staff were set up, commencing operations in 2000.

In parallel, the EU began reviewing the basic principles and aims of its security policy. This took place against the backdrop of the terrorist attacks of 11 September 2001 and the wars in Iraq and Afghanistan. The EU's security strategy 'A Secure Europe in a Better World' was established in December 2003. This strategy identified a number of key threats and committed the EU to develop a security policy based on international law and multilateral cooperation. Gradually, the EU's visibility and impact in global affairs increased. Between 2003 and 2012, it conducted 23 military and civilian crisis management operations.

The built-in contradictions of the CFSP persisted, however, becoming even more pronounced with the Treaty of Lisbon. Under the Treaty, foreign and security policy remains subject to specific rules and procedures for decision-making, which limits the influence of the supranational institutions. However, the distinction between the aims and objectives of the EU and those of its foreign policy was removed, together with the pillar structure. The intergovernmental institutions of the CFSP now serve the same aims and objectives as the supranational bodies.

The contradictions of the CFSP thus remain unresolved. Key European policy-makers, such as France's former prime minister François Fillon and his Spanish counterpart, former foreign minister Miguel Moratinos, maintain that it is the member states that decide European foreign and security policy (European Parliament 2010). At the same time, the establishment of permanent institutions has changed the dynamics of foreign policy making. Since the late 1990s, a number of authors have referred to a shift in the locus of national decision-making to Brussels-based institutional structures. These institutions are viewed as having a distinct advantage over national foreign ministries, due in part to their easy and daily access to information and dialogue with partner states. Furthermore, despite certain well-known solo initiatives on the part of the larger member states, it is increasingly difficult for states to sidestep expectations of consistency between national foreign policy and the foreign policy positions of the EU. Does this mean that we should no longer describe the CFSP as intergovernmental?

In order to assess the significance of these observations for the claims of Moratinos and Fillon, that national sovereignty remains unaffected, we need to define and operationalize inter-governmentalism. How do we know it when we see it? What might be considered a departure from its key principles?

Still intergovernmental?

Drawing on established conceptions (Frankenberg 2000; Majone 2001; Pollack 2003), four key features of intergovernmentalism may be identified. These concern: (1) the nature of the actors

involved in making decisions; (2) the procedures through which decisions are made; (3) the scope and type of powers that member states delegate; and (4) the *raison d'être* of the cooperative endeavour.[3]

Intergovernmentalism is a system akin to a contract (Frankenberg 2000) or an international treaty between sovereign parties. Each party retains jurisdiction within its own territory and remains free to organize its institutions and policy processes in accordance with its own preferences. This means that only sovereign states can be *actors* with decision-making powers. The establishment of supranational institutions with a self-standing constitutional basis would thus clearly represent a departure from intergovernmentalism. However, one might also imagine that other actors representing interests and perspectives beyond the member states could achieve decision-shaping powers. If non-governmental organizations, private corporations, agencies or institutions of some kind wield influence, this would also challenge the first feature of the intergovernmental system. Furthermore, even if these various actors are unable to lay down the law to member states, they might influence decisions and thus (at the least) chip away at important elements of member state autonomy.

The right of each member state to veto any decision with which it disagrees is critical. Abandoning this right and introducing *decision-making* by some form of majority vote would be a clear indication of a departure from intergovernmental principles. However, the veto power of the contracting parties might also be constrained in less formal ways. One might imagine, for example, the hands of the contracting parties being tied due to time constraints. (Normative) expectations of non-use of the veto might also develop for other reasons. It could also be the case that, due to differences in power and authority, the ability to block a decision might be more real for some countries than for others. This would suggest that intergovernmentalism, to the extent that it supposedly gives one vote to each party and thus provides equal protection of each country's sovereign right to determine its own policies, has come under pressure.

The powers of any central public authority in an intergovernmental system are strictly limited. The central authority is obligated to respect the rights and competences of each member government, and it only has the power to decide on clearly delimited tasks. These powers are *delegated* to a central authority, and it is assumed that they may be revoked or renegotiated. Moreover, most national constitutions assume that the executive will be party to the decisions concerning how the delegated authority should be exercised. If the delegated tasks are not clearly delimited, it would be difficult to ensure national control over the exercise of power, or indeed to bring a task back into the 'national fold'. This would thus constitute a departure from intergovernmentalism. In addition, if delegated powers are associated with a degree of discretion, this would likely alter the fundamental premise of delegation. There might also be a *de facto* difference between the freedoms of action of different member states in this regard: more powerful states might be able to revoke delegated powers more easily than others.

The fourth feature pertains to the purpose or *raison d'être* of intergovernmental cooperation. An intergovernmental system is established to serve the member states and to assist them in advancing or protecting their interests, preferences and values. An intergovernmental unit infused with interests or values of its own would represent a departure from the fourth feature of intergovernmentalism. Such a purpose might also in turn constrain the ability of member states to freely define their policies in accordance with their own preferences.

What does existing knowledge regarding the institutions and decision-making procedures within the CFSP/CSDP (Common Security and Defence Policy) tell us about the status of these four key features of intergovernmentalism?

Fragmentation of executive power

In formal terms, the answer to the question of 'Who decides?' is simple and in line with the first feature of intergovernmentalism: the member states decide. That is, decisions are taken by the foreign ministers of all the member states in the Foreign Affairs Council (FAC), or by the heads of state and government in the European Council. However, the range of actors involved in the CFSP/CSDP is much wider than this, including both supranational and intergovernmental actors.

Permanent intergovernmental institutions

Most important in this regard are the permanent intergovernmental institutions located in Brussels. Although they were established in order to facilitate decision-making in the FAC and the European Council, they have gained considerable autonomy. It is to a large extent due to their influence that the first premise of intergovernmentalism is being undermined.

At the centre of the intergovernmental institutional nexus is the Political and Security Committee (PSC). Composed of national ambassadors permanently based in Brussels, it has been described as the 'linchpin' of the system of foreign and security policy (Duke 2004) and as the 'executive board' of the CFSP (Thym 2011). Its mandate is to 'monitor the international situation and contribute to the definition of policies' (Art. 38.1 TEU). The PSC also delivers opinions to the Council and exercises political control over and strategic direction of crisis management operations. Also of importance are the various working groups (Juncos and Pomorska 2011), as well as the EUMC and the Committee for Civilian Aspects of Crisis Management (CIVCOM) (Cross 2011).

Research suggests that, over time, these institutions have gained considerable autonomy from the governments that they are meant to serve (Tonra 2000, 2003; Howorth 2003; Meyer 2006; Vanhoonacker *et al.* 2010). They do not merely fulfil support functions for the FAC or act as coordinating mechanisms for the member states. Already in 2006, Duke and Vanhoonacker (2006: 380) found that the 'question of whether the administrative level matters in the foreign policy field should definitely be answered affirmatively'. As noted, the PSC is particularly important in this regard. It is here that common positions are identified and the methods to realize them are developed. Juncos and Reynolds (2007) have described the PSC as 'governing in the shadow', while Howorth (2010) refers to the PSC as the 'script writer' for the CFSP, in the sense that its members 'come up with policies, missions and operations for the EU which will allow it to demonstrate both its usefulness and its importance' (Howorth 2010: 18).

These observations of a shift in decision-making power from national capitals to the institutional machinery in Brussels suggest a fragmentation of the executive power of national governments. The agents of national governments in Brussels have a hand on the steering wheel. They have a degree of autonomy that is not consistent with an intergovernmental conception.

Supranational institutions and the boundary problem

The 'fuzziness' with regard to where responsibility actually lies is reinforced by the difficulty of establishing clear distinctions between foreign and security policy on the one hand and all other aspects of EU global activities on the other (Smith 2001; 2004: 7–8). While (in principle) the former are supposed to be under the control of national governments (through the CFSP), the latter are subject to supranational procedures.

Thus, in the domain of foreign and security policy, the Commission is 'fully associated' with the work carried out. It is represented in all the intergovernmental CFSP institutions, and it also has the right of initiative, although this is not an exclusive right. In the Maastricht Treaty,

the European Parliament (EP) was granted the right to be consulted on the primary aspects and basic choices of the CFSP. It also has the right to ask questions and to make recommendations to the Council in this domain. Under the Lisbon Treaty, the interactions between the Council and the EP have intensified; however, the nature of the relationship remains unchanged. The European Court of Justice has no jurisdiction over the CFSP.[4] The problem here is that the boundaries between external economic relations and external political relations are not always self-evident. Furthermore, it is not always possible to separate, for example, 'foreign policy' or 'security' issues from 'development', which is controlled by the Commission. A number of issues fall under so-called 'mixed competence'. This has led to double-headed missions and *ad-hoc* solutions in which the Commission and representatives of the Council have both been involved. In addition, the implementation of CFSP decisions often requires the use of EC instruments or financing through the EU budget. In such situations, the Commission and the EP are able to flex their muscles. Due to this fuzziness, the supranational institutions have successfully encroached on what might originally have been considered the realm of national governments. We see this, for example, in the inter-institutional agreements between the EP and the Council in foreign and security policy. Similarly, in the area of defence procurement, the Commission has successfully introduced common legislation in a domain formally controlled by the intergovernmental European Defence Agency (EDA) (Blauberger and Weiss 2013).

The High Representative

In order to ensure greater coherence in all aspects of the EU's external activities, the Lisbon Treaty introduced the double-hatted post of the High Representative for Foreign Affairs and Security Policy and Vice-President of the Commission. Catherine Ashton, as the new HR, took over from the presidency the responsibility of chairing the meetings of the CFSP, including those of the FAC. She also has the right to put forward policy proposals and serves as head of the EDA. This reinforced HR is thus a key institutional position within the CFSP (Vanhoonacker and Pomorska 2013). However, this new actor perpetuates the unresolved tension between the protection of national sovereignty and the aim of a single policy, as the authority of the High Representative is derived from the member states, while she is also part of the Commission.

The establishment of a ministry of foreign affairs – the European External Action Service (EEAS) – constituted the second major institutional innovation in the Lisbon Treaty. This institution, a merger of various branches of the Commission and the General Secretariat with an additional influx of new staff, was set up to assist the HR. Consequently, in the EEAS supranationalism and intergovernmentalism live together under the same roof. Its logic of recruitment contrasts with intergovernmental principles: 60 per cent of the EEAS's staff are permanent, and all staff are appointed 'on merit' rather than with reference to their geographical/national origin. As an institution, it is intended to address issues that must be decided according to the procedures of the CFSP, as well as some of the issues that are still subject to the Community method (previously dealt with by Commission officials).

The main challenge to the first premise of intergovernmentalism, that is, states as the only actors with decision-making power, comes from within the intergovernmental structures. The permanent intergovernmental institutions have considerably more autonomy from the member states than what one would expect within an intergovernmental system. However, there is also increased evidence of a mixture of supranational and intergovernmental actors influencing policy through the new HR and the EEAS, although we will only be able to assess the real impact of these institutions after some time has passed. But what about the second feature of intergovernmentalism? How real is the right of member states to veto decisions with which they disagree?

Helene Sjursen

Sidestepping the veto

Many studies have pointed to significant changes in the way in which policy is made within the institutions dealing with foreign and security policy (Tonra 2003; Meyer 2006; Vanhoonacker *et al.* 2010). Juncos and Pomorska (2006) and Juncos and Reynolds (2007) find strong evidence of compliance with specific codes of conduct referred to as 'consensus building', as well as with the oft-cited 'reflex of coordination', thus echoing much of what Simon Nuttall argued in 2000 (Nuttall 2000). Howorth similarly finds that 'a significant measure of socialisation ensures that the dominant mode of interaction is consensus-seeking rather than bargaining around fixed national positions' (Howorth 2010: 16).

However, this literature is often shrouded in a certain conceptual and theoretical vagueness, which makes it difficult to identify precisely what has changed with the establishment of the CFSP, and what that might tell us about member states' veto rights. One important observation supporting the claim of socialization is that the positions of the member states are becoming more similar over time. However, the fact that the perspectives or policy positions of member states are converging does not necessarily signify that the CFSP is no longer intergovernmental. These transformations may decrease the likelihood of the use of the veto and hence facilitate policy-making, but this does not mean that the right to veto has disappeared. Likewise, observations characterizing actors as 'consensus-seeking' may still be compatible with the right to veto. Because consensus-seeking implies that all parties must agree to a decision (or at least agree not to overtly disagree), such consensus-seeking may well take place 'in the shadow of the veto'.

On the other hand, insofar as this literature represents a critique of rational-choice, intergovernmentalist assumptions of actors' preferences as exogenous and of the outcome of decisions as the lowest common denominator of such predefined preferences, it does indirectly question the centrality of the veto. The argument is that, rather than being exogenous to the process of decision-making, preferences are shaped through a collective, cross-border decision-making process. If, as the reflex of coordination suggests, member states routinely postpone defining their preferences on foreign policy issues until they have spoken with their European partners, or if they define their position in a process of exchange with their partners, this would mean that the veto is *de facto* no longer relevant, even though its existence as a formal right is not called into question.

This decreasing centrality of the veto also emerges from the fact that member states often do not have clearly defined preferences. In such cases, they often simply go along with the collective position (Juncos and Reynolds 2007; Howorth 2010: 17–18). However, as these are not examples of member states *changing* positions but rather *developing* positions, neither these observations nor evidence of a collective, cross-border decision-making process are irreconcilable with the right to veto. We can only truly claim that this right is challenged if we find that states refrain from using it. This question is addressed more directly in a study of the EU's preparation of its positions and policies during the negotiations over the International Labour Organization's (ILO) Maritime Convention. In this case, member states were willing to forgo their right to veto in order to develop a common policy (Riddervold and Sjursen 2012). This was also true for states with strong economic interests that would be negatively impacted by the proposed common positions. While this is not a classic CFSP issue, it is an example of EU member states deliberately choosing to act together rather than separately in an international setting. As such, it is certainly an issue of foreign policy (Jørgensen 2009), and it constitutes a challenge to the assumption that a change in the norms that guide decision-making – a shift away from a practice in which the threat of a veto is a constant presence – is unrealistic.

Several observations of interactions within the PSC point in this same direction. Participants describe processes in which they routinely succeed in convincing state representatives to alter their initial position:

> If we have a wave of consensus and you are the only obstacle, then you have to have exceptionally good arguments to turn the tide. Sometimes, colleagues have to say: 'Yes I understand everybody else, and I would love to agree but I simply have to call home.' Then everybody will agree to let him/her call home. Very, very often, I would say, it is also the case that the colleague will come back and say: 'Yes, OK, we agree!'
>
> (quoted in Howorth 2010: 16)

Likewise, Christoph Meyer finds that agreement has been achieved 'even in areas where national strategic norms would initially indicate incompatibility' (Meyer 2006: 136).

The formal right to veto remains, but it is often sidestepped. It has become less and less relevant as member states tend to form their position on foreign policy issues in cooperation with their European partners rather than in isolation from them. Further, contrary to conventional wisdom, there are several examples of situations in which, for the sake of the 'common good', member states have changed their initial position rather than veto a decision. Although we lack sufficient systematic empirical studies to verify that this represents a trend, these examples are significant enough to suggest that the ground beneath the feet of the veto is far from solid.

A permanent delegation of powers

The third feature of intergovernmentalism concerns the delegation of power and the right of member states to revoke it – or to renegotiate its terms. There is little to draw on in terms of actual practice with regard to this premise. We do not know what would happen if a state sought to withdraw powers that had been delegated, as no state has ever sought to do so. Thus, a different kind of analysis is required. Here, I focus on what may be considered the best interpretation of the principle of the delegation of power and examine the extent to which this fits the formal arrangements that are in place. On this basis, certain questions arise.

First, rather than delegating a limited set of tasks, the Treaties indicate a general delegation of competence in all matters related to foreign policy and the Union's security, as well as identifying the aim of a common defence. Certainly, this general delegation is limited by the fact that within this overall frame each decision to act is made by the member states 'acting unanimously' (Art. 11.1–2). Nevertheless, this generalized delegation introduces some doubts with regard to the reality of the right to revoke powers that have been delegated. Presumably, it would be easier to 'take back' into the national fold specific tasks that are limited in time. There is a sense of permanence to the delegation of general competence, which is reinforced by the establishment of instruments and capabilities at the EU level. The EU has established its own apparatus of external representation (via the EEAS). It may also deploy troops (using the concept of the battle group, for example) and it may sign treaties, as it has obtained legal personality in the Lisbon Treaty. This permanent ability to act within what may be seen as core dimensions of foreign and security policy seems to be at odds with the temporariness associated with delegation.

While doubts are often expressed with regard to the prospects for further expansion of tasks at the EU level (for example in the military domain), there are no expectations of a reduction, even in the context of the financial crisis. The assumption seems to be that a decision to delegate

is fairly definitive. In fact, observers even point to a 'ratchet effect' in the way the CFSP has been designed in the Treaties: 'Right from the beginning, each constitutive report contained within it the seeds of its successor' (Hill 1993a: 275). Daily decision-making processes are often considered to have a cumulative effect as well. As Nuttall argues, the accumulation of previous stances on foreign policy issues provides a common framework for action and decision (Nuttall 2000; also Smith 2004: 141). These observations not only underline the definitive nature of the act of delegation but also suggest that each such act of delegation carries with it the potential expectations of further commitments. This practice substantially diverges from the idea of powers that are delegated and that may subsequently be withdrawn. Incidentally, on this issue the right to veto might actually have adverse effects: if a state wanted to dismantle the system, it would in all likelihood require the support of all the member states, or else the state in question would have to leave the EU altogether.

Finally, and perhaps most importantly, this generalized delegation opens zones (or pockets) of discretion for the institutions at the EU level. Amongst other effects, a generalized delegation widens the scope of initiatives that may be taken by the now semi-autonomous institutions and bodies in Brussels, such as the HR and the PSC. In their search for possible common policies, they are authorized to consider the entire spectrum from foreign policy to defence. Furthermore, within the scope of a particular task there may be considerable room for discretion. This is particularly the case with regard to the CSDP and military missions, where the powers delegated to the PSC are considerable, although in foreign policy more generally there is also room for autonomous action (Art. 38(2) TEU).

The fragmentation of authority in foreign and security policy is also notable when this third feature of intergovernmentalism is analysed. Although member states maintain their legal competences in all matters of foreign and security policy, these competences are not exclusive to them. Thus, two parallel but interwoven systems of foreign policy are emerging – that of the nation-states and that of the EU.

European interests and values

The fourth and final feature of intergovernmentalism identified in the analytical framework concerns the purpose, or *raison d'être*, of the intergovernmental endeavour.

An intergovernmental entity exists to serve the member states, to assist them in solving concrete problems, to ensure the protection of their interests and values, and allow them to enforce their preferences. However, in the case of the EU there has been a conscious effort to go beyond this – to define *European* interests as well as *European* values. The most coherent definition of these interests and values may be found in the European Security Strategy, adopted by the European Council in December 2003. The Security Strategy 'established principles and set clear objectives for advancing the EU's security interests based on our core values' (Council of the European Union 2008). It set out three strategic objectives for European security: 'tackling key threats, building security in our neighbourhood and promoting an international order based on effective multilateralism' (Council of the European Union 2003). The conception of the EU as an actor with a purpose of its own beyond that of serving the interests and preferences of the member states can also be identified in the Treaty texts. In the Lisbon Treaty, we find: '*the Union* shall . . . assert *its identity* on the international scene' (Title I, Art. 2). This seems to constitute a definite departure from the fourth feature of intergovernmentalism.

Through these definitions of the interests and values of the EU, constraints are also placed on the actions of individual member states. These limitations are partly of a legal nature: the

member states are, according to Article 11(2) of the Treaty of Lisbon, legally bound to support the Union's external and security policy 'actively and unreservedly in a spirit of loyalty and mutual solidarity'. In fact, according to Cremona 'the most important element of the Treaty of Lisbon from the perspective of foreign policy coherence is the clear external mandate given to the Union as a whole in both substantive and instrumental terms' (Cremona 2008: 35). However, equally important is the binding force of norms and institutions established prior to the Lisbon Treaty. In fact, despite the well-known solo initiatives of some of the EU's member states in situations of crisis, it is increasingly difficult for member states to escape expectations of consistency between national foreign policy and the foreign policy positions of the EU (Sjursen 2003).

The development of an overarching normative frame, in turn, constrains the member states' ability to freely define national foreign and security policy as the idea of intergovernmentalism assumes they should. Participation in the CFSP has led to a reorientation of the foreign policies of member states. Already in 1996, Alfred Pijpers (1996: 252) noted this trend, as did Torreblanca a few years later with regard to Spain (Torreblanca 2001:11–12). In addition, there is evidence that the largest member states (France, Germany and the UK) have undergone such a transformation as a result of their membership in the CFSP (Aggestam 2004). The requirement to consult, under which national positions must be justified in a manner that makes them acceptable to all, might contribute to a situation in which member states seek a certain consistency between their claims and the underlying constitutive principles of the EU (Sjursen 2003).

The definition of a common purpose beyond the individual preferences and values of the member states is reinforced through the unity of the legal order, which was established with the Treaty of Lisbon. Generally, discussion of the abolition of the pillar structure has focused on the limitations of this change, stemming from the fact that the CFSP is still subject to specific rules and procedures (House of Commons 2008). However, with regard to the overall purpose of the CFSP and the principles to which it is bound, the unity of the legal order does make a significant difference. With the abolition of the pillar structure, the CFSP became subject to the same constitutional control standards as the rest of the EU. The Charter of Rights is binding for the EU as a whole, hence also for foreign, security and defence policy. This raises the stakes to some extent with regard to expectations of consistency, as it introduces an element of legal accountability. However, it is still the case that the EU lacks formal mechanisms to sanction those who do not comply with collectively agreed-upon policy, or indeed with any of the constraints introduced in the Treaties.

A specific conception of European interests and values has been developed. Thus, the member states have already taken a step towards the establishment of institutions devoted to the Union itself, rather than to its member states. This suggests that when the EU acts, it does so for purposes that extend beyond the delegated authority of the member states. What the EU does must be consistent with the Treaties and the overarching normative framework of the EU, not only with the interests of the member states. Furthermore, the identification of the EU's values impacts the formulation of the member states' own foreign policies.

In sum, power and authority within the domain of foreign and security policy are distributed in a manner that is not consistent with intergovernmentalism as it has been operationalized here. The CFSP has continued to move in the direction of transgovernmentalism, and perhaps even beyond (Smith 2004). In the next part of the chapter I examine the significance of the ongoing processes of reconfiguration of national and European foreign policy for the content of the EU's foreign policy. What kind of foreign policy actor is the EU?

Conceptualizing the EU's global role

Rather than taking the nature of the polity and the key characteristics of its institutions and decision-making processes as their point of departure, a number of authors have suggested that what is most important when one seeks to conceptualize the EU's global role is to understand what it does. The EU is the world's largest trading power. It is also a major donor of humanitarian assistance and development aid. In fact, it has the largest total development budget in the world. But the EU is not only a global economic power. It is also an influential diplomatic agent, and it has developed a capacity for united action in the domain of security. It has so far engaged in 24 crisis management operations around the world.

Against this backdrop it has become fashionable to claim that the EU is a distinctive foreign policy actor: that the EU 'acts in a normative way'. Scholars consider the institution to be capable of shaping understandings of what is 'normal' in global politics and have suggested that the EU should be viewed as a *normative*, *civilizing* or *ethical* power within the international system (Rosencrance 1998; Whitman 1998; Smith 2000; Manners 2002; Aggestam 2004; Diez 2005). This argument builds on François Duchêne's (1972) conception of the European Union as a 'civilian' power. According to Duchêne, the EU's novelty as an international actor is due to its focus on ensuring stability and security through economic and political rather than military means.

The claim of 'normative power' also carries the potential for connecting to a broader theoretical discussion of what matters in foreign policy and international relations (Risse 2000; Linklater 2005). Contrary to the dominant realist understanding, the normative power literature assumes that it is possible for a non-state actor that does not dispose of the traditional means of power to make a mark in global politics. In this sense, the conception of the EU as a normative power runs counter to Christopher Hill's famous dictum regarding the EU's capabilities–expectations gap (Hill 1993b). Hill's argument is that because the EU does not have the capabilities of a state in foreign policy, it is unable to live up to the expectations it has created with respect to its role and influence in global politics. A potentially dangerous capabilities–expectations gap has thus developed between the EU's hype and what it is capable of delivering. The normative power literature should thus allow for a link to the broader debate about the role and place of norms in IR and the assumption of international 'anarchy' (Bohman 1999; Wendt 1999; Zürn 2005), but this link is underexplored (Sjursen 2006a).

The literature on normative power also purports to say something about the EU as a polity. The characteristics of the polity are assumed to 'predispose it [the EU] to act in a normative way' (Manners 2002: 242; also Duchêne 1972; Whitman 1998). Three features are generally identified as important in this regard: the EU's historical context, its nature as a hybrid polity and its political–legal constitution (Manners 2002: 240). More specifically, reference is often made to the fact that in the post-war context Europeans were committed to pooling sovereignty in order to curb nationalism; that the EU is a new type of entity that combines supranationalism and international forms of governance; and, finally, that its constitutional norms, which embody the principles of democracy, rule of law, social justice and respect for human rights, condition its international identity.

It may be true that there is something distinctive about the EU's foreign policy. Observers often highlight the EU's policy of democracy promotion, its introduction of human rights clauses in all trade agreements, its emphasis on encouraging regional cooperation and its focus on building international institutions as representative examples of such distinctiveness in foreign affairs (Risse and Börzel 2007). Nevertheless, the conception of the EU as a 'normative power' is intuitive

rather than analytical; it fails to disentangle empirical and normative claims and lacks theoretical underpinnings. As such, it provides a problematic answer to the question of how to conceptualize the EU as a global actor. It can neither account for its empirical claims nor justify its normative assessment.[5]

The normative claim

With regard to the normative claim, the argument presented in the literature implies that if the EU pursues norms, that means it is 'doing good' in the international system. Likewise, the message implied in the perspective of the EU as a 'civilian power' is that such power is by definition positive (Smith 2000).

The problem with making such assumptions is that as long as there is no explicit critical standard against which these claims of 'goodness' may be assessed there is no way of knowing whether they are correct. There are a variety of norms, and not all of them necessarily lead to something good. The use of economic instruments may be coercive or have fatal consequences for those at the receiving end. Further, it could very well be that the EU's pursuit of norms or efforts to define what is considered 'normal' (Manners 2002) are expressions of Eurocentric cultural imperialism. The literature implies that this is not the case, but if no distinction is made between different types of norms with regard to their validity and legitimacy, we cannot really tell. We are required to trust the analyst's personal assessment of what is 'good' without access to clear reasons and critical standards.

An important first step towards rectifying this weakness would be to establish what standard for 'goodness' is being applied and to clarify its legitimacy basis. Surprisingly, there have been few efforts to do so in the existing literature. As a result, the 'normative power' literature verges on the apologetic and uncritical. The conception of the EU as a 'normative', 'ethical' or 'civilizing' power is very similar to the perspective employed by EU officials when describing the EU's international role. This leaves scholars vulnerable to the charge that they are unable to distinguish between their own sympathy for the European project and their academic role as critical analysts. As noted, such conceptualizations also readily evoke images of the European imperialists and missionaries who set out to shape the world in their image, convinced that their values and way of life were superior (Diez 2005, 2012). Alternatively, such claims could be mere hypocrisy, a simple cover for the promotion of particular interests. In sum, it is only when there is clarity regarding the basis on which such claims are made, where there is an explicit critical standard, that they may be assessed and vindicated – or rejected.

