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EU Institutions and the Transformation of European Level Politics – How to understand profound change (if it occurs)

Morten Egeberg

ARENA, University of Oslo

P.O.Box 1143, Blindern, 0317 Oslo, Norway

e-mail: morten.egeberg@arena.uio.no

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Abstract

One key indicator of profound change in a Westphalian state order might be the extent to which cleavages are cross-cutting national borders. The kind of conflict structure found at the European level is supposed to be highly dependent upon the institutional architecture at that same level. Arguably, a peculiar thing about the EU's institutional set-up is that it might be able to generate a multi-dimensional cleavage pattern at the European level. In that case, power becomes significantly redistributed, and serious conflicts along a single axis are less likely to develop. If EU institutions really are that important, then we have to address more systematically the processes through which they themselves come about and change. Prevalent rational choice explanations, including liberal intergovernmentalism, have their shortcomings when profound institutional change is to be accounted for, and, particularly so, if such change is intended.

Keywords: EU institutions, transformation, cleavages, institutional change

Introduction

If deep change is indeed taking place in the European political order, how would we detect it? And how could it be explained? These are the two important questions dealt with in this article. It starts by addressing the indicator problem: what could be a fruitful yardstick for ascertaining qualitative alterations to a political system basically composed of nation-states? I suggest that the extent to which cleavages cut *across* national borders could be one attractive way of gauging system change. After thus having clarified the dependent variable, I then, in two successive steps, outline how changes in the structure of conflict at the European level might be accounted for. While Marks and Steenbergen (2004) hypothesise that political contestation at the European level is connected to that in domestic arenas, I argue here that the patterns of cooperation and conflict found at the European level are highly dependent on the institutional architecture found at that same level. However, if EU level institutions do really matter in this respect, we have to (and this is the second step) ask how this institutional structure itself has come about. This second step, of course, opens up an enormous research agenda that already has been widely addressed. Thus, in this article the last theme will only be relatively superficially touched upon. The message is, however, that when we are dealing with profound institutional change, such as significant authority transfer from nation-states to a supranational level, and particularly so when such change is intended, the prevalent rational choice explanations, including liberal intergovernmentalism, may face problems.

Thus, the main purpose of this article is twofold: first, to introduce an indicator of profound change in the European political order - this marker is the extent to which a multi-dimensional structure of conflict can be observed - and, second, to partly

account for this structure by looking at the way EU institutions are organised. My concern here is to *illustrate* the assumed relationship between particular institutional features and patterns of conflict. Further empirical research is certainly needed in order to substantiate the postulated relationships. The notion is not, however, that the institutional architecture of the EU determines political behaviour, only that it makes some patterns more likely than others.

If profound transformation – how to see it?

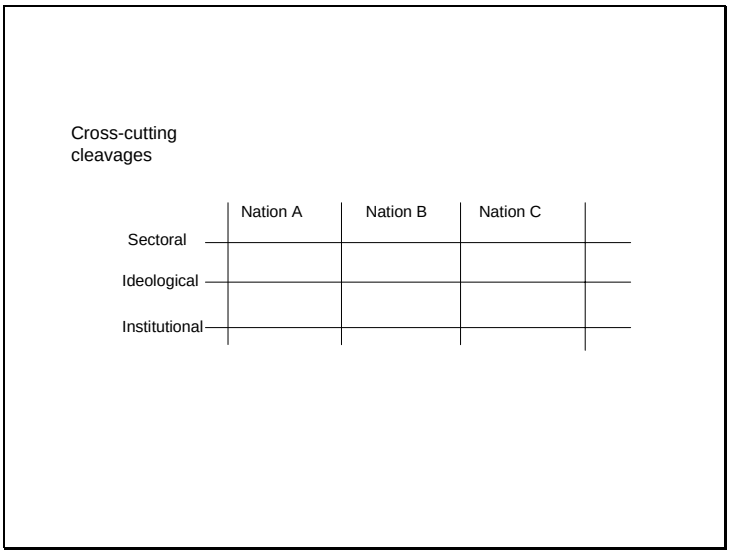
Our point of departure is the state system in Europe more or less inherited from the Peace of Westphalia (1648). One key feature of this political order was that politics at the European level was organised as politics among sovereign states. The real sovereignty of various states might have been highly questionable at different points in time, however, patterns of cooperation and conflict at the European level seem to have mainly coincided with state borders. Thus, political life has been either domestic or interstate in character.

