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« Enlarging or Deepening »:

The Framing of a European Problem

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CERV'L - Pouvoir, action publique, territoire

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Introduction

Despite its abruptness, the formula “Enlarging or deepening?” continues to dominate discourse on the prospects of, and preparations for, the inclusion of Eastern European countries within the European Union EU (1). Although many actors from present member states claim to want both, opposing enlarging to deepening inexorably produces a binary form of reasoning that has major consequences for both political action and academic debate.

In the case of practitioners, enlargement is frequently depicted as a danger for European integration. Seeing enlargement as a “risk” contrasts to the previous enlargements which, after initial resistance, ultimately came to be seen as opportunities for Community institutions to stop and think about the overall direction and raison d’être of European integration (2). The prospects of enlarging to the East, however, rarely seem to have sparked such reflexivity. Instead the general trend is one of introspection and the protection of perceived national interests. As regards academic analysis, commentary and debate on enlargement, it too has suffered from seeing this question in dichotomous terms. Theorised in terms of “positive and negative sum games”, the focus is almost exclusively upon actor strategies and “major” political decisions (3).

Concerned by the manner through which practitioner discourse and academic research construct enlargement as a problem for the EU, this paper seeks to set out how debate has come to be framed in terms of a clearcut choice. In order to do so, we first set out a theoretical approach designed to study the processes of problem framing. Intrigued, and somewhat alarmed, by the extensive use of rational choice premises and conclusions in this field, using tools from political sociology and French approaches to public policy, a case will be made for unearthing the cognitive maps that lie behind problem framing. This analytical grid is then used to analyse the discourse used by Western actors when evoking the prospect of enlargement.

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1 Today’s debate is of course historically original, even if institutions such as the French National Assembly has not always recognised it as such - eg. Rapport d’information de l’Assemblée Nationale, June 1993 -.

Previous debates on enlargement have been centred upon:
- 1962-1963: first attempt to include the United Kingdom meets De Gaulle’s veto.
- 1973: enlargement to the EC to include the United Kingdom, Denmark and Ireland.
- 1981: Greek enlargement.
- 1986: enlargement to Portugal and Spain.

2 Writing on the Iberian enlargement, FEATHERSTONE concluded that this episode served « to clarify some basic policy choices - such as the need for increased interventionism in the new internal market - and thus give new emphasis to politics and ideology in debates about the future European Community », in J. LODGE, ed., « The EC and the challenge of the future », London, Pinter, 1989, p. 200.

Finally, our attempt to conceptualise the issue of enlargement is used to highlight a number of fundamental traits which mark the European Union and in particular its quest for popular legitimacy.

1. How problems are framed: questions of theory and method

Contrary to the thinking of economic determinists, public problems do not just “arise” out of disfunctions in collective action. Instead they are constructed by actors prior to, during and after social interaction (1). Indeed, conceptions of economic efficiency and disfunctioning are socially constructed representations and their application to the issue of Eastern enlargement is no exception: it is a political problem because actors have constructed it as such. This does not mean that objective economic and social difficulties and hardships in the East do not exist. Rather it means that when studying the EU’s response to the East’s applications for membership, the way these difficulties are defined and debated is of crucial importance to understanding the political positioning and actions adopted. A first step towards such an approach involves endorsing the critique of intergovernmental theory developed by neo-institutionalist authors. However, as we shall see, their alternative approach to problem framing remains wedded to conceptions of rationality which are also analytically problematical.

A. Disaggregating actors and institutions

Through demonstrating the complexity of the EU’s institutionalisation, neo-institutionalist approaches to European integration have made three major contributions to its academic study and debate.

First, it has shed light on the processes which contribute to the emergence and consolidation of problems to be tackled at the level of the European Union. National governments are clearly involved in this process, but neo-institutionalists such as Paul Pierson argue convincingly that their influence can only be understood through studying the conflicts and instances of co-operation which give rise to actor preferences for supranational regulation of public problems (2). In order to do so, national governments must be understood as grouping of institutions that are often far from coherent.

