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European integration: from nation-states to member states

Chris Bickerton

Associate Professor

Sciences Po, Paris

Christopher.bickerton@sciences-po.fr

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Introduction

Debates surrounding “methods of integration” in the European Union have fallen out of favour in recent years. The traditional clash between supranational and intergovernmental visions of integration has been held up as an inadequate framework with which to study the policymaking dynamics within the EU. Some feel that it lends to the study of the EU a parochial feel, tied too closely to the notion that the EU is a *sui generis* entity difficult to fit within the traditional categories of political science. Others simply point to the vast diversity of procedures and institutional rules within the EU, concluding that a detailed study of its different parties is more useful than any general reflections upon the nature of the EU as a whole. A debate about “methods of integration”, with echoes of a noble but archaic clash between the ardent defenders of national sovereignty and European federalist visionaries, is often replaced by a taxonomy of different policy modes.¹ In a recent article summarizing the evolution of the EU studies field as a whole, Walter Mattli and Alec Stone Sweet observe that their understanding of the EU, “however *sui generis* [the EU’s] history, form and functioning, does not depend on the development of *sui generis* materials”.² Consequently, though hovering in the background of articles contained in the 50th anniversary special issue of the *Journal of Common Market Studies*, the question of “what the EU is” is not the “primary focus” of the issue. To ask such a question is to miss the more “general questions of importance” that concern the field of social science and of which European integration is but one small part.

This article argues that the “methods of integration” should still be a central concern of EU scholars in so far as it engages with some basic questions

¹ A pioneer of this “policy modes” approach has been Helen Wallace. See below for references and discussion.

² Mattli, Walter and Stone Sweet, Alec (2012), ‘Regional Integration and the Evolution of the European Polity: On the Fiftieth Anniversary of the Journal of Common Market Studies, *Journal of Common Market Studies*, 50(S1), p2.

pertaining to the nature of the European integration process. To inquire into the “nature of the beast” is in fact more relevant today than ever given the pressing concern amongst national publics and national political elites with institutional change at the European level. After all, the EU itself finds itself on the cusp of a number of a strange contradiction: whilst criticism of it by national populations has never been so vociferous, there is very little suggestion that any national government seriously entertains the idea of leaving the Union.³ European integration is thus highly contested at the same time as it appears to citizens as an unshakeable and inescapable part of political life within any member state.⁴ Under such circumstances, it appears wrong to want to shy away from asking some of the most pressing questions in Europe today: Who rules? In what sort of political system do we live? Does political responsibility lie in national capitals or in Brussels? What exactly are the political consequences of intensive economic and societal interdependence?

The approach pursued in this article is to engage with the issues raised by the “methods of integration” debate but to do so in a way that focuses on one key concept, that of the state. The article argues that the empirical puzzles generated by this traditional debate stem from a tendency to conceptualize the state in its 19th century, national, egotistical and bourgeois form. By taking up the theme of state transformation and looking at how Europe has been the site for a shift from nation-statehood to what is referred to here as member statehood, the article suggests that we can get a better handle of many of the puzzling features of European integration. In effect, this article presents European integration as part of a broader and deeper process of state transformation rather than as an instance of a shift in governance from the

³ On the negative attitudes towards European integration, Yves Mény notes that a poll made by the European Commission in August 2011 showed that 22% of Europeans believed that the EU was capable to deal with the sovereign debt and Eurozone crisis. Mény, Yves (2012) ‘Conclusion: A Voyage to the Unknown’, *Journal of Common Market Studies*, 50:S1, p154.

⁴ As Mény puts it, “there is no appetite for Europe even if many are ready to accept its necessity”. In Mény, 2012, p159.

national to the supranational level. By using the concept of the state, the article aims at opening up the field to a comparative study of state transformation in Europe and an inquiry into whether member statehood dynamics can help us understand the dynamics of institutionalization and governance at the global level.

Why the “methods of integration” debate matters

Debates on the “methods of integration” appear to those outside the charmed circle of EU studies as little more than navel-gazing. Referring the specific rules pertaining to the division of competences between member states and the European Union’s institutions and associated policymaking procedures, debates about these “methods of integration” in fact go the heart of what has concerned scholars of the EU, namely the balance in terms of power, authority and resources between the member-states and pan-European institutions. The Community Method, described by Majone as “a set of quasi-constitutional principles derived from the founding treaties”, rests upon the delegation of policymaking powers to the European Commission.⁵ Doubling up as both bureaucracy and executive, the Commission has the power – shared with member states in some areas – to initiate policies which member states are then obliged to consider, often in consultation with the European Parliament. The main justification given to this delegation of power has been two-fold. First, by transferring powers of policymaking to the Commission, member states are able to reduce the costs of cooperating amongst themselves. Secondly, by granting to a separate institution these powers, it is easier to make policy based on a balanced consideration of the “European interest”. Smaller states within the EU

⁵ Majone, Giandomenico (2009) *Europe as the would-be World Power: The EU at Fifty*. Cambridge: Cambridge University Press, p74.

see in the Commission a check upon the principle of “might makes right” and the likelihood of a Franco-German dominated European Union. Intergovernmentalism, the other main “method” identified by EU scholars, presents European integration as “policy cooperation based mainly on interactions between the relevant national policy-makers, with relatively little involvement of EU institutions”.⁶ Under intergovernmentalist rules, there is little delegation of power to EU institutions and member states remain the initiators and final arbiters in the policymaking process. In terms of decision-making procedures, the Community Method tends to be associated with supranationalism whilst intergovernmentalism assumes that national governments play a central role in the integration process.⁷

A great deal of time and effort has been spent working out the balance between these two very different methods and whether or not European integration over the years signals a definitive move towards either the supranational or the intergovernmentalist end of the spectrum. Two particular features of this exercise and this “debate” stand out as problematic and form the basis for the following reflections. The first is that a good deal of the work done around these “methods of integration” rests upon a crypto-normative foundation that shirks away from properly interrogating the validity of our mainstream understandings of European integration. In his lament about the lack of any real consideration of the “first principles” of integration, Majone observes that “many EU scholars refrain from questioning the principles on which the EU operates out of fear that criticism may endanger the integration process”.⁸ EU

⁶ Majone, 2009, p193.

⁷ Helen Wallace notes that the term supranationalism was first applied to the High Authority, the predecessor to the European Commission that was created under the terms of the European Coal and Steel Community (ECSC). Interestingly, the understanding of the High Authority at the time was rather different. Some were critical of what they saw as its excessive autonomy. Others, such as Adenauer, saw the matter differently. According to Majone, Adenauer saw the ECSC in general as a way of protecting national interests. Specifically, it was a good compromise between Germany’s desire for independence from foreign occupation and France’s desire to maintain a hold over Germany heavy industry. The independence of the High Authority was therefore, in Adenauer’s eyes, really more an instrument of French control, accepted in exchange for full German independence. Majone, 2009, pp50-52.