The empirical claim and the lack of theory

In order to assess whether the conceptualization of the EU as a 'normative power' is simply a co-optation of the agenda of those in power, it would be critical to investigate its empirical relevance. However, the concept of normative power is not sufficiently nuanced to be useful in empirical analysis. After all, most actors pursue norms, most preferences also reflect a normative position and many foreign policy actors have some kind of normative influence or agenda. Both the United States and the former Soviet Union have (in different respects) pursued norms in the international system and sought to define the conception of normal. Thus, they might also fit the definition of a 'normative' power. The concept does not enable us to distinguish the EU's normative foreign policy from that of other normative foreign policies. Neither is there anything that can tell us why the pursuit of norms is presumed to be a particular trait of the EU's foreign policy.

Thus, the problem is not really that the claims of the EU's particularity are contested. Scholars such as Richard Youngs (2010) and Adrian Hyde Pryce (2006) do argue that, on the whole, EU foreign policy does not differ much from the foreign policy of other states. However, these realist scholars do not fare any better than the normative power literature. They are equally unspecific when it comes to defining and specifying the alternative to normative power. Most importantly, they do not develop any theory that would allow them to account for normative behaviour as a 'rational' choice (for this see Eriksen and Weigård 1997). They have no theoretical tools that would allow them to take any claims of 'normative power' seriously. Their analyses are predetermined to conclude that such claims are simply, as Lundestad (1990) argues, a cover for particular interests or an expression of particularistic values – from a realist perspective, a power claiming the 'normative' mantle cannot be anything other than a hypocrite.

In order to assess the putative particularity of the EU's foreign policy, at the least we need to know what kind of normative power it is. We must be able to discriminate between different types of norms and their legitimacy and validity (as we cannot *de facto* assume that 'acting in a normative way' is necessarily a good thing). Further, we need a theory that allows us to account for the possibility that normative behaviour is a 'rational' choice.

But if the 'normative power' concept is problematic, what are the alternatives?

Humanitarian power as a critical standard

As noted, a key problem with regard to the claims of Europe as a normative power is the lack of an explicit critical standard, as well as a means of assessing whether the pursuit of norms is legitimate. A critical standard may be derived from a cosmopolitan perspective, which presupposes the possibility of a community based on certain universal principles and an international order constrained by a higher-ranking law rather than a balance of power.[6] An emphasis on law is important, as a foreign policy that claims to be 'doing good' – acting in the name of 'humanity' – must be held accountable. Unchecked power exercised in the name of 'humanity' or human rights alone could easily lead to totalitarianism (Eriksen 2009). Furthermore, the law would alleviate suspicions of hypocrisy and ensure consistency in the application and pursuit of norms. There is always the risk that actors will follow their own interests even when they know that this may harm others. The likelihood that they will suspect that others do so, even if they claim otherwise, is also strong. In order to eliminate such risks, common rules are necessary. The law functions as a system of action that makes it possible to implement moral duties as common commitments.[7] A distinction is made, though, between traditional international law and multilateralism on the one hand and a cosmopolitan law of the people on the other. Whereas the state's right to external sovereignty is a core principle in international law and multilateralism, cosmopolitanism prioritizes the rights of individuals above the rights of states.[8]

This critical standard would be consistent with the idea of a foreign policy actor that breaks with what we understand as the 'traditional' foreign policy practices of great powers. The core feature of such a *humanitarian power* would be that it acts externally in order to transform the parameters of power politics through a focus on the international legal system, rather than attempting to write itself into the existing international system through an emphasis on multilateralism or with the aim of establishing a (new) balance of power. Such a power would seek to overcome power politics through the strengthening of cosmopolitan law, emphasizing the rights of individuals (not only the rights of states) to sovereign equality, the purpose being to establish a global law of citizens. Furthermore, a humanitarian power would be willing to bind itself, not only others, to such common rules. It should be noted that what is suggested

here is a thin version of cosmopolitanism, in which relatively few functions are considered 'uploadable' to the global level. It is based on a narrow conception of justice, whereby the cosmopolitan level would focus on human rights and security.

As the international system's legal procedures for protecting human rights are still weak, a question for empirical research could be to what extent the EU's arguments for human rights have been presented only with regard to particular actors or cases, or whether they are also part of a broader effort to transform the legal status of these rights in international law. An example of such an effort would be support of the establishment of the International Criminal Court (ICC). Furthermore, one might expect that a humanitarian power would develop standards, mechanisms and policy instruments that would ensure that its own policies are consistent with such principles. The confirmation of the Charter of Rights as legally binding for the EU and its member states would be one such indicator, as it would ensure greater consistency between internally and externally projected standards.

What kind of norms?

A second challenge to the conception of the EU as a normative power involves the ability to discriminate between different types of norms. As noted, a cosmopolitan perspective presupposes the possibility of agreement on certain universal principles; hence, it rests on the analytical distinction between moral and ethical norms. Moral norms refer to questions that concern deontological principles (such as human rights, democracy and the rule of law) and may be settled with reference to justice. Ethical norms, or values, refer to questions involving what is conceived of as the common good; they thus revolve around what can be justified in a context-bound ethical–political discourse (Habermas 1996: 255). Whereas ethical norms and the concept of values (understood as collective representations of the good that vary according to cultural and social context) are connected to the characteristics of a specific community and to the identity of the members of that community, moral norms or rights – referring to justice – are universal, in the sense that they pertain to humanity as such, independently of particular identities and belongings (Habermas 1996: 259).[9]

This distinction becomes crucial, for example, if what we have in mind is a conception of the EU as an actor that promotes norms, but does so without embarking on the path towards European imperialism. Although it would not be reasonable to expect transcultural agreement over values, the same is not necessarily the case with regard to higher-order norms such as 'equality, freedom, solidarity, self-realisation and human dignity' (Eriksen and Weigård 2003: 138). Values or conceptions of what is good may vary according to cultural or social contexts; they may be particular to a specific community or a specific collective identity. If the EU defines itself and thinks of itself as a 'force for the good', then, as noted, this could be a subjective definition linked to a particular European understanding and defined in relation to a particular European cultural context. It might not match what is defined as 'good' or 'valuable' in other parts of the world, conditioned by other cultural or social norms. Thus, a 'normative power' Europe could be true to its own norms, yet its actions could be perceived as equivalent to those of 'historical empires' (Sjursen 2006b). This basic analytical distinction is important but missing from the literature on the EU as a 'normative power'. The suggestion here is that a critical standard for a humanitarian power should be linked to an emphasis on moral norms, seeking to establish what is right, fair or just, as separate and distinct from ethical norms.

The concept of humanitarian power may allow us to capture the putative distinctiveness of the EU as a foreign policy actor. As an analytical tool, it does not carry any empirical claims.

It does not, then, provide an (empirical) answer to the question raised in the introduction of what kind of foreign policy an entity that is neither a state nor an international organization can actually deliver. Rather, it is a working hypothesis that should allow analysts to further investigate the argument of the distinctiveness (or lack thereof) of the EU's foreign policy. At the same time, it provides a critical standard against which any implicit claims of a 'better' foreign policy may be assessed and criticized (or vindicated). However, a weakness of this concept may be that it places too much emphasis on law and does not take sufficient note of the democratic requirement of the right of citizens to create the laws they must abide by.

In this last part of the chapter I address the implications of the achievements in CFSP for democracy.

The challenge of democracy

As suggested in the first part of the chapter, most of the literature on the CFSP indicates that power and authority within the domain of foreign and security policy are distributed in a manner that is not entirely consistent with intergovernmentalism. A particularly striking feature is the fragmentation of the (executive) foreign policy apparatus. National foreign and security policies are integrated in a semi-autonomous institutional structure that has developed a 'higher-order' conception of *European* interests and values. For some, developments in EU foreign policy may amount to a democratic surplus. To others it may represent a weakening of democracy.

A key challenge is to identify 'who decides' within this foreign policy system. It is often difficult to know or predict where responsibility for decisions actually lies. Foreign and security policy is made through interactions and exchanges, primarily between the executive branches of the member states. They make their decisions collectively, coming to a common understanding of what is feasible and desirable for the EU as a whole. Often, states refrain from vetoing decisions or they change their position in order to facilitate common policies. This makes it difficult to disaggregate decisions and trace them back to individual ministers or governments. While the key actors are the representatives of the member states, their autonomy and room for discretion are considerable. The supranational institutions also wield influence. More importantly, however, policy is shaped with reference to values and principles that are defined as particular to the Union, without exclusive reference to the interests and values of the member states.

On the one hand, there is a democratizing and 'civilizing' element to this system. The requirement for national executives to justify their positions and actions is much more intense than in traditional international settings (Keohane *et al*. 2009). The expectation that national governments will justify their policies was fortified by the legal obligations resulting from the unified legal framework established by the Lisbon Treaty. This framework entails some formal legal obligations (such as the Charter of Rights) to which governments must refer when justifying their policies, as well as the informal normative ethos of the CFSP. The expectation that member states' justifications for their foreign policy stance will be consistent with the overall objectives of the EU thus has a legal dimension under the Lisbon Treaty.

What member states say and do must be considered acceptable and reasonable from the perspective of their European partners. This in itself may lead to a certain taming of national foreign policies. The CFSP may constitute a sphere in which deliberation about foreign policy takes place in a manner that requires member states to justify their positions and viewpoints to one another. Furthermore, the EU may also create expectations on the part of third parties that it will live up to the standards it has identified as binding.

On the other hand, these justifications of foreign policies take place between and among executives. To the extent that accountability plays a part, it is a matter of legal account-ability (through national courts), not accountability to elected representatives. In addition, as mechanisms for ensuring compliance are not in place, those in power may simply 'talk the talk' and act in a contradictory fashion. This form of collective, cross-national decision-making seems difficult to reconcile with the democratic requirement that it should be possible to trace decisions back to a form of authorization by the citizens. Such authorization would probably require institutions and procedures extending beyond the individual nation-states that would allow citizens access to information about what goes on amongst the executives, enabling informed opinions.

However, given that developments beyond intergovernmentalism have thus far primarily been the result of informal practice, it would be difficult to establish procedures that could compensate for the effects on citizens' status as authors of the policies. There is also a sense of contingency or haphazardness with regard to the issues that are pushed outside of the intergovernmental mode of decision-making, which makes it difficult to ensure proper channels and mechanisms of authorization. To the extent that there is a general pattern, it is that of segmented policy-making and the coexistence and overlapping of parallel systems of foreign policy. The institutions established in Brussels represent the national executives, but their semi-autonomy contributes to the fragmentation of these same executives. The fragmentation of European foreign and security policy is also notable in that although member states maintain their legal competences in all matters of foreign and security policy, these competences are not exclusive to them. Incidentally, this fragmentation stands in contrast to the aspiration to coherence contained within the Lisbon Treaty.

There are, of course, exceptions. With the most dramatic international events or crises, it is much easier to trace the lines of authority back to national executives. What is most striking in such situations is the difficulty of reaching agreement. The distinctiveness of national foreign policies became evident, for example, in the intervention in Libya in 2012, as well as during the war in Iraq (Lehne 2012). Moreover, when it comes to implementation the EU must chiefly rely on the national systems. However, these incidents of going it alone do not resolve the challenges involved in tracing those responsible for decisions and holding them to account.

Because it is more difficult to determine where decisions are actually taken, it is also unclear who should be accountable in many cases and to whom. Through active pressure, the EP has gradually extended its influence (Barbé 2004; Maurer *et al*. 2005; Crum 2009). The general rule, however, is that it is only consulted on the main aspects and basic choices made in the field of foreign and security policy and is kept informed about how these policies evolve. As noted, with the establishment of the EEAS the EP has succeeded in strengthening its position a little further, as the High Representative is subject to Parliamentary questioning on the same basis as the Commissioners. Furthermore, its role in deciding the budget of the EEAS is important, and its active involvement in the discussion concerning the establishment and design of the EEAS suggests that in the future the EP may be a more influential actor. However, it is widely acknowledged that it neither authorizes decisions nor is able to hold those making decisions accountable (Bono 2006; Crum 2009). Moreover, the powers of national parliaments are limited due to these very departures from the core premises of intergovernmentalism.

In any case, simply strengthening the powers of the EP may be insufficient as a solution to the democratic challenges of the CFSP. It is the fuzziness with regard to where authority and power actually lie that represents the greatest challenge. Thus, what might be required is a thorough (re-)constitutionalization of foreign and security policy in order to clarify lines of authority and power.

Conclusion

In this chapter, I have suggested that, contrary to expectations, much of the literature on the EU's foreign and security policy implies that the EU has achieved a certain degree of integration and has developed an autonomous governing capacity in the domain of foreign and security policy. This achievement entails new challenges, and raises important questions for further research.

One particular question has to do with the democratic anchoring of the EU's foreign and security policy. Further research might assess to what extent this system of foreign policy represents a democratic surplus, due to the constraints established on national foreign policies, or rather a democratic deficit, as the location of power and authority has become more diffuse.

The emergence of a semi-autonomous EU foreign policy also challenges deep-seated ideas and conceptions of foreign and security policy as the exclusive domain of the state. The *de facto* commitment of member states to a common foreign and security policy raises a theoretical puzzle: why and how does such a voluntary relinquishing of power take place? Finally, it would be important to further pursue questions of how the establishment of a common foreign policy affects patterns of policy formation, cooperation and conflict amongst the member states, as well as how it influences established working methods, strategies and alliances within and outside the Union.

Notes

1 Many thanks to Mai'a Davis Cross for comments on this chapter.
2 Javier Solana, who was previously Secretary General of NATO, became the first HR in 1999. He was replaced by Catherine Ashton in 2009.
3 This draws on Sjursen (2011).
4 However, see Christophe Hillion (2014).
5 For a more detailed analysis of the 'normative' power literature, see Sjursen (2006a, 2006b).
6 There are a number of different 'cosmopolitanisms' (Brown 1992). What is presented here is only a rough outline pointing to some core components. It draws in particular on the relevant chapters in Bohman and Lutz-Bachmann (1997), Habermas (2001) and Eriksen and Weigård (2003).
7 This argument is based on the assumption that modern law is premised on human rights. For further discussions of the relationship between law and morality, see Apel (1997) and Habermas (1997).
8 For analyses of the legitimacy of cosmopolitan law, see Beitz (1979), Habermas (1996), Rawls (1999) and Forst (2001).
9 This distinction is related to the one often drawn in debates over cosmopolitan and communitarian perspectives in international relations theory (Brown 1992).

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The world society turn in European Studies

Chris Rumford and Didem Buhari-Gulmez

Introduction

In studies of European integration, the focus conventionally falls on the ways in which the European Union (EU) has constructed itself as a coherent economic and political entity on the foundations of existing European nation-states, and how this has been achieved by protecting Europe from the depredatory influence of external economic (and other) processes. The problem with this narrative is less its inherent solipsism, although this is debilitating enough, than the positioning of Europe as somehow external to or detached from the processes of transformation – subsumed under the general heading of globalization – that continue to shape the world, including Europe. In pursuing this strategy, scholars of European integration neglect not only the complex dynamics of globalization that affect Europe in so many ways but also the extent to which the EU can actively shape globalization (although this consideration has emerged in integration studies of late). Arguably more important still is the extent to which the appreciation of Europe itself is moulded by the assumptions inherent in the 'defensive Europe' perspective. Integration discourse posits a Europe in the singular, a Europe of 'unity in diversity' perhaps, but one that does not doubt its wholeness or coherence. But this is not the only way in which Europe can be conceived. Under the weight of contra-indications from a range of Global Studies-inspired texts (e.g. Böröcz 2010; Rumford 2008) and an emerging literature on 'cosmopolitan Europe' (Beck and Grande 2007; Delanty 2009), the limitations of the 'one Europe' model have been challenged. The 'world society turn' in European Studies is the latest and most far-reaching critique to emerge from within this trend, building upon insights in the study of globalization and cosmopolitanism to construct a very different account of 'Europe in the world' (Bialasiewicz 2011).

The theme of this chapter is the need for a global context when studying European developments, and to this end the authors compare and contrast different approaches to understanding Europe in the world (or Europe-in-the-world, as we refer to it here). However, at the same time the aim is somewhat broader (and hopefully more ambitious) than this. The overarching objective is the elaboration of a new agenda for European Studies, one that places Europe-in-the-world at its core and also highlights the advantages of approaching Europe not as a singular entity but as a plurality. 'Multiple Europes' are one corollary of placing Europe

within a global context; in other words, the assumption of oneness that permeates much thinking in European integration studies (e.g. 'unity in diversity') is only possible if the rest of the world is conveniently bracketed off. In setting this agenda, we have accepted the challenge of returning Europe to the world from which it has been abstracted and, following Outhwaite (2008: 133), of putting 'Europe in its place'. This requires not only placing Europe in a global context but also developing non-Eurocentric global perspectives on Europe(s).

Students of cosmopolitanism have been among the first to observe that EU Studies encourages an EU-centrism that highlights integration at the expense of the notion of 'many Europes', which points to the difficulty of 'fixing' Europe in terms of a unified culture (Biebuyck and Rumford 2012). Due to the lack of a unifying primordial culture at the EU level and the absence of a European hegemon to control European integration, it has been suggested that the EU is better explained as a 'polycentric collectivity' than as a cosmopolitan empire. It is not only the striking diversity within the EU (in terms of (1) understanding the EU as a central political referent, (2) envisaging the future of European integration and (3) the implementation of EU directives at national, regional and local levels) but also the ongoing post-Westernization processes associated with globalization that blur the boundaries between East and West, making it difficult (if not impossible) to identify the EU with a single and fixed account of modernity (Delanty 2006).

Thus, Agnew's provocative question of 'How many Europes?' (Agnew 2001) cannot be answered by discussions of identitary containers alone. It is more profitable to explore Europe's numerous political imaginaries, geopolitical configurations and ways of being in the world, highlighting how Europe is an active site of multiple – and often contradictory – productions and transformations. It has been noted that the conventional divisions such as East/West, old/new, North/South, Christian/Muslim and EU members/non-members have been joined of late by a new cleavage: 'top-down Europe' versus 'bottom-up Europe', underscoring the division between Europe's elites and 'the people' (Taras 2009). Checkel and Katzenstein (2009: 11–12) point to an elitist 'cosmopolitan European identity' engendered by the constitutional treaty, as opposed to the 'national-populist European identity' fuelled by the threats represented by 'Polish plumbers and Islamic headscarves'. For Taras (2009: 60–1), the elite versus popular division takes the form of an elite 'metacultural perspective' on a common European culture versus a 'polyvocal European public' aware of (and threatened by) idiosyncrasies and differences. Checkel and Katzenstein's idea of a 'cosmopolitan European identity' is problematic for a number of reasons, not least because it may well prove to be oxymoronic. There is a tendency in much of the contemporary IR and political science literature on the EU to label the EU as cosmopolitan without questioning what this might mean. For example, Risse (2010: 51) holds that the EU is a 'modern, democratic, secular, and cosmopolitan value community', yet he never examines whether 'European cosmopolitanism' is meaningful, in the sense that it may not be embedded in the consciousness of Europeans (or even in the discourses of the European Union).

Furthermore, Risse (2010: 38–9) asserts that rather than a single European identity, there are many Europes 'expressed in various national colours'. This is the result of the Europeanization of national identities. Risse's main contribution is the idea that the various constructions of Europe involve specific visions of Europe's 'Others'. The idea of the EU as a Europe of modernization, human rights and democracy results in the construction of Europe's Other in terms of its own past: 'militarism, nationalism and economic backwardness' (Risse 2010: 53); in other words, 'Europe's own past is the out-group of the EU's modern political identity'. Taras (2009: 63) makes a similar point: upon accession, Eastern European countries had to 'accept that they had not really been European until then', leading to a division between Old and New Europe. Risse makes the point that 'modern' Europe also generates another 'out-group' via

racism and xenophobia (e.g. Jörg Haider was portrayed as the 'enemy within'). More populist constructions of Europe tend to use religion as a marker of us/them. This has resulted in the mobilization of opposition to Turkey's candidature as well as the identification of non-European immigrants (from North Africa) as internal Others. Moreover, the evolving literature on the EU's 'normative actorness' in promoting democratization, multilateralism and individual freedoms in Europe and beyond has determined that the EU's normative discourse does not stem from a parochial vision of the world that belongs in the EU; rather, it shares the basic notions, concepts and methods advocated by many other international organizations, including the United Nations and a host of international governmental and non-governmental organizations (Manners 2002). In this regard, EU Studies increasingly faces the challenge of developing an approach that takes into account the degree of integration between the EU and its global environment without reducing the global context to a narrow set of values, norms, interests, institutions or trends (such as economic interconnectedness).

The global dimension

We have already encountered the idea that the global dimension is largely missing from the prevailing studies on the EU (for example Albert 2002; Axford 1995; Delanty and Rumford 2005; Meyer 2001; Rumford and Murray 2003). However, while this is largely the case, there are scholars of Europeanization for whom integration and globalization are closely aligned. This is particularly true in research on the notion of denationalization. Kriesi (2005) makes the connection clear: 'European integration is one of a number of processes which currently open up and unbundle the boundaries of the nation-states. This set of processes is generally referred to by the term of "globalization"'. Perhaps more appropriately, Zürn (1998) uses the term 'denationalization'. In this formulation, integration is a subordinate component of globalization (or denationalization). The equation of European integration and globalization (on the basis that both serve to 'unbundle' or denationalize the nation-state) leads to new polarizations in Europe between those embracing globalization-derived change and those resisting it. The intensification of competition places the national political community under strain, and new winners and losers emerge as a result. According to Kriesi,

> the likely winners of these competitive processes include people with high qualifications in sectors open to international competition as well as all cosmopolitan citizens. The losers include the patriots who identify with the national community, the economic sectors which have traditionally been protected by the nation-state and which find themselves increasingly exposed to foreign competition, as well as all those who lack the qualifications and the cultural competence to meet the economic and cultural challenge of a globalizing world. The winners are expected to support the opening up of the borders, including European integration, while the losers are likely to constitute the potential for the mobilization not only against European integration, but also for the mobilization against immigration and its consequences, for the backlash against the cultural liberalism of the new social movements, and for the defense of the national traditions, the national privileges and the national sovereignty.
>
> (Kriesi 2008: 222)

In this view, a stark divide exists between those embracing global processes of change, whether business enterprises or individual citizens, and those aligned with the defence of the nation-state, who are thereby seen as resisting both globalization and European integration. Kriesi's

most significant contribution has been positing a direct relationship between European integration and globalization, thereby confounding conventional thinking. However, it is possible that the alignment of actors on either side of the new cleavage that denationalization represents may in fact be a little too neat, attempting to conflate nationalists, opponents of social movements and Eurosceptics.

To understand this mobilizational capacity, it is necessary to explore denationalization in greater detail. The notion of denationalization is derived from the work of Saskia Sassen, who holds that 'we can conceptualize the global as a denationalized spatiotemporal order – both in the sense of the denationalizing of elements of the national and in the sense of a novel order distinct from the national' (Sassen 2000). The idea of the processes of globalization acting on and acting within nation-states resonates with Beck's concept of cosmopolitanization as 'globalization from within' nation-states. Sassen seeks to demonstrate that global processes do not exclusively entail worldwide phenomena. She draws attention to a 'set of processes that does not necessarily scale at the global level':

> these processes take place deep inside territories and institutional domains that have largely been constructed in national terms . . . What makes these processes part of globalization even though localized in national, indeed subnational settings, is that they involve transboundary networks and formations connecting or articulating multiple local or national processes and actors.
>
> (Sassen 2006: 12)

These processes of denationalization working within nation-states have important and wide-ranging consequences, including 'the reorienting of national agendas towards global ones, and the circulation of private agendas dressed as public policy inside national states' (Sassen 2006: 10). This is important for Sassen because it draws attention to the presence of private agendas within the state, rather than the more common focus on the shift of state functions to the private sector, including private forms of authority (ibid.). This is significant in that it indicates that European integration concerns not only a shift in levels of governance (e.g. multilevel governance) but also a transformation in the key actors of Europeanization (with the private sector replacing state functions).

For these reasons, the emphasis in the denationalization literature is on the fate of the nation-state under conditions of globalization. For Sassen (2010: 1), globalization 'denationalizes what was historically constructed as national'. She continues, 'mine is, then, a critique of methodological nationalism with a starting point not exclusively predicated on the fact of trans-nationalism, but rather on the possibility of internal denationalization' (Sassen 2010: 3). The key aspect here is the preference for seeing globalization as 'internal denationalization' rather than the more common understanding of it as the intensification of transnationalism. Thus, not only is the relationship between globalization and integration very direct, but it also runs against conventional notions of directionality, working from the inside out rather than the outside in.

The denationalization literature offers a corrective to many other accounts that neglect the impact of globalization on Europe. However, the hypodermic nature of the denationalization account – injecting the global directly into the national – deprives Europe of a global context: in the denationalization theory, integration *is* globalization, and there is no global realm external to it. In this sense, at least, the denationalization literature aligns itself with more conventional accounts of the EU as the author of its own integration. Positing the existence of a global dimension tends to undermine both types of theories. More specifically, the suggestion of a global dimension diverges from the mainstream tendency to study the EU as a *sui generis* polity

with a predetermined identity and interests and the capability to lead social and political transformations, even in remote parts of the world. Acknowledging the global environment both deprives the EU of its central role in explaining political reform (minimizing its exceptionalism in world politics) and also reveals the changing character of the EU's identity and interests in line with global structural transformations. In other words, the global dimension is not only a strategic opportunity–challenge structure, but is also constitutive in terms of culturally defining what actors exist in the world and what constitutes appropriate norms and behaviour (Meyer 1999; Drori 2008). In this context, there are two major trends amongst those who take the global dimension into consideration: (1) *EU-and-the-world studies* and (2) *EU-in-the-world studies*. Whereas the first trend emphasizes the EU's capacity to limit, manage and shape the global sphere, EU-in-the-world studies (which are much less common) contextualize the EU in a broader social system and insist upon the fuzziness of the boundaries between the EU and its global environment.

EU-and-the-world studies tend to depict the EU as the 'European rescue of the nation state' (Milward 1994), a polity that restricts the pernicious effects of globalization by, for instance, erecting a 'Fortress Europe' (or 'Schengen-land', 'Euroland' or other similar constructions) to block unwanted intrusions by non-Europeans. Defining the relationship between the EU and its global environment as contestation, such studies find the EU to be an effective instrument in the hands of national governments – constituting a 'filter' if not a 'barrier' against global inflows of people, capital, goods and services. The idea of 'managing globalization', a popular theme in Eurocratic circles, implies that globalization should not be seen only as a threat to the EU; rather, Europeans should learn how to take advantage of the new opportunities introduced by globalization (Ferrero-Waldner 2007). An alternative trend focuses on the EU's leading role in shaping globalization through the export of its models, norms and institutions. The EU's political and economic conditionality associated with its aid, trade and neighbourhood pro-grammes makes a strong case in support of the claim that the EU is a global actor that contributes to global transformations. However, it is crucial to investigate on whose behalf the EU acts in the global arena. *EU-and-the-world* studies risk overlooking both the EU's polycentric nature and its universalistic discourse, consequently providing EU-centric accounts that fail to grasp the processes of standard-setting and rule-following that underlie the EU's interactions with its global environment.