The recent turn in EU research toward "Europeanization of the nation-state" basically recognised that in order to come to grips with significant changes in the existing state order one had to investigate how European integration manifested itself at the national level. It was seen as insufficient to study the erection of EU level institutions and EU policy-making without taking into account how these actually affect countries. Thus, one started to look for impacts on national institutions, politics, policies and identities, and for converging or diverging trends across nation-states in these respects (Olsen 2002b). Although this "turn" in research focus no doubt represented a major step forward, it nevertheless may have encountered problems in revealing profound

changes (if they have occurred). After all, high levels of institutional and policy convergence across countries could be seen as compatible with the state-centred system outlined above. For hundreds of years, government officials in Europe have learnt from each other and been exposed to trans-border diffusion of institutional arrangements and policy solutions. And multitudes of international governmental organisations (IGOs) have worked over the years for more harmonisation and standardisation within different policy fields without seriously challenging the "politics among sovereign states" paradigm. One could of course argue that the Union Council is qualitatively different since it allows qualified majority voting. However, the Council has been deeply consensual in its habits, and great efforts have been made to accommodate the individual dissenter (Hayes-Renshaw and Wallace 1997:275). It has also been pointed out that too little attention has been devoted to how European integration affects politics (e.g. patterns of conflict) at different levels of governance (Mair 2004).

Figure 1

A multi-dimensional conflict structure



I suggest here that we can talk about deep transformation to the extent that a primarily uni-dimensional, territorially based conflict structure at the European level has become significantly complemented by patterns of cooperation and conflict that cut across national borders (Figure 1). A mixture of territorial, sectoral, functional, ideological or inter-institutional conflicts would constitute a multi-dimensional political space at the European level, parallel to what we see at the domestic level and thus very different from what we traditionally have seen at the international level. It deserves mentioning that the multi-level governance literature (Kohler-Koch 1996; Hooghe and Marks 2001), and transnational relations scholars (Risse 2002) have for some time both pointed to the fact that international institutions may provide opportunity structures that encourage transnational coalitions among non-governmental organisations (NGOs). However, one could argue that only the emergence of more systematic and persistent non-territorial lines of cooperation and conflict represents a real challenge to the highly institutionalised "politics among sovereign states" pattern.

The institutional explanation

How can cleavage patterns be accounted for? Lipset and Rokkan (1967) saw structures of conflict at the national level as a result of macro developments such as the national and industrial revolutions. Their explanation was partly institutional in the sense that, for example, the national revolution also engendered state structures that evoked tensions along the centre-periphery dimension. The emergence of sectoral and functional conflicts subsequent to the industrial revolution, on the other hand, can probably not be that clearly related to the growth of particular government organisations. By the end of the 1920's, cleavages became gradually "frozen" in party

systems and other organisational constellations (Lipset and Rokkan 1967). Even in the present era of Europeanization, the robustness of national politics seems salient (Olsen 2002b).