⁸ Majone, 2009, p12.

studies thus suffers the same normative bias present in work on environmental policy for example, where those studying such policies assume that protecting the environment is a valuable goal superior to all others. Very little work in this field is concerned with balancing up environmental goals against other goals and many scholars in this field are either politically or philosophically committed to environmentalism. In EU studies, a similar faith in the merits of European integration has made many scholars reluctant to fully interrogate the basic principles making up the EU. Majone's own work on the "operational code of EU decision-makers", with its focus on the anti-democratic consequences of traditional methods of integration and on the inefficiency of EU policymaking as compared with other kinds of policymaking, makes for uncomfortable reading for those normatively committed to what is often termed "the European project". Majone's own view is that a more robust interrogation and criticism of existing methods of integration would in fact make the EU stronger rather than weaker but this is not necessarily the view shared by others working in this field. A proper debate about methods of integration is thus not just an academic exercise, of interest to those heavily invested in the institutional taxonomy of European integration. It is also a more properly critical exercise, tackling some of the normative bias contained in the existing treatment of these issues in much of EU studies.

The lack of willingness to study the EU's basic "operational code" is not, however, only due to the pro-EU normative commitments of EU scholars. Indeed, many scholars would not recognize themselves in the description provided of themselves and their field by Majone. In fact, much of the caution is due to another feature of EU studies, what we can call its post-ontological or its pragmatic turn. This refers to a shift in emphasis, taken by those studying the EU, away from ontological questions about the "nature of the beast" and towards an empirical focus on the dynamics and consequences of policymaking

at the EU level.⁹ Comparing work done on European integration in the 1950s and 1960s with more recent work, we see a discernible shift in the concerns of many scholars. From issues of polity and polity-building, we have turned to policymaking. This move was pioneered by the British empiricist school of Wallace, Wallace and Webb in the late 1970s, best captured in their path-breaking 1977 edited book, *Policy-Making in the European Communities*.¹⁰ The claim made by these scholars was that ongoing debates about the ontology of the EU (is it a polity in the making? Is it a political community properly speaking? Is it merely a collection of national states choosing to cooperate closely with one another? Are affinities and identifies of politicians and officials still firmly national?) had become excessively abstract and theoretical and missed the way the everyday policymaking at the EEC level was in fact highly political and raised many of the key questions of political life present at the national level.¹¹ The empiricist turn was intended to bypass some of the deeper theoretical issues in return for expanding our knowledge of the empirical domain of Community-level policymaking. Who is affected and how? Who is involved in decision-making and what role do they play? One of the pioneers of this approach, Caroline Webb, recognized in her writings the policymaking approach may have been “a coward’s way out of a theoretical dilemma” but it was, in her view, a necessary concession to make if the full complexity and richness of EEC policymaking was to be understood by scholars.¹²

Whilst important and valuable in many ways, a significant disadvantage of this empiricist turn has been to open the EU studies field up to high degrees of specialization and – in turn – to fragmentation. As the field has grown, it has

⁹ For an extended and fascinating discussion of this, see Leca, Jean (2009) “‘The Empire Strikes Back!’ An uncanny View of the European Union. Part I – Do We Need a Theory of the European Union?”, *Government and Opposition*. 44(3): pp285-340.

¹⁰ Wallace, Helen, Wallace, William and Webb, Carole (1977) *Policy-Making in the European Communities*. London: John Wiley and Sons, Ltd.

¹¹ They also claimed that the EEC was too much of a hybrid in institutional terms for it to be described in any one particular way. We find a similar claim in the work on multi-level governance.

¹² Webb, in Wallace, Wallace and Webb, 1977, p28.

tended to be dominated by scholars specializing in individual policy fields, experts in agricultural policy, industrial policy, competition policy or foreign policy but only weakly cognizant of broader institutional questions about integration. Alternatively, specialists of individual EU institutions have sprung up, fully-versed in the workings of the European Court of Justice, the European Parliament or the European Commission, but with little to say on individual policy areas or on how national and European politics interact.¹³ Even individual policy fields have been subject to their own specialisms, with those working on the EU's foreign policy sub-dividing into those interested in institutional developments such as the External Action Service, those studying the individual security and defence missions, and those looking at dynamics within national foreign ministries.¹⁴ Key publications in the field, such as the Palgrave EU studies series, reflect this kind of segmentation and fragmentation.¹⁵ As Peter Hall has observed in reference to social sciences as a whole, there is a danger that scholars find themselves producing individual “postcards”, unaware of how the individual parts relate to a wider whole.¹⁶ Social scientists end up replicating the complex reality of social life in their own concepts and categories, rather than seeking to make sense of this complexity through federating ideas, overarching concepts and the pursuit of issues and questions that draw the different elements of the overall puzzle together. The field of EU studies, so prone to specialist language, has certainly failed in this exercise of translation that should connect scientist to citizen.

The “methods of integration debate” is thus more than just an academic exercise. It can be properly critical in so far as it challenges some of the

¹³ Ludlow, N. Piers. (2010) “History Aplenty: But Still Too Isolated” in *Research Agendas in EU Studies: Stalking the Elephant*, edited by M. Egan, N. Nugent and W. Paterson. Basingstoke: Palgrave, p24. On specialism and fragmentation in CSDP and on the need for overarching theories, see Bickerton, Chris J., Irondelle, Bastien and Menon, Anand (2011) ‘Security Cooperation Beyond the Nation-State’, *Journal of Common Market Studies*. 49(1): pp1-21.

¹⁴ Many other sub-specialisms exist within other policy areas.

¹⁵ The classifications in the Palgrave series include institutions, policies, issues; and work on individual member states.

¹⁶ Hall, Peter A. (2007) ‘The Dilemmas of Contemporary Social Science’, *boundary 2*, 34(3): pp121-141, p126.

normative bias present in EU studies. It can also serve as an important corrective to a field that has become over-specialized and fragmented. It holds open the promise of a more generalist approach to European integration that pursues basic and fundamental questions about the EU without sacrificing empirical sophistication. As Philippe Schmitter recently noted, a certain number of scholars have attempted to navigate the difficult terrain between the general and the particular: Zielonka's "neo-medieval empire", Majone's "regulatory state", Moravcsik's "intergovernmental regime".¹⁷ That is the challenge today and one that this article takes up by studying the European Union as a process of state transformation, from nation-states to member states.

The empirical puzzle

The starting point of this article is that approaching European integration through the traditional methods of integration leaves much of what constitutes integration today unexplained. Both supranationalism and intergovernmentalism, as stylized presentations of very different decision-making processes in the EU, fail to grasp some of the key trends within European integration. One response is to follow Helen Wallace in developing a richer policymaking and decision-making taxonomy, what she describes as the EU's five "policy modes".¹⁸ Whilst useful in a descriptive sense, this approach is an example of the empiricist abandonment of ontological inquiry. Wallace's claim in presenting her five policy modes is that it is very difficult to say anything at all about the EU "in general". In her words, "the patterns of policymaking in the EU are diverse not only because of the continuing arguments

¹⁷ Schmitter, Philippe (2012) 'Classifying an Anomaly', *New Left Review*, 73, pp19-27, p25.