The prevailing literature on European integration focusing on the regulatory, constitutive and resilient capabilities of the EU vis-à-vis globalization neglects the fact that the EU's agency is culturally enacted and legitimated. In fact, globalization may act upon Europe in ways that bypass the EU, as in the case of global cities and regional autonomization, for example (Rumford 2000). *EU-in-the-world* studies investigate how the EU's identity and interests take shape and undergo constant redefinition in line with social and material transformations in the global arena. There are a number of different types of approaches to the global context (World Society Research Group 2000: 11). First, the global system à la Waltz is an anarchical structure devoid of a sovereign that ratifies the existing distribution of power amongst nation-states and imposes a self-help strategy for survival in a 'zero-sum game'. It reinforces the problems of collective action and explains conflicts as an inherent systemic feature. There are two major criticisms against the Waltzian approach to the global system. First, the changes in the material context (in terms of the rise of economic, social and political interconnectedness), as well as the exponential increase in non-state actors (armed groups, humanitarian organizations, inter-national courts, corporations and regions), constitute a serious challenge to the zero-sum game understanding of the Waltzian system (Keohane 1986). Second, the social context at the global level does not inevitably lead to self-help and conflict. Wendt (1992) argues that self-help is a

self-fulfilling prophecy rather than an inherent property of the anarchical system. Different interpretations of anarchy would lead to different outcomes in terms of regulating interactions amongst the actors in the world system (Katzenstein 1996).

The English School of international society employs notions of identity and norms in order to understand the global system as a normative framework consisting of legal and diplomatic principles that govern inter-state relations (Alderson and Hurrell 2000; Buzan 2010). This theory has been successful in explaining the normative shifts in the global system (such as the end of slavery); in addition, its emphasis on the difference between system and society clarifies why European society, based on cultural affinity and solidarity, has sought to exclude non-European elements (Buzan 2004). Wallerstein's world-systems analysis (Wallerstein 1991) transcends the English School's state-centrism by introducing a hegemonic system at the global level that reinforces the exploitation of peripheral societies by Western core powers. In his 2006 book, Wallerstein differentiates between a European universalism and universal universalism, asserting that the latter has been 'hijacked' by the former (in terms of shaping our understanding of the world in line with a European vision). Böröcz (2010) provides an alternative contemporary EU-in-the-world account derived from World Systems Theory by linking the EU's emergence as a core power in the world with the historical processes associated with the hegemonic world system. Böröcz situates the contemporary European Union in the context of its long-term development (and its very modest beginnings). In the pre-capitalist system of world trade, Western Europe represented a small economic circuit that was marginal to other, more important networks. Europe's diminutive size and marginality would only be mitigated by the establishment of overseas empires following the circumnavigation of Africa and the crossing of the Atlantic, both achieved in the fifteenth century. This empire building was characterized by the 'simultaneous pursuance of political power and profits, resulting in the joint application of coercion and unequal exchange' (Böröcz 2010: 37). It is this (not always glorious) history that the European Union seeks to efface with its solipsistic self-promotion. The history of colonialism is excluded from the European Union's self-image (Bhambra 2009), and it likes to be seen as having 'clean hands' in its dealings with developing countries. Böröcz demonstrates that Europe's 'global smallness' has been a longstanding problem, even after several centuries of dramatic colonial expansion. In fact, colonial Europe remained small, by global standards: 'Even at its peak, the proportion of gross world product that is internal to the British Empire remains below the 25 percent mark, quite a bit lower than China's late-sixteenth and early-nineteenth-century peaks' (Böröcz 2010: 46). The sobering conclusion is that five centuries of colonial expansion did little to alter the enduring smallness of West European powers. However, the advent of global capitalism 'exerted a destructive effect on much of the world outside western Europe' (Böröcz 2010: 49). In other words, it was not so much that Europe became rich but that the rest of the world became much poorer, in a rather depressing legacy of imperialism. Böröcz's work offers a much-needed global perspective on Europe, one that seeks to contextualize European developments in both time and space, framing the development of Europe in terms of global patterns of development. It also offers an antidote to more solipsistic accounts of Europe's role in the world and challenges the idea that Europe is automatically central to global orders.

World society

Although World Society Theory does not reject the World-Systems thesis, it assumes that a hegemonic economic structure operates in a broader cultural framework (world society) that determines what actors exist, how they relate to one another and what the appropriate types of norms and behaviour are (Meyer 1980). For instance, slavery, colonialism and the use of

unconventional weapons are now globally illegitimate, in the sense that they conflict with global trends on human rights, individual freedoms, secularism and scientific analysis. World society is a non-hegemonic global system that provides templates for actorhood,[1] norms and action. Rather than being normatively integrated, world society is decoupled and fragmented, as there is no single power controlling it (Lechner and Boli 2005). Despite the rise of neo-institutionalist approaches in EU Studies (Pollack 2004; Schneider and Aspinwall 2001; Pierson 1996), World Society Theory (derived from sociological institutionalism) is still uncommon. According to Thomas (2009: 118), the mainstream's tendency to overemphasize agency at the expense of structural factors in social and political science has been an important obstacle to the development of the World Society School. Meyer (2001) reiterates that the introduction of the World Society School into EU Studies would represent a serious challenge to mainstream research, which tends to treat the EU as the primary actor with the capability to shape the world (not *vice versa*).

A number of variants of the World Society approach to the EU can be identified. For instance, Albert (2002, 2010) suggests using Luhmannian World Society perspective in order to explain the patterns of functional differentiation underlying the uneven European integration process. The pace of integration varies in relation to different domains (faster in legal and economic realms but slower in political and societal domains) because all domains (or sub-systems) are operationally closed, i.e. they work according to their own logic and lack the capacity to directly influence one another or the wider environment. Albert explains that a World Society perspective allows a link to be established between the processes of Europeanization (studied mostly at the domestic or EU level) and the processes of globalization.

An alternative version of World Society Theory – also known as World Polity or the Stanford School – is gradually becoming influential in EU Studies. This approach suggests focusing on the rise of global cultural isomorphisms rather than functional differentiation in world society. Developed in the 1970s by the Stanford sociologist John W. Meyer and his colleagues, including Gili Drori, George Thomas, John Boli and Francisco Ramirez, the World Polity School argues that domestic attitudes and behaviour reflect 'universalistic blueprints' that are enacted at the global level (Meyer 2010; Meyer *et al.* 1997; Drori and Krücken 2009; Boli *et al.* 2010). Although Meyer and his colleagues have not published extensively on the EU, their theoretical insights introduce a much-needed global social context to EU Studies. In a 2001 article on the EU, Meyer argues that the EU is not fully understood by the prevailing interest-driven approaches: 'Understanding Europe, thus, requires comprehending not only its organizational structure, but the institutionalized base on which this structure rests' (Meyer 2001: 237).

Meyer criticizes the tendency to study the rules without paying attention to the context from which the rules are derived and within which the rules make sense. In the case of Europe, the mainstream approaches lack the necessary analytical tools to grasp the lack of a primordial European culture and the predomination of global cultural trends such as rationalization, scientization and regionalization:

> Europe differs from classic national states in being massively and deliberately boring. National states make up positive histories and dramas of action and action heroes, and the like. And this is certainly true of European nation-states, which are renowned for their colorfully murderous histories. But Europe itself is all gray men in gray Mercedes discussing issues designed to be technical and mindbogglingly uninteresting. Europe is about warding off any really interesting action (which would, presumably, be dangerous, nationalistic, racist, and so on) with reasonable rules making it unnecessary.
>
> Constructing Europe, thus, means getting rid of a lot of history and primordiality. And indeed, educationally, European national histories recede in importance without a

> corresponding rise in the construction of a European history (Frank *et al.*, 2000b). Europe is about natural humans acting reasonably in a scientized environment. It is not about the expression of a primordial or historical trajectory.
>
> (Meyer 2001: 239)

In addition to Soysal's research on migrant workers in Europe and education curricula on national histories in European nations (Soysal 1994, 2002; Soysal *et al.* 2005), a number of other English-language contributions have also embraced Meyer's World Polity approach to dealing with EU phenomena. Colin Beck (2011) explains the revolutionary past of Europe through world-cultural processes. Boyle and Thompson (2001) investigate cross-national variation in human rights abuse claims by examining the petitions filed with the European Commission on Human Rights between 1976 and 1993, finding that national participation plays a significant role in international organizations. Beck and Miner (2013) provide a comparative perspective on the global classification of terrorism through the investigation of lists of terrorist organizations compiled by the USA, the UK and the EU, revealing corroborating evidence for the world society argument. Hadler, Tsutsui and Chin's (2012) comparative analysis of European identity determines that membership in the European Union is not associated with a high level of attachment to European identity, and as they become wealthier and more connected to international networks, European countries from the post-Communist world become increasingly reluctant to describe their identity as European. Büttner (2012) conceives of regional mobilization in contemporary Europe as a 'world-cultural' project of social mobilization rather than a reflection of national, local or European specificities. Similarly Jupille, Jolliff and Wojcik (2013) find that European regionalism is expanding worldwide as a cultural model of world polity, irrespective of its actual efficiency in solving the problems of the modern world. Bandelj (2004) provides a case study from Slovenia that reveals that national responses to EU-led pressures on foreign investment policies are conditioned by a dualistic world polity. Rumford and Buhari-Gulmez (2011) reach similar conclusions based on the institutionalized contradictions in world society that are reflected in the EU's problematic actorness in the modern world. In *The Global System*, Axford (1995) outlines how the global system and the EU as a new form of political space have taken shape. Recent studies on the EU's common agricultural policy (Zschache 2013), changing education policies in Romania (Szakács 2013), migration in Eastern Europe (Makaryan 2013) and Turkey's accession negotiations with the EU (Buhari-Gulmez 2011, 2012) demonstrate that EU processes cannot be considered independent from trends in world society.

The following section discusses the implications of the key themes put forward by the World Polity School (such as world polity, ritualized rationality and disinterested actorhood) for EU Studies in terms of rethinking the EU's agency and relationship to its global environment. Transcending the 'either/or' debates, the World Polity approach led by Meyer treats the relationship between the EU and the global arena as co-constitutive. Accordingly, it suggests an alternative reading of the EU: rather than being an insulated and self-interested actor that plays the role of a 'gatekeeper' against global flows, the EU is constituted and legitimated by world society and acts as an organizational carrier of and a 'gateway' to the global cognitive scripts enacted by world society (Rumford and Buhari-Gulmez 2012).

Instead of international anarchy, World Polity research starts from the assumption that there is a diffuse social control system based on culture in the global sphere that allows states to define themselves, their roles, objectives and the appropriate means to achieve their objectives (Meyer 1999: 126). World polity is not reducible to a unitary and coherent set of norms, values or cultural standards, as it largely consists of contradictory and impracticable models (Lechner and

Boli 2005). For example, global environmentalism and the capitalistic understanding of development are two global models that are well established in world polity and compete with each other in determining national policies (Frank *et al.* 2000a: 125). Such competition may yield to merger in the long term; for instance, in the case of the competition between environmentalism and capitalism, environmentalist notions have led to the demise of destructive capitalistic practices over time (Frank *et al.* 2000b: 100) and also to the rise of the 'environmental entrepreneur'. In the debates over family versus individual, universal individualism has become more dominant, resulting in the rise of nuclear families (Boyle 2002) and, indeed, single-parent families. In other cases, new compromise models have arisen from mutual adaptations between originally competing models. For instance, the incorporation of environmental sensibilities into the capitalistic understanding of development has paved the way for a new concept: sustainable development (Frank *et al.* 2000b: 126). Boyle (2002) argues that world cultural change is not random; rather, it involves a historical process whereby a secularized version of Western Christian culture has promoted universalistic individualism. Meyer and Jepperson (2000) explain that global cultural standards, models and norms essentially stem from Western culture, in particular from the norms of Christendom and capitalism. According to Finnemore (1996: 339), it is necessary to provide an elaborate account of how world polity and its global cultural standards came into being and have evolved, the main challenge being how to explain structural patterns without reifying the structure. In other words, the World Polity School needs to avoid reinforcing the misperception that there is a single version of modernity that is derived from Western civilization (Delanty and Rumford 2005: 165; Drori and Krücken 2009: 20). Models, scripts and templates enacted by world polity involve secularized versions of Western cultural elements (in particular, from the Reformation and Enlightenment eras), but they now extend beyond contemporary Western culture (Boyle 2002). For instance, environmentalism and human rights might have originated from the values of American society, but the US government has been reluctant to endorse their global institutionalization (Meyer 2008: 802). In this sense, world polity transcends both Westernization and Americanization (Buhari-Gulmez 2009).

Because the analytical boundaries between the domestic and the international have become moot, national decisions increasingly involve the implicit (if not explicit) recognition of global standards (Ramirez 1987: 327). As their linkages to world polity increase, modern actors adopt world polity templates more readily (Meyer *et al.* 1997). The linkage to world polity can be via diffuse or specific links (such as state commitment to international organizations or multilateral treaties) or can go beyond the intergovernmental level (for example through citizens' attendance at international fora or Internet usage) (Schofer and McEneaney 2003: 61). World polity intervenes in the domestic arena through multiple channels because modern society features numerous internal components that were originally decoupled from each other and separately exposed to the direct pressures of a decoupled world polity (Meyer *et al.* 1997). Meyer (2008: 806) notes that the spread of world polity templates does not necessarily entail external influence or decision-making. Instead, it involves theorization – that is, the introduction of theoretical concepts, causal relationships and frameworks that convince the domestic opposition of the legitimate and taken-for-granted nature of the reform (Strang and Meyer 1993: 492–500). The World Polity School thereby distinguishes itself from the developing constructivist scholarship on norm diffusion and socialization, which focuses on social exchanges and communication or point-by-point transmission of norms to the domestic arena (Drori and Krücken 2009: 19).

Finally, it is notable that world polity scripts (or global standards) persist despite violations. Many multilateral arrangements suggesting universal standards on human rights and desecuritization are not always unanimously observed. However, deviants do not have the power to reverse these agreements. On the contrary, deviants try to find excuses to justify their non-

compliance, which demonstrates that these global norms have become a taken-for-granted reality. The authority of global cultural scripts is thus expressed in the hypocrisy of their violators (Boli 2006). In addition, persisting regional and local policies and practices cannot reverse the overall trend of global standardization; rather, these are products of global forces as localized variations of world culture (Jang 2003: 197). Hence, world polity empowers regions and localities on the basis of the standardized themes of glocalization (Meyer *et al.* 2006: 267–8). In brief, world polity generates both the homogenization and the legitimation of certain forms of divergence – such as peculiarities associated with indigenous identities and expressive culture – at the same time (Boli and Petrova 2007: 120).

The World Polity School puts forward the notion of disinterested agency in order to point to the cultural authority of social behaviour that is ostensibly not driven by selfish interests. Since the end of World War II, the modern world has been characterized by an increasing number of non-governmental associations, consultants and scientists that shape the global cultural models of the world polity by disseminating new ideas, definitions, problems and solutions applicable to all. These groups can be compared to 'scriptwriters' who decide how actors should think and act (Meyer 1999: 127); their suggestions are generally adopted due to their claimed motivation of the collective good rather than self-interest (Meyer 2008: 799). Meyer calls them 'disinterested actors' (or 'disinterested others') and describes their work as the constant creation of new problems and solutions for modern actors (ibid.). These actors must find space to function in a pro-active manner, due to the lack of a centralized government at the world level. Hypothetically, a hegemonic world state would put an abrupt end to the activities of disinterested actors by imposing explicit rules and penalizing those who violated them.

The structuration of world polity is aided by three main 'disinterested' groups: international non-governmental organizations (INGOs), international scientific communities and professions (Boli and Thomas 1999: 73). INGOs are defined as not-for-profit non-governmental organizations 'drawing members worldwide from a particular occupation, technical field, branch of knowledge, industry, hobby, or sport' and contribute to the spread of world polity scripts through worldwide campaigns (ibid.). International scientific communities determine the consensual definitions of means and ends (or problems and solutions) that are allegedly applicable everywhere in the world (Meyer 1999: 129). Finally, professions are seen as the 'receptor sites', a term borrowed from biology, to imply structures that receive and translate global templates to national societies (Frank *et al.* 2000a: 103). These INGOs, scientific communities and professions pressure states and societies to embrace globally legitimated models of behaviour and norms. In this context, the role of endogenous factors (including local needs, domestic social movements, public opinion, national polity characteristics and sector-specific peculiarities) is limited to particular cases or to the short term, as the significance of these factors tends to decline over time (Frank *et al.* 2000a: 111; Meyer *et al.* 2006: 261).

The World Polity School's introduction of ritualized rationality represents an important challenge to the prevailing dichotomous thinking based on the optimal/bounded dyad in EU Studies (see Schneider and Aspinwall 2001). The term 'ritualized' indicates the divorce of action (rationalization) from its usual goals. 'Ritualized rationality' rejects the idea that rationality is an inherent fact of social and political life; rather, rationality is treated as a cultural norm that constitutes legitimate actorhood in the modern world. A sceptical reader might find it tempting to consider ritualized rationality as merely a variation of bounded rationality that highlights one's failure to fulfil the criteria of optimal rationality due to cognitive disabilities or limitations. Although ritualized rationality is clearly reinforced by the conditions of bounded rationality, it diverges from the latter in its absolute de-emphasis of interest-based calculus. In other words, while bounded rationality permits the consideration of the (necessarily unsuccessful) attempt to

achieve optimal rationality – in order to explain why such an attempt is likely to fail – ritualized rationality emphasizes the *ceremonial* and *post-hoc* nature of one's rationalizations. Rather than seeking efficiency or appropriateness, ritualized rationality implies following abstract principles or models suggested by disinterested authorities such as professional experts and scientists. In this context, ritualized rationality highlights the fact that actorness is enacted and legitimated through actions that generally reflect world polity models. However, decision–makers tend to provide instrumentalist explanations for their actions, as though the actions had been carefully planned to ensure means–ends efficiency (Meyer 2008). The following discussion lays out the implications of the World Polity School's basic arguments for EU Studies.

Rather than being a self-interested actor that operates in an anarchical international system, the EU is embedded in a global constitutive environment (world polity) that expands and legitimates the EU's actorhood as long as it reflects world polity scripts. The idea of the EU's cultural attractiveness or normative power overlooks the fact that the EU lacks a cultural centre (Meyer 2001; Biebuyck and Rumford 2012). Alternatively, the attractiveness and authority of the EU are primarily derived from the EU acting as a representative of world polity scripts that promise to benefit collective interests. From this perspective, given its universalistic templates to all types of actors, including national governments, regional policymakers and individuals, the EU can be seen as a disinterested actor in terms of acting as both an enactor and carrier of world polity scripts (Boli and Thomas 1999). The prescriptions the EU suggests are universalistic in character, which means they are thought to be applicable everywhere in the world regardless of national, cultural and socio-economic variations that differentiate regions, nations, societies and individuals. In this context, European countries might be the origin of the universalistic norms, standards and scripts, but these rules have gradually become detached from their European/Western origins, gaining a global nature (Buhari–Gulmez 2010, 2011).

Disinterested agency is only possible in the absence of a formal centralized authority (Meyer 2001). If there were a hegemonic pan-European state at the heart of the integration process, it would have ensured that EU norms followed more explicit, clear, narrow and concrete objectives. Furthermore, since world polity is a decoupled, centreless, dynamic entity that is not directly controllable by any particular state or non–state actor, it is misleading to think of world polity as a culturally homogenizing force. Rather, the existing world polity often provides competing scripts to EU institutions, regions, member states and societies, as well as to individuals in Europe. It simultaneously promotes both sovereign statehood and regionalization, explaining the contradictions underlying European integration.

Despite the mainstream tendency to conceptualize the EU and other regionalization efforts as resisting globalization, the boundaries between the EU and its global environment are increasingly contested. These boundaries between the EU and modern world polity are unclear because it is 'difficult to say who is European and who is not' (Meyer 2001). Rather than resisting globalization, the EU has played an important role in the structuration of global scripts. In addition, the EU's core members are at the centre of world polity in terms of their active participation in the enactment and spread of global scripts through their connections to INGOs and multilateral fora. Furthermore, EU institutions derive their scripts, norms and policies from a wider cultural structure or world polity (Soysal 1994). For instance, the expansion of a 'postnational membership' in Europe is a function of world polity rather than an EU initiative (Delanty and Rumford 2005: 9). In this context, as the World Polity School proposes, the interaction between the EU and globalization is a relationship of co-evolution. This implies that a major motivation behind domestic compliance with the EU is the search for external legitimacy. If this assumption is true, candidate countries would consider whether their compliance with the EU would bring them further recognition and legitimacy in the global

arena, rather than basing their decisions on the efficiency of the EU's reforms. This explains why EU candidate countries such as Turkey have readily adopted EU-led reforms that they lack the actual capacity to implement. For instance, the Turkish government signed the Additional Protocol extending EU Customs Union to all EU members, even though it was certain that it would not be able to submit it to the parliament for ratification due to the opposition in Turkish public opinion and the national bureaucracy to the recognition of Cyprus as a sovereign state (Buhari-Gulmez 2012). In sum, from the perspective of the World Polity School, the relationship between Europe and globalization is no longer understood as one of antagonism: rather than a 'gatekeeper' against global flows, the EU represents a 'gateway' to global networks and scripts (Rumford and Buhari-Gulmez 2011).

Conclusions

The nature of European Studies is changing. The World Society turn allows for the emergence of Europe(s) that are the product of both relativization and the reflexivity of Europeans. If processes of globalization result not only in the greater interconnectedness of the world but also in the awareness that this is occurring, as Robertson (1992: 8) suggests, then a consciousness of Europe-in-the-world goes hand in hand with the introduction of a global perspective. In fact, it is entirely possible that the global consciousness of European citizens has outstripped the acknowledgement of Europe's place in the world by EU officials, a phenomenon which would go some way towards explaining the mismatch between the popularity of cosmopolitan ideas within the scholarly community and the lack of interest from within the EU itself.

Positing a world society, of which Europe is but a part, should not automatically be viewed as a threat to European economic and political interests or to the perspective of pan-Europeanists. World society does not diminish Europe; it merely contextualizes it, while at the same time making Europe less European (in the sense of being the author of its own development) and more 'post-Western' (in terms of rejecting exclusive and primordial views of itself, the 'Other' and the world). What will emerge from this change of emphasis is a different Europe (or Europes), admittedly less centrally located with respect to world history, but also far less isolated and vulnerable; world society is very capable of creating its own ontological securities and comforting narratives.

In terms of conceptualizing Europe-in-the-world, the World Society turn outlined in this chapter achieves two objectives that comprise the core of a new European Studies agenda. First, it encourages us to think about the ways in which Europe is not separate from but instead increasingly aligned with world society. This necessarily involves exploring the disinterested agency of the EU, once and for all giving the lie to the idea that the EU is a 'nation-state writ large'. Second, it allows us to see that Europes in the plural offer hope to Europeans and non-Europeans alike, creating the possibility of many perspectives on European belonging. By opening up a space for many Europes, the World Society turn has effected its own rescue. No less important than Milward's post-war 'European rescue of the nation-state', the thesis of World Society has resuscitated ideas of Europe that are not obliged to represent the EU's borders as the limits of the world.

Note

1   Actorhood is a term employed by neo-institutionalist scholars who emphasize the cultural dependency of an actor on a broad environment, opposing the accounts of an actor as autonomous and goal-oriented decision-maker (Meyer and Jepperson 2000).

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Zürn, Michael (1998), 'Democratic Governance Beyond the Nation State?' IIS Working Paper 12/98. Bremen, available at: http://edoc.vifapol.de/opus/volltexte/2008/486/pdf/AP_12_1998.pdf (accessed 19 December 2013).

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Annotated bibliography

General themes on European politics

General textbooks

Bale, Tim (2013), *European Politics: A Comparative Introduction*, 3rd edition. Basingstoke: Palgrave.
One of the very first pan-European approaches to the field. This is a very knowledgeable introductory text with chapters on most aspects of European politics. It has a dedicated website at http://www.palgrave.com/politics/bale/resources/guide.html.

Gallagher, Michael, Michael Laver and Peter Mair (2011), *Representative Government in Modern Europe*, 5th edition. London, New York: McGraw-Hill.
This is a classic textbook written by three icons in the field of European politics who have worked together on improving the volume for more than two decades. Their joint expertise has transformed this textbook into one of the best in the field, and certainly the best textbook dealing with political parties and governments. It adopts a pan-European perspective.

Hayward, Jack and Ed Page (eds) (1995), *Governing the New Europe*. Oxford: Oxford University Press.

Hayward, Jack and Anand Menon (eds) (2003), *Governing Europe*. Oxford: Oxford University Press.
Two excellent edited books covering most aspects of European politics. The chapters are of extremely high quality and are written by top scholars in the field of European politics. Despite being somewhat outdated, the material still remains relevant, both theoretically and empirically.

Heywood, Paul, Erik Jones, Martin Rhodes and Ulrich Sedelmeier (eds) (2011), *European Politics 2*. Basingstoke: Palgrave.
This is a rather good edited book with excellent updated chapters on most aspects of European politics. This is a book that has been improving with each subsequent edition. It also adopts a pan-European perspective.

Ismayr, Wolfgang (ed.) (2009), *Die politischen System Westeuropas*, 4th edition. Wiesbaden: Verlag für Sozialwissenschaften.

Ismayr, Wolfgang (eds) (2010), *Die politischen Systeme Osteuropas*, 3rd edition. Wiesbaden: Verlag für Sozialwissenschaften.
Two excellent edited books including chapters on all European countries. The high quality of each chapter is due to the very thorough analysis of data and material. This is complemented by an excellent and detailed text on each political system. These are two volumes that should be part of any library on European politics.

Magone, José M. (2011), *Contemporary European Politics: A Comparative Introduction*. London: Routledge.
A pan-European comparison of the national political systems of member states of the European Union and beyond. It seeks to provide not only a holistic overview but also detailed information on the various political systems. One major feature is that it discusses both larger and smaller countries. It also includes chapters on national and European foreign policy. The book has a dedicated website with a regular newsletter written by the author on the latest news in European politics, with features for lecturers and students: http://cw.routledge.com/textbooks/9780415418935/.

Political Data Yearbook, since 1994 published regularly as an extra issue at end of each year by the *European Journal of Political Research*.

> An excellent yearbook with information on the national politics of all EU member states. Country chapters are written by top leaders in the field who are country specialists. The introductory chapter provides the reader with comparative data. An associated database (Political Data Interactive) has been developed and now accumulates data over time in a longitudinal database. Available at: http://www.politicaldatayearbook.com/.

Smith, Gordon (1972, 1980), *Politics in Western Europe*, 3rd edition. London: Heinemann.

> This classic textbook was written by one of the leaders in the field. It is an excellent scholarly book full of information about West European political systems. One of the strengths of the book is its high level of detailed description about both larger and smaller countries in Western Europe. Although now outdated, it is an important source of information (up to 1980) from a historical perspective.