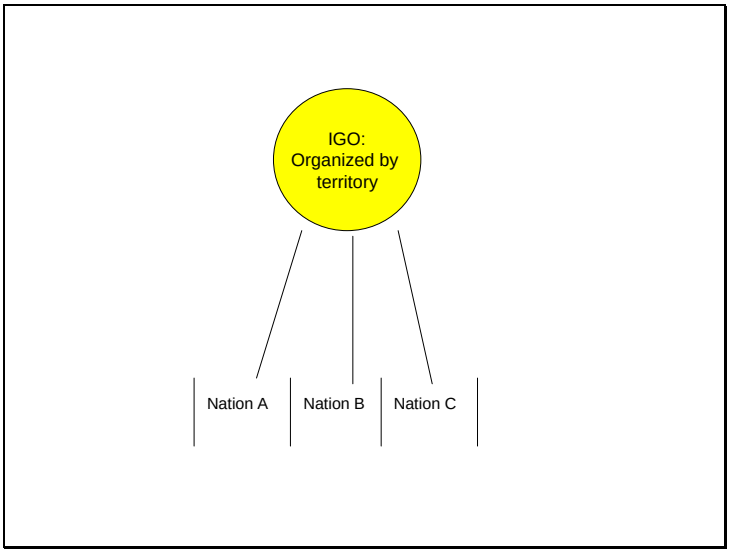
The idea in this article is that, although political contestation at the European level may be connected to that in domestic arenas (Marks and Steenbergen 2004), a full account of EU-level cleavages can only be achieved by considering the institutional architecture at that same level. Institutions as organised entities discriminate among conflicts; they "channel conflict" and do not treat all conflicts impartially (Egeberg 2003). Thus, institutions organise some conflicts into politics and some conflicts out of it (Schattschneider 1975). The notion is not that institutions as a rule "invent" conflicts, however, institutions may systematically activate some latent cleavages while routinely ignoring others. For example, certain ideological and sectoral conflicts are already present at the domestic level. By widening the political space and by organising themselves in a particular manner, EU institutions might make it reasonable for groups to align transnationally. Like the previous nationalisation process, today's Europeanization entails institution-building that evokes tensions along a centre-periphery dimension.

While institutions that are specialised according to geographical criteria tend to encourage cooperation and conflict along territorial lines, institutions arranged by non-territorial criteria are expected to foster cleavages *across* geographical units (Egeberg 2003). Thus, in pure organisational terms, significant transformation (and integration) of a system based on sectoral components could be achieved by installing an organisational layer at the top specialised according to geography, while deep

integration of a system built on territorial components, as in the EU case, would presuppose some system-wide institutions structured by non-territorial criteria (Egeberg 2004b). The classic IGO has been basically arranged according to territory so that key decision-makers have been formally representing the constituent governments (Figure 2).

Figure 2

The IGO and territorial cleavages

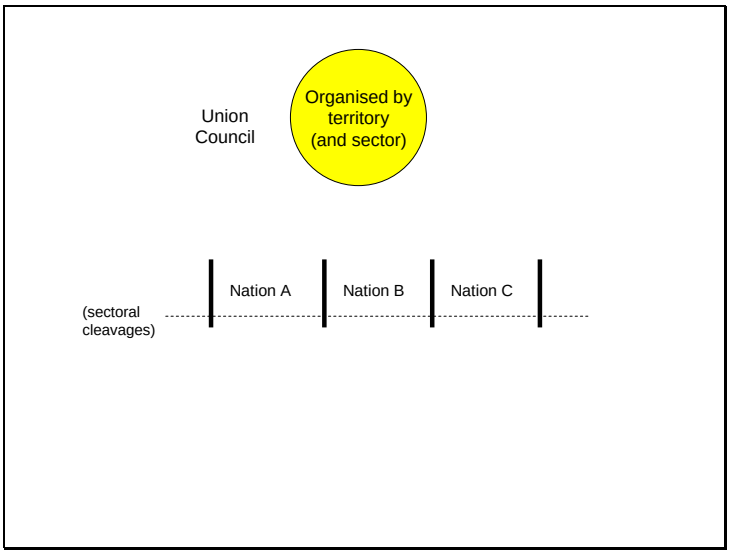


Thus, an IGO's structure underpins rather than challenges a state-centred order characterised by a uni-dimensional conflict pattern along territorial lines at the international level. Arguably, the congress and concert system that developed subsequent to the Vienna Congress 1814-15 contributed to civilising the European state system (Schroeder 1994; Holsti 2004). However, IGOs in fact don't seem to have been able to "tame" nation-states significantly; it might be indicative that one has found no relationship between their existence and the extent to which member states have been involved in wars (Singer and Wallace 1970). The Council of the EU shares basic features with an IGO, although it allows much more qualified majority

voting to take place at the ministerial level than any IGO (Figure 3). Studies show that differences between nation-states prevail, particularly along a North-South dimension (Thomson et al. 2004). However, participants at all levels of the Council tend to complement their primarily national allegiances with a considerable sense of responsibility for reaching collective decisions (Hayes-Renshaw and Wallace 1997; Lewis 2002; Egeberg *et al.* 2003).