¹⁸ The five policy modes are the Community method, the EU regulatory mode, the EU distributional mode, policy coordination and intensive transgovernmentalism. Wallace writes that these policy modes are best seen as "a typology of ideal types with the deliberate objective of escaping from the either/or dichotomy between 'supranational' and 'intergovernmental' ways of proceeding". Wallace, in Wallace, Pollack and Young (eds.), 2010, p90.

about which policy powers to transfer from national to European processes, but also because of functional differences between policy domains and changing views about how to develop contemporary government and governance”.¹⁹ Generalisations about the nature of the EU need to give way to a more nuanced account of its different policy modes, each expressing a particular aspect of what the EU does and what it is for. Or as Jean Leca more colourfully put it, “the proof of the elephant is that we want it with us, whatever we think it is”.²⁰

An alternative to this descriptive approach is to try and identify cross-cutting empirical puzzles that span the different kinds of policy-making within the EU. Two such puzzles stand out. The first is the extent to which the intensification of cooperation at the European level has coincided with the continued centrality of national officials and national representatives in the integration process. Different terms have been used to describe this phenomenon. Hoffmann and Keohane wrote about “supranationality without supranational institutions”.²¹ Mérand, Hoffmann and Irondelle, writing about security and defence policy in Europe, write of “governance by governments”.²² We observe this today in the field of macro-economic governance: increasing numbers of policies – from employment to growth to banking – are brought within the remit of pan-European policy-making. And yet, such intensification of cooperation is occurring under the shadow of an ever more state-based European Union. The most recent Eurozone crisis, and the creation of sophisticated tools for the monitoring of national budgetary procedures, has been pushed forward by “Merkozy”, an alliance of France and Germany that has imposed upon other member states its own view of the crisis and of its solution. Whilst this alliance may unravel as austerity measures fail to resolve the crisis,

¹⁹ Wallace, 2010, pp90-91.

²⁰ Leca, 2009, p312.

²¹ Keohane, Robert O. and Hoffmann, Stanley (1991) ‘Institutional Change in Europe in the 1980s’, in R. Keohane and S. Hoffmann (eds.) *The New European Community: Decision Making and Institutional Change*. Oxford: Westview Press, p15.

²² Mérand, Frédéric, Hofmann, Stefanie and Irondelle, Bastien (2011) ‘Governance and State Power: A Network Analysis of European Security’, *Journal of Common Market Studies*, 49:1, pp121-147, p128.

national executives have proven themselves to be the dominant actors in what is also an intense period of institutional revision within Europe. Lest it be thought that this governance by governments, what Wallace classifies as “intensive transgovernmentalism”, holds only for areas outside of the traditional Community method, we have also observed here the way national actors have become central to what was initially thought to be a supranational method. Far from ever really asserting itself as a pristinely supranational activity, the Community method quickly found itself bound up with what has been called comitology: the extensive set of committees that allow member states to oversee and monitor the Commission as exercises the powers delegated to it. Initially set up in a rather ad hoc manner, this system of oversight committees grew so complex that it was formalized in the Single European Act of 1987 and has been revised a number of times since then.²³ Even in those areas seen as most illustrative of the shift of power away from the national to the supranational level, we see a central role played by national officials. And as noted above, a key rationale for the Community method in the early years of its development was a national one: it was a way of defending the interests of smaller member states against those of the larger member states.

If a feature of European integration has been the continued centrality of national officials and representatives in the policy-making and decision-making process, one might expect that some of the key assumptions of intergovernmentalism would go on to shape the integration process. In fact, this gives rise to a second empirical puzzle. In the actions of national actors, we find little evidence of the types of behaviour and subjective orientations expected of them. The idea of European cooperation as a process of hard bargaining, where rival national interests seek some accommodation with one another in what is fundamentally a conflictual process of international negotiation, corresponds

²³ For an account of how comitology will evolve based on a revision of its rules by the Lisbon Treaty, see Blom-Hansen, Jens (2011) ‘The EU Comitology System: Taking stock Before the New Lisbon Regime’, *Journal of European Public Policy*, 18:4, pp607-6127, esp.pp612-614.

only very weakly with the way negotiations are conducted.²⁴ Such expectations of conflict and rivalry stem more from outdated assumptions about the nature of diplomatic activity than they do from a close study of interactions at the European level. The overarching subjective orientation of national elites involved in European cooperation is towards consensus and compromise. Out-and-out defences of national interest are rare and are considered a serious breach of etiquette.²⁵ We can see this in the institutional structure of the EU, where the aim is to excise conflict as early on as possible. The pyramid structure of the European Council reflects this. Established in 1958 as a Brussels-based body composed of national ambassadors, the creation of Coreper signaled a growing awareness that regular meetings of national ministers, absent a structure of discussion and negotiation able to anticipate and diffuse potential conflicts, would only make cooperation more difficult. Council meetings where ministers fail to reach agreement, and where the press corps is fed stories of internal divisions, is what all the preparatory bodies are designed to avoid.²⁶

The different instances of negotiation between officials, starting at more junior levels and rising up to the ambassadorial level within the Coreper committees, are thus best viewed as conflict-excising mechanisms. Much of what reaches ministerial council meetings is already the subject of agreement. Helen Wallace calculates that around 70 percent of Council of texts are agreed at the level of working groups. Another 10 to 15 percent are agreed upon at the level of Coreper, with only around 10 to 15 percent of texts that have not been agreed upon reaching government ministers.²⁷ Instances of specialist committees

²⁴ As Elgstrom and Jonsson put it, “problem-solving has become increasingly institutionalized within the EU machinery”, p684. In Elgstrom, Ole and Jonsson, Christer (2000) ‘Negotiating in the European Union: bargaining or problem-solving?’, *Journal of Common Market Studies*, 7:5, pp684-704. Blom-Hansen notes that on comitology, some scholars think of comitology committees as mere extensions of hard bargaining styles found within the Council. A good number of others, however, highlight the deliberative and problem-solving quality of comitology discussions and the strong orientation towards consensus. Blom-Hansen, 2011, p612.

²⁵ Anderson, Perry (2006) *The New Old World*. London: Verso, p62.

²⁶ For a detailed account of all these preparatory bodies, see Hayes-Renshaw, Fiona and Wallace, Helen (2006) *The Council of Ministers, 2nd Edition*. Basingstoke: Palgrave, chapter 3.

²⁷ In an interview with Hugo Young in 1999, Gordon Brown – then Chancellor of the Exchequer – commented that discussions within Ecofin amongst finance ministers were increasingly difficult given the tendency of the

designed to reach agreement on issues proliferate across all aspects of EU policy-making and this is also a key function of comitology. It is also present in more unexpected places. Foreign and security policy, presumed to be a final bastion of traditional diplomatic wrangling between national representatives, also works upon the presumption of consensus. Junior committees such as CIVCOM, the committee for civilian aspects of crisis management, are oriented around achieving agreement between experts and the success of the committee is judged according to the degree of agreement it is able to generate.²⁸ Members of more senior groupings, such as the Political and Security Committee (PSC) observe that conflict between its members is rare and few red lines exist about can and cannot be broached in a discussion. The degree of consensus in these bodies has led scholars to qualify their categorization of EU foreign and security policy as an intergovernmental policy area. Jolyon Howorth writes of “supranational intergovernmentalism”, a term intended to capture the way national representatives cooperate closely with one another in the absence of deep conflicts of national interest.²⁹ In other areas, equally close to what national executives consider their own prerogatives, deliberation between ministers and officials dominates over conflict. Uwe Puetter has coined the term “deliberative intergovernmentalism” to capture the way policy coordination amongst national actors trumps supranational law-making in the field of macro-economic governance.³⁰

Another striking feature of this sort of deliberation is how far removed it is in terms of substance from the predictions of intergovernmentalism. The logic of negotiation and bargaining would suggest that positions are justified in terms

media to treat such meetings as zero-sum clashes between national representatives. Young, Hugo (2008) *The Hugo Young Papers: Thirty Years of British Politics – Off the Record*. London: Allen Lane, p593.