Sakwa, Richard and Anne Stevens (eds) (2012), *Contemporary Europe*, 3rd revised edition. Basingstoke: Palgrave.

> This is an excellent edited book that is well contextualized in the historical development of European politics. In particular, the first chapter on this historical background is outstanding. There is also an excellent chapter on government written by Thomas Saalfeld, one of the contributors to this *Handbook*. The book also includes a chapter on social structure.

The theories of Stein Rokkan

Bartolini, Stefano and Peter Mair (1990), *Identity, Competition and Electoral Availability: The Stabilization of European Electorates 1885–1985*. Cambridge: Cambridge University Press (see also West European Party systems).

> A *tour de force* of data collection and interpretation by two of the foremost scholars in the field of European politics. This study, which created the first major database on electoral statistics in European politics, takes as inspiration the party system freezing hypothesis of Seymour Lipset and Stein Rokkan. The main thesis is that, despite volatility, West European electorates have not changed very much over a period of a hundred years. The book is also innovative in the interpretation of the cleavage concept of Stein Rokkan. This is an important study for any scholar of European politics.

Bartolini, Stefano (2000), *The Political Mobilization of the European Left, 1860–1980: The Class Cleavage*. Cambridge: Cambridge University Press.

> This longitudinal study of one of the cleavages in European politics is not very well known, but it is nonetheless indispensable for an understanding of Stein Rokkan's theory. It delineates the development of social-democratic, Communist and socialist parties since the nineteenth century. It also discusses their transformation and change in the 1970s and 1980s. A masterwork of information and well-researched material.

Caramani, Daniele (2000), *Societies of Europe: Elections 1815–1895*. Basingstoke: Palgrave.

Caramani, Daniele (2004), *The Nationalization of Politics: The Formation of National Politics and Party Systems in Western Europe*. Cambridge: Cambridge University Press.

> Influenced by Stein Rokkan, this is one of the most comprehensive studies on how political parties became operational across European countries, examining the slow process of party organization building and success in elections. This historical political science work must be regarded as a classic due to its excellent information on the electoral geography of West European countries. Before the author published this study, he wrote an indispensable collection of electoral data from elections between 1815 and 1995.

Lipset, Seymour Martin and Stein Rokkan (1967), 'Cleavage Structures, Party Systems and Voter Alignments'. In: Seymour Martin Lipset and Stein Rokkan (eds), *Party Systems and Voter Alignments: Cross National Perspectives*. New York: The Free Press, pp. 1–64.

> This classic chapter is essential reading for the study of political parties, a subject that is still a major area of debate. The main thesis of the chapter is that the political parties of the 1960s had not changed very much in terms of electoral support since the 1920s, when most party systems in the more established democracies of Western Europe were set up. The problem with this thesis is that,

soon after publication, party system change took place in many countries, in particular the Netherlands and Denmark. However, it is worth reading, as it is a highly erudite piece of work. This chapter is available at: http://www.u.arizona.edu/~mishler/LipsetRokkan.pdf.

Flora, Peter with Stein Kuhnle and Derek Urwin (eds) (1999), *State Formation, Nation-building and Mass Politics in Europe: The Theories of Stein Rokkan*. Oxford: Oxford University Press.

This is probably the best collection of the work of Stein Rokkan, one of the founders of European politics as we know it today. This excellent study is preceded by an erudite chapter by Peter Flora of over 100 pages. The rest of the book contains many studies by Stein Rokkan, organized according to the different theoretical contributions that this Norwegian giant of political science wrote over his lifetime. Parts I and II deal with the conceptual map of Europe that he developed. The second part also includes excellent information on the centre–periphery cleavage and the silent regionalist revolution. In the third and fourth parts, one can find writings on the structure of party systems and his famous cleavage theory.

Rokkan, Stein (2009), *Citizens, Elections, Parties: Approaches to the Comparative Study of the Processes of Development*. With an introduction by Alan Renwick. Essex: European Consortium for Political Research Press.

The only major book written by Stein Rokkan, this is a reprint of the 1970 edition published in English by Scandinavian University Books. This book discusses the development of democratic politics in Western Europe. It also examines issues related to nation- and state-building. It is quite rich in terms of information on the development of suffrage across countries. It also includes research on his cleavage theory. This essay is a goldmine, not only in terms of comparative well-researched insights, but also for information about the author's native Norway. The study includes empirical data on political parties and electorates. One important feature of this masterpiece is Rokkan's constant preoccupation with improving methodological instruments to obtain even more detailed data.

Seiler, Daniel Louis (2011), *Clivages et familles politiques en Europe*. Brussels: Editions de l'Université Libre de Bruxelles.

An excellent piece of work by one of the foremost specialists on political parties (and a contributor to this *Handbook*). This book takes as inspiration the famous chapter on the freezing of cleavages hypothesis by Stein Rokkan and Seymour M. Lipset, undertaking an elaborate investigation to determine how actual party system change relates to the original theory of Rokkan and Lipset. This is an erudite book based on research conducted over a considerable number of decades. It delineates the development of party families in Europe from the nineteenth to the twenty-first century.

van Biezen, Ingrid (2003), *Political Parties in New Democracies*. Basingstoke: Palgrave.

This has become a widely cited classic in the field of party politics. This study compares parties in four new democracies: Portugal, Spain, the Czech Republic and Hungary. The author analyses the development of parties and their consolidation in these four countries using the framework of Stein Rokkan, determining that political parties in new democracies do not follow the original cleavage model of Rokkan. Instead, these parties tend to evolve from the very start into cartel parties dependent on state funding and/or the media. There is far less effort exerted by these political parties in building party structures, as well as less reliance on membership. Electoral results have conditioned the development of these political parties. Although there are exceptions (such as the Portuguese Communist Party and the Czech Communist Party of Bohemia and Moravia), the majority of the parties under investigation seem to follow the author's insightful findings.

Religion and politics

Berger, Peter, Grace Davie and Effie Fokas (2008), *Religious America, Secular Europe? A Theme and Variations*. Aldershot: Ashgate.

This book provides a more nuanced analysis of the 'secularization thesis' than the one which appeared in the 1960s when Berger pioneered this concept. It argues that in some parts of the world, and notably in Western Europe (and a few other countries directly influenced by the latter region), the thesis has been confirmed. The great exception, however, is the United States, where it has not. This has led to analytical contrasts between the US and Europe. The authors explore this question and seek to determine some of the causes of this contrast.

Dyson, Kenneth (2011), *State Tradition in Western Europe: A Study of an Idea and an Institution*. Colchester: ECPR Press.

> This book was first published in 1980 and has since become something of a classic. Why have Continental European societies developed the idea of the abstract impersonal state as the fundamental institution of political rule? Why, on the other hand, has this idea played a relatively insignificant part in the history of English-speaking countries?
>
> It is to such questions that this major study is addressed. With clarity and conciseness, Kenneth Dyson examines the fascinating tapestry of attitudes towards public authority that the state tradition represents, identifying the major individual contributions to that tapestry. In addition to offering a clear conceptualization of the state, he deals with key issues such as the role of the intellectual, the social function of state theories and the difficulties of accommodating the state and democracy.

Polanyi, Karl (2001 [1944]), *The Great Transformation: The Political and Economic Origins of Our Time*, 2nd Beacon paperback edition. With a foreword by Joseph E. Stiglitz. Boston, MA: Beacon Press.

> Polanyi describes the impact that the emergence of the market economy had on the political and social systems of Europe during the transition to modernity. The market became the dominant organizing principle of these systems, and this 'transformation' meant the destruction of much that had gone before in terms of human relationships and the underlying values of social systems. Polanyi, unlike Marx, regretted much of the destruction that took place but, like Marx, accepted it as irreversible.

Spruyt, Hendrik (1994), *The Sovereign State and Its Competitors: An Analysis of Systems Change*. Princeton: Princeton University Press.

> Spruyt charts the rise of what he calls the 'sovereign state' from the early Middle Ages to the modern period through an analysis of other systems of political organization. He argues that there were six dominant systems: in the early period, there were feudalism, the papacy and the Holy Roman Empire; in a later period, 'sovereign states' (such as the monarchies of France, England and Sweden), cities and city-states (such as Florence and Venice) and city leagues (the best known being the Hanseatic League) arose. The author argues that these systems were in competition with each other, although some formed alliances against others. It was the 'sovereign state' that finally evolved into the 'nation-state' that emerged as the most suitable form of political organization for the rising system of capitalism.

Taylor, Charles (2007), *A Secular Age*. Boston MA: Harvard University Press.

> Taylor is a Catholic philosopher who argues that the seeds of secularism are actually to be found in Christianity and especially in the events of the Reformation. Unlike his fellow Catholic and philosopher Alisdair MacIntyre, who is negative about secularization, Taylor sees it in a more positive (albeit critical) light. This book is a massive survey of the roots and many manifestations of secularization and is, in effect, a history of Western civilization.

European liberalism in the twenty-first century

Adamson, Fiona B., Triadafilos Triadafilopoulos and Aristide R. Zolberg (2011), 'The Limits of the Liberal State: Migration, Identity and Belonging in Europe'. In: *Journal of Ethnic and Migration Studies* 37(6): 843–59.

> This article introduces a special issue of the *Journal of Ethnic and Migration Studies* exclusively focused on the emergence of an 'illiberal liberalism'. It provides a brief and clear introduction to the growing concern among immigration and ethnicity scholars that European immigration and citizenship policies have turned towards a more exclusionary liberalism. The article brings up several examples of this trend, while also recapitulating the main theoretical frameworks through which these examples have been understood.

Berlin, Isaiah (2008), 'Two Concepts of Liberty'. In: Isaiah Berlin, *Liberty*, ed. Henry Hardy. Oxford: Oxford University Press, pp. 166–217.

> Originally a speech delivered by the liberal pluralist and intellectual historian Isaiah Berlin in Oxford in 1958, this essay quickly became a modern classic in political theory; to this day, it remains an indispensable starting point for any theoretical discussion on the nature and value of liberty. The fact that Berlin devoted the majority of his essay to a critique of positive liberty suggests that his

main goal was to point out the dangers inherent in this notion, rather than to champion a negative concept of freedom in itself, despite the fact that his many critics have often assumed the latter to have been his main purpose. Writing at the peak of the Cold War, bearing in mind his own childhood in St Petersburg at the time of the 1917 Russian Revolution, Berlin was of course primarily concerned with understanding the abuse of freedom under the banner of Communism. Yet he was also weary of the inversion of freedom among liberals – many of whom he included among the ranks of positive freedom supporters, and who were thus, according to his warnings, dangerously susceptible to the conclusion that it may be necessary to coerce the irrational in the name of their own liberty.

Gaus, Gerald F. (2003), *Contemporary Theories of Liberalism*. London: Sage Publications.
> This textbook provides a sophisticated overview of the central themes in contemporary liberalism, with a special focus on the debate between Enlightenment and post-Enlightenment liberals. Gaus clarifies the position of John Rawls in terms of his central concept of public reason, which he argues ultimately remains unsatisfactory, since its definition is circular. Gaus also reviews the position of pluralistic liberalism once advocated by Isaiah Berlin, the less reason-based 'modus vivendi liberalism' propagated by John Gray and the various ideals of deliberative democracy developed by Jürgen Habermas and Joshua Cohen.

Gustavsson, Gina (2013), 'Romantic Liberalism: An Alternative Perspective on the Muhammad Cartoons Controversy'. In: *Political Studies*. Early view 13 March. DOI: 10.1111/1467–9248.12022.
> This article develops the concept of 'romantic liberalism', while also briefly explaining William Galston's distinction between 'reformation liberalism' and 'enlightenment liberalism'. It does so through a critique of the Muhammad cartoons controversy of 2005, allegedly a case of what Galston calls 'enlightenment liberalism'. However, by offering a closer scrutiny of the arguments invoked by Flemming Rose, the editor who commissioned and published the cartoons, Gustavsson shows that his position is not in fact grounded in the Enlightenment ideal of autonomy at all. Instead, Rose's position builds on the considerably more conflict-prone ideal of authentic self-expression – an ideal initially developed by the early German Romantics. From this empirical insight, the article takes a first step towards reconstructing the category of 'romantic liberalism', which is at odds with both reformation and enlightenment liberalism.

Joppke, Christian (2010), *Veil: Mirror of Identity*. Cambridge: Polity Press.
> The overarching aim of this book is to explain why the Muslim veil has become a topic of so much debate and critique throughout Western Europe. In contrast to many other books and articles on the veil, the main point here is not only to explain national variations, but also to trace the larger pattern of commonalities between the countries that are studied: France, Germany and Britain. Joppke's main contention is that, for European liberals, the veil symbolizes the very opposite of their identity – hence the notion of the veil as a 'mirror of identity'. The policies adopted by different countries, Joppke argues, can be understood as different variants of liberalism: whereas France has opted for autonomy-enhancing enlightenment liberalism, Britain has instead chosen the path of a more tolerance-oriented procedural liberalism.

European Union politics

History of European integration

Kaiser, Wolfram and Antonio Varsori (eds) (2010), *European Union History Themes and Debates*. Basingstoke: Palgrave Macmillan.
> The volume offers an up-to-date historical survey of the various approaches and tendencies in the history of European integration and discusses the various themes related to this historical phenomenon, as well as the relations between the historical approach and other areas of the European Studies.

Loth, Wilfried (ed.) (2009), *Experiencing Europe: 50 Years of European Construction 1957 to 2007*. Baden-Baden: Nomos.
> A comprehensive survey of the most important issues related to the history of European integration in the essays presented on the occasion of the 50th anniversary of the Rome Treaties by the most well-known historians of the European construction.

Mourlon-Druol, Emmanuel (2012), *A Europe Made of Money: The Emergency of the European Monetary System*. Ithaca, NY: Cornell University Press.

A recent and stimulating survey of the creation of the European monetary system based on a wide range of archival sources.

Varsori, Antonio and Guia Migani (eds) (2011), *Europe in the International Arena in the 1970s: Entering a Different World*. Brussels, New York: PIE/Peter Lang.

The volume offers a comprehensive view of the 1970s, a decade which marked a turning point both in European history and in the integration process, which experienced dramatic changes in its characters and goals.

Contemporary European Union

European Council on Foreign Relations (ECFR) (2013) *European Foreign Policy Scorecard 2013 (III.)*, January.

This book is the third edition of the European Council on Foreign Relations. The first two editions in 2010 and 2012 shaped the profile of the ECPR series by assessing the performance of the collective EU actors in the given period and giving scores on the 80 components of the European Foreign Policy. In order to evaluate the EU global performance these publications have focused on the policies rather than on the institutions by assigning scores to 'unity', 'resources' and 'outcome'. The third edition of European Foreign Policy Scorecard in January 2013 reviewed the EU relationships with the BRICs and the US, the Wider Europe, Middle East and North Africa, and in global crisis management. It documented from the foreign policy side that in 2012 there was a turning point in EU history towards an integrated European Politics.

Hill, Christopher and Michael Smith (eds) (2011), *International Relations and the European Union*. Oxford: Oxford University Press.

The textbooks about European Politics and/or about the several varieties of pan-European politics such as the European Foreign Policy and International Relations in the EU has been the growth industry in European political science in recent decades. The most successful books of the leading publishing houses have been re-edited and renewed every four or five years, since the EU has changed rapidly and the textbooks have to be updated. The second edition of *International Relations and the European Union* is outstanding among similar textbooks for three reasons: (1) it describes the European Foreign Policy in a genuine global context; (2) it shows clearly the development of this policy towards deeper integration; and (3) it does not deal with the national foreign policies of member states, but with the various EU profiles in the common European Foreign Policy, such as, e.g., global trade policy, global security policy and widening policy.

Gill, Indermit and Martin Raiser (eds) (2011), *Golden Growth: Restoring the Lustre of the European Economic Model*. Washington, DC: World Bank.

This book was published at the nadir of European economic development by two experts of the World Bank sponsored by the Polish EU presidency to answer the number one question: how to restore economic dynamism in Europe to secure its eminent global role. Actually, the co-authors reinvent and implement for Europe the original idea of the Nobel Prize winner Edmund Phelps that the biggest driver of economic growth and a high standard of living is investing in the education for the future generations. Simply put, the Golden Growth model is based on a sustainable society with its sustainable environment, in which – given the Social Europe principle – Europe has a competitive advantage in global competition. This book contains a very large dataset on the European economy in its regional and international context.

Telò, Mario (2006), *Europe: A Civilian Power? European Union, Global Governance, World Order*. New York: Palgrave Macmillan.

Mario Telò, Professor of Brussels Free University (ULB), has been one of the leading figures in initiating and organizing research on the emerging multilevel global governance from the 1990s to the early twenty-first century. Studying regionalization within the global system, he has greatly contributed to those ideas which have gained high currency in current European Studies and scholarship, such as the world order, effective multilateralism and Europe as a civilian superpower, or 'Europe as the World's Scandinavia'. This book is a good summary of his theoretical efforts in describing the EU as a global player, and at the same time mirroring his organizing activities in many big international projects in this field.

World Economic Forum (WEF) (2012), *The Europe 2020 Competitiveness Report: Building a More Competitive Europe*. Davos: World Economic Forum.

> The World Economic Forum (Geneva–Davos) has published annually since 2001 the Global Competitiveness Index (GCI), in which the micro-competitiveness of enterprises and the macro-competitiveness of countries have been integrated into one common index. The performance of institutions and policies has been clustered into 12 pillars, and it has also been extended to the sustainability index. Thus, the GCI has been one of the most complex indices and based on this complex index it has also provided rankings of European countries in global competition. The latest WEF database has given a specific overview of the EU 2020-related performance of the EU member states in all three aspects of smart Europe, inclusive Europe and sustainable Europe.

Multilevel governance

Benz, A. (2009), *Politik in Mehrebenensystemen*. Wiesbaden: Verlag für Sozialwissenschaften.

> Drawing on various theories of governance in multilevel systems, this book outlines a theory of multilevel politics, with the German federal state and the European Union serving as the primary empirical examples.

Enderlein, H., S. Wälti and M. Zürn (eds) (2010), *Handbook on Multi-level Governance*. Cheltenham: Edward Elgar.

> The Handbook gives a useful overview of various dimensions of multilevel governance, presenting both revised contributions and original articles on the study of multilevel governance that range from analytical approaches to global governance.

Falkner, G. (ed.) (2011), *The EU's Decision Traps: Comparing Policies*. Oxford: Oxford University Press.

> Building on Fritz W. Scharpf's pioneering contribution as a basis for studying EU policy-making, the contributors to this volume systematically identify escape routes from the joint decision trap.

Hooghe, L. and Gary W. Marks (2001), *Multi-Level Governance and European Integration*. Lanham, MD: Rowman & Littlefield.

> This book presents collected essays by two leading scholars on multilevel governance in the EU, including a revised version of the pioneering article in which they juxtapose multilevel governance and state-centric governance.

Piattoni, S. (2010), *The Theory of Multilevel Governance: Conceptual, Empirical and Normative Challenges*. Oxford: Oxford University Press.

> This book includes a comprehensive discussion of the multilevel governance concept, with particular emphasis on its application in the European Union and empirical analyses of multilevel governance in cohesion, higher education and environmental policy.

Fritz W. Scharpf (1999), *Governing in Europe – Effective and Democratic?* Oxford, New York: Oxford University Press.

> In this seminal book, Fritz W. Scharpf argues that the European Union suffers from a structural asymmetry between two different integration forms: negative and positive integration. While supranational agencies successfully prevent governments from interfering in European markets (negative integration), Europe is less successful in the adoption of common policies, especially in fields such as taxation and social policies (positive integration). This implies that the loss of problem-solving capacity at the level of the member states is not compensated by respective capacity gains at the supranational level. Because problem-solving is a source of legitimacy (so-called 'output legitimacy'), overall legitimacy in the European multilevel system declines.

Multilevel constitutionalism

Bogdandy, Armin von (1999), *Supranationaler Föderalismus als Wirklichkeit und Idee einer neuen Herrschaftsform. Zur Gestalt der Europäischen Union nach Amsterdam*. Baden-Baden: Nomos.

> This little book undertakes to explain the European Union from a legal point of view as a new form of political government, with a view to rejecting the dominant criticism that the institutional setting of the EU, in relation to the member states, could not be understood as a systematic order.

His proposition is to conceptualize the EU as supranational federalism, composed of national constitutions and a supranational constitutional order. The fragmentary character of all parts of the system and their autonomy distinguish this system from a federal state, though they are bound together and so closely interwoven, vertically and horizontally, that it is possible to understand it as a legal unity with a polycentric constitution ('polyzentrische Verfaßtheit').

Grimm, Dieter (2010), *Souveränität. Herkunft und Zukunft eines Schlüsselbegriffs*. Berlin: Berlin University Press.

The idea of sovereignty is one of the most controversial concepts, from a legal point of view, in the modern discourse of constitutionalism. This booklet draws in an extremely clear and learned way the historical and philosophical lines of the development of this notion from the thirteenth century up to the understanding in the recent judgement of the German Federal Constitutional Court on the Treaty of Lisbon. Though this term is not used in the Federal Law, the Court uses sovereignty so many times in this judgement that it is becoming key for the definition of the modern democratic state even when it is a member state of the European Union. Grimm explains why sovereignty is to be understood as an expression of the democratic self-determination of the state, and that defending sovereignty would not mean defending the nation-state as such, but the idea of democratic government which he finds not to be possible outside or beyond the state.

Habermas, Jürgen (2012), *The Crisis of the European Union: A Response*. Cambridge, MA: Polity Press.

At least since the financial turmoil of 2009, the European Union has been in a crisis, both regarding her financial constitution and for the decline in public support. With this essay Jürgen Habermas submits that Europe is 'now, more than ever, a constitutional project'. His aim is to remove the 'mental blocks' hindering a 'transnationalisation of democracy'. Taking a political stand on establishing effective democratic government over the financial markets and defending democracy against emerging forms of executive federalism in Europe and beyond, Habermas develops his concept of the double legitimization of the European Union power by citizens, being citizens of their respective member state and citizens of the Union. This is the starting point from which, with the EU as a model, Habermas extents his concept to also permit conceptualization of a narrative of cosmopolitan democracy in a politically constituted world society.

Neyer, Jürgen (2012), *The Justification of Europe: A Political Theory of Supranational Integration*. Oxford: Oxford University Press.

This thought-provoking book departs from the insight of important external effects of national politics in the present system of interdependent states. For Neyer the democratic nation-state 'rules foreign lands and is simultaneously ruled by foreign sovereigns'. Under the given circumstances, he explains why the EU is not to be criticized for her democratic deficit but to be understood as a remedy for correcting democratic deficits emerging from the member states. On the other hand, Neyer argues that the supranational character of the EU is contrary to any attempt to democratize her in the usual meaning of the term democracy. Europe is based upon the diversity, not upon the equality, of her citizens. Neyer instead develops an alternative, which he considers more appropriate to the structure of the EU, as an 'effort to constitutionalize cross-border justificatory discourses in an emergent multilevel structure'.

Wendel, Matthias (2011), *Permeabilität im europäischen Verfassungsrecht. Verfassungsrechtliche Integrationsnormen auf Staats- und Unionsebene im Vergleich*. Tübingen: Mohr Siebeck.

This fundamental contribution to a modern concept of multilevel constitutionalism analyses the diverse ways in which national constitutional law interacts with constitutional law at EU level. From a theoretical perspective, Wendel observes that within the European system constitutions are not establishing, nor can they considered to be, isolated legal systems, but they are permeable in the sense that one is influenced by the other, there is an openness to impacts from each other and this is the reason for the functioning of the European Union. The value of the book is not only in the theory, but also in the very practical understanding of both national and European constitutional law and its workings. An intensive study and categorization of the integration clauses, including their judicial construction, within the national constitutions of the member states and the normative status of European law at the national level is coupled with an analysis of the diverse modes in which national constitutional principles and values are integrated within the European law so as to make the application of EU legislation at the national level acceptable to citizens.

Democracy in Europe

Bovens, M., D. Curtin and P. t'Hart (eds) (2010), *The Real World of EU Accountability*. Oxford: Oxford University Press.

> This book reports the findings of a major empirical study on the patterns and practices of accountability in European governance. It considers the Commission and its agencies, the European Council and Comitology committees with regard not only to formal accountability arrangements but also to accountability in practice in order to assess the quality of European governance.

Lucarelli, S., F. Cerutti and V. A. Schmidt (eds) (2010), *Debating Political Identity and Legitimacy in the European Union*. London: Routledge.

> This book considers how we should conceptualize identity and legitimacy in the context of the European Union from the vantage point of different scholarly disciplines. Chapters investigate the effects of 'Europeanization' on the political identity of EU citizens, the relationship between the politicization of the EU and processes of identity and legitimacy formation, alternative types of constitutional legitimacy, political symbolism and the Europeanization and politicization of debate in the foreign policy domain.

Scharpf, F. W. (1999), *Governing in Europe*. Oxford: Oxford University Press.

> This book is the classic account of democracy in Europe that lays out the input–output dichotomy. Its main question is whether the multilevel governance system can regain both effectiveness and legitimacy. It focuses on the strategies at the national level that could succeed in maintaining welfare state goals even under conditions of international economic competition; at the same time, it explores the conditions under which European policy could play a protective and enabling role with regard to these national solutions.

Schmidt, V. A. (2006), *Democracy in Europe*. Oxford: Oxford University Press.

> This book considers the impact of European integration on national democracies, arguing that the oft-cited democratic deficit is a problem not just at the European Union level but even more so at the national level. This is because national leaders and publics have yet to come to terms with the institutional impact of the EU on the traditional workings of their national democracies. The book examines the effects of this deficit on EU member states' institutions and ideas about democracy, differentiating in particular the impact of the highly 'compound' EU on national-level 'compound' polities such as German and Italy versus more 'simple' polities such as Britain and France.

Cramme, O. and S. B. Hobolt (eds) (forthcoming), *Democratic Politics in a European Union under Stress*. Oxford: Oxford University Press.

> This book explores the EU in the throes of the Eurozone crisis and the problems of democratic legitimacy that have resulted. The chapters range from considerations of how the economic crisis has affected democratic legitimacy to how the policy-making processes and decisions have been perceived, in particular as reflected in national elections as well as in public attitudes towards and media representations of the EU.

Institutions

Political system

Cini, Michelle and Nieves Pérez-Solórzano Borragán (eds) (2011), *European Union Politics*, 4th edition. Oxford: Oxford University Press.

> This is probably the most accessible book on the European Union political system. The chapters are easy to read, with excellent features like textboxes explaining concepts related to European Union politics and a dedicated website: http://global.oup.com/uk/orc/politics/eu/cini4e/. The book has been growing in strength and coverage from edition to edition.

Hix, Simon and Bjørn Højland (2011), *The Political System of the European Union*, 3rd edition. Basingstoke: Palgrave.

> This is probably one of the best books on the EU as a political system. It is already in the third edition and when it came out in 1999 it was pioneering and innovative. It has an excellent mix of theory and empirical updated information. While our *Handbook* concentrates on the national level, this book focuses mainly on supranational processes.

Wessels, Wolfgang (2008), *Das politische System der Europäischen Union*. Wiesbaden: Verlag für Sozialwissenschaften.