Figure 3

The Council and the related cleavages

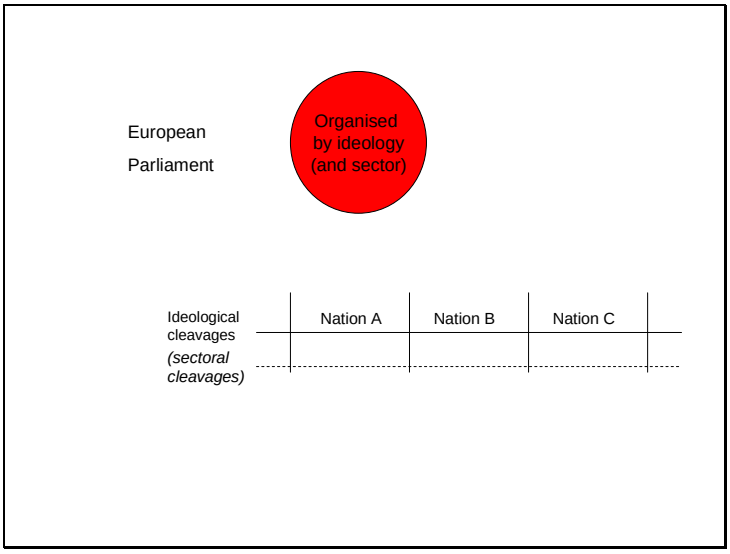


The Council also, like several IGOs, complements its primarily geographical arrangement by running sectorally and functionally specialised ministerial councils and working parties. Thus, although the institutional set-up of the Council is supposed to be primarily conducive to the "politics among nations" pattern, the Council's dual structure also opens up for the activation of sectoral identities that cut across nationalities (Egeberg *et al*. 2003). In addition, ministers may, at times, speak for the

party-political family from which they are drawn (Hayes-Renshaw and Wallace 1997: 6), and align along a left-right dimension (Mattila 2004).

Figure 4

The European Parliament and the related cleavages

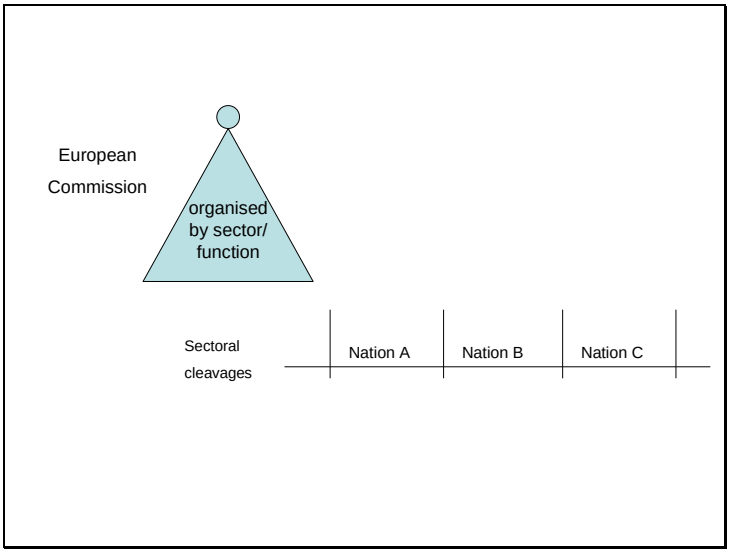


Having gained more power over time, the other legislative branch of the EU polity, the European Parliament (EP), increasingly provides an interesting arena for European party families. The EP embodies organisational features that tend to focus attention on non-national lines of cleavage (Figure 4). For example, the Parliament's physical arrangement seats members according to European party family rather than by nationality. Economic incentives make it rational for party groups to align transnationally. Studies do in fact show that although EP party groups behave less cohesively than groups in member state legislatures, they are more cohesive than parties in the US Congress (Hix 1998; Raunio 2002). Voting behaviour in the EP mainly coincides with a left-right dimension (Hix 2001). To these ideological

(partisan) dimensions the EP's system of standing committees adds a sectoral or functional dimension to the conflict pattern (Neuhold 2001).