²⁸On CIVCOM, see Davis Cross, Mai’a (2010) ‘Cooperation by Committee’, *Occasional Papers*, No82, European Union Institute of Security Studies, Paris, pp1-44.

²⁹Howorth, Jolyon (2010) ‘The Political and Security Committee: A Case Study in ‘Supranational Intergovernmentalism’’, *Les Cahiers Européens* 01/2010. Paris: Sciences Po.

³⁰ Puetter, Uwe (2011) ‘Europe’s deliberative intergovernmentalism: the role of the Council and European Council in EU economic governance’, *Journal of European Public Policy*, 19(2): 161-78.

of national interests. In fact, it is regularly asserted that at the European level, “we don’t defend interests, we solve problems”.³¹ The orientation towards consensus is thus complemented by a depoliticized problem-solving approach to the issues being discussed. What matters in these discussions is expertise and a mastery of technical detail, not the eloquence and conviction with which one can speak of one’s national outlook, identity or interest. The focus on problem-solving, and a basic agreement about the fundamental ends being pursued that it implies, is the permissive condition for the development of what Charles Sabel and Jonathan Zeitlin call “experimental governance”. This idea posits that within a given framework of overarching goals, EU level governance works through an ongoing process of comparison, assessment and revision, where national actors share experiences, learn from each other’s difference, and deliberate amongst themselves based on shared view of what needs to be done. They argue that this sort of institutional architecture holds true for wide variety of policy areas: from telecommunications to health and safety, financial services and state aid.³² Though they claim that their notion of governance is meant to stress disagreement as much as it does highlights consensus, there is little doubt that an underlying consensus forms the backdrop for experimentalist modes of governance. That issues can be divided up into individual policy areas is itself a sign of the retreat of earlier political ideologies that sought to present social life as an integrated whole. The fact that national actors revise their actions in an experimental fashion, in the light of shared experiences, suggests a basic agreement around the “framework goals” cited by Sabel and Zeitlin. It is precisely this degree of epistemic convergence that means such goals – such as full employment and social inclusion – are not the subject of violent political disagreements as they have been in the past. Even the goals themselves, such as social inclusion, are expressions of this technocratic outlook: such a term

³¹ Interview with author, Brussels, July, 2009.

³² Charles F. Sabel and Jonathan Zeitlin (2008) ‘Learning from Difference : The New Architecture of Experimentalism Governance in the EU’, *European Law Journal*, 14 :3, pp271-327.

belongs to bureaucratic jargon and is designed to elide the more controversial question of equality.

Empirically, therefore, European integration provides us with two complementary puzzles. Firstly, the expansion and intensification of cooperation in a way that maintains – and even enhances – the role played by national officials and national representatives. Secondly, the dominance of consensual and problem-solving outlooks and dispositions amongst these national actors. The conventional debate between supranational and intergovernmental methods of integration struggles to make sense of these puzzles as it rests upon a simplified conception of the nation-state. According to the terms suggested by Stanley Hoffmann some time ago, European integration is making the nation-state either obsolete or obstinate. Either supranational integration is leading to a transcendence of the nation-state and the recreation of some of its main features (centralized authority, a sense of community) at the pan-European level, or intergovernmentalist integration is preserving the nation-state in its traditional garb: nationalist, focused on its interests, and defensive in its relations with other states. Various accounts of the nation-state in European integration have retained this either/or approach, such as Alan Milward’s idea of “rescue” or James Caporaso’s account of different forms of state.³³ These accounts mirror much of the discussion around globalization and global governance suggests that the nation-state is either being transcended altogether or is reasserting itself in conventional, national chauvinist ways (e.g. protectionism). This article presents an alternative to this approach, arguing that the nation-state is not being transcended but it is being transformed. This process of transformation helps explain the continued centrality of the state in the European integration process but also the very different dynamics and interactions that exist amongst national

³³ In his work on forms of state, Caporaso applies his study to forms of state emerging *at the European level*. See Caporaso, James (1996) ‘The European Union and Forms of State: Westphalian, Regulatory or Post-Modern?’, *Journal of Common Market Studies*, 34:1, pp29-52.

representatives and national officials at the European level. The process of transformation identified here is from nation-state to member state.

The member state paradigm

The concept of member state is one of the most frequently used terms in EU studies. Political scientists, jurists and sociologists regularly use the term, as do politicians and European officials. The way it is understood, however, is generally as a legal title. When a nation-state joins the European Union, it becomes a member state. Were a member state to leave the Union, as is now possible under the terms of the Lisbon Treaty, it would revert to being an ordinary nation-state. Prior to joining the Common Market in 1973, the United Kingdom was not a member state. On entering, it became one. The same applies to all nation-states that have since joined the EU. Croatia, currently a nation-state, will very soon become the 28th member state of the European Union.

In some work, the term member state is taken up in a little more depth. The phrase “nation-state to member state” was the title of a short chapter by Alberta Sbragia in a 1994 edited book, *Europe After Maastricht*.³⁴ Whilst interested in the transformation of statehood as a process of elite and societal change, Sbragia’s chapter was itself only a short and suggestive contribution. Simon Bulmer and Christian Lequesne, in their textbook, *The Member States of the European Union*, are interested less in the term member state as such.³⁵ Their goal is to move EU studies beyond a simple focus on EU level policy-making or EU institutions to include the national dimension. Their interest is not, however, in processes of state transformation as such and more generally

³⁴ Sbragia, Alberta (1994) ‘From “Nation-State” to “Member State”’: The Evolution of the European Community’, in Lutzeler, Paul Michael (ed.) *Europe after Maastricht: American and European Perspectives*. Berghahn: Providence, RI, pp69-87.

³⁵ Bulmer, Simon and Lequesne, Christian (2005) *The Member States of the European Union*. Oxford: Oxford University Press.

we can say that the term member state, one of the most popular in the EU studies lexicon, is also entirely under-theorized.

The concept of member state is used here not just as a legal title or juridical term, but as a distinctive form of statehood, as a kind of state. The distinctive feature of the member state is that national authority is exercised through external frameworks of rule, in the European case in the form of identifiable and complex institutions. The nature of the relationship between state and society is thus fundamentally different from previous forms of state. The classic 19th century liberal state assumed an integrated and harmonious relationship between nationhood and the state or between the people and the state. Earlier forms of state, less liberal in their conception, were nevertheless based on a clear relationship of representation. The famous cover of Hobbes *Leviathan* is illustrative in this respect: the figure of the monarch with all the individuals that make up his kingdom etched upon his body. In contrast to this relationship of representation, the member state rests upon an antagonistic relationship between state and society. The role of national executives is to constrain as much as possible the exercise of collective power by national majorities. The principal constraint in the European context is the EU itself. IT does not exist above member states in any direct constitutional relationship of coercion and enforcement; implementation remains national and the Weberian traits of statehood (a legitimate monopoly on the use of force) have not been transferred to Brussels. The externality of the EU to member states is thus best seen as a framework via which national authority is exercised over domestic populations, the externality being necessary given the assumption that the political discretion according to national majorities needs to be constrained and limited.