Wessels, Wolfgang (2013), *The EU System: A Polity in the Making – The Evolution of the Union's Institutional Architecture*. Berlin: E-Publi.

> Wolfgang Wessels is one of the leading scholars in European integration studies. These two books are full of empirical data and theoretical thinking. They are based on his research and that of his research group. They include concrete data about the workings of the institutions in the European Union in a longitudinal perspective. Both are fascinating books and worth reading.

Council of the European Union

de Bassompierre, G. (1988), *Changing the Guard in Brussels: An Insider's View of the EC Presidency*. New York: Praeger.

> An 'insider' account of the Council and rotating presidency by a Belgian official that, although dated, offers a rare ethnographic narrative on how things work.

Beach, D. and C. Mazzucelli (eds) (2007), *Leadership in the Big Bangs of European Integration*. Basingstoke: Palgrave Macmillan.

> A collection that examines the negotiation process within Intergovernmental Conferences (IGCs), including the often-neglected role of actors such as the Council Secretariat.

Bulmer, S. and W. Wessels (1987) *The Council: Decision-Making in the European Community*. London: Macmillan.

> An overview of the development of EU Council summitry with useful historical detail from individual presidencies.

Hayes-Renshaw, F. and H. Wallace (2006) *The Council of Ministers*, 2nd edition. New York: St Martin's Press.

> An authoritative account of the Council system that includes, for the first time, extensive data and analysis on voting patterns.

Naurin, D. and H. Wallace (eds) (2008), *Unveiling the Council of the European Union: Games Governments Play in Brussels*. London, New York: Palgrave Macmillan.

> This edited collection presents new data and contrasts different approaches to theorizing about Council decision-making.

Palayret, J.-M., H. Wallace and P. Winand (eds) (2006), *Visions, Votes, and Vetoes: The Empty Chair Crisis and the Luxembourg Compromise Forty Years On*. Brussels: P.I.E./Peter Lang.

> A unique retrospective on the Council's most infamous crisis, combining new analysis by academics with first-hand accounts from participants.

Puetter, U. (2006), *The Eurogroup: How a Secretive Group of Finance Ministers Shape European Economic Governance*. Manchester: Manchester University Press.

> A much-needed study of a powerful Council formation that emphasizes both the insulated and deliberative qualities of the decision-making process.

Tallberg, J. (2006), *Leadership and Negotiation in the European Union*. Cambridge: Cambridge University Press.

> A comprehensive survey of how and why the rotating presidency has developed, using a theoretical model based on rational choice institutionalism.

Westlake, M. and D. Galloway (2004), *The Council of the European Union*, 3rd edition. London: Cartermill.

> A useful 'insider' perspective on the Council, with contributions from participants and rich detail on different working methods and practices.

deZwaan, J. (1995), *The Permanent Representatives Committee: Its Role in European Union Decision-Making*. Amsterdam: Elsevier.

> One of the few book-length treatments of COREPER, this study provides a historical and functional account of how the Council's senior preparatory group has evolved.

European Commission

Ban, C. (2013), *Management and Culture in an Enlarged European Commission: From Diversity to Unity?* Basingstoke: Palgrave.

> This book represents a unique contribution to our understanding of the public management of the European Commission, emphasizing the interplay of administrative reform and enlargement in the period after 2004. The book is based on extensive interviews with Commission (and some national) officials, providing a rich, in-depth account of the internal dynamics of the institution.

Ellinas, A. A. and E. Suleiman (2012), *The European Commission and Bureaucratic Autonomy: Europe's Custodians*. Cambridge: Cambridge University Press.

> This book, based on survey data, examines the ways in which the Commission has struggled to maintain its autonomy when faced with a highly politicized external environment and a complex institutional setting. It describes Commission staff as adhering to a common culture of supranationalism that is bolstered as the Commission defends itself from attacks from outside its institutional walls.

Kassim, Hussein, John Peterson, Michael W. Bauer, Sara Connolly, Renaud Dehousse, Liesbet Hooghe and Andrew Thompson (2013), *The European Commission of the Twenty-First Century*. Oxford: Oxford University Press.

> A multi-author book on the European Commission that makes an extensive scholarly contribution to our knowledge of this institution from the perspective of those working within the organization. The work is based on an extensive survey of Commission staff, coupled with in-depth follow-up interviews.

Ross, G. (1994), *Jacques Delors and European Integration*. Oxford: Oxford University Press.

> This book has become the classic insider account of Jacques Delors' presidency of the European Commission. George Ross spent a substantial period of time as a participant observer within the Commission prior to writing this study. Although the material is now primarily of historical interest, this contribution represents a seminal contribution to the literature on European institutions.

Wille, A. (2013), *The Normalization of the European Commission: Politics and Bureaucracy in the EU Executive*. Oxford: Oxford University Press.

> This is an extremely useful contribution on the European Commission from a public administration perspective, focusing on the relationship between and the respective roles of political leaders and top civil servants within the institution. At the same time, the book also offers a very helpful overview of and introduction to the workings of the Commission.

European Parliament

Farrell, David M. and Roger Scully (2007), *Representing Europe's Citizens? Electoral Institutions and the Failure of Parliamentary Representation*. Oxford: Oxford University Press.

> Comparing the electoral systems used in European Parliament (EP) elections, Farrell and Scully analyse how the design of these systems impacts the composition of the Parliament and the attitudes and behaviour of MEPs.

Hix, Simon and Christopher Lord (1997), *Political Parties in the European Union*. Basingstoke: Macmillan.

> The first book to focus on the role of political parties in the EU, this pioneering study by Hix and Lord remains relevant today, with chapters on national parties, EP party groups and Europarties.

Hix, Simon, Abdul G. Noury and Gérard Roland (2007), *Democratic Politics in the European Parliament*. Cambridge: Cambridge University Press.

> Based on a large dataset of roll-call votes since the 1979 elections, Hix, Noury and Roland provide a detailed examination of voting in the chamber, with a special focus on party group cohesion and coalition formation.

Hix, Simon and Roger Scully (eds) (2003), 'The European Parliament at Fifty'. *Journal of Common Market Studies* 41(2).

> This special issue edited by Hix and Scully, published on the occasion of the EP's half-centennial, includes articles by leading experts on various aspects of the Parliament, including its party system, committees and policy influence.

Kreppel, Amie (2002), *The European Parliament and the Supranational Party System: A Study of Institutional Development*. Cambridge: Cambridge University Press.
> Kreppel provides a data-rich account of the development of the EP's party system, showing how the empowerment of the institution influences procedural reforms and political dynamics in the Parliament.

Ringe, Nils (2010), *Who Decides, and How? Preferences, Uncertainty, and Policy Choice in the European Parliament*. Oxford: Oxford University Press.
> Ringe examines how MEPs make decisions in the Parliament, with a particular focus on the interaction between committees and party groups.

Rittberger, Berthold (2005), *Building Europe's Parliament: Democratic Representation beyond the Nation-State*. Oxford: Oxford University Press.
> Explaining both the creation of the EP in the early 1950s and its subsequent development, Rittberger shows how concerns about the democratic deficit have contributed to the gradual empowerment of the Parliament.

Whitaker, Richard (2011), *The European Parliament's Committees: National Party Control and Legislative Empowerment*. Abingdon: Routledge.

Yordanova, Nikoleta (2013), *Organising the European Parliament: The Role and Legislative Influence of Committees*. Colchester: ECPR Press.
> Both Whitaker and Yordanova offer a systematic analysis of how the EP's committees have changed over time and analyse how EP party groups and national parties use the committees to further their policy objectives.

European Court of Justice

Alter, Karen J. (2001), *Establishing the Supremacy of European Law*. Oxford, New York: Oxford University Press.
> Karen Alter analyses how the European Court of Justice (ECJ) has become the 'engine' of European integration. By establishing and making ample use of the doctrines of supremacy and direct effect, the ECJ has successfully transformed the nature of European law and contributed to the erosion of national sovereignty. The author argues that this became possible because three types of actors with partially congruent interests established a virtuous circle: private litigants who discovered European law as an instrument to pursue their goals, national courts that willingly enforced European law against governments and constitutional courts, and the ECJ, which has become more powerful as European law has gained importance.

Arnull, Anthony (2006), *The European Union and Its Court of Justice*. Oxford: Oxford University Press.
> A comprehensive history of the Luxembourg Court, its role in constructing the EU legal order and its contribution to the development of the substantive law of the EU.

Craig, Paul and De Búrca, Gráine (2011), *EU Law: Text, Cases and Materials*, 5th edition. Oxford: Oxford University Press.
> A leading textbook on European Union law. This text combines cases, legislation and commentary to describe the law and analyse its legal and political impact. Various learning features, such as 'central issues' and 'summaries', guide the reader through each area in the institutional and substantive law of the European Union.

Dawson, Mark, Bruno De Witte and Elise Muir (2013), *Judicial Activism at the European Court of Justice*. Cheltenham: Edward Elgar.
> A collection of essays assessing the role of the Luxembourg Court as a political actor and addressing various aspects of the Court's alleged judicial activism. Chapters focus on such topics as the role of fundamental rights, scientific evidence and national interests in the Court's jurisprudence, as well as questioning its political role.

Dehousse, Renaud (1998), *The European Court of Justice: The Politics of Judicial Integration*. Basingstoke: Palgrave Macmillan.
> A comprehensive (if now somewhat dated) assessment of the ECJ's contribution to the European Union integration process. Dehousse also examines why member states have accepted the Court's more 'radical' jurisprudence.

Maduro, Miguel Poaires (1998), *We the Court: The European Court of Justice and the European Economic Constitution*. Oxford: Hart Publishing.
> An analysis of the 'new economic constitution' developed by the Luxembourg Court, in which the author examines the role of the ECJ as a socio-economic Court and the constitutionalization of negative integration.

Stone Sweet, Alec (2000), *Governing with Judges*. Oxford: Oxford University Press.
> A succinct survey of the post–war development of a distinctive European model of constitutional judicial review. The empirical cases further serve as the basis for Stone Sweet's exposition of his own theoretical framework accounting for the progressive growth of judicial power.

European Court of Human Rights (Council of Europe)

Bates, Ed (2010), *The Evolution of the European Convention on Human Rights: From Its Inception to the Creation of a Permanent Court of Human Rights*. Oxford: Oxford University Press.
> In this excellent history of the Convention system, Bates comprehensively details the major phases of its development, from the original drafting of the European Convention on Human Rights (ECHR) in the immediate post–war period to the challenges of the post-Cold War system.

Christoffersen, Jonas and Mikael Rask Madsen (eds) (2011), *The European Court of Human Rights between Law and Politics*. Oxford: Oxford University Press.
> A groundbreaking interdisciplinary collection, this volume brings together leading political scientists, legal scholars and practitioners working on and in the Convention system. Various disciplinary and professional perspectives are brought to bear on both the system's historical development and contemporary reform debates.

Greer, Steven (2006), *The European Convention on Human Rights: Achievements, Problems and Prospects*. Cambridge: Cambridge University Press.
> The most accessible of the major legal textbooks for the non-lawyer. Greer surveys the history of the Convention system and insightfully examines issues of compliance, in addition to surveying the Court's jurisprudence.

European policy-making

Héritier, Adrienne (1999), *Policy-Making and Diversity in Europe: Escape from Deadlock*. Cambridge: Cambridge University Press.
> A groundbreaking analysis of overt and covert processes of EU policy-making in different areas.

Wallace, Helen, Mark Pollack and Alasdair Young (eds) (2010), *Policy-Making in the European Union*, 6th edition. Oxford: Oxford University Press.
> A classic in European integration studies, part of Oxford University Press's New European Union Series, this volume provides an excellent overview of the institutions, processes and policies of the European Union.

Cini, Michelle and Nieves Pérez-Solórzano Borragán (eds) (2013), *European Union Politics*. Oxford: Oxford University Press.
> The fourth edition of this text collects outstanding analyses of the EU's history, institutions and policy-making in diverse policy fields.

Coen, David and Jeremy J. Richardson (eds) (2009), *Lobbying the European Union*. Oxford: Oxford University Press.
> This volume examines supranational policy-making, with a focus on pressure groups and interest intermediation.

Falkner, Gerda (ed.) (2011), *The EU's Decision Traps: Comparing Policies*. Oxford: Oxford University Press.
> Examining an array of EU activities, this book analyses the dynamics that allow the EU to escape various forms of stalemate, investigating why leaps occur in some areas while others are characterized by blockades.

Online resources

Eurlex Access to European Union law, available at: http://eur-lex.europa.eu/en/index.htm.
    This is the online database of all official documents adopted and published by the European Union. It is clearly an important resource for researchers.

Europa website of the European Union, available at http://europa.eu/index_en.htm.
    This is an infinite source of information. It is an archive of information on the history of the European Union, institutions and policy areas. It offers also links to other websites of institutions of the European Union.

European Legislative Politics Research Group (ELPRG), available at: http://www.elprg.eu/data.htm.
    A website of the leading scholars on European legislative politics research. Datafiles on roll calls in the European Parliament, and voting in the Council of the European Union are among the databases that one can find on this website. Moreover, there are links to other databases, such as the PIRIDEU database on European elections.

Prelex. Monitoring of the decision-making process between institutions, available at http://ec.europa.eu/prelex/apcnet.cfm?CL=en.
    A website to monitor and follow the legislative process between institutions. Quite a good website to understand better the decision-making process between the Council of the European Union, the European Parliament and the European Commission.

Academic journals

Journal of Common Market Studies

Journal of European Public Policy

Journal of European Integration

European Union Politics

Integration
    These are top journals in European integration studies. All of them provide excellent updated research on the European Union. *European Union Politics* is very much influenced by rational choice and the selection of articles tends to go in this direction, while the other journals are open to a wide range of approaches. *Integration* is the main German journal on European integration and is published in German by the Institute of European Politics in Berlin.

European civil society and interest groups

Political participation and associationism in Europe

Bourdieu, P. (1986), 'The Forms of Capital'. In: J. G. Richardon (ed.), *Handbook of Theory and Research for the Sociology of Education*. New York: Greenwood Press, pp. 241–60.
    Probably the most systematic and concise statement of Bourdieu's conceptualizations of social capital as 'membership in a group'. The presentation stresses the features of social capital as a specific mode of capital and the distinctions between cultural and social capital. In addition, the reproduction and conversions of capital are discussed.

Maloney, W. A. and J. W. van Deth (eds) (2010), *Civil Society and Activism in Europe: Contextualizing Engagement and Political Orientations*. London: Routledge.
    The results of an international comparative research project on voluntary associations and associational engagement in European cities. Information about orientations of members and volunteers in a wide variety of associations are compared with orientations among the populations. The impact of associational features on the orientations of people engaged in these organizations appears to be only modest.

Putnam, R. D. (1993), *Making Democracy Work: Civic Traditions in Modern Italy*. Princeton: Princeton University Press.

> Seminal publication on the impacts of social capital and civil society on the determinants of the quality of regional governance in Italy. Applying a functional definition of social capital, Putnam shows that a long history of 'civic involvement' in certain regions is a much more decisive factor for the quality of governance than socio-economic development. Apparently, 'good government' is a 'by-product' of involvement in all kind of voluntary associations.

Rothstein, B. and D. Stolle (2008), 'The State and Social Capital: An Institutional Theory of Generalized Trust'. *Comparative Politics* 40(4): 441–59.

> Whereas most approaches to voluntary engagement focus on societal developments to explain cross-national differences in the quality of government, Rothstein and Stolle argue for a reversal of the causal interpretation of this link: in countries with high-quality state institutions and general welfare provisions, voluntary associations (and democracy) can flourish.

van Deth, J. W., J. R. Montero and A. Westholm (eds) (2007), *Citizenship and Involvement in European Democracies: A Comparative Analysis*. London: Routledge.

> The results of a unique international comparative empirical study among the populations of 12 European countries. The book shows substantial differences in associational memberships and volunteering between the countries and the consequences for social and political orientations. It underlines the unique character of associational involvement in Europe in contrast to the US.

Gender and politics

Abels, G. and J. M. Mushaben (eds) (2012), *Gendering the European Union: New Approaches to Old Democratic Deficits*. Basingstoke: Palgrave Macmillan.

> The authors in this collection assess the impact of the interaction between the process of European integration and the changing status of women in Europe in major areas of political policy, such as agriculture, the economy and research. The introductory chapters document how gender has been important in shaping the EU's policy process and expansion. The second part of the book provides expert interpretations of major EU policy areas and the role of gender in addressing the democratic deficit in European polities. The book provides an impressive overview of how gender scholars currently approach the European Union.

Lombardo, E. and M. Forest (eds) (2012), *The Europeanization of Gender Equality Policies: A Discursive Sociological Approach*. Basingstoke: Palgrave Macmillan.

> This collection builds on a longstanding collaborative analysis of the interaction on a multi-governmental level between European Union initiatives and responses at the local and national levels. The innovative methodological approach of the investigators examines both the impact on national policy and implementation and the changes in how equality issues are framed and discussed due to increasing European Union integration. The authors are part of a comparative European project and base their findings on extensive comparative research investigating policies affecting women and men in 29 different European countries. The book makes both theoretical and empirical contributions to understanding the new situation for women in European polities.

Phillips, A. (1995), *The Politics of Presence*. Oxford: Clarendon Press.

> The theoretician Anne Phillips has written some of the seminal contributions on the paradoxical dilemmas of representation of difference and the importance of women's voices in European politics. This book explores the importance of descriptive representation of women in politics in Europe. The author's work is among the first European considerations of how gender under-representation is linked to other kinds of under-representation (class, race, culture) in European politics. The book dispassionately outlines what would make a difference for women and provides inspiration for strategies such as quotas and targets in electoral politics that have changed the face of women's representation in Europe.

Squires, J. (2007), *The New Politics of Gender Equality*. Basingstoke: Palgrave Macmillan.

> Since the 1970s, armadas of policies have been put in place in many European countries to enhance the status of women. Squire's book provides a solid theoretical frame for understanding the logic behind the different steps in equality policy, from equal treatment to affirmative action, gender

mainstreaming and discursive diversity approaches. The book provides a bridge between the more descriptive historical works of the 1980s and the research exploring the impact of the European Union on wider gender equality policies and politics today.

Waylen, G., K. Celis, J. Kantola and S. L. Welden (eds) (2013), *The Oxford Handbook of Gender and Politics*. Oxford: Oxford University Press.

This landmark work examines gender and politics in a global frame. However, a substantial number of the contributors are based in Europe or focus on European empirical cases, making it relevant for this list of references on European politics. In 33 thematic chapters, every major issue related to the importance of gender relations in understanding politics is addressed, from theory to methodology and critical political domains. Key concepts in politics, such as power, the state, representation and policy, are illuminated from the standpoint of gender scholarship. Furthermore, specific issues of importance to women, such as body politics, reproduction and the welfare state, receive focused attention. The empirical material cited by the authors illustrates the pre-eminent role that examples and research from Europe play in understanding the impact of women in politics and political science today.

Interest groups and lobbying in the EU

Beyers, J., Rainer, Eising, and Maloney, William A. (eds) (2009), *Interest Group Politics in Europe: Lessons from EU Studies and Comparative Politics*. London: Routledge.

A collection of articles initially published in *West European Politics* that places the EU's system of interest representation in a (primarily European) comparative perspective.

Greenwood, Justin (2012), *Interest Groups in the European Union*. Basingstoke: Palgrave.

An excellent overview of the development and forms of influence of interest groups at the European Union level.

Heidbreder, E. (2012), 'Civil Society Participation in EU Governance'. *Living Reviews in European Governance* 7(2), available at: http://www.livingreviews.org/lreg-2012–2.

A dedicated literature review with comprehensive coverage organized around the perspectives of multilevel governance and the emerging 'European public sphere'.

Kohler-Koch, B. (2010), 'Civil Society and EU Democracy: Astroturf Representation'. *Journal of European Public Policy* 17(1): 100–16.

This article presents and assesses the changing views on the role of civil society in EU discourse.

Woll, C. (2006), 'Lobbying in the EU: From Sui Generis to Comparative Perspective'. *Journal of European Public Policy* 13(3): 456–69.

A literature review focused on analysing the EU's system of interest representation in a comparative perspective.

Young, A. R. (2010), 'The Politics of Regulation and the Internal Market'. In: K. E. Jørgensen, M. A. Pollack and B. Rosamond (eds), *Handbook of European Union Politics*. London: Sage Publications, pp. 373–94.

A summary of the different types of politics underlying regulatory policy-making, accounting for a substantial number of EU competencies.

Contestation of civil society in EU

Imig, D. and S. Tarrow (eds) (2001), *Contentious Europeans: Protest and Politics in an Emerging Polity*. Lanham, MD: Rowman & Littlefield.

Imig and Tarrow carry out an analysis of the frequency and types of protest in the EU between 1984 and 1997, developing a typology of the various kinds of national and transnational protest that took place during this period. The edited volume contains excellent chapters on contentious politics in the EU in many different areas, including trade unions, farmers, environmental groups, women and immigrants. This book is an essential introduction to the subject, rooted in theories of social movements rather than interest representation and concentrating in particular on contentious politics.

Balme, R. and D. Chabanet (2008), *European Governance and Democracy: Power and Protest in the EU*. Lanham, MD: Rowman & Littlefield.

> The authors analyse the influence of supranational governance on democratization through case studies on a broad range of civil society interests, including regional policy, unemployment and poverty, women's rights, migration policy and environmental protection. The authors trace the evolving relationship between citizens and European institutions over recent decades, especially as public support for deepening and widening integration has waned. This trend culminated in a deep institutional crisis precipitated by the rejection of the draft constitutional treaty in France and the Netherlands in 2005. The book shows how Europe-wide interest groups formed and protesters were able to mobilize around key issues of integration. The authors argue that the growth of contentious social movements has also been nourished by the EU policy process itself, which leaves more room for interest groups and protest politics than for political parties and representative democracy.

Della Porta, D. (ed.) (2009), *Another Europe: Conceptions and Practices of Democracy in the European Social Forums*. London: Routledge.

> This collective volume reports on an in-depth analysis of European social forums in Europe. Documents produced during the forums are analysed, singling out the numerous proposals that emerged. With a special focus on the development of conceptions and practices of democracy, the volume also analyses surveys of participants at the various European social forums. The forum is examined not only as a protest event but also as an arena of conversation.

Della Porta, D. (2013), *Can Democracy Be Saved*. Oxford: Polity Press.

> This book analyses diverse conceptions and practices of participatory and deliberative democracy, building upon recent reflections in normative theory as well as original empirical research. In addition to drawing on key historical examples, the book devotes close attention to the current revitalization of social movements: the Arab Spring uprisings in processes of democratic transition, the potential of new technologies in the development of so-called 'e-democracy' in the *Indignados* and Occupy Wall Street protests, and proposals for cosmopolitan democracy found in recent campaigns for the democratization of the European Union and the United Nations. Alongside such social movements, the book also assesses institutional reactions, from the policing of protests to efforts at reform.

Online resources

European Social Survey (ESS), available at: http://www.europeansocialsurvey.org/.

> This is an excellent website for the study of values and attitudes of Europeans from 36 countries. Meanwhile, the transnational team has conducted six waves, in 2002, 2004, 2006, 2008, 2010, 2012. Therefore cross-national studies can be found. The database is freely available. Users just need just to register and to acknowledge the database properly when using for publications. One of the greatest advantages of this database is that it is easy to use and it has several programmes that do cross-tabulations between variables for users.

European Institute for Gender Equality, available at: http://eige.europa.eu/.

> This is an important website for the comparative study of gender equality in the European Union. This institute is funded by the European Union and in 2013 produced the first Gender Equality Index with national reports. It also developed a ranking of countries.

Gendered Citizenship in Multicultural Europe, available at: http://www.femcit.org/.

> A very interesting project on gendered citizenship. It is clearly quite ambitious and transformative. It is worth consulting in order to get a picture of the recent discussions in gender studies.

Political economy of the European Union

General works

Hall, Peter and David Soskice (eds) (2001), *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage*. Oxford, New York: Oxford University Press.

This edited volume is essential reading in comparative political economy. The contributors describe production regimes as complex systems of inter-related institutions, organizations and practices in spheres such as corporate governance, labour relations, skill formation and technology diffusion. Quite different institutional settings, the authors argue, can provide comparative advantages for firms, depending on the type of innovations that the respective products and services require. As a consequence, 'one best way' of organizing a production regime does not exist, and too much harmonization does not necessarily improve welfare. The contributors distinguish between two forms of capitalism that both exist in the European Union: coordinated market economies and liberal market economies.

Höpner, Martin and Armin Schäfer (eds) (2008), *Die politische Ökonomie der europäischen Integration*. Frankfurt am Main: Campus, available at: http://www.mpifg.de/pu/mpifg_book/mpifg_bd_61.pdf.

This bulky edited book includes excellent chapters by leading scholars on various aspects of the political economy of the European Union. Both editors are also part of the team of this *Handbook* and have been at the forefront in presenting innovative work on the political economy of the European Union.

McCann, Dermot (2008), *The Political Economy of the European Union*. Cambridge: Polity Press.

A good introduction to the political economy of the European Union. The chapters are well researched and give a critical balanced view of the state of the political economy of the European Union. At the centre is the study of the single European market and how imbalanced it still is in policy areas, but also across countries. Simple language makes this book very accessible to any reader.

Single European Market

Baldwin, Richard E. and Charles Wyplosz (2012), *The Economics of European Integration*, 4th revised edition. New York, London: McGraw-Hill.

This textbook, currently in its fourth revised edition, provides an up-to-date account of European integration that brings together history, institutions, law, politics and policies, and the economic principles behind European integration. It features a number of chapters that make essential reading for understanding the microeconomics of the transformation of the common market into the single European market since its creation, while also making reference to the interplay between economic and political dimensions. Among others, it contains separate chapters on the history of European integration, on decision-making (including the theory of fiscal federalism on task allocation among government levels), on preferential trade theory, on market size and scale effects (the BE-COMP model) and growth effects.

Sapir, André (2011), 'European Integration at the Crossroads: A Review Essay on the 50th Anniversary of Bela Balassa's *Theory of Economic Integration*'. *Journal of Economic Literature* 49(4): 1200–29.

On the occasion of the 50th anniversary of Bela Balassa's *Theory of Economic Integration* (Richard D. Irwin Inc., 1961), Sapir presents an essay that reviews the literature on economic integration. In the context of the European integration process, the review characterizes the evolution of theoretical approaches to the subject but also accounts for political implications of further integration (i.e. the issue of sovereignty-sharing). Sapir proposes that Balassa significantly anticipated the modern literature on economic integration, which highlights factors such as economies of scale, imperfect competition and economic geography.

Bongardt, Annette and Francisco Torres (2012), 'Lisbon Strategy'. In: Erik Jones, Anand Menon and Stephen Weatherill (eds), *The Oxford Handbook of the European Union*. Oxford: Oxford University Press, pp. 469–83.

The chapter provides a recent analysis and evaluation of the Lisbon Strategy (2000–10). It discusses the Lisbon Strategy's objectives and background as well as the motivations behind it, notably the competitiveness rationale in a globalized economy and the need for enhanced EU economic coordination to achieve it. It examines the Strategy's governance set-up and implementation, and considers the delivery of economic results and economic reform in the EU. The chapter features a characterization of the Europe 2020 Strategy (2011–20), which succeeded the Lisbon Strategy, and refers to the challenges raised by the sovereign debt crisis.