Figure 5

The Commission and the related cleavages



The European Commission, the most genuine executive body in the EU polity, also divides its work primarily according to non-territorial criteria, although the procedure for appointing commissioners and the geographical quota system for recruiting personnel to the services may point in the opposite direction (Figure 5). The basically sectoral and functional directorate general (DG) structure probably explains why patterns of cooperation and conflict at the Commission so often seem to follow sectoral rather than territorial lines (Egeberg 2004b). The Commission's structure in this respect may be highly conducive to connecting up compatible parts of national sector administrations (Trondal and Veggeland 2003; Egeberg *et al*. 2003). This kind of sectorally or functionally based administrative networks across levels of governance is certainly not peculiar to the EU, but can be found, for example, in the

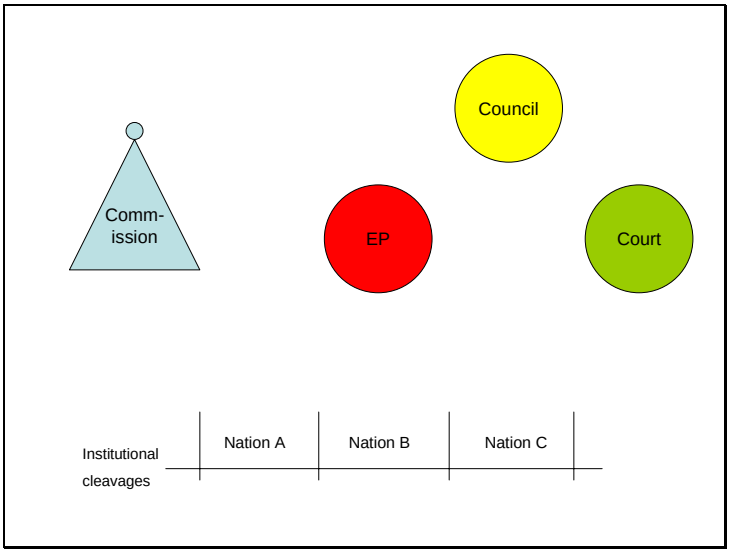
OECD. In IGOs (and in the EU Council), however, such sectorisation is counterbalanced by the fact that these institutions are primarily organised according to territory. This "corrective" is absent at the Commission.

Quite in parallel, the segmented organisation of the Commission also tends to encourage the participation of sectoral interest groups, particularly of those organised at the European level (Kohler-Koch 1997). Interestingly, students of international non-governmental organisations (INGOs) in general have found that such groups, although significant in the agenda-setting phase, have been far less important at decision-making stages. At these stages, they have needed to work through governments and IGOs more directly, and this has obviously proved harder (Risse 2002:265). However, from an organisational point of view, the structure of the Commission is, compared to that of IGOs, more compatible with the tasks and interests of non-territorial associations; thus, it might facilitate interaction among them and the Commission. Finally, in addition to the sectoral bias, we should start looking for instances where Commissioners assume party political roles as well. An ever closer relationship between the Commission and the EP, as well as an increasing proportion of political heavyweights in the College over time, indicates why (Egeberg 2004a).

The complex institutional architecture at the EU level, with a considerable degree of functional specialisation among the different institutions, in itself injects institutional cleavages into the system (Figure 6).

Figure 6

The institutional differentiation and the related cleavages



Institutions tend to impose particular world views, ways of thinking, expectations and allegiances on their members, and more so under some organisational conditions than others (March and Olsen 1989; Checkel 2001; Egeberg 2003). Thus, people of different nationalities belonging to the same institution may come to share important attitudes that are not necessarily shared by those affiliated with other institutions. Tensions between, for example, executive and legislative bodies are well known from national politics as well. In addition, the division of work among EU bodies institutionalises a "centralisation-decentralisation" dimension in the sense that the Commission is often perceived as an engine of integration, while the Council embodies national control.