Based on this particular formulation of the state-society relationship, we can see in today's EU how the European dimension has become a central component in the exercise of national power. The day-to-day work of national

officials has become tied up to the European dimension in so far as policies are rarely formulated independently of what is taking place in other member states and dealt with collectively at the European level. As commented upon by many observers of the EU, European integration is no longer a foreign policy issue to be overseen by diplomats but has become a key part of domestic politics. Not, however, in the sense of a separate power whose shadow and influence encroaches upon a discrete national political sphere but as something constitutive of the national itself. As Sir Stephen Wall - formerly British ambassador to the EU and currently the official historian of the UK's role in the EU (taken over after the death of Alan Milward) - put it in response to the question of whether the UK could ever exit the EU, "Europe is the sea in which we swim".³⁶ The role of the EU in the constitution of national political authority is also evident in more informal groupings such as the Eurogroup. As Uwe Puetter has noted, this grouping is not just an information-sharing forum but is also a place where ministers are able to gain support amongst their peers for reforms that are difficult to push through domestically.³⁷ The power to implement an agenda thus partly comes from the support ministers gain from their peers at the EU level. With member states, we also see that the state is constituted in ways that separate national executives from national society, with political elites often seeming to identify as much with their European peers as with their own domestic constituents. This was powerfully illustrated in 2008 at the time of Irish 'No' vote on the Lisbon Treaty. When the Irish foreign minister at the time, Michael Martin, came to Brussels to explain the decision, he seemed to view the result as both a surprise and as an embarrassment. Rather than

³⁶ In spite of this, the question of a referendum on UK membership remains a theme in some parts of the British establishment. In June 2012, Lord Owen, a former British foreign minister, called for a referendum on EU membership in light of what he saw as being further integration led by Germany in response to the Eurozone crisis. For more details, see Owen, David (2012) *Europe Restructured? The Eurozone Crisis and its Aftermath*. Methuen and Co.

³⁷ Puetter, Uwe (2001) 'The Informal Eurogroup: A New Working Method and Constitutional Compromise', *Constitutional Web-Papers, ConWEB No.2/2001*, p16.

presenting the result as a sovereign decision of the Irish people, to be accepted as a given fact in subsequent discussions, the result was presented as a regrettable and embarrassing outcome, to be revised in a later vote.

This horizontal separation, where national societies find themselves distanced from national executives that regularly coordinate with one another at the European level, has an effect on national political life for broadly. Political campaigns are fought largely on domestic political issues yet the practice of governing for national representatives is concentrated at the regional level. We thus see a marked separation between politics and policy. Politics remains national whilst policymaking is recast at the European level in the form of multiple interactions between national and European officials. To paraphrase Vivien Schmidt, at the national level we have politics without policy, whilst at the European level there is policy without politics. This lends to national politics, especially during election campaigns, a surreal aspect. Political debates are vigorously fought on domestic issues, with little said about any European level obligations or constraints. Once the election is over, national leaders and governments – fresh from their electoral successes – immediately enter the maelstrom of European council summits and meetings and a sense of realism descends upon national politics.

A consequence of this separation of politics from policy is that member statehood, as a form of state, represents a significant empowerment of the administrative arm of the state over its political arm. We see this in a number of ways. The preferred modes of policymaking at the European level, discussed above, all tend to favour officials and experts as the key participants. Even the European Parliament, ostensibly the main organ for partisan political debate as a constitutive feature of the EU, operates very often as an aggregate of its powerful parliamentary committees. The European Parliament's power lies in its legislative oversight role rather than its role representative. This in fact mirrors developments in national politics where political parties have become what Peter

Mair called “governing parties” and where national executives view their own roles as responsible guardians of the public good rather than as partisan representatives of societal groups.³⁸ Such a shift from representation to responsibility empowers expertise over partisan representation; European policymaking is a distilled and magnified form of this national shift. The power of state bureaucracy is evident in a number of ways but is well demonstrated in the account given of Britain’s relationship with the EU in Stephen Wall’s book, *A Stranger in Europe*.³⁹ Strikingly, the heroes of Britain’s role in Europe are not its leaders and politicians. Wall in fact shows that irrespective of who has been in power, Labour or Conservative, Thatcher, Major or Blair, there has been a marked continuity in the British policy towards the EU. The heroes of the tale are all civil servants: Michael Butler, Robin Renwick, David Williamson and David Hannay. All figures largely unknown to the British public but crucial actors in the shaping Britain’s role in the EU.

Viewed in this way, we can understand better one of the most striking features of the economic and financial crisis of the current Eurozone, namely the resistance of any governments to seriously conceiving of life outside of the Eurozone. Even in those member states where the costs of continued membership have been so large – Greece, Ireland, Portugal – no political force of any kind has emerged that has seriously challenged Eurozone membership. Syriza, “coalition of the radical left”, a party made up of the Eurocommunist left and some smaller Trotskyist and Maoist elements, represents the most radical challenge to EU policies on tackling the crisis. Yet even here Syriza has tried to square its anti-austerity stance with support for Greek membership of the Eurozone, a position many observers qualify as untenable if Syriza ends up heading a governing coalition. The determination to hold the Eurozone together

³⁸ Mair, Peter (2009) ‘Representative versus Responsible Government’, *MPIfG Working Paper 09/8*. Cologne: Max Planck Institute for the Study of Societies, pp1-21.

³⁹ Wall, Stephen (2008) *A Stranger in Europe: Britain and the EU from Thatcher to Blair*. Oxford: Oxford University Press.

has often left private actors, concerned only with a return on their investments, bemused. It reflects above all the lack of any national alternative for today's member states. Their national existence outside the framework of Eurozone membership, and the broader one of the EU as a whole, is simply very difficult to conceive. In the Irish referendum on the fiscal compact, held on the 31st May 2012, the dominant emotions were anger and fear. As *The Economist* concluded, “for Irish voters, the fear that rejecting the treaty would compound the country's, and indeed Europe's, problem and create huge uncertainty weighed more heavily than anger about the pain of austerity”.⁴⁰

Following this account, two key questions are whether or not member statehood as a form of state really is new, and – if so - when, how and why exactly did this transformation take place. On the issue of novelty, this is contested by those who see in European integration a continuation in the liberal tradition of constraining executives in order to avoid a tyranny of the majority. This argument is made well by the “Princeton school”, a group of scholars who have developed an argument about EU institutions as functional variants on a traditional Madisonian principle of checks and balances.⁴¹ To the work of Keohane, Macedo and Moravcsik on the “democracy-enhancing” powers of international organizations, of which the EU is perhaps the most sophisticated example, we can add Jan-Werner Müller's work on post-1945 “constrained democracies” and the role of Christian democrat governments after the Second World War in promoting European integration as a liberal check on national power.⁴²

⁴⁰ The Yes vote won with just over 60% of the vote, the No was at 39.7%. Turnout was noticeably very low, only 50%. *The Economist*, ‘Irish Ayes’, 2nd June, 2012. Available at: <http://www.economist.com/blogs/newsbook/2012/06/irelands-referendum-fiscal-compact>

⁴¹ For the best illustration of this argument, see Keohane, Robert O., Macedo, Stephen and Moravcsik, Andrew (2009) ‘Democracy-Enhancing Multilateralism’, *International Organization*, 63:01, pp1-31. See also Moravcsik, Andrew (2000) ‘The Origins of Human Rights Regimes: Democratic Delegation in Postwar Europe’, *International Organization*, 54:2, pp217-252. .