Pelkmans, Jacques (2013), 'The Economics of Single Market Regulation'. In: Amy Verdun and Alfred Tovias (eds), *Mapping European Economic Integration*. Basingstoke: Palgrave Macmillan, pp. 79–104.

> Next to liberalization and competition policy, regulation is central to the internal market and its performance. This article maps the economic analysis of EU regulation and provides an up-to-date discussion of the economics of single market regulation. Besides setting out the reasons for regulating the internal market, it looks into the proper economic framework for EU regulation, and discusses the issue of competence allocation in the European Union and its principles (subsidiarity and proportionality).

Sapir, André, Philipppe Aghion, Giuseppe Bertola, Martin Hellwig, Jean Pisani-Ferry, Dariusz Rosati, José Viñals and Helen Wallace (2005), *An Agenda for a Growing Europe: Making the EU Economic System Deliver*. Oxford: Oxford University Press.

> At the time of its inception, the Lisbon Strategy of 2000 had lacked an intellectual basis, unlike the Single Market and EMU projects before it (which were based on European Commission reports, namely the so-called Cecchini report [European Economy 35, 1988] and *One Market, One Money* [European Economy 44, 1992], respectively). *The Agenda for a Growing Europe*, which also became known as the Sapir report, provided the basis for the revised Lisbon Strategy of 2005 and for its refocus on economic results (growth and employment). The report also created the foundation for a classification of governance in the European Union and for the discussion of economic governance of the single market and the Lisbon strategy.

Economic and Monetary Union

De Grauwe, Paul (2012), *Economics of Monetary Union*, 9th edition. Oxford: Oxford University Press.

> This is the textbook on the economics of EMU. Paul De Grauwe provides a concise analysis of the theories and policies relating to monetary union, namely a thorough synthesis of the costs and benefits of EMU. He also reviews the design of its main institutions, such as the European Central Bank. The book, which has been continuously updated in successive editions (by now already nine), encompasses the author's very prolific and timely analysis of the financial and sovereign debt crises, notably on the fragility of incomplete monetary unions and on the new governance mechanisms that are needed to make EMU sustainable in the long run.

Dyson, Kenneth and Lucia Quaglia (2010), *European Economic Governance and Policies: Commentary on Key Historical and Institutional Documents* (vol. I) and *Commentary on Key Policy Documents* (vol. II). Oxford: Oxford University Press.

> Kenneth Dyson and Lucia Quaglia gather the documents most relevant for the process of European monetary integration and governance from post-war reconstruction to the inception of EMU (vol. I) and from then on until the eruption of the financial crisis (vol. II), providing at the same time rigorous analytical commentary. The volumes assemble all the relevant primary sources, which had not been available in such a comprehensive and systematic way before. In addition, they provide rigorous analytical commentaries at the beginning of each section and on the individual historical documents.

Jones, Erik (2002), *The Politics of Economic and Monetary Union: Integration and Idiosyncrasy*. Lanham, MD: Rowman & Littlefield.

> Taking a general political economy perspective, Erik Jones analyses the politics of the single currency in terms of the (re-)distribution of its associated costs and benefits. The author's idiosyncrasy hypothesis (the diversity of participating countries as a strength rather than a weakness of EMU) can be reinterpreted in the light of the current crisis as it sheds light on the complex system of EU *cum* EMU multilevel governance and on how it might respond to both economic and political shocks. The book addresses complex economic arguments in a non-technical way, providing a better understanding of EMU sustainability, namely by carefully discussing the issues of preferences and legitimacy. It focuses on the EMU project itself, complementing in this way earlier economic perspectives on EMU. It is therefore a very valuable contribution to the literature on European monetary integration, which brings together economic and political science approaches.

Giavazzi, Francesco and Marco Pagano (1988), 'The Advantage of Tying One's Hands: EMS Discipline and Central Bank Credibility'. *European Economic Review* 32: 1055–75.

Giavazzi and Pagano's contribution was one of the most influential academic contributions, leading to the creation of a consensus (and epistemic communities) in favour of EMU. This article, which was first presented in 1986 at the European University Institute, stressed the usefulness of EMS discipline as a means of effectively reducing inflation with a lower cost in terms of output and unemployment. It argued that with a credible exchange rate peg to a strong currency (such as the Deutschmark at the time) the monetary authorities of higher-inflation countries could draw on the anti-inflationary reputation of the strong currency country (Germany) so as to strengthen the credibility of national institutions and modify the expectations of private agents. In this way, the authorities of the higher-inflation countries raised the political costs of inflation because their anti-inflation commitment was constantly monitored by the private sector and any different behaviour would imply a self-inflicted loss of competitiveness, which thus made the peg credible. This is essential reading in regard to understanding why the project of EMU went ahead.

Torres, Francisco and Francesco Giavazzi (eds) (1993), *Adjustment and Growth in the European Monetary Union*. Cambridge: Cambridge University Press.

At a time when the EMU set-up is again the object of academic controversy, it proves insightful to review the academic discussion following the agreements that had been reached at Maastricht in 1992. This edited volume is one of the first complete and most quoted analyses of Economic and Monetary Union (EMU). The issues addressed in the volume include the relationship between a common currency and inflation convergence, the effects of monetary unification on Europe's increasingly integrated financial markets and fiscal systems, and EMU's implications for long-term growth. Besides Nobel Prize winner Paul Krugman and Barry Eichengreen, whose chapters ('Lessons of Massachusetts for EMU' and 'Shocking Aspects of European Monetary Integration') are included in P. De Grauwe's (2001) list of the most influential articles on EMU (critical writings in economics), it includes many other contributions by reputed scholars on European economic integration issues, notably Alessandra Casella, Paul De Grauwe, Rudiger Dornbusch, Francesco Giavazzi, Nouriel Roubini, Guido Tabellini, Charles Wyplosz, and others who later on came to assume key positions in the national and European institutions of EMU, such as Lorenzo Bini-Smaghi, António Borges, Vitor Gaspar, Otmar Issing, Lucas Papademos, José Vinals and Axel Weber. A very good complement to this collection of essays is Daniel Gros and Niels Thygesen's book on European Monetary Integration (Longman, 1999).

Multilevel industrial relations

Avdagic, Sabina, Martin Rhodes and Jelle Visser (eds) (2011), *Social Pacts in Europe: Emergence, Evolution, and Institutionalization*. Oxford: Oxford University Press.

This edited collection sets out a bargaining model of social pact formation and development. It argues that pacts are more likely to be found in countries with economic problems, weak government and a moderate degree of union centralization. Case studies of six countries – Ireland, Italy, the Netherlands, Portugal, Slovenia and Spain – are used to explore the ways in which the balance of power between government, unions and employers shapes pact negotiations.

Bohle, Dorothee and Béla Greskovits (2012), *Capitalist Diversity on Europe's Periphery*. Ithaca, NY: Cornell University Press.

This book provides detailed and up-to-date accounts of the development of national systems of labour representation, labour markets and welfare regimes in 11 East European countries. The analysis divides these nations into three varieties of capitalism: the three Baltic States, the Central European countries (the Czech Republic, Hungary, Poland and Slovakia) and the Southern European economies of Bulgaria, Croatia, Romania and Slovenia. Particular attention is devoted to the unusual case of Slovenia due to its development of strong trade unions, high bargaining coverage and successive social pacts.

Hamann, Kerstin and John Kelly (2011), *Parties, Elections and Policy Reforms: Voting for Social Pacts*. Abingdon: Routledge.

This monograph proposes that much of the literature on social pacts has relied too heavily on simple economic models and selected case studies. In contrast, the authors argue that party politics and competition play key roles in shaping the decision by governments over whether to include the social partners in social pacts or to exclude them and introduce reform without their help.

The argument is supported by quantitative data on 16 West European countries (1980–2006) and by four matched–pair case studies: Ireland and the UK, Italy and Spain, Finland and Sweden, and Austria and Germany.

Hamann, Kerstin and John Kelly (2008), 'Varieties of Capitalism and Industrial Relations'. In: Paul Blyton, Nicolas Bacon, Jack Fiorito and Edmund Heery (eds), *The Sage Handbook of Industrial Relations*. London: Sage Publications, pp. 129–49.

This chapter examines trends since 1980 in key indicators of patterns of employment relations in the major OECD countries, namely trade union density, collective bargaining coverage and coordination, employment protection legislation, earnings inequality, industrial conflict and unemployment. In each table, the countries are divided into four varieties of capitalism: Scandinavia, the Mediterranean countries, liberal market economies and the coordinated market economies.

Databases

European Industrial Relations Observatory (EIRO) attached to the European Foundation for the Improvement of Working and Living Conditions (EUROFOUND), available at: http://www. eurofound.europa.eu/eiro/structure.htm.

An excellent database with regular reports on industrial relations of the member states of the European Union. Each year there is a report on industrial relations of the previous years with reliable statistics on membership of associations, collective agreements, industrial action and major developments and other agreements. This excellent database also includes comparative research studies across countries. Moreover, monthly specialist reports on each country related to major events can be found. Everything is online.

The EU Single Market, available at: http://ec.europa.eu/internal_market/index_en.htm.

Europe 2020 strategy available at: http://ec.europa.eu/europe2020/index_en.htm.

The first website includes databases and information on the progress of the Single European Market. In particular, the Single European Market Scoreboard, which is published monthly, presents quantitatively which directives and legislation related to the Single Market were or were not implemented by member states. The second website is about the progress of member states in relation to the goals of Europe 2020 strategy. It has regular reports on each member state.

Journals

Transfer

European Journal of Industrial Relations

Two excellent journals with great well–researched articles on industrial relations of different countries and also in multilevel perspective. *Transfer* is the official academic journal of the European Trade Union Institute.

European Economy

Intereconomics

Regular publications of the European Commission on the economy of the European Union. Excellent official studies on particular problems of the member states. For a more critical view, one should consult *Intereconomics*, which is easily accessible. Most articles are on political economy.

Justice and home affairs/border management

Apap, J. (ed.) (2002), *Justice and Home Affairs in the EU: Liberty and Security Issues after Enlargement*. Cheltenham: Edward Elgar.

This book examines the emerging tensions between liberty and security as governments around the world reinforce measures to prevent and combat international terrorism. It is best read in conjunction with:

Annotated bibliography

Bigo, D., S. Carrera, E. Guild and R. Walker (2010), *Europe's 21st Century Challenge: Delivering Liberty and Security*. Aldershot: Ashgate.

> This volume focuses on the tipping points facing governments, notably in the EU, when they attempt to cooperate in order to combat terrorism, international organized crime and threats to member state security. The impact of steps taken on other policies, including immigration, refugees and asylum policies, are examined.

Balzacq, T and S. Carrera (eds) (2007), *Security versus Freedom? A Challenge for Europe's Future*. Aldershot: Ashgate.

> This book reflects key issues from EU-funded research considering the impact of heightened border controls and security measures on the experience and practice of freedom in Western liberal democracies.

Capurro, R. (2005), *Ethics and Public Policy within a Digital Environment in EGE, General Report on the Activities of the European Group on Ethics in Science and New Technologies to the European Commission, 2000–2005*. Luxembourg: Office of the Official Publications of the European Communities, pp. 19–25.

> This is an informative report reflecting on the ethical impact of new technologies on human liberty.

Gutwirth, S., Y. Pullet and P. de Hert (eds) (2010), *Data Protection in a Profiled World*. Springer: Berlin.

> This volume covers issues of data protection, largely from a legal perspective. It reflects on the considerations that continue to arise as profiling becomes ubiquitous.

Liberatore, A. (2007), 'Challenging Liberty'. In: J. Lodge (ed.), *Are You Who You Say You Are? The EU and Biometric Borders*. Nijmegen: Wolf Legal Publishers (WLP), pp. 1–7.

> This article provides a succinct analysis of the theoretical and practical issues that EU member governments and the EU institutions considered as a plethora of new steps in border policy were introduced at the EU level, many via controversial 'soft law' measures not subject to the usual legislative oversights and procedures.

Lodge, J. (ed.) (2007), *Are You Who You Say You Are? The EU and Biometric Borders*. Nijmegen: Wolf Legal Publishers.

> This volume was the first to consider different aspects of the introduction by the EU (in cooperation with the US and other Western governments) of biometric identification technologies, primarily for border control and travel documents. It reflects different aspects and concerns arising in connection with the potential and actual feasibility of using such technologies without greater integration of other policy areas (including internal security and policing).

Lodge, J. (2010), *Biometrics in the EU*. Report for the LIBE committee of the European Parliament, Brussels, May.

> A critical report reflecting on the ethical implications of biometric technologies and the potential for them to be misunderstood and misapplied, possibly thereby encroaching upon all aspects of individuals' lives in the absence of sufficient laws to prevent the erosion of individual privacy and liberty, both through such technologies and by linking information provided for one purpose to a range of other purposes.

Lodge, J. (2010), *Quantum Surveillance and 'Shared Secrets': A Biometric Step Too Far*? Brussels: CEPS, available at: http://aei.pitt.edu/15108/1/Lodge_on_Quantum_Surveillance_e-version12.pdf (accessed 21 November 2013).

Lyon, D. (2001), *Surveillance Society: Monitoring Everyday Life*. Buckingham: Open University Press.

> One of the first books to contemplate the potential for new measures designed to promote greater safety to evolve into measures to monitor everyday lives, thereby creating a surveillance society in liberal democracies and elsewhere. The growing complexity of biometrics is highlighted in the publication by Juliet Lodge and worth reading as complementary updated information.

Raab, C. with D Wright *et al.* (2013), *Privacy Impact Assessment and Risk Management*. Report for the Office of the Information Commissioner (ICO). London.

> An important report that covers one of the core steps envisaged by authorities to ensure that individuals' privacy is respected as data collection grows. One such tool is the privacy impact assessment to assist in the identification of weak points.

Rodata, S. (2005), 'Transformations of the Body'. In: *General Report on the Activities of the European Group on Ethics in Science and New Technologies to the European Commission, 2000–2005.* Luxembourg: Office for Official Publications of the European Communities, pp. 41–56.

> This key report discusses how technology can entail both beneficial therapeutic and potentially less benign possibilities for humankind.

Europe in the world

Theoretical approaches

Manners, Ian (2002), 'Normative Power Europe: A Contradiction in Terms?' *Journal of Common Market Studies* 40(2): 235–58.

> In 2002, this article received the annual award for the best article in the *Journal of Common Market Studies*. In 2007, the article was voted one of the five most important pieces on the EU of the previous decade by the members of the European Union Studies Association. The normative power approach to European foreign policy has as its central research question the understanding of normative power in global politics, with a particular interest in the EU and its member states. The normative power approach has been at the forefront of theorizing the EU in global politics over the past decade and has been the subject of over a dozen scholarly volumes.

Whitman, Richard (1998), *From Civilian Power to Superpower? The International Identity of the European Union.* Basingstoke: Macmillan.

> Richard Whitman's landmark study represented the first systematic attempt to capture the international identity of the EU in the post-Maastricht era. Whitman's seminal research analysed four different sources of influence on the EU's international identity: the structural consequences of the EU in the international system, the legal dimension of the EU, the degree of integration of member states and, uniquely, the role of the European Parliament. Whitman's work marked a move away from the analytical separation of member states, the Common Foreign and Security Policy (CFSP) and external relations, as well as a new perspective on the theorizing of EU identity in international politics.

Common Foreign and Security Policy

Bretherton, Charlotte and John Vogler (2006), *The European Union as a Global Actor*, 2nd edition. London: Routledge.

> Bretherton and Vogler's first edition (2002) of *The EU as a Global Actor* was the first volume to apply social constructivist insights to European foreign policy. The book integrated analyses of economic, environment, development, neighbourhood, foreign and military policy within a focus on actorness. The second chapter, 'The Nature of the Beast: The Identity and Roles of the EU', represents a seminal contribution to theorizing identity and roles in global politics. This book remains the most well-known and widely cited textbook on European foreign policy.

Cross, Mai'a K. Davis (2011), *Security Integration in Europe: How Knowledge-based Networks Are Transforming the European Union.* Ann Arbor, MI: University of Michigan Press.

> The book constitutes a major contribution to our understanding of the EU's security policy, presenting a theoretically informed and empirical rich analysis. Drawing on the theory of epistemic communities, Cross highlights the importance of transnational knowledge-based networks in driving the process of integration in this domain. The book presents in-depth studies of the epistemic communities of diplomats, high-level military officers, scientists and civilian crisis experts. Cross emphasizes the lasting normative and legal structures that bind member states together, thus presenting compelling evidence of the EU's foreign and security policy as a step beyond intergovernmentalism.

Eriksen, Erik O. (2009), *The Unfinished Democratization of Europe.* Oxford: Oxford University Press.

> In this book, the EU is conceived of as a regional subset of an emerging cosmopolitan order. Countering the claim that the EU is merely an international organization or a multilevel governance structure, Eriksen develops the concept of a stateless government aspiring to direct legitimation.

Pointing to the distinction between democracy as a legitimation principle and as an organizational principle, the analysis draws on a deliberative concept of democracy. A set of institutional prerequisites for democracy beyond the nation-state are identified, thus addressing debates on the interface between domestic and international politics. Chapters assess the constitutional essentials of the EU, its representative structures, the public sphere and the EU's normative basis.

Hill, C. (1993), 'The Capability–Expectations Gap or Conceptualising Europe's International Role'. *Journal of Common Market Studies* 31(3): 305–28.
In this much-quoted article, Christopher Hill conceives of the CFSP as a system of foreign policy. He further compares the capabilities of this system with those that are available to a state when it conducts its foreign and security policy. His main claim is that because the EU does not have the capabilities of a state in foreign policy, it is unable to live up to the expectations it has created with respect to its role and influence in global politics. A potentially dangerous capabilities–expectations gap has thus developed between the EU's hype and what it is capable of delivering.

Hill, Christopher (ed.) (1996), *The Actors in Europe's Foreign Policy*. London: Routledge.
Christopher Hill and David Allen were the leading scholars in European foreign policy (EFP) during its formative years. *The Actors* represents a seminal study on the roles of major and minor actors (including the European Commission) in EFP. The book argues that 1990s EFP necessitated the analysis of external relations, states and the domestic constituents of states. David Allen's concluding chapter on the European rescue of national foreign policy stands out as a significant contribution to EFP in itself.

Manners, Ian and Richard Whitman (eds) (2000), *The Foreign Policies of European Union Member States*. Manchester: Manchester University Press.
This comparative study of 15 Western EU member states was the first to apply a common analytical framework. The six-part framework included foreign policy change (adaption and socialization), processes (domestic and bureaucratic) and actions (with or without the EU). The 2014 edition of the book – Amelia Hadfield, Ian Manners and Richard Whitman (eds) (2014), *The Foreign Policies of European Union Member States*, London: Routledge – expands the coverage to Eastern Europe. In this new edition, member states are comparatively analysed in two different ways: first through a comparison of five different groups of states, and then through a comparison of ten different policy areas.

Sjursen, Helene (ed.) (2006), 'What Kind of Power? European Foreign Policy in Perspective'. *Journal of European Public Policy*, special issue, 13(2): 235–51.
This special issue critically examines the belief that the EU not only has an impact on the international system but also acts as a 'normative', civilian and 'civilizing' power. Contributors question whether this assertion is supported by the empirical record or is merely based on anecdotal evidence. Furthermore, they critically assess the theoretical basis for the expectation of a 'normative power'. Moving the research agenda forward, the issue provides theoretically informed analyses of the EU's international role. Criteria and assessment standards for examining its putative normative dimension are also established. Finally, contributors discuss the extent to which the acquisition of military means weakens the argument of 'normative power' and provokes a shift towards a policy more akin to those of the traditional 'great powers'.

Smith, Michael E. (2004), *Europe's Foreign and Security Policy: The Institutionalization of Cooperation*. Cambridge: Cambridge University Press.
This book constitutes a key contribution to the study of EU foreign and security policy. It is one of the few existing comprehensive and theoretically informed accounts of the EU's foreign and security policy. Drawing on an institutionalist perspective, Smith argues that there is a two-way relationship between institutional development and changes in state behaviour that profoundly influences cooperation. The book covers the history of EU foreign policy cooperation from its origins in the late 1960s up to the start of the 2003 Constitutional Convention. The focus is on the creation of foreign policy – that is, on its institutions, policy-making processes and the norms and rules that guide them.

Europe and world society

Büttner, Sebastian M. (2012), *Mobilizing Regions, Mobilizing Europe: Expert Knowledge and Scientific Planning in European Regional Development*. London: Routledge.
> This book rejects the mainstream functionalist and rational choice accounts of regionalization in the European Union, instead proposing a World Polity perspective that reveals the standardized processes based on scientific planning and actors (or expertise) underlying subnational regionalization in Europe.

Meyer, John W. (2001), 'The European Union and the Globalization of Culture'. In: S. S. Andersen (ed.), *Institutional Approaches to the European Union*. Oslo: Arena, pp. 227–45.
> This article is a rare piece in which the founder of the World Polity School discusses the European Union from a World Society perspective. The European Union is described as resembling a world society that is a 'stateless network polity'. It suggests that rather than a primordial cultural identity, the EU's actorhood is enacted and legitimated by a world culture that is based on rationalization and the modern version of 'natural law' encompassing human rights and progress. Its role is more that of an advisor than an agent in the modern world.

Krücken, Georg and Gili S. Drori (eds) (2009), *World Society: The Writings of John W. Meyer*. Oxford: Oxford University Press, pp. 3–35.
> This is a compilation of must-read articles that represent World Society/Polity research conducted by John W. Meyer and his students since the 1970s. It includes previous key publications applying the World Polity approach to different areas such as human rights, European integration, the nation-state, law and the environment.

Meyer, John and Ronald Jepperson (2000), 'The "Actors" of Modern Society: The Cultural Construction of Social Agency'. *Sociological Theory* 18(1): 100–20. Reprinted in *World Society: The Writings of John W. Meyer*, ed. Georg Krücken and Gili S. Drori. Oxford: Oxford University Press, 2009, pp. 111–36.
> This is a groundbreaking article that provides a critical account of modern actorhood as reflecting exogenous world-level institutional scripts rather than parochial interests or autonomy. It discusses the different types of actorhood, such as 'agency for principle' (or so-called 'disinterested Otherhood'), that advise national governments on how to define and represent their identity and interests in a legitimate manner.

Soysal, Yasemin Nuhoglu (1994), *Limits of Citizenship: Migrants and Postnational Membership in Europe*. Chicago: University of Chicago Press.
> This book studies the expanding rights of migrant workers in core European countries. In contrast to the prevailing rational choice accounts that explain the advancement of migrant rights in terms of the parochial interests of the host countries, the author demonstrates that Europe is acting under the constitutive effects of world polity.

Online resources

European Institute of Security Studies, available at: http://www.iss.europa.eu/.
> This is an important institution funded by the European Union. It provides excellent studies which are available online.

Journals

European Journal of International Relations

European Foreign Affairs Review

European Security
> Three journals specializing in European foreign and security policy. The *European Journal of International Relations* is quite strong on theoretical aspects of the area, while the two others focus more on empirical studies.

National institutions in European politics

Government in general

Prime minister and cabinet

Poguntke, Thomas and Paul Webb (eds) (2007), *The Presidentialization of Politics: A Comparative Study of Modern Democracies*. Oxford: Oxford University Press.

> This edited collection explores the ways in which prime ministerial behaviour has become presidentialized in recent decades, even though constitutional structures have remained parliamentary. The authors argue that factors such as the changing role of the media, more fluid voting behaviour, the rise of international summitry and more complex policy processes have led prime ministers to behave in a more presidentialized manner. This means that they are more likely to act independently of their party, that elections are more personalized and that there are now large prime ministerial offices coordinating the process of government on the prime minister's behalf. The collection includes chapters on many West European countries.

Karvonen, L. (2010), *The Personalization of Politics: A Study of Parliamentary Democracies*. Colchester: ECPR Press.

> A neat, comprehensive and comparative assessment based on a wide array of data and an intelligent exploration and criticism of the criteria used to highlight the processes of personalization in politics. The authors come to the convincing conclusion that in most European parliamentary democracies personalization remains a limited phenomenon.

Katz, R. S. (ed.) (1987), *Party Governments: European and American Experiences*, Berlin, New York: Walter de Gruyter.

> The best analysis to date of the role played by parties in staffing democratic governments, allocating roles and spoils, and formulating policies. Though published more than 25 years ago, both the theoretical structure and the country chapters provide excellent material. Party government continues to be the central feature of all parliamentary democracies.

Müller, W. C. and K. Strøm (eds) (2000), *Coalition Governments in Western Europe*. Oxford: Oxford University Press.

> An excellent collection of original country articles on practically all Western European political systems, accompanied by both an outstanding theoretical introduction and a thoughtful conclusion by the editors. Rich in data and perfectly organized for comparative purposes.

Heads of state

Elgie, Robert (ed.) (1999), *Semi-presidentialism in Europe*. Oxford: Oxford University Press.

> This edited collection looks at the role of directly elected presidents in Europe. There are chapters on individual countries as well as some comparative chapters. The country chapters examine why direct presidential elections were chosen; in addition, they identify the constitutional powers of the various presidents, and they also illustrate how constitutional powers and power in practice can sometimes vary. The role of political parties and party support in the different countries is shown to be an important predictor of variation in presidential power.

Samuels, David J. and Matthew S. Shugart (2010), *Presidents, Parties, Prime Ministers: How the Separation of Powers Affects Party Organization and Behavior*. Cambridge: Cambridge University Press.

> This book argues that the design of executive–legislative relations affects the organization and behaviour of political parties. In presidential systems, political parties are presidentialized, meaning that the president has considerable independence from the party when campaigning and governing. By contrast, under parliamentarism, the party selects the leader. This means that party leaders must adhere to the party platform during the election campaign and that the party can hold the leader accountable following the election. This variation in constitutional structure has many implications. For example, in presidential systems political outsiders are more likely to serve in office. The volume presents a comparative study of many countries worldwide, including plenty of European examples.

Tavits, Margit (2008), *Presidents with Prime Ministers: Do Direct Elections Matter?* Oxford: Oxford University Press.

> This book argues that whether or not a president is directly elected does not necessarily make a difference in the way in which presidential power is exercised. By comparing weak but directly elected presidents in semi-presidential regimes with indirectly elected presidents in parliamentary regimes, the author shows that parliamentary presidents can often exercise more power than their semi-presidential counterparts. This book focuses solely on European presidents, and there are ample examples as well as in-depth cases studies of presidential behaviour.

Parliaments

Legislatures

Norton, Philip (ed.) (1998), *Parliaments and Governments in Western Europe*. London: Frank Cass.

Norton, Philip (ed.) (1999), *Parliaments and Pressure Groups in Western Europe*. London: Frank Cass.

Norton, Philip (ed.) (2002), *Parliaments and Citizens in Western Europe*. London: Frank Cass.

> A three-volume series examining the relationship between parliaments, the executive, interest groups and the public in selected West European nations in the period up to the end of the twentieth century.

Olson, David and Gabriella Ilonski (eds) (2011), *Post-Communist Parliaments: Change and Stability in the Second Decade*. London: Routledge.