The second major contribution of neo-institutionalist analysis is its treatment of European law. In developing a dynamic approach to the relationship between law and public action, authors

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2 P. PIERSON, « The path to European integration. A historical institutionalist analysis », Comparative Political Studies, 29 (2), April 1996.
such as Simon Bulmer (1) have shown how EU law codifies not only legal decisions, but also defines the “institutional capacity” of the actors involved. Contrary to the formalism of “old” institutionalism, this approach encourages us to see EU law as more than a system of sanctions and constraints and also as a mechanism for defining “appropriate” actor behaviour.

Finally, neo-institutionalist analysis of European integration is also a step forward because it encourages careful analysis of the institutionalized resources of two little understood organisations: the European Commission (2) and the European Court of Justice (3). Put briefly, the analytical proposition convincingly made by the authors concerned is that the institutions of the EU “subject member governments to the actions of supranational agents whose behaviour they can control only imperfectly” (4).

In summary, to paraphrase Wayne Sandholtz, these three strands of the neo-institutionalist project act as a timely reminder that “membership matters”, and this for two reasons. First, EU institutions are not just places where meetings are held. They are run by actors with collective goals and standard operating procedures which even the most critical national governments respect most of the time. Second, the EU functions because these governments cannot just walk away from decisions and legislation they do not like (5). European integration generates, and is generated by, institutionalized constraints which cause actors to modify their preferences and behaviour.

Notwithstanding the many positive aspects of applying neo-institutionalist theory to the study of European integration, at least in this field of study, such an approach continues to harbour two major weaknesses. These become apparent when using their concepts and methods to understand the framing of European problems such as enlargement.

The first handicap is its one-dimensional treatment of the role of ideas in politics. As we shall argue below, in neo-institutionalist analysis the cognitive dimension of politics is essentially reduced to actor strategies and priorities.


2 P. PRIERSON for example, underlines the capacity of Commission civil servants to play a role of process manager, role linked to their responsibility for much of the timing of negotiations on EU legislation. Op.cit., pg. 133.

3 For example, A. STONE and J. CAPORASO analyse in detail how the Court’s jurisprudence often gives rise to a « self-sustaining dynamic » within a policy domain, dynamic that can then spill over onto others. The authors identify how a variety of actors within the members states - firms, business representatives, ministries, etc... - attempt to use the Court as a means of securing both deregulation at national level and EU-wide regulation. « La Cour de Justice et l’intégration européenne », Revue Française de science politique, Vol. 48 2), April 1998 ; see also A. STONE and W. SANDHOLTZ, « European integration and supranational governance », Journal of European Public Policy 4:3 September 1997 : 297-317.


The second analytical difficulty with such an approach is its conceptualisation of institutions. Paradoxically, the neo-institutionalist project uses a weak definition of institutions that ignores their importance for political legitimacy. As a consequence, the research strategies and methods of neo-institutionalist authors refuse to connect analysis of the processus of European integration on the one hand, and that of its difficult legitimation on the other. This is a serious omission because, as Mark Pollack himself admits, “the literature on European integration is still far more successful at explaining and describing the process of EU governance than the ultimate causes of European integration (...) we still have a far better picture of how the top spins than we do of the forces that drive it across the table” (1).

In seeking to offer an antidote to these interrelated problems, we set out below an approach to problem framing which places legitimation alongside institutionalisation, rather than treating these two processes as separate issues.

**B. Preferences, rationality and cognition in politics**

Neo-institutionalists study how public problems have come to be tackled at the level of the European Union. In so doing, they give attention to the ideas put forward by the actors involved and the strategies adopted to defend and promote them. The key term used to unveil these processes is that of “preferences”. More precisely, neo-institutionalist researchers set out to discover actor preferences using documentary and interview evidence centred upon the gradual development of specific pieces of EU legislation. Despite the clarity of its presentation and scientific-nature of the language used (independent and dependent variables, transactional costs, ...), the concept of preferences is at the root of a major theoretical flaw. This flaw originates in the refusal of neo-institutionalist to place the preferences of actors studied in the context of their emergence and development. Instead, the term preference is used to set out the goals set by each institution and what they become over time when interacting with the objectives of other political bodies. The implicit paradigm for this research is that of rational choice. This is not the place to mount a general attack on rational choice theory (2). We are more concerned that in the field of European integration studies, it leads researchers to ignore processes that take place prior to the establishment of preferences: perceptions (or decoding) and the importance of interpretation for structuring