⁴² Müller, Jan-Werner (2011) *Contesting Democracy : Political Ideas in Twentieth Century Europe*. New Haven: Yale University Press.

Müller's argument will be dealt with in the next section where we look at the historical development of member statehood and its correspondence with different phases of European integration. On the neo-Madisonian view of the EU as another constraint – like independent judiciaries and other common non-majoritarian institutions in Western democracies – upon executive authority, it is important to stress that member statehood is fundamentally different from the earlier liberal state.⁴³ The key difference is that in liberal theory, and especially in the Madisonian model, constraints upon majorities are not understood as external limitations of sovereignty. Rather, they are viewed as internal expressions of sovereignty, limits that are not themselves sources of legitimacy but are only legitimized in so far as they are authorized by the sovereign.⁴⁴ The process of binding is thus one of self-binding and not the creation of external frameworks of rule that insert themselves between a society and its state. As Martin Loughlin has put it, in the liberal tradition these institutional devices for controlling executive power are considered as particular “explications of sovereignty”, not as divisions or outside limitations upon sovereignty.

What is distinctive about member statehood is the external appearance of these limits and constraints is not incidental but is crucial to their functioning. The externality can be derived from the antagonistic relationship that is assumed to exist between state and society. Governments must bind themselves to outside rules in order to exercise their authority over national populations. We should note that this does not mean that the powers to coerce and enforce the rules are actually relocated to outside member states: as we all know regarding the EU, its actual resources and powers are very limited. Rather, this appearance of externality in the rules and constraints reflects a fundamental shift in the internal, state-society relationship that constitutes statehood in Europe today.

⁴³ For another account of this difference, see Mény's discussion of the balance between law and politics in Mény, 2012, pp155-159.

⁴⁴ This point is developed at some length in Bickerton, Chris J. (2011) 'Europe's Neo-Madisonians: Rethinking the Legitimacy of Limited Power in a Multi-Level Polity', *Political Studies*, 59:3, pp659-73.

From nation-states to member states: a very brief history

In writing about state transformation, there is a certain tendency, certainly in international relations, to assume that the model of the Westphalian state has dominated modern political life and has only been recently eclipsed by the onset of globalization. More empirically based work, such as the work of the “Bremen school” on state transformation, is more subtle in its account of the modern state. It nevertheless lumps together very different time periods and forms of state into what it calls a long process of “nationalization”, followed by a much more recent and shorter moment of “denationalization”.⁴⁵ In their empirical model of the state that unites territory, rule of law, democracy and intervention (welfare provision) into what they refer to as TRUDI, they see the postwar Golden Age of the 1950s and 1960s as the highpoint of TRUDI: an apogee in the nationalization of political power and societal organization.

Much of the Bremen school analysis is pertinent to this account of state transformation but the focus here is the transition from one form of state to another and the correspondence we can establish between this process of state transformation and the development of European integration. Whilst the title of the article is “from nation-state to member state”, the actual historical argument is more complex. The shift from nation-state to member state passes through the turbulent first half of Europe’s 20th century and specifically the collapse of political liberalism into the interwar experiments with fascism. Out of this violent and unstable transitory period, we see emerge - after 1945 - a new form of state, not the 19th century nation-state but the national corporatist state. As documented by Charles Maier, corporatism had already emerged in the aftermath of the First World War as a strategy for societal stabilization deployed

⁴⁵ See for instance Genschel, Philipp and Zangl, Bernhard (2011) ‘L’Etat et l’exercice de l’autorité politique, dénationalisation et administration’, *Revue française de sociologie*, 52 :3, pp509-535.

by business and state elites.⁴⁶ But as a state form, it was only fully developed after 1945 where an agreement between business and labour was secured on the back of the latter's abandonment of any claim to direct ownership of the means of production. The national corporatist state was also a national Keynesian state in so far as the role of the state in the economy was concerned. And it contained within it, as Martin Conway has documented, a distinctive kind of "political model", marked by limited popular participation, the recycling of rather dull, centrist elites within a stable set of parliamentary institutions, a depoliticizing of European societies and a shift in representation away from electoral politics and towards corporatist bargaining at the elite level.⁴⁷

Jan-Werner Müller claims that it was this particular political model, presided over in the main by Christian Democrat politicians, that was the foundation for regional integration in Europe. He writes that Christian democracy after 1945 "played a central role in realizing the idea of supranational European integration, not least because Catholics had long been wary of the nation-state and traditional notions of sovereignty". It was, he continues, "easy to give up part of what was feared in the first place. And as in domestic politics, there was a tendency to leave politics – here in the form of international negotiations – entirely to high-minded elders".⁴⁸ Müller then goes on to argue that the later periods of European integration, from Maastricht onwards, are mere extension of the model already set in place in the 1950s by Christian democrat politicians – de Gasperi, Adenauer, Schuman – for whom regional integration was a safe antidote to the dangers of untrammelled national

⁴⁶ "The corporatist structure that was emerging in the 1920s as the instrument of social reconsolidation became a goal in its own right by the end of World War II". In Maier, Charles S. (1975) *Recasting Bourgeois Europe: Stabilization in France, Germany, and Italy in the Decade After World War I*. Princeton, New Jersey: Princeton University Press, p14. For an interesting discussion of interwar corporatism, see also Müller, 2011, chapter three. Müller describes Austria, Poland, Portugal and Spain as key examples of "Christian corporatist states", p110.

⁴⁷ On Europe's postwar "political model", see Conway, Martin (2002) 'Democracy in Postwar Western Europe: The Triumph of a Political Model', *European History Quarterly*, 32:1, p59-84. See also Conway, Martin (2004) 'The Rise and Fall of Western Europe's Democratic Age, 1945-1973', *Contemporary European History*, 13:1, pp67-88. See also Judt, 2005, p263.