> This volume addresses the development of seven legislatures from Central and Eastern Europe, focusing on context, members, internal structure and the working relationship with the executive. This is the latest of several works in Routledge's *Library of Legislative Studies* to examine how post-Communist parliaments have developed.

Leston-Bandeira, Cristina (ed.) (2005), *Southern European Parliaments in Democracy*. London: Routledge.

> This volume is the principal work examining the development of parliaments in the new democracies of Southern Europe. It analyses the legislatures of Greece, Italy, Portugal, Spain and Turkey since the mid-1980s.

Executive–legislative relations

Fish, M. S. and M. Kroenig (2009), *The Handbook of National Legislatures: A Global Survey*. Cambridge: Cambridge University Press.

> This handbook is a major comparative study of the formal powers of legislatures based on the 'Legislative Powers Survey' carried out by the authors between 2002 and 2006. All countries with a population over 500,000 are included. The data, based on the responses of country experts to survey questionnaires, are very much a snapshot of the relevant legislatures around the year 2006. The selection of questions was based on a systematic survey of a large body of scholarly literature on parliaments. One battery of nine questions dealt with the legislature's direct influence over the executive; another covered the legislative powers in comparison to those of the country's chief executive and ministers.

Döring, H. (ed.) (1995), *Parliaments and Majority Rule in Western Europe*. New York: St Martin's Press.

> This edited volume contains 22 chapters that analyse various aspects of executive–legislative relations from the theoretical perspective of rational choice theory. All chapters are comparative and based on data collected in 17 European democracies during the early 1990s. Although the factual information has become somewhat dated, many articles in this classic volume have informed the comparative study of executive–legislative relations and are still crucial for a deeper understanding of the relationship between governments and legislatures in parliamentary and semi-presidential systems. Aspects covered include cross-national variations in the extent to which the government controls the legislative agenda, the role of veto players, the problem of time as a scarce resource in parliamentary life, the role of committees, the use of parliamentary questions and patterns of lobbying and legislative voting.

Strøm, K., W. C. Müller and T. Bergman (eds) (2003), *Delegation and Accountability in Parliamentary Democracies*. Oxford: Oxford University Press.

> This book analyses problems of democratic accountability in 17 European democracies. It provides a wealth of institutional information for the period around the year 2000. All country studies were written by experts and follow the same analytic framework. This framework is strongly shaped by principal–agent theory, a theory that focuses on the problem of information as a key issue in representative democracies. Although the chapters also include information on electoral and administrative accountability, executive–legislative relations are at their core. A number of comparative introductory and concluding chapters compare similarities and differences among advanced European democracies and identify certain challenges, such as the growing volatility of voters and the increasing dissatisfaction of citizens with the performance of their legislators.

Rasch, B.-E. and G. Tsebelis (eds) (2011), *The Role of Governments in Legislative Agenda Setting*. London: Routledge.

> Agenda control is the key weapon available to governments vis-à-vis legislatures. In parliamentary systems of government, governments differ in the extent to which minorities have access to plenary time, as well as their ability to initiate or influence legislation. This collection of articles written by country experts provides in-depth analyses of questions of agenda control in 14 countries, including a number of non-Western political systems such as Japan and Russia.

Shugart, M. S. and J. M. Carey (1992), *Presidents and Assemblies: Constitutional Designs and Electoral Dynamics*. Cambridge: Cambridge University Press.

> This classic book focuses on democracies with elected presidents, that is, countries with presidential and semi-presidential constitutions. Although the empirical data are no longer up to date, the book has played an important role in refining our conceptual understanding of the varieties of presidentialism and semi-presidentialism, identifying certain key differences between these fundamental constitutional arrangements. The authors analyse, among other aspects, the legislative powers of presidents as well as the consequences of variations in electoral rules. In particular, they demonstrate that electoral rules are crucial in determining how authority can be exercised in the different systems they analyse. They also investigate the effects different electoral systems have on the shape of party systems, the political agenda, and the scope for cooperation between chief executives and legislatures.

Europeanization of national parliaments

Auel, Katrin (2007), 'Democratic Accountability and National Parliaments: Re-Defining the Impact of Parliamentary Scrutiny in EU Affairs'. *European Law Journal* 13(4): 87–504.

> Based on a critical assessment of parliamentary influence in EU affairs, the author proposes an alternative framework for the assessment of the role of national parliaments in EU affairs based on the parliamentary functions of public deliberation and holding the government publicly to account.

Auel, Katrin and Tapio Raunio (2014), 'Connecting with the Electorate? Parliamentary Communication in EU Affairs'. *Journal of Legislative Studies*, special issue, 20(1).

> This collection of articles provides both quantitative and qualitative data on the under-researched topic of parliamentary communication in EU affairs.

Brouard, Sylvain, Olivier Costa and Thomas König (eds) (2012), *The Europeanization of Domestic Legislatures: The Empirical Implications of the Delors' Myth in Nine Countries*. New York: Springer.

> This comparative analysis shows that EU integration did have a significant impact on domestic legislation, but puts Jacques Delors' famous 80 per cent prediction firmly in the realm of myth.

Crum, Ben and John E. Fossum (2009), 'The Multilevel Parliamentary Field: A Framework for Theorizing Representative Democracy in the EU'. *European Political Science Review* 1(2): 249–71.

> The authors argue that national parliaments and the European Parliament should not be viewed in isolation from each other, but should instead be analysed as elements in a combined system of parliamentary representation in the EU.

Goetz, Klaus H. and Jan-Hinrik Meyer-Sahling (2008), 'The Europeanisation of National Political Systems: Parliaments and Executives'. *Living Review in European Governance* 3(2), available at: http://www.living reviews.org/lreg-2008–2.

> This living review provides a slightly dated but still excellent overview of the literature.

Hefftler, Claudia, Christine Neuhold, Olivier Rozenberg, Julie Smith and Wolfgang Wessels (2014), *The Palgrave Handbook of National Parliaments and the European Union*. London: Palgrave Macmillan.
> This volume provides a comprehensive overview of EU affairs in the parliaments of all 28 member states of the EU (including Croatia) in terms of both legal provisions and political practice. The volume also addresses topics such as inter-parliamentary cooperation and the role of parliamentary administrations in EU affairs.

Kiiver, Philipp (2012), 'The Early Warning System for the Principle of Subsidiarity: Constitutional Theory and Empirical Reality'. London: Routledge.
> A comprehensive analysis of the Early Warning System (EWS) from both a theoretical and empirical perspective.

O'Brennan, John and Tapio Raunio (eds) (2007a), *National Parliaments within the Enlarged European Union: From 'Victims' of Integration to Competitive Actors?* Abingdon: Routledge.
> This volume takes a critical look at the 'de-parliamentarization thesis' on the basis of both cross-cutting chapters on the role of national parliaments within the EU policy-making process and chapters on individual parliaments, including those of the new Central and Eastern European member states.

Raunio, Tapio (2009), 'National Parliaments and European Integration: What We Know and Agenda for Future Research'. *Journal of Legislative Studies* 15(4): 317–34.
> This article provides an excellent overview of the literature.

Sprungk, Carina (2010), 'Ever More or Ever Better Scrutiny? Analysing the Conditions of Effective National Parliamentary Involvement in EU affairs'. *European Integration Online Papers* 14(2).
> Based on a principle–agent framework, Sprungk argues that it is not simply the sheer level of scrutiny activities of national parliaments but rather the quality of national parliamentary involvement that contributes to the accountability of EU politics.

Winzen, Thomas (2010), 'Political Integration and National Parliaments in Europe'. *Living Reviews in Democracy* 2, available at: http://www.livingreviews.org/lrd-2010–5.
> This living review provides an excellent overview of the literature on national parliaments in the EU.

Constitutional courts

Shapiro, Martin and Alec Stone (1994), 'The New Constitutional Politics of Europe'. *Comparative Political Studies*, special issue, 26(4).

Volcansek, Mary (ed.) (1992), 'Judicial Politics and Policy-Making in Western Europe'. *West European Politics*, special issue, 15(3).
> Although more or less 20 years old, these are still some of the best overviews of judicial politics in Europe, given the lack of comparative literature in this research area.

Hoennige, Christoph (2008), 'Verfassungsgerichte in den EU-Staaten: Wahlverfahren, Kompetenzen und Organisationsprinzipien'. *Zeitschrift für Staats-und Europawissenschaften* 3: 524–53.
> Unfortunately only available in German, this article provides an excellent comprehensive overview of the competences, selection procedures and other features of constitutional courts in Europe.

Hoennige, Christoph (2011), Beyond Judicialization: Why We Need More Comparative Research about Constitutional Courts'. *European Political Science* 10: 346–58.
> This article offers an interesting research agenda with a special focus on comparative issues.

Ginsburg, Tom (2008), 'The Global Spread of Constitutional Review'. In: Keith E. Whittington, R. Daniel Kelemen und Gregory A. Caldeira (eds), *The Oxford Handbook of Law and Politics*. Oxford: Oxford University Press, pp. 81–98.
> This article provides an excellent overview of the theoretical arguments on the spread of judicial review from the Anglo-American sphere to other regions of the world, especially Europe.

Local and regional democracy and government

Denters, B. and L. E. Rose (eds) (2005), *Comparing Local Governance: Trends and Developments*. Basingstoke: Palgrave Macmillan.
>   This text identifies major trends in the development of local governance in a globalized and Europeanized context. Analyses of 12 country cases are combined with discussions of general patterns.

Hendriks, F. (2010), *Vital Democracy: A Theory of Democracy in Action*. Oxford: Oxford University Press.
>   An important theoretical contribution to the understanding of the functioning of democracy in action. The author identifies four ideal-typical variants of democracy that are particularly suitable as a basis for comparative analyses.

Loughlin, John, Frank Hendriks and Anders Lidström (eds) (2011), *The Oxford Handbook of Local and Regional Democracy in Europe*. Oxford: Oxford University Press.
>   This is the most extensive overview of local and regional democracy in Europe that has been published to date. Leading experts provide in-depth analyses of each country; these are combined with theoretically informed discussions of general trends and developments.

Loughlin, John and B. Guy Peters (1997), 'State Traditions, Administrative Reform and Regionalization'. In: Michael Keating and John Loughlin (eds), *The Political Economy of Regionalism*. London: Routledge.
>   A major groundbreaking contribution, identifying European state traditions and relating them to administrative systems and patterns of regionalization.

Loughlin, John, Wilfried Swenden and John Kincaid (eds) (2013), *The Routledge Handbook of Regionalism and Federalism*. London: Routledge.
>   This Handbook contains 40 chapters covering the theoretical aspects of both regionalism and federalism, as well as case studies from all parts of the world. It is centred on the notion that the traditional distinction between federal and unitary states is giving way to a more complex set of arrangements characterized by 'hybridity'.

Scully, Roger and Richard Wyn Jones (eds) (2010), *Europe, Regions and European Regionalism*. Basingstoke: Palgrave Macmillan.
>   A recent and well-informed overview of the role of regional government in the European Union and the relationship between regional and European levels of government. Analyses of 12 country cases are combined with a summary of the general patterns.

Sellers, Jefferey and Anders Lidström (2007), 'Decentralization, Local Government and the Welfare State'. *Governance* 20(4): 609–32.
>   An overview of different ways of understanding systems of local government and how these systems are related to measures of decentralization and types of welfare states.

Databases

European Representative Democracy Data Archive, available at http://erdda.se/.
>   An excellent database on government and parliaments. It is probably the most ambitious project to provide online data on parliaments and governments over time.

Interparliamentary Union (IPU)–Parline, available at http://www.ipu.org/parline-e/parlinesearch.asp.
>   Excellent online database with a historical record of information on national parliaments in the world, including all European countries. The database also has a dedicated section on female legislators.

Parliamentary and government composition database, available at: http://www.parlgov.org/.
>   This is a useful database to get parliamentary and government composition data over time. It clearly allows for analysing data over time. However, it tends to use Wikipedia data as well, so that it is always a good idea to double check with other sources.

Journals

West European Politics

East European Politics and Societies

East European Politics

These are the main journals with articles on governments and parliaments. There are also a lot of specialist journals for particular regions or countries. Among them are *Contemporary Italian Politics*, *French Politics*, *German Politics*, *South European Society and Politics* and *Scandinavian Political Studies*.

Journal of Legislative Studies

Representation

The *Journal of Legislative Studies* is an excellent source for critical studies on European parliaments. Regular special issues deal either with regions or with specific topics related to parliamentarianism.
   Representation focuses on historical research on parliaments. This is certainly worth reading, because it includes excellent research from historians, not only from political scientists.

Public administration

General works

Pollitt, C. and G. Bouckaert (2011), *Public Management Reform: A Comparative Analysis − New Public Management, Governance, and the Neo-Weberian State*. Oxford: Oxford University Press.
   This book is the third edition of a groundbreaking contribution that has become the standard text in the field of public management reform. It offers a structured comparison of changes and reforms of public administration in 12 countries and the EU Commission over a 30-year period. This edition offers a renewed conceptual framework explaining the reform trajectories of several countries and factual appendices with very useful country-by-country information.

Peters, B. Guy and Jon Pierre (eds) (2012), *The SAGE Handbook of Public Administration*. London: Sage Publications.
   This second edition of a seminal international handbook, featuring the work of an outstanding collection of scholars in the field of public administration and management, is the most extensive and comprehensive overview of the field and represents the current state of the art in comparative public administration. It consists of 48 authoritative chapters covering the development of administrations and public management reforms in both Western and Eastern Europe, alongside other classical and emerging issues in the field.

Demmke, Christoph and Timo Moilanen (2010), *Civil Services in the EU of 27: Reform Outcomes and the Future of the Civil Service*. Frankfurt: Peter Lang.
   This book provides a detailed and up-to-date account of the development of national systems of civil service and the most important reform trends in the 27 member states of the EU, examining reform processes concerning civil servants' legal status, organizational changes, recruitment policies, remuneration, the decentralization of human resource responsibilities, job security and ethics. The two authors also consider similarities and differences among states and discuss whether national civil services are moving away from traditional bureaucratic structures and their future prospects.

Verhoest, Koen, Sandra van Thiel, Geert Bouckaert and Per Laegreid (eds) (2012), *Government Agencies: Practices and Lessons from 30 Countries*. Basingstoke: Palgrave Macmillan.
   This edited collection based on a large international research project assembles leading experts from many countries to provide in-depth analyses. The contributors use a common framework to examine the historical origins and legal, political and administrative implications of semi-autonomous public agencies in 30 countries.

Page, Edward (2012), *Policy without Politicians: Bureaucratic Influence in Comparative Perspective*. Oxford; Oxford University Press.
   A recent monograph by a leading scholar in the field of comparative bureaucracy, this study compares bureaucratic influence in policy-making in four EU countries, the EU and the US, investigating

bureaucratic involvement in everyday policy-making. Items of secondary legislation are examined through the analysis of 52 decrees in order to identify the varying patterns of bureaucratic involvement across countries.

Gilardi, Fabrizio (2008), *Delegation in the Regulatory State Independent Regulatory Agencies in Western Europe*. Cheltenham: Edward Elgar.
This book is a well-informed monograph that empirically examines the emergence and formal independence of independent regulatory agencies in 17 European countries (the 15 EU members before enlargement, plus Switzerland and Norway) across seven regulatory domains (telecommunications, electricity, financial markets, competition policy, food safety, pharmaceuticals and the environment). It explains how and why independent regulatory agencies have diffused across Europe and compares their formal independence.

Ongaro, Edoardo (2009), *Public Management Reform and Modernization: Trajectories of Administrative Change in Italy, France, Greece, Portugal and Spain*. Cheltenham, Northhampton, MA: Edward Elgar.
This book is one of the few monographs in English to investigate the dynamics of contemporary public management reform in the five European countries belonging to the Napoleonic administrative tradition (Italy, France, Greece, Portugal and Spain), dealing with issues such as the influence of the past on the transformation of the public sector and the direction of reforms. It could be considered a useful supplement to the book by Pollit and Bouckaert.

Gualmini, Elisabetta (2003), *L'amministrazione nelle democrazie contemporanee*. Roma-Bari : Laterza;.

Kuhlmann, Sabine and Helmut Wollmann (2013), *Verwaltung und Verwaltungsreformen in Europa: Einführung in die vergleichende Verwaltungswissenschaft*. Wiesbaden: Springer VS.

Madureira, César and Maria Asensio (eds) (2013), *Handbook de Administração Pública*. Lisboa: INA Editora.

Parrado, Salvador, César Colino and José A. Olmeda (2013), *Gobiernos y administraciones públicas en perspectiva comparada*. Valencia: Tirant lo Blanch.
Four interesting, comprehensive and well-informed recent comparative public administration textbooks, collections and monographs in various languages, one from Germany and three from the Southern European countries. The volume edited by Madudeira and Asensio is a collection of work by authors from many countries, including several chapters in English.

Journals

Public Administration

Governance
Two well-established journals with excellent information on public administration.

National European Union policy coordination

Bulmer, S. and M. Burch (2009), *The Europeanisation of Whitehall: UK Central Government and the European Union*. Manchester: Manchester University Press.
Located at the intersection between literatures on coordination and Europeanization, this is an authoritative study of how the UK has met the administrative challenges of EU membership.

Dimitrova, A. and D. Toshkov (2007) 'The Dynamics of Domestic Coordination of EU Policy in the New Member States: Impossible to Lock in?' *West European Politics* 30(5): 961–86.
The first systematic investigation of national EU policy coordination in the 'new' member states, offering an actor-centred account that challenges functionalist and institutionalist explanations.

Dimitrov, V. and H. Kassim (2012), 'The National Coordination of EU Policy in the "New" Member States: A Comparative Perspective'. Unpublished mimeo.
An analysis of the development of coordination systems in seven of the states that joined the EU in 2004, from pre-accession to full membership.

Kassim, H. (2003), 'Meeting the Demands of EU Membership: The Europeanization of National Administrative Systems'. In: K. Featherstone and C. M. Radaelli (eds), *The Politics of Europeanization*. Oxford: Oxford University Press, pp. 83–111.

On the cusp between two literatures (like the text by Bulmer and Burch), this chapter highlights the importance of ambition and centralization as the two key dimensions along which national systems vary.

Kassim, H, B. P. Peters and V. Wright (eds) (2000), *The National Coordination of EU Policy: The Domestic Level*. Oxford: Oxford University Press.
    This edited volume, including ten country studies, undertook the first systematic comparison of national coordination systems in the member states. See, in particular, the introduction, conclusion and the chapter by Derlien on Germany.

Kassim, H., A. Menon, B. P. Peters and V. Wright (eds) (2001), *The National Coordination of EU Policy: The Domestic Level*. Oxford: Oxford University Press.
    The companion to the above volume, its focus is on the permanent representations, examined through a comparison of 11 countries.

Lanceron, Virginie (2007), *Du SGCI au SGAE: Évolution d'une administration de coordination au coeur de la politique européenne de la France*. Paris: L'Harmattan.
    This slim volume presents an engaging analysis of a key change in the unit responsible for EU policy coordination in France.

Lequesne, C. (1993), *Paris–Bruxelles : Comment se fait la politique européenne en France?* Paris: Presses de Sciences Po.
    Although dated, this book offers an insightful account and exploration of how one of the original Six developed machinery to meet the demands of EU membership.

Lippert, B. and G. Umbach (2005), *The Pressure of Europeanization. From Post-Communist State Administrations to Normal Players in the EU System*. Baden-Baden: Nomos.
    An important early study of how Central and East European states made the transition from pre-accession status to full EU membership.

Political elites

General works

Best, Heinrich, György Lengyel and Luca Verzichelli (eds) (2012), *The Europe of Elites: A Study into the Europeanness of Europe's Political and Economic Elites*. Oxford: Oxford University Press.
    This book is based on surveys of political and economic elites in 18 European countries and represents a comprehensive study of the visions, fears, cognitions and values of members of national parliaments and top business leaders underlying their attitudes towards European integration. The book supports the idea of the elitist character of the process of European integration, while challenging the notion of pan-European elite convergence.

Higley, John and Michael G. Burton (2006), *The Elite Foundations of Liberal Democracy*. Lanham, MD: Rowman & Littlefield.
    A seminal work on the pivotal role played by elites in the success or failure of political regimes. The book considers an impressive body of cases, examining the relationship between basic types of elites and the associated political regimes. The authors' major argument on the importance of consensually united elites for liberal democracies reframes our thinking about democratization and our assumptions about the prospects for its success.

Putnam, R. D. (1976), *The Comparative Study of Political Elites*. Englewood Cliffs, NJ: Prentice Hall.
    A classic on the study of political elites. The volume moves from a concise assessment of the fundamental questions from the classic elite theories before providing a broad presentation of data, problems and questions for the empirical study of modern political elites. A milestone for all the students who want to approach the study of contemporary rulers.

Parliamentary elites

Borchert, J. and J. Zeiss (eds) (2003), *The Political Class in Western Democracies*. Oxford: Oxford University Press.

> A broad exploration of the current transformations of the political class in a number of democratic polities, including some European democracies. The volume adopts a classic notion developed by the elite scholars, raising some questions about the nature of the changes within the *political classes* of our democracies. Patterns of continuity and discontinuity are then discussed.

Cotta, M. and H. Best (eds) (2007), *Democratic Representation in Europe: Diversity, Change, and Convergence*. Oxford: Oxford University Press.

> This volume, published seven years after another collective work based on a broad analysis across countries, presents the results of wide research on the long-term transformation of parliamentary elites. The analyses are based on a large comparative dataset.

Best, Heinrich and Maurizio Cotta (eds) (2000), *Parliamentary Representatives in Europe, 1848–2000: Legislative Recruitment and Careers in Eleven European Countries*. Oxford: Oxford University Press.

> A very good collection of chapters on most West European parliaments. All country chapters offer a wealth of important information on the formation and careers of parliamentary elites. The authors utilize a comprehensive comparative dataset that includes information on parliamentarians since the mid-nineteenth century. One of the best guides for the interpretation of parliamentary developments and elite varieties.
>
> This book covers the social and political characters of the parliamentarians from 13 European countries. The essays included in the book explain different aspects of such a diachronic change, testing a set of hypotheses based on country-specific and party-specific factors.

Mateo Diaz, M. (2005), *Representing Women? Female Legislators in West European Parliaments*. Colchester: ECPR Press.

> This comprehensive analysis of female representation across the European parliaments provides a good example of comparative study at the elite level, focusing the problem of the gender gap within the European institutions. The volume shows that, contrary to the expectations of critical mass theory, which claims the need to elect a significant quota of women in parliament, a small group of female representatives can make the difference, influencing the legislative outcomes and policy-making.

Semenova, Elena, Michael Edinger and Heinrich Best (eds) (2014), *Parliamentary Elites in Central and Eastern Europe: Recruitment and Representation*. London: Routledge.

> This book provides the first comparative examination of representative elites and their role in democratic development in post-Communist Central and Eastern Europe (CEE). The authors provide an in-depth analysis of representatives from 11 national parliaments and explore country-specific features of recruitment and representation. They draw on an integrated dataset of parliamentary elites to track individual, party family and parliamentary variables over the 20 years following the collapse of Communism, developing a common framework for the analysis of variations in democratization and political professionalization between parliaments and political parties/party families across CEE.

Ministerial elites

Fischer, J., K. Dowding and P. Dumont (2012), 'The Duration and Durability of Cabinet Ministers'. *International Political Science Review* 33: 505–19.

> This article represents the state of the art on theoretical, methodological and empirical advances in the study of the duration and durability of individual ministers.

Bäck, H., M. Debus and P. Dumont (2011), 'Who Gets What in Coalition Governments? Predictors of Portfolio Allocation in Parliamentary Democracies'. *European Journal of Political Research* 50: 441–78.

> This article looks at the role of policy saliency in portfolio allocation among coalition government partners, showing an electoral connection between the pre-electoral pledges parties make in their electoral platforms and the ministerial remits they receive. This text was selected as a 'key article' by the editors of the journal.

Andeweg, R., L. De Winter and P. Dumont (eds) (2011), *Puzzles of Coalition Formation: Coalition Theory and Deviant Cases*. London: Routledge.

> This book provides a selection of case studies (based on a quantitative analysis undertaken in the introductory chapter) on government formation processes leading to outcomes unaccounted for by existing theory. Novel explanations for outcomes observed emerging from these in-depth case studies are then assessed for their contribution to theory development.

Bäck, H., P. Dumont, E. Meier, T. Persson and K. Verby (2009), 'Does European Integration Lead to a "Presidentialization" of Executive Politics? Ministerial Selection in Swedish Postwar Cabinets'. *European Union Politics* 10(2): 235–62.

> This article assesses the presidentialization thesis through an analysis of the impact of European integration on the backgrounds of government ministers.

Dowding, K. and P. Dumont (eds) (2008), *The Selection of Ministers in Europe: Hiring and Firing*. London: Routledge.

> This book was the first collective output of the SEDEPE network. An edited book covering experiences outside Europe is scheduled for publication in 2014 by Routledge.

Bäck, H. and P. Dumont (2007), 'Combining Large-n and Small-n Strategies: The Way Forward in Coalition Research'. *West European Politics* 30(3): 467–501.

> This article arguing in favour of a mixed-methods strategy in the mature field of coalition research won the Vincent Wright Memorial Prize for the best article published in *West European Politics*.

Political parties and party systems in European politics

Political parties

Dalton, R. J., D. M. Farrell and I. McAllister (2011), *Political Parties and Democratic Linkage: How Parties Organize Democracy*. Oxford, Toronto: Oxford University Press.

> The authors use data from the first module of the Comparative Study of Electoral Systems (CSES) and the Comparative Manifesto Project to show that political parties in 36 countries perform the linkage functions attributed to them. Examining data from European and other countries, they demonstrate that: (1) parties play a central role in the recruitment of candidates; (2) voters are able to place both their own positions and those of the political parties on left–right scales; (3) parties play a central role in election campaigns by providing voters with information and encouraging them to vote; (4) parties act on what they promise; and (5) government policies do indeed reflect voter preferences. Along with Rohrschneider and Whitefied (2012), this is one of the few studies to consider the extent to which parties perform the linkage functions attributed to them. In doing so, it raises doubts about the validity of Katz and Mair's (1995) claim that parties have become cartel parties remote from their members.

Katz, R. S. and W. Crotty (eds) (2006), *Handbook of Party Politics*. London, Thousand Oaks, CA, New Delhi: Sage Publications.

> This text is a comprehensive examination of the literature on parties and party systems as of 2006. A substantial number of its 45 chapters focus on the comparative literature and, *inter alia*, European parties and party systems.

Katz, R. S. and P. Mair (eds) (1994), *How Parties Organize: Change and Adaptation in Party Organizations in Western Democracies*. London, Thousand Oaks, CA; Sage Publications.

> Although it is more than 20 years old, *How Parties Organize* is central to the literature on European parties. Katz and Mair's introductory chapter summarizes what they and their colleagues learned by examining 'the official story' – political parties' rules and procedure. Subsequent chapters by country experts describe political parties in 11 Western European countries as well as the United States and the European Union. This is not only the most recent examination of party organization and its variance but, to all intents and purposes, the only comparative investigation of parties and how they organize in the literature. Along with Katz and Mair's (1995) article 'Changing Models of Party Organization and Party Democracy: The Emergence of the Cartel Party' (*Party Politics* 1(1)), this is essential reading for anyone seeking to understand the cartel party and the arguments around it.