Now, one could argue that although inter-institutional conflicts, cutting across nationalities, do occur rather frequently at the EU level, this kind of "turf battle"

nevertheless takes place at the surface and does not really penetrate the lower levels of governance. It may be easier to understand that ideological (partisan) and sectoral cleavages at the EU level are observable across levels of governance since they can be mediated through national political parties and interest groups. There are signs, however, that also conflicts among EU institutions might "run deeper". Concerning the Commission, it could be interested in dealing more directly with parts of national administrations, both for policy development and for implementation purposes, thus institutionalising more of a multi-level genuine "community administration". Arguably, the "agencification" process that has taken place in most member states over the last years, meaning that regulatory tasks have been hived off from ministerial departments and put into semi-independent bodies, has cleared the way for making them "double-hatted", i.e. these bodies are supposed to serve both national governments *and* the Commission (Egeberg 2004a). By connecting up national agencies in issue-specific administrative networks, partly by-passing national governments (ministries), the Commission would, in a sense, actually extend its organisation down through the levels without formally erecting its own offices. One could perhaps say that while the Council links up national governments, the Commission in this way effectively links up national "sub-governments".

Similarly, in order to help safeguard the uniform application of Community law, co-operative relationships have developed between the European Court of Justice (ECJ) and courts in the member states. Important in this respect is the procedure which enables national courts to refer to the ECJ questions of EU law that they must decide before giving judgment (Arnull 2003). Also illustrative of the direct relationships between equivalent institutions at the two levels, by-passing national governments, is

the European System of Central Banks (ESCB) in which national central banks constitute "branches" of the European Central Bank (ECB) (Verdun 2003:314). For example, while the German government has heavily criticised the Stability Pact, the German Central Bank has openly defended it (Aftenposten, 18 November 2003). Finally, consider the EP which recognises national parliaments and the Conference of (parliament) committees specialised in EU affairs (COSAC) as consultative bodies (Mittag and Wessels 2003:433).

Correlates of multi-dimensional institutions and politics

Multiple channels of interest representation. Like IGOs, one can perceive the Council of the EU as an arena in which interests related to people's country of residence are pursued. As noted, sectoral concerns, and even partisan interests, might also be articulated in the Council. However, it is probably right to say that territorially related concerns are prevalent in this setting. Although people's country affiliation without doubt may generate particular interests in a lot of cases - for example, as regards EU transport policy (on traffic congestion, need for infrastructure etc.) - citizens may, nevertheless, have significant ideological (partisan) concerns at the same time. Regarding transport policy, disputes over the role of the public sector will, for example, normally arise. The EP provides a forum for accommodating primarily these kinds of considerations, although sectoral and geographical concerns are not absent. Moreover, people's affiliation to various industries and professions may evoke common transnational interests. To take another example from EU transport policy, those working in one transport sector may perceive of themselves as having interests divergent from those of people employed within another mode of transport. EU-level interest groups and their access to compatible parts of EU institutions, particularly in

the Commission, might have a potential for channelling these kinds of interests. Finally, the mere existence of EU-level institutions could be seen as an expression of the fact that people have interests simply by virtue of living in this part of Europe.

Redistribution of political power. First, conferring upon EU institutions the right to make policies that have a direct impact at the domestic level may, in itself, reshape established local power relationships profoundly. "Europeanization" is an example of what Schattschneider (1975) would have called "socialisation of conflict", i.e. the act of expanding the scope of the political space by changing the locus of power and thus involving more participants. According to Schattschneider (1975:11), "socialisation" in this meaning of the word "inevitably breaks up local power monopolies and old sectional power complexes". Second, every shift in the location of a line of cleavage "produces a new set of winners and losers and a new kind of result" (Schattschneider 1975:61). For example, in the EU setting, upgrading the role of the EP also enhances the importance of the ideological (partisan) dimension in relation to territorial (international) politics. Thus, the question of how power is distributed among member states has to be complemented by an awareness of the relative strength of the party families at the EP. Multiple cross-cutting cleavages at the EU level will inevitably redistribute political power in the system in a highly complex manner.