⁴⁸ Müller, 2011, p130.

sovereignty. Beyond the example of regional integration, postwar Western European democracies were marked by a move towards what was known in Germany as “militant democracy” and in Italy, “protected democracy”. These terms, what Muller more generally calls “constrained democracy”, refers to the practice, popular after 1945, to constrain democratic politics through the extended constitutional measures. With the aim of disciplining majorities, constitutional courts were created in this period, a novel departure for European political systems. Writing about this turn towards “constrained democracy”, Muller argues that “European integration was part and parcel of the new ‘constitutional ethos’, with its inbuilt distrust of popular sovereignty, and the delegation of bureaucratic tasks to agencies which remained under the close supervision of national governments”.⁴⁹

The national corporatist state, however, is not the member state. Müller derives the dynamics for European integration from within postwar social democracy when in fact, the postwar political and social model served as the main obstacle to the European integration project. During the 1950s and 1960s, the heyday of the postwar corporatist state in Western Europe, relatively little by way of regional integration took place and what did occur was heavily shaped by national concerns. The European Steel and Coal Community failed to serve as the galvanizing force for more political integration in Europe since national attachments remained too strong. When the plans for a European Defence Community were voted down by the French national assembly in 1954, Gaullist and Communist parliamentarians linked arms and spontaneously sang the *Marseillaise* together. When Ernst Haas, the father of neofunctionalist theories of European integration, wrote a preface to the second edition of his book, *The Uniting of Europe*, he wrote candidly that since the publication of the first edition in 1958, “de Gaulle has proved us wrong”. Less anecdotally, we can observe that the postwar corporatist state was constituted through an extensive

⁴⁹ Müller, 2011, pp148-9.

set of state-society relationships, mediated via powerful intermediary bodies such as unions and employer associations. The postwar social democratic contract itself, implying rights and responsibilities for citizens and the state alike, was itself national in form. Up against the strength of nationally-bound rights and the pervasiveness of institutions and actors mediating the state-society relationship, it is unsurprising that regional integration was limited in this period. The idea of constraining sovereignty through external rules promulgated at the European level may well have been elaborated by Christian democratic thinkers seeking a political model able to combine anti-totalitarian instincts with Christian values.⁵⁰ Yet at the time, the political obstacles towards the realization of ideas were simply too great.⁵¹

There is an interesting parallel here that we can develop with regards the development of an international human rights regime. In a revisionist history of human rights in post-1945 international politics, Samuel Moyn cautions against a teleological reading whereby the explosion of international human rights law in the recent decades is read back into the early history of the United Nations and of the Universal Declaration. Moyn's point is that in those early postwar decades, human rights were relatively marginal as a political doctrine or political ideal. As he puts it, "a better way to come to think about human rights in the 1940s is to come to grips with why they had no function to play then, compared to the ideological circumstances three decades later when they made their true breakthrough".⁵² On the significance of human rights to postwar European regional integration, Moyn notes that leading figures in the integration process were indeed all avowed Christian personalists and so sympathetic to the human rights framework. However, to see the European Convention on Human Rights,

⁵⁰ Important at the time given the role religion played in the dictatorships of both Salazar in Portugal and Franco in Spain.

⁵¹ As Majone puts it, "one by one all the predictions so confidently made by the first generation of postwar federalists were refuted by history, their apodictic certainties shattered by the stubborn refusal of the nation-states to wither away, and of peoples to support federalist goals". Majone, 2009, pp52-3.

⁵² Moyn, Samuel (2010) *The Last Utopia: Human Rights in History*. London: Belknap/Harvard University Press, p47.

and the European Court of Human Rights, as early evidence of what we know today as international human rights law would be mistaken. The frameworks and ideas were to some degree in place but their role remained marginal for a long time. Moyn notes that “though a small number of jurists worked doggedly over the decades for human rights to mean more within Europe, their victories still awaited a later, global transformation for the close association of European identity and human rights to take”.⁵³ In the case of the European Court of Human Rights, only 17 cases had been decided by the mid-1970s. Only from the mid-1980s onwards did the number of petitions received by the court and the number approved for court consideration rise significantly.⁵⁴

The main obstacle in the immediate postwar period was that people were interested in “how to create social freedom in the state”.⁵⁵ The main political contest was between different ways of realizing social democratic aspirations, with more or less planned variants offering themselves as solutions to the problems of the age. These secular and nationally-bound utopias governed postwar thinking, limiting any mass appeal for human rights. As Moyn argues, the main limitation of human rights in this period is that “it solved no problems... On the largest issue, the most promising social model, the language of rights could not determine the choice between a welfarist and a communist scheme”.⁵⁶ In short, the debate about rights at the time was still firmly rooted within the state and the opposition between state sovereignty and human rights so familiar to us today was anathema then.⁵⁷

It is this same fact which can help us understand the limited progress made in European integration in the 1950s and 1960s, compared with the much more significant and extensive developments that have taken place from the mid-1980s onwards. As with human rights, the scope for postnational rule-

⁵³ Moyn, 2010, p80.

⁵⁴ Moyn, 2010, p80.

⁵⁵ Moyn, 2010, p47.

⁵⁶ Moyn, 2010, p73.

⁵⁷ On why anticolonialism was not a human rights movement, see Moyn, 2010, chapter three.

making and institutional development was limited by the deeply national character of political and social life after 1945. The form of state which prevailed in the 1950s and 1960s was nationally-bound as the rights and obligations making up the postwar social democratic contract were national in scope.⁵⁸ Whether it be the patrimonialism of Andreotti's Italy or the cartelized political life of post-war Austria, this was an age of close state-society integration via a multitude of corporate bodies and channels.⁵⁹ The regional integration that did take place was both driven by national concerns and by a certain transnational interest in economic planning stemming from the demands of capitalist modernisation. Monnet himself was an architect of national planning in France and wanted to extend this approach to the European level. Some of the resistance to giving powers to the High Authority as part of the European Coal and Steel Community came those groups that saw in it a byword for socialist nationalisation via the pan-European backdoor.⁶⁰ Others saw in the European dimension an opportunity for rationalisation and greater economic efficiency. The squeeze on democratic participation that occurred after 1945 and typified the consensual era of the 1950s and early 1960s made possible a degree of regional integration. The strength of the national form of state which prevailed at the time, however, made such integration limited in scope.

The renewal of European integration from the mid-1980s was driven by a transformation in this state form, from the postwar national corporatist state to the member state. As with Moyn's argument, where the political conditions for the rise of human rights comes with the attack on national sovereignty waged by

⁵⁸ Liebrich, Stephan and Zürn, Michael (2005) *Transformations of the State?* Cambridge: Cambridge University Press, pp9-10.

⁵⁹ On Italy, see Ginsborg, Paul (2001) *Italy and Its Discontents, 1980-2001*. London: Penguin, chapter 5 and Judt, Tony (2005) *Postwar: A History of Europe Since 1945*. London: William Heinemann, p259. On Austria, see Judt, 2005, pp260-63. On similar trends in Germany, see Kirchheimer, Otto (1969) 'Party Structure and Mass Democracy', in *Politics, Law and Social Change: Selected Essays of Otto Kirchheimer*, edited by F. S. Burin and K. L. Shell. New York: Columbia University Press.