Rohrschneider, R. and S. Whitefield (2012), *The Strain of Representation: How Parties Represent Diverse Voters in Western and Eastern Europe*. Oxford: Oxford University Press.

> *The Strain of Representation* should be read in conjunction with Dalton, Farrell and McAllister (2011). Using data from the 2004 and 2007 European Social Survey and a survey of specially selected country experts, Rohrschneider and Whitefield argue that parties in ten Central and Eastern European countries and 14 Western European countries represent not only their partisans but also the independent constituents who supported them by offering coherent policy packages relevant to their interests. However, parties in Western Europe navigate a two-dimensional policy space, positioning themselves on distributional issues and a cosmopolitan–traditionalist divide. Parties in Central and Eastern Europe navigate a simpler space in which these two dimensions load on each other. Parties that represent both partisans and independent constituents most effectively retain mass party organization. Along with Dalton, Farrell and McAllister (2011), this study raises questions about the validity of Katz and Mair's claim that European parties have become cartel parties.

Scarrow, S. E. (1996), *Parties and Their Members: Organizing for Victory in Britain and Germany*. New York: Oxford University Press.

> Examining party members, what they do and the uses that the principal British and German parties make of them, Scarrow's study has not received the attention that it deserves. A central question raised is whether parties, if they need members to establish their presence in the community, can afford to marginalize them in the way that Katz and Mair (1995) maintain that they do.

van Biezen, I. (2003), *Political Parties in New Democracies*. Basinstoke: Palgrave Macmillan, Basingstoke. (See also Stein Rokkan section on pp. 930–31.)

> *Political Parties in New Democracies* extends Katz and Mair's (1994) study to four newer democracies in Southern Europe (Spain and Portugal) and Central Europe (Hungary and the Czech Republic). Although now more than a decade old, van Biezen's book, along with her subsequent work and that of Petr Kopecký, demonstrates the entanglement of Central and Eastern European parties with the states they attempt to control.

Party patronage

Kopecký, P., P. Mair and M. Spirova (eds) (2012), *Party Patronage and Party Government in European Democracies*. Oxford: Oxford University Press.

> A major comparative analysis of the range, depth, motivations and qualifications of patronage. The book contains 15 country case studies as well as general appraisals and a very detailed chapter on the methodology used.

Blondel, J. and M. Cotta (eds) (2001), *The Nature of Party Government: A Comparative European Perspective*. Basingstoke: Palgrave.

> Party patronage interacts closely with party government. This book not only examines party government in depth, but also establishes connections with the concept of patronage.

Kitschelt, H. and S. I. Wilkinson (eds) (2007), *Patrons, Clients and Policies: Patterns of Democratic Accountability and Political Competition*. Cambridge: Cambridge University Press.

> An examination of patronage that develops the clientelistic dimension of the phenomenon. The book has a wide geographic scope and includes a number of more theoretical chapters.

Shefter, M. (1994), *Political Parties and the State: The American Historical Experience*. Princeton: Princeton University Press.

> A major contribution in analysing patronage. While the book ostensibly focuses on the American experience, its implications for the study of European democracies are substantial, not least in the assessment of the underlying factors of patronage.

Peters, B. G. and J. Pierre (eds) (2004), *Politicization of the Civil Service in Comparative Perspective: The Quest for Control*. London: Routledge.

> This edited volume explores politicization from a public administration perspective, and is central to any analysis of the causes and consequences of patronage. The book includes 12 case study chapters, nine of which are about European countries.

Europeanization of political parties

Külahci, Erol (2012), *Europeanisation and Party Politics: How the EU Affects Domestic Actors, Patterns and Systems*. Colchester: ECPR Press.

> This edited collection begins with a presentation of key research questions and a framework to address the variety of party experiences within the EU. In addition to Western and Eastern European case studies, there is a chapter on Europarties, thereby bringing together national and transnational party actors in one volume. The concluding chapter synthesizes the main findings that arise from the case studies and returns to an evaluation of the research questions.

Ladrech, Robert (2009), 'Europeanization and Political Parties'. *Living Reviews in European Governance* 4(1), available at: http://www.livingreviews.org/lreg-2009–1.

> This online article, originally published in 2009 and updated in 2012, situates the Europeanization approach to understanding party change in relation to earlier scholarly work concerning the participation of parties in European Parliament elections as well as the formation of transnational party federations, or Europarties. It draws a distinction between the effect of the EU on Western European parties and on post-Communist parties. Finally, it raises certain normative issues regarding the representativeness of domestic party politics that is itself influenced by non-elected EU forces.

Lewis, Paul and Radoslaw Markowski (eds) (2011), *Europeanising Party Politics? Comparative Perspectives on Central and Eastern Europe*. Manchester: Manchester University Press.

> This edited volume considers a range of party political dynamics in post-Communist political systems on which the EU may have had some impact. The chapters include considerations of voter turnout, the interactions between post-Communist parties and the new state institutions, the radical right in Eastern Europe and the degree of institutionalization of post-Communist parties. More than merely a survey of the state of parties as case studies, this work combines sophisticated political analysis by experts in their field with the consolidation of a new sub-field in Europeanization studies.

Mair, Peter (2007), 'Political Parties and Party Systems'. In: P. Graziano and M. Vink (eds), *Europeanization: New Research Agendas*. Basingstoke, Palgrave, pp. 154–66.

> In this chapter, Mair sets out in a concise fashion the key research questions for the Europeanization approach to political party change. He considers the impact of the EU on political party organization but also the impact on party systems themselves. Why are some parties influenced in a certain way while others are not? Does the EU contribute toward new party formation or dissent within established parties, thus acting as a cause for party splits or leadership management difficulties? Do national party political priorities influence the EU in turn? Mair discusses these questions and also presents some thoughts on wider normative issues, such as the impact of the EU on depoliticizing national politics.

Poguntke, Thomas, Nicholas Aylott, Elisabeth Carter, Robert Ladrech and Kurt Richard Luther (eds) (2007), *The Europeanization of National Political Parties: Power and Organizational Adaptation*. London: Routledge.

> The result of a three-year study, this volume – the first in-depth study of its kind – specifically analyses intra-party political dynamics, with the overarching research question: does the EU cause change *within* parties and, if so, does power shift to a new strata of party actors? Case study chapters on Germany, France, the UK, Sweden, Spain and Austria are supplemented with a chapter comparing the findings of the country chapters along the subset of the research focus: the creation of EU-related posts (so-called 'Euro-specialists'), candidate selection and leadership power. A further chapter concludes with an evaluation of the main findings in relation to the larger enterprise of party Europeanization studies.

Transnational European parties

Hix, Simon and Christopher Lord (1997), *Political Parties in the European Union*. Basingstoke: Palgrave.

> This pioneering work revealed the growing influence of parties in the decision-making system of the EU, with a particular focus on the EP groups' activities. It demonstrated the increasing cohesion of the latter and the slowly growing involvement of the transnational parties (TNPs) in elite networking. Still very readable, it has served as a stepping-stone to later work by Hix and other colleagues analysing EP dynamics with the increasingly sophisticated use of quantitative data, telling the story of an ever-more relevant EP with a clear partisan system of its own. Notable among such

research are Kreppel (2002) and Hix, Noury and Roland (2007) (see the section on the European Parliament on pp. 939–40).

Hanley, David (2008), *Beyond the Nation-State: Parties in the Era of Integration*. Basingstoke: Palgrave.
From a different, more historical perspective, this book attempts to map out the landscape of the TNPs rather than concentrating on the EP groups. It explains their development in historical terms and makes use of principal–agent theory to describe their subordinate relationship to the national parties (NPs) that created them. The book includes a number of selective national case studies based on fieldwork to support this hypothesis. It is not optimistic about the further development of TNPs, which the author views as dependent on institutional changes within the EU that most NPs will be reluctant to sanction.

Delwit, P. (ed.) (2001), *Les Fédérations européennes de parti: Organisation et influence*. Brussels: Université Libre de Bruxelles.
Much work in the field of parties has been done by Francophone scholars, in particular Belgian researchers based at the Université Libre de Bruxelles. Their series of edited works on the different party families contains numerous case studies, and this volume extends this study to the European party federations, as many were then still called. Contributions from many of the scholars specializing in TNPs can be found in these works.

Jansen, T. (2006), *The European People's Party: Origins and Development*, 2nd edition. Brussels: EPP.
Readers should also explore work on individual TNPs. The best place to start is with this study of the European People's Party (EPP) (2006). As a former EPP secretary general and a close associate of Helmut Kohl, the author argues powerfully and instrumentally in favour of the expansionist strategy pursued by the EPP. His book stresses the influence of the German party in setting the course of the EPP, a factor that can be found in all other TNPs.

Julian Priestley (2010), *European Political Parties: The Missing Link*. Vol. 41 of Policy Papers. Paris: Notre Dame.
The current dynamics of TNP development (or lack of it) are concisely analysed in this book. The work of an experienced insider and supporter of integration, it illustrates the current stalemate and suggests ways forward.

Party and electoral systems

Party systems in Western Europe

Bartolini, S. and P. Mair (1990), *Identity, Competition, and Electoral Availability: The Stabilisation of European Electorates 1885–1985*. Cambridge: Cambridge University Press.
An assessment of the persistence of traditional cleavages as the basis for electoral politics between 1885 and 1985.

Caramani, D. (2004), *The Nationalization of Politics: The Formation of National Electorates and Party Systems in Western Europe*. Cambridge: Cambridge University Press.
An analysis of the transition from regionally distinctive patterns of electoral competition toward more nationally homogeneous party systems, based on constituency-level data.

Duverger, M. (1954), *Political Parties: Their Organization and Activity in the Modern State*. Translated by Barbara and Robert North. New York: Wiley.
A classic analysis of the development of party organizational types and of the relationship between electoral systems and party systems.

Karvonen, L. and S. Kuhnle (eds) (2001), *Party Systems and Voter Alignments Revisited*. London: Routledge.
A reconsideration of the classic work by Lipset and Rokkan, 30 years after its original publication.

Lipset, S. M. and S. Rokkan (eds) (1967), *Party Systems and Voter Alignments*. New York: Free Press.
The classic statement of the thesis that European party systems reflect social cleavages as structured by patterns of elite alliance and competition in response to the crises of nation-building, 'frozen' in the period of mass suffrage expansion.

Mair, P. (1997), *Party System Change: Approaches and Interpretations*. Oxford: Clarendon Press.
> A consideration of persistence and change in political parties and party systems, including a statement of the 'cartel party' thesis.

Sartori, G. (1976), *Parties and Party Systems: A Framework for Analysis*. Cambridge: Cambridge University Press.
> An in-depth analysis of the origins and functions of political parties, as well as of the operation of party systems, with attention devoted to the classification of systems, the basis of their mechanics and their explanatory and predictive power.

Party systems in Eastern Europe

Casal Bertoa, F. (2012), 'Party Systems and Cleavage Structures Revisited: A Sociological Explanation of Party System Institutionalization in East Central Europe'. *Party Politics* online. DOI: 10.1177/1354068811436042.
> A carefully argued analysis of party system institutionalization in the four Visegrad states that links progress in this area to the extent to which social cleavages in individual countries cumulate and coincide rather than cross-cut.

Jungerstam-Mulders, S. (ed.) (2006), *Post-Communist EU Member States: Parties and Party Systems*. Aldershot: Ashgate.
> The most recent book (at the time of writing) surveying the state of party and party system development in the first eight post-Communist states to join the EU.

Lewis, P. G. and R. Markowski (eds) (2011), *Europeanising Party Politics? Comparative Perspectives on Central and Eastern Europe*. Manchester: University of Manchester Press.
> A collection of empirically based comparative studies that focus on a variety of different aspects of party development, generally leading to the conclusion that any Europeanization effect has been quite weak.

Tavits, M. (2008), 'On the Linkage between Electoral Volatility and Party System Instability in Central and Eastern Europe'. *European Journal of Political Research* 47(5): 537–55.
> In contrast to views that stress unstructured, fickle or inexperienced electorates, this article argues that high levels of volatility and the substantial numbers of new parties that emerge are due more to elite choice and their strong tendency to found new parties.

Vachudova, M. A. (2008), 'Tempered by the EU? Political Parties and Party Systems before and after Accession'. *Journal of European Public Policy* 16(6): 861–79.
> Presents an analysis of EU influences on party positions during and after accession and finds that, while EU impact was less marked after they joined, accession has had an overall moderating influence.

Electoral systems

Carey, John M. and Matthew S. Shugart (1995), 'Incentives to Cultivate a Personal Vote'. *Electoral Studies* 14(4): 417–39.
> This article introduces for the first time a ranking of electoral systems around the world according to the incentives they offer to legislative candidates to cultivate a personal vote. The authors argue that electoral rules differ not only in the degree of disproportionality of electoral outcomes they produce but also in the portion of a candidate's electoral support that originates in his or her personal qualities, qualifications, activities and record. According to these scholars, the four variables that explain the degree of personalism of the electoral systems are the ballot type, the possibility of vote pooling, the vote type and the district magnitude.

Colomer, Josep M. (2004), *Handbook of Electoral System Choice*. Series. New York: Palgrave Macmillan.
> This book was published at the apogee of the renewed scholarly interest in the origins of electoral systems. After a general introduction in which the editor of the book identifies the 'micro-mega rule' as the main mechanism leading to the adoption of proportional representation systems, the book offers an impressive collection of some 25 case studies. This book is particularly valuable for its large dataset on the instances of electoral system choice across the world.

Cox, Gary W. (1997), *Making Votes Count: Strategic Coordination in the World's Electoral Systems*. Cambridge: Cambridge University Press.

> This book was published by Professor Gary Cox to answer a pivotal question: how is the behaviour of political actors (parties, candidates and voters) constrained by the operation of different electoral rules? The key concept in the book is that of strategic coordination. Actors on both the supply and the demand side engage in strategic coordination in order to make their votes count. This book contains a very rich theoretical framework that has driven research in the field of electoral systems during the last 15 years.

Gallagher, Michael and Paul Mitchell (2005), *The Politics of Electoral Systems*. Series. Oxford: Oxford University Press.

> The number of books focusing on electoral systems has been steadily increasing in recent years, but none of them is as exhaustive and encompassing as the volume edited by Gallagher and Mitchell almost a decade ago. This work is remarkable in comparison to similar textbooks for three main reasons: (1) it provides a general framework for the study of electoral systems; (2) it covers the causes and the effects (both in the interparty and the intraparty dimension) of electoral rules in a well-structured way; and (3) it does so with consideration of more than 20 countries belonging to the main families of electoral systems.

Taagepera, Rein (2007), *Predicting Party Sizes: The Logic of Simple Electoral Systems*. Oxford: Oxford University Press.

> This book is in essence the second edition of *Seats and Votes*, the groundbreaking piece on electoral systems published in 1989 by Taagepera and his graduate student Matthew Shugart. *Predicting Party Sizes* compiles in a quite harmonious way the most important articles on electoral systems produced by the Estonian scholar over the last 15 years. The main contribution of this book lies in the introduction of its key concept, the seat product. According to Taagepera, we can predict the number of seat-winning parties on the basis of only two variables: assembly size and average district magnitude. These two variables constitute the seat product.

Databases

Manifesto project database, available at https://manifesto-project.wzb.eu/.

> An excellent database online on party positions from a large number of countries. The database has now collected data from several elections for previous decades and is regularly updated.

European Election Studies, available at: http://eeshomepage.net/home/.

> This is a very comprehensive database including several subgroups of data. It includes a database on Euromanifestos, the party programmes of national political parties that took part in European elections. It also includes voter and elite studies.

Parties and elections in Europe, available at http://www.parties-and-elections.eu/.

> This is an excellent collection of elections from all European countries. The main set of the database is about national elections; however, the collections of European and subnational regional elections have been added. The data are collected directly from the official national authorities related to electoral management. The website also has links to the websites of most parties that competed in the respective elections.

Academic journals

Party Politics (SAGE)

> Founded in 1995, this is now the most important journal for political parties. It has a considerable number of European studies.

East European Politics and Societies

East European Politics

Europe Asia Studies

> Three important journals with regular studies on elections, parties and party systems in Central and Eastern Europe.

Electoral Studies
> A classic journal reporting on elections and electoral processes, but also political parties and party systems. This journal comprises regular election reports from all over the world.

West European Politics (Routledge).
> The best journal on West European politics, political parties dominate here. One important feature is the regular election reports on current elections.

Public policy in European politics

Welfare state

Esping-Andersen, G. (1990), *The Three Worlds of Welfare Capitalism*. Cambridge: Polity Press.
> The landmark *The Three Worlds of Welfare Capitalism*, published in 1990, conceptualizes three 'ideal-type' welfare regimes: liberal, conservative-corporatist and social democratic. The liberal welfare regime is based on the market as the primary source of welfare, with the state providing residual support for those in need. By contrast, in the social-democratic regime, it is the state that provides generous universal benefits and social services. In a conservative-corporatist regime, the provision and distribution of welfare are based on familialism and male-breadwinner status differentials. This book represented a paradigm breakthrough in comparative welfare state research by bringing together a number of institutional dimensions in a coherent fashion, in terms of the predominance of states, markets and families in welfare provision across countries.

Pierson, P. (1994), *Dismantling the Welfare State? Reagan, Thatcher, and the Politics of Retrenchment*. Cambridge: Cambridge University Press.

Pierson, P. (ed.) (2001), *The New Politics of the Welfare State*. Oxford: Oxford University Press.
> The theoretical argument of the welfare state as an 'unmovable object' is most closely associated with these seminal publications of Paul Pierson. For Pierson, mature welfare states are quintessential sites of institutional self-reinforcement, making significant reform progressively more improbable. In his innovative study *Dismantling the Welfare State?* (1994), he was able to demonstrate how difficult it is to retrench prevailing social policy commitments, even under the helm of ideological political leaders (such as Margaret Thatcher and Ronald Reagan) who are highly motivated to unburden the free market from the overloaded welfare state. Pierson concluded that 'the welfare state remains the most resilient aspect of the post war political economy'. In the edited volume *The New Politics of the Welfare State* (2001), he based his explanation for the 'frozen' character of mature welfare states primarily on the (negative) political incentives brought about by the expansion of the welfare state itself over the Golden Age of post-war prosperity. In the process, the welfare state turned into an *immovable object*, leaving governments with very few feasible strategies for restraining social policy commitments under conditions of permanent austerity, other than diminishing the visibility of reforms, dividing electorates and clienteles, and delaying the regressive distributive effects of half-hearted reforms on traditional beneficiaries.

Scharpf, F. W. and V. A. Schmidt (eds) (2000), *Welfare and Work in the Open Economy*, vol. I: *From Vulnerability to Competitiveness*. Oxford: Oxford University Press.

Scharpf, F. W. and V. A. Schmidt (eds) (2000), *Welfare and Work in the Open Economy*, vol. II: *Diverse Responses to Common Challenges*. Oxford: Oxford University Press.
> The two-volume comprehensive study *Welfare and Work in the Open Economy*, edited by Fritz Scharpf and Vivien Schmidt in collaboration with many leading comparative social policy scholars, brought to the fore how the challenge of intensified economic internationalization has confronted each welfare regime family with a distinct constellation of regime-specific adjustment problems and reform agendas. As a consequence, the *Anglo-Saxon welfare states* by and large increased the scope of the free market and strengthened the selective nature of social programmes, a move that was accompanied by growth in employment and rising income poverty. By contrast, the *Scandinavian welfare states* were able to maintain a both generous and universally accessible system of social security by activating labour market policies. Over the same time period, the *Continental welfare states* got caught in a negative spiral of high gross labour costs and rising economic inactivity. In *Southern Europe*, the Continental

'inactivity trap' was exacerbated by the stringent regime of insider–biased labour market regulation, which intensified the labour market exclusion of young people and, especially, of women. In short, comparable economic challenges and social developments across the wider European economy led to very different policy problems in the different welfare regimes, which in turn triggered diverging reform paths and reform backlashes and political opposition.

Cerami, A. and P. Vanhuysse (eds) (2009), *Postcommunist Welfare Pathways: Theorizing Social Policy Transformations in Central and Eastern Europe*. Basingstoke: Palgrave Macmillan.
   This volume provides the best 'state-of-the-art' overview to date of welfare state transformations in Central and Eastern Europe since democratization by leading international experts.

Palier, B. (ed.) (2010), *A Long Goodbye to Bismarck? The Politics of Welfare Reforms in Continental Europe*. Amsterdam: Amsterdam University Press.
   This volume is the benchmark study on the politics of structural reform in Bismarckian or Continental (i.e. insurance-based) welfare regimes, bringing together the best available country experts in the field.

Hemerijck, A. (2013), *Changing Welfare States*. Oxford: Oxford University Press.
   In contrast to mainstream social policy scholarship, which is generally preoccupied with rather inert welfare regimes, this book focuses decisively on the transformative capacities of mature European welfare states. Even though European welfare states are widely regarded as exemplars of immobilism, Hemerijck reveals how dramatically they have been affected by change through the experience of austerity policies, high unemployment, demographic aging and the gender revolution, along with rising tensions over immigration and national identity. The book explores how European governments in concert with the European Union have modified their social policies to respond to change, and particularly to new economic and social realities. His analysis reveals trajectories of welfare reform in many countries that are more proactive and reconstructive than is often argued in more mainstream comparative welfare state studies.

Esping-Andersen, G., D. Gallie, A. Hemerijck and J. Myles (2002), *Why We Need a New Welfare State*. Oxford: Oxford University Press.

Morel, N., B. Palier and J. Palme (eds) (2012), *Towards a Social Investment Welfare State? Ideas, Policies, Challenges*. Bristol: Policy.
   These two volumes make a case for the welfare state as a means of helping to 'prepare' individuals, families and societies to adapt to various transformations, such as changing career patterns, working conditions and family demography, instead of simply 'repairing' damage after social risks materialize through unemployment and/or outdated skill levels. In *Why We Need a New Welfare State*, Esping-Andersen *et al.* adopt a 'life course perspective' in rethinking twenty-first century welfare provision. Through the lens of the life course, the authors are able to identify and explicate the intricate relationships that link care for children, the elderly and other vulnerable groups to female employment and changing family structures.
   Towards a Social Investment State contains a number of strongly interlinked expert contributions in the areas of family policy, labour markets, education and retirement, adapted to the social and economic challenges of the twenty-first century, including aging populations, changing households and the rise of the competitive knowledge economy.

Castles, F., S. Leibfried, J. Lewis, H. Obinger, and C. Pierson (2010), *The Oxford Handbook of the Welfare State*. Oxford: Oxford University Press.
   This edited volume is currently the reference volume for comparative welfare state studies, covering the historical origins and normative foundations of modern welfare provision, diverse scholarly approaches and thematic issues including capitalism, class, democracy, citizenship, gender, religion and the changing supranational context, as well as their relationship to social policy developments in various mature and emergent welfare regimes across the world.

Immigration and integration

Goodman, Sara Wallace (2012), 'Fortifying Citizenship: Policy Strategies for Civic Integration in Western Europe'. *World Politics* 64(4): 659–98.

This article examines new civic integration policies (defined as requirements of country knowledge, language and value commitments for citizenship and permanent residence) in Western Europe. The author argues that although many states adopt civic integration, they do so for different reasons, informed by distinct political configurations and understandings of national membership.

Howard, Marc Morjé (2009), *The Politics of Citizenship in Europe*. Cambridge: Cambridge University Press. This text provides an accessible index for identifying and comparing citizenship policies in Europe. The author argues that states have by and large made citizenship more liberal since the late 1990s, but blockages to liberalization have resulted from far-right politicization and/or public mobilization.

Joppke, C. (1998), 'Why Liberal States Accept Unwanted Immigration'. *World Politics* 50(02): 266–93. This article questions the literature's preoccupation with post–national and transnational authority reorienting immigration and the extension of rights back to the state by asserting the notion of self–limited sovereignty.

Messina, Anthony M. (2007), *The Logics and Politics of Post-WWII Migration to Western Europe*. New York: Cambridge University Press. A comprehensive examination of the many forces impacting on and the dynamics of immigration in Europe. It includes a general overview of the different waves of migration to Europe in the post-war period and examines various facets of immigration politics, from nativist politics to political participation by immigrants.

Schain, Martin (2008), *The Politics of immigration in France, Britain, and the United States: A Comparative Study*. New York: Palgrave Macmillan. A good overview of the role that politics – and not exclusively labour market considerations – plays in defining immigration policy. Useful transatlantic comparisons are employed to explain the dilemmas of Europe in a comparative perspective.

Political corruption

Ackerman, S. (1999), *Corruption and Government: Causes, Consequences and Reform*. Cambridge: Cambridge University Press. A classic text by a leading expert who analyses corruption and what might be done about it along four dimensions: the organization of state and society, the different meanings of corruption in different societies, the structure of the public and private sectors, and the possibilities of reform. Showing how corruption is not just an economic problem but rather an issue that is closely intertwined with politics, the author recommends that reform should not be limited to the establishment of 'national integrity systems' but should extend to fundamental changes in the ways in which governments transact business.

Bull, M. J. and J. L. Newell (eds) (2003), *Corruption in Contemporary Politics*. London: Palgrave Macmillan. A comparative text whose focus is the empirical nature of corruption. The volume brings together a large number of country specialists who analyse political corruption in different countries along a clear set of comparative themes. The countries are primarily European and advanced democracies, although there are chapters on countries outside Europe (such as the United States and Japan), as well as a chapter on the newly democratized regimes of Central and Eastern Europe. The book also includes chapters on international corruption and corruption in the European Union.

della Porta, D. and Y. Mény (eds) (1997), *Democracy and Corruption in Europe*. London: Pinter. This book contains empirical analyses of political corruption and its impact in France, Italy, Germany, Spain, the UK, Russia and Japan, bringing together a range of country specialists. It is an early and timely response to the spread of corruption scandals in the early 1990s that focuses attention on corruption as a phenomenon of advanced democratic states.

della Porta, D. and A. Vannucci (1999), *Corrupt Exchanges: Actors, Resources and Mechanisms of Political Corruption*. New York: de Gruyter. Perhaps more than any other, the Italian corruption scandal in the early 1990s had a dramatic effect on the academic study of corruption in advanced democracies, and this book placed itself in the vanguard of what was a fundamental reassessment. The authors challenge the latent assumption that corruption is primarily a problem of developing countries and authoritarian regimes, arguing

instead that it is a fundamental problem for all democracies. Based on primary research, the book analyses the Italian case in a comparative context, developing a model of corruption as a network of illegal exchanges.

Heidenheimer, A. J., M. Johnston and V. T. Levine (eds) (1989), *Political Corruption: A Handbook*. New Brunswick, NJ: Transaction Publishers.

A classic handbook that in many ways is unsurpassed in its range and depth of coverage, attempting to subject corruption to systematic social scientific analysis. The book is over a thousand pages in length and covers the main areas of analysis of political corruption. Part I is devoted to the context of analysis (including concepts, definitions, the evolution of public office roles and social perceptions), Part II focuses on corruption and socio-economic development, Part III examines variations in vulnerability in different political systems and Part IV explores the effects of and responses to corruption.

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