Prevention of deep cleavages along one axis. The argument goes that a system is in fact held together by its inner conflicts, provided that these conflicts cross-cut each other. On the other hand, a society which is split along just one line of cleavage or has cumulative, coinciding lines reinforcing each other, may be in danger of being torn by violence or falling to pieces (Ross 1920; Coser 1956). This argument supports our

notion that a complex institutional architecture at the EU level that paves the way for a multi-dimensional conflict structure at the same level represents a qualitative step in the direction of deeper system integration and transformation.

Explaining institutional change

Given that EU institutions *are* important for explaining the emergence of new patterns of political cooperation and conflict at the European level, how can we account for the development of these institutions themselves? It is indeed an intriguing question why actors (for example national governments) that are powerful under certain institutional conditions (e.g. the Westphalian state order) might come to agree to institutional reforms that actually diminish their power in the system. Intergovernmentalism based on rational choice theory and a functional approach will encounter problems in trying to provide an adequate account of this. According to these perspectives, EU institutions are deliberately designed in order to reduce transaction costs related to collective problem-solving. Thus, control clearly remains with the original institutionbuilders (Moravcsik 1998; Schimmelfennig 2004). Taking these theories as our point of departure, power *redistribution* can only be explained by adding historical institutionalism or principal-agent theory. The historical variant of rational choice institutionalism argues that, as an unintended consequence of institutional design, institutions might take on a life of their own and start to drift away from what was originally planned (Pierson 1996). In a similar vein, principal-agent analysts contend that information asymmetry and incentive systems in the "agent-institution" could lead to the principal's loss of control (Pollack 2004).

The problem is, however, that as far as the European project is concerned, the intention at its very inception was to transfer power to the supranational level, i.e. to lose, not "delegate", some of the control exercised by the constituent governments (Burgess 2004). How could the founding countries agree to this? In the works of institutionalists who in general emphasise the robustness and "stickiness" of institutions, we also find ideas about the conditions under which radical change nevertheless might take place. Serious "performance crises" and shocks could constitute such change catalysts (March and Olsen 1989). In that respect, WWII represented a system breakdown on an unprecedented scale in the European political order. Arguably, this catastrophe opened an enormous window of opportunity for entrepreneurial leadership. Jean Monnet, adviser to the French foreign minister Robert Schuman, had been, among other things, a deputy secretary general at the League of Nations and experienced (although not alone) that intergovernmental organisations were unable to prevent wars. He seems to have invented the most innovative body in the new institutional set-up: the High Authority (later the Commission), which he presented as "Europe's first government", and he also saw the need for a court (Duchêne 1994:235). According to Monnet's biographer (Duchêne 1994:210-11), it was the French minister Andre Philip who proposed a common assembly in order to meet the charge of technocracy, and it was the chief Dutch negotiator Dirk Spierenburg who insisted that a council of ministers had to be installed in order to counterbalance the High Authority. Interestingly, deep systemic crises in conjunction with systems' inability to "deliver" peace and order have been seen as the catalyst for earlier key processes of political transformation in Europe. The thirty years war as well as the Napoleonic wars have been interpreted similarly (Schroeder 1994).

It is highly remarkable that the four core institutions of the current EU were in fact in place from the very start in 1952, although nascent. It follows that ideas about the role of path dependency, institutional robustness and incremental changes will be pivotal in order to reach a more comprehensive understanding of the formation of the EU's institutional architecture (March and Olsen 1989; Pierson 1996; Sverdrup 2002; Olsen 2002a). In addition, various external or contingent events seem, at different points in time, to have triggered new major initiatives or made certain institutional solutions more feasible. Duchêne (1994:291-92;299) mentions the importance of the Suez crisis in 1956 for both the EEC and the Euratom negotiations. Later, events such as the war in Bosnia or the spread of mad cow disease seem to have made a difference (Veggeland 2000; Sverdrup 2002; Olsen 2002a). Theoretically, these observations draw on a garbage can model of decision-making in organisations. Such a model emphasises the influence of events taking place simultaneously with the choice process in focus (March and Olsen 1976). The notion is that decisions result from an "ecology" of decision processes. Finally, the development of EU institutions might be seen as partly imitation of organisational forms that are already deemed legitimate at the national level (McNamara 2001), thus drawing on theories of the impact of institutional (normative) environments (Meyer and Rowan 1977).