1 M. POLLACK, op.cit., pg.454.

actor behaviour and discourse (recoding) (1). As J. Checkel underlines, limiting research to the analysis of preferences reveals the “rationalist foundation” of neo-institutionalism which “leads these scholars, like intergovernmentalists, to conceptualise institutions in very thin terms. Indeed, EU institutions are (seen as being) constructed by the most powerful member state - in an instrumental fashion - to promote their interests. Over time, these bodies will at most coordinate the behaviour and expectations of member states” (2).

In short, neo-institutionalists remain wedded to the same question as intergovernmentalists: “which institutions matter?” (3).

As Checkel proceeds to explain, a more constructivist approach to the role of ideas “reminds us that the study of politics - or integration - is not just about actors with fixed preferences who interact via a process of strategic exchange. Rather, they seek to explain theoretically both the content of actor identities: preferences and the modes of social interaction - so evident in everyday life - where something else aside from strategic exchange is taking place” (4).

In order to get a handle on this “something else”, it is simply insufficient to note the “interests” of actors as if they were simply mechanical calculators. Instead “interests” must be conceptualised as syntheses defined by constraints, resources and motivations which reveal as much about the socialisation of the actors as they do about their strategies at any precise moment. In order to translate this epistemological position into empirical research, recourse must be made to more sociological approaches to politics. In beginning this quest, two connected conceptualisations need to be made from the outset.

The first concerns the social meaning of political ideas. As Stuart Halls reminds us, political arguments and positions do not emerge and take effect because they are “good” or “bad”, “rational” or “irrational”. Rather they take form from, and give shape to, political arenas through their inscription in what Hall calls discursive spaces of meaning (5). In short, preferences are not developed on blank pieces of paper, but against a backdrop of socially constructed definitions of the acceptable and the unacceptable, the thinkable and the unthinkable.

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2 J. CHECKEL, «Social construction, institutional analysis and the study of European integration», paper presented to a workshop of the ECPR sessions, March 1998, pgs. 4-5.

3 CHECKEL, op. cit. pg. 5.


The second conceptual clarification concerns the term institution and how these are “naturalised” within each society. Here Mary Douglas’s definition will be used:

“the entrenching of an institution is essentially an intellectual process as much as an economic and a political one. A focus on the most elementary forms of society brings to light the source of legitimacy that will never appear in the balancing of individual interests. To acquire legitimacy, every kind of institution needs a formula that founds its rightness in reason and in nature. Half of our task is to demonstrate this cognitive process at the foundation of the social order. The other half of our task is to demonstrate that the individual’s most elementary cognitive process depends on social institutions” (1).

From these general theoretical concepts and positions it is of course subsequently necessary to define more precisely the academic question, the problematics, that our research attempts to address. A French public policy specialist, Pierre Muller, offers us a way forward here. In developing his approach to the framing of problems in public policy-making, this author focuses upon four types of idea involved in this process (2):

- **values** which are “the most fundamental representations of what is good or bad, desirable or to be rejected”;
- **norms** which “define the gap between reality as it is currently perceived and the reality one hope to brings about”. Norms are often expressed as action principales”;
- **algorythms** which are “causal relationships often expressed as action theories in the forms of equations ‘if...then’”;
- **images** are “vectors of implicit values, norms or even algorythms. They possess and transmit meaning immediately without the need for long discursive explanation”.