⁶⁰ The High Authority was – under the terms of the Treaty of Paris – bound to defending employment and avoiding the downwards harmonization of living standards and wages. See Milward, Alan S. (1992) *The European Rescue of the Nation-State*. London: Routledge, p47.

new Left anti-totalitarian philosophers like André Glucksmann in the 1970s, so we can see the leap forward in European integration take place through a steady dismantling of the postwar social democratic state. It is in this process of dismantling the national Keynesian consensus that a new state-society relationship is forged, one resting upon a presumption of antagonism between national governments and national populations that is mediated through external frameworks of rule. This development is also crucial in galvanizing the “judicialization” dynamics at work in the national political systems of Western Europe.⁶¹ As Yves Mény observes, the seizing of the initiative by the European Court of Justice (its judicial “coup”) was only possible once the case for independent judicial authority had been made and won at the national, a phenomenon that was itself a reflexion of the changing nature of democracy and the state-society relationship across Western Europe.⁶² This transformation in statehood was not a far-sighted strategy of societal change managed by enlightened elites but was more ad hoc in its development. It was initially adopted as a short-term political strategy aimed at dealing with a specific set of events. Only over time, in the manner of much institutional change, did it coalesce into a distinctive set of procedures, institutions and relationships that eventually took the form of a distinctive form of state.

The crisis of the 1970s in Europe was perceived as one of ungovernability. It was seen as stemming from the over-expectations generated by two decades of uninterrupted growth and material progress. The initial response in many countries was not to do away with the existing corporatist framework but to radicalize it. New accords between management and labour were forged as solutions to the problems of unemployment and inflation but they proved unsuccessful. Some failed earlier, such as in the UK, first under the Heath government then again under Callaghan. In France, they failed rather

⁶¹ On judicialization, see Stone Sweet, Alec (2000) *Governing with Judges: Constitutional Politics in Europe*. Oxford: Oxford University Press.

⁶² Mény, 2012, pp157-8.

later, after Mitterrand had launched his Keynesian-in-one-country strategy in 1981. By the late 1970s and early 1980s, new ideas were emerging about how to deal with the crisis that were heavily influenced by the public choice literature of earlier decades (a school dubbed as “politics without romance”). This approach tended to pathologize collection action, presenting it as inherently inflationary and short-termist. A popular idea mobilized at the time was that of “time inconsistency” in policymaking: the idea that national representatives would always – in the framework of a majoritarian, electoral democracy – be faced with the incentive to inflate the economy in order to reduce unemployment if inflationary expectations could be stabilized around a certain point. The gap between expectations *ex ante* and revised expectations *ex post* was the space for governments to cut joblessness via higher spending. The conclusion of some macro economists was that only via independent rules could governments conduct effective monetary and fiscal policy. Such ideas were behind a war against political discretion waged in this period which was the basis for the shift towards member statehood.

As with Moyn’s analysis of the rise of human rights, we need to explain why this turn to Europe took place when it did, from the mid-1980s onwards, with further consolidation in the course of the 1990s and 2000s. There was no absence of ideas earlier in the postwar period, as the “Princeton school” suggest. In fact, as Fritz Scharpf has shown, the “constitutionalizing” of Single Market rules by giving to the European Court of Justice the power to decide upon the balance between public interest provisions and protectionist infringements of the Single Market was something that happened *de jure* with the *Cassis de Dijon* case in 1979. It was only accepted later by national governments when the political consensus behind public services had given way to a preference for privatisation or to the out-sourcing of public services to private companies. We can see something similar by way of timing in monetary integration. The difficult currency snake in the 1970s was reflected by the pull of national

concerns. Internal devaluation in France, for instance, had been tried by the Barre plan of the late 1970s but failed as social actors fought back against the demands made upon them by the government. A few years later, when Mitterrand implemented his own plan of *rigueur*, he did so by situating it within the wider framework of a re-launch of European integration.

This attack upon the discretion of national legislatures was consolidated over time into a new norm of governance: that of devolving powers to independent authorities in order to ensure the credibility of long-term commitments made by public officials. The most famous example, treated today as almost a natural law of good macro-economic governance, is the independence of central banks. However, it also applies to many other areas of public policy. Today, even national regulators – themselves legitimized by virtue of being independent from national governments – are seen as too susceptible to political influence. The ideas currently being discussed regarding a European banking union stem in part from this view: regulation in this area needs to be taken even further from the national political domain in order to ensure its political neutrality. Writing in 2007, Frank Vibert argued that these “unelected bodies” – independent central banks, economic regulators, risk managers and auditors – had become such a central part of governance in Western democracies that they should be seen as constituting their own branch of government, to sit alongside the legislature, the executive and the judiciary.⁶³

Looking at the empirical puzzles surrounding the European Union, we can see how they can be explained through the idea of the EU as a union of member states. Power has not been definitely transferred to a supranational EU such that it enjoys constitutional supremacy over that of its members. We are still dealing with a union of states. However, the concept of the member state helps us better understand the central played by European frameworks of rules and norms in the

⁶³ Vibert, Frank (2007) *The Rise of the Unelected: Democracy and the New Separation of Powers*. Cambridge: Cambridge University Press.

daily exercise of national authority by national representatives and officials. In so far as the state-society relationship has been re-constituted upon a basis of antagonism and conflict, a legacy of the governability crises of the 1970s and their resolution in the following years, national governments exert their authority through these external frameworks as a way of constraining the political discretion of national majorities. The problem with member statehood is that it is a fundamentally fragile state form. To paraphrase Vincent Della Salla comment on the Italian state, the member state is hard but hollow: hard in so far as state administrations and national governments are able to insulate themselves from domestic pressures, but hollow in so far as they are unable to represent themselves as aggregations of the collective will but as agents seeking to control and constrain those wills.⁶⁴

Conclusion

This article has argued that the “methods of integration” debate, inaccurate as it may be in representing many of the key features of contemporary European integration, is a useful starting point with which to inquire into the fundamental nature of the European Union. A need for such inquiry stems from the over-specialisation and fragmentation in EU studies that has come from the empiricist turn in EU studies. In the face of an abundance of empirical material, but lacking the conceptual tools with which to see how all the material hangs together, this article has proposed to view European integration as belonging to a broad process of state transformation that has characterized Western Europe over the last 30 years.

Taking up other work on this theme, the article has emphasized the need for a nuanced account of state transformation that focuses on developments

⁶⁴ Della Salla, Vincent (1997) ‘Hollowing out and hardening the state: European integration and the Italian economy’, *West European Politics*. 20(1): pp14-33

since 1945. Too much of work on European integration assumes that the process as a whole can be traced back to the Second World War and the Christian democratic ideas of constrained democracy that emerged from this conflict. In fact, this article has shown that the key process of state transformation was in the later decades of the 20th century, notably the dismantling of the postwar social democratic state that occurred in the 1970s and 1980s in Europe. Differentiating between the scant degree of regional integration present in the course of the 1950s and 1960s, and the much more extensive and deep-seated process of integration that has taken place since the early 1980s, the article argues that the contemporary EU can be traced back to this latter period, where a calculated attack on the mediating bodies of political and social life at the national level was seen by national elites at the time as a solution to the crisis of the postwar Golden Age that broke out in the 1970s. This strategy developed over time into a form of statehood whereby national power was increasingly exercised through external frameworks of rule.

This new form of state, labelled the member state, is today at the heart of European integration. Resting upon an antagonistic relationship between state institutions and national societies, intent on governing more than on representing, and made up of national officials and representatives for whom the European level of policy-making has become an inescapable component of their own sense of legitimacy and of national power, member states are inherently unstable. Their weakness goes some way towards explaining why the EU has found it so difficult to respond to the challenges of an economic and financial crisis. As a union of member states, the EU has at its heart the political problems of member states themselves.