Figure 7

Explaining change in the institutional architecture of the EU

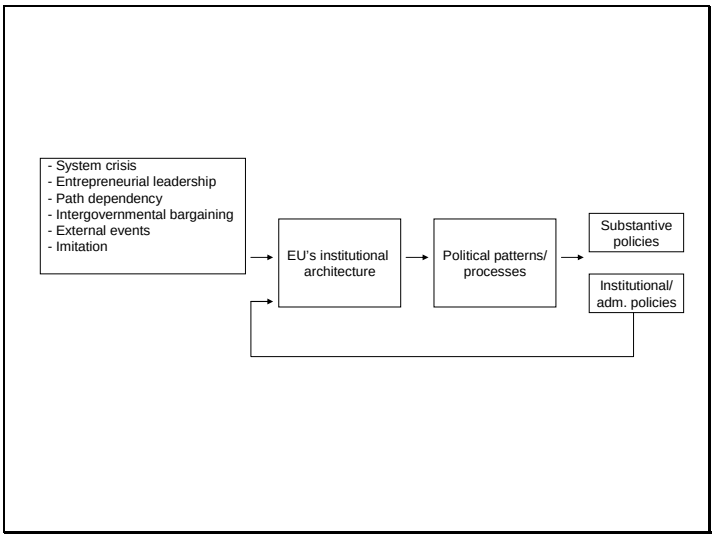


Figure 7 treats the EU's institutional architecture as the dependent variable, and considers the explanatory factors discussed above. In addition, the figure aims at showing that the *current* institutional structure of the EU itself may help to explain changes in that same structure. The idea is that as this institutional structure over time has grown more "mature" and "dense", it increasingly also has to be reckoned with as an independent factor when changes in this same structure are to be accounted for. As shown, then, not only various substantive policies can be seen to reflect the complex institutional configuration outlined in this article, but also the Union's institutional and administrative policies. The Convention on the future of Europe might make up an illustrative example: Both the Convention's actual pattern of participation and its clearly deliberative elements can be interpreted as mirroring the EU's multi-faceted institutional arrangement (Eriksen *et al.* 2004).

Conclusion

According to March (1999:134-35), the social science literature in general recognises three primary criteria for gauging integration of a set of parts. These criteria are the degree of interdependence, structural connectedness and consistency (coordination) among the parts. Applied to the state system, one could conceive of IGO density as one simple indicator of integration among states: IGOs may reflect interdependence among the member countries, they connect the participants structurally and coordinate their activities in order to establish consistency in certain policy areas. The integration criterion proposed in this article is meant to be able to indicate more profound system transformation, since it presupposes a certain *reorganisation of the parts themselves*. Cleavages cutting across national boundaries imply that European integration in this deep sense goes hand in hand with a certain disintegration at the national level; disintegration not only of national political systems, but also of the state apparatuses themselves.

The EU's complex institutional architecture, with its institutional differentiation as well as internal set-up of each institution, has in this article been seen as the key factor behind cross-cutting cleavages at the EU level. It is hard to see how just these lines of conflict could be activated transnationally without particular institutions "making them relevant", so to speak. It should, however, be pointed out clearly that the aim of this article has been to illustrate the role of EU institutions in this respect. Only further research can create the basis for drawing firm conclusions. Moreover, this article has argued that a complex institutional configuration and the corresponding cross-cutting cleavages have some very important "correlates". These are multiple channels of

interest representation, redistribution of political power and the prevention of deep cleavages along one axis.

Finally, if the existing EU institutions really are so pivotal, how do they come about? This is a theme already addressed a lot in the literature. This article argues that in order to explain profound, and partly intended, institutional change, the prevalent intergovernmentalist interpretation and other rational choice explanations need to be significantly complemented by other approaches. These other approaches encompass ideas about the role of systemic crises and breakdowns, external and contingent events as well as the role of imitation of already legitimised organisational forms. Although system crisis, entrepreneurial leadership, path dependency, intergovernmental bargaining, external events and imitation all have a role to play, I hypothesise that, over time, a more developed institutional structure at the EU level will increasingly tend to "reproduce" itself.

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