As we have shown elsewhere (3), this analytical grid is particularly useful for teasing out the underlying points of difference and/or conflict which lie behind apparently consensual policy areas or issues. In the second and third parts of this paper we apply the grid to a number of issues surrounding the framing of the enlargement debate in order to bring out first the algorythms, norms and values, and secondly the images, that underly what is often presented as a rational exchange of views. In short, our objective is to go beyond analysis of preferences to understand the perceptions and institutionalized logics of action which lie behind and give meaning to the enlarging vs deepening dichotomy (4).

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4 As Donald SEARING puts it, «what is needed is a new conception of roles that is sensitive to the interplay between institutional framework and individual preferences - and to the fact that this balance between framework and preference
2. “Rational” arguments for and against enlargement: algorhythms, norms and values

Three sets of formal criteria for Eastern countries seeking to join the EU were laid down by the Essen European Council in June 1993:

“membership requires that the candidate country:
- has achieved stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities,
- the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union, and
- (has) the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union” (1)

On the printed page these requirements appear neutral and clear-sighted. However, in attempting to decipher the politics of the formulation and application of these criteria, P. Muller’s differentiation between types of idea leads us to a quite different interpretation. The norms, algorhythms and values present in the enlargement debate are all linked to perceptions of reality, rationality (ies), and vision (s) for the future. In other words, “rational” arguments for and against enlargement are based on particular perceptions of reality which in turn have major impact upon political action. In this paragraph, the “rationality” of three “sub” debates will be examined: the cost of enlargement, economic and political membership criteria, the impact on EU policies.

A. The cost of enlargement

The cost of the first wave of enlargement (Poland, Hungary, the Czeck Republic, Slovenia and Estonia) has been evaluated by the Commission as 58 billion euros (2). It proposes to finance this budget through:
- 12 billion from the PAC reform,
- 18 billion from growing Community PIB,
- 28 billion from a specific budget for enlargement.

The overall cost of this enlargement is evaluated as 80 billion euros, almost the same amount as the total E.U. annual budget (83.5 billion euros in 1998). However, other EU documents

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evaluate the cost of the “Marshall Plan for Eastern Europe” as being 75 billion euros (1). In these conditions, establishing a precise idea of the cost of enlargement is very difficult. Over and above this initial problem of costing in an environment of intense uncertainty, the argument of cost is often employed by actors in countries like France by those who are against Eastern enlargement. When looked at more closely, this argument becomes decidedly shaky for several reasons.

The first one concerns what each country receives from the EU budget: le juste retour. Despite the intergovernmental heat generated over this issue in recent weeks, the contribution of “net donor” countries only represents a very small part of their gross national product (Germany, the Netherlands, the United Kingdom, Sweden, France, Austria and Italy). Agenda 2000 confirms that this trend is to continue by limiting budget contributions to a maximum of 1.27% of GNP for the period 2000-2006.

Secondly, it is often argued that the economic transition of the Eastern countries remains an “obstacle” to enlargement as their GNP per inhabitant is only a third of the EU average. This argument first overlooks the economic transformations and improvements in average revenue made by the Southern countries (Portugal, Spain) since joining the EU. Moreover, as in these countries, enlargement offers advantages to producers and investors from the current member states in the shape of 100 million new consumers and new sources of labour.

Thirdly, the argument that an Eastern enlargement’s costs will be too heavy is paradoxically marked by the overlooking of the 21 billion euros already spent in order to improve the economic, social and political situations in the countries concerned (action better known as the PHARE programme). Has this money just been an unconditional gift? It seems more accurate to consider that the process of enlargement has already been prepared and PHARE is an essential part of a pre-accession strategy designed to assist the adoption of the “acquis communautaire” (2). Surprisingly, little academic literature has focused on the processes, dynamics and logic of the PHARE programme (3). Neo-institutionalist analyses in terms of path dependency would tend to suggest that the PHARE programme is much more than just a bargaining counter with which to move forward intergovernmental negotiations: rather it produces norms, algorithms and expectations which are difficult to go back on.

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2 See emphasis placed on the « acquis communautaire », during the six intergovernmental conferences devoted to Eastern enlargement.

profoundly still, despite its many problems, PHARE represents a concrete commitment by the EU to put into practice some of the abstract values enshrined in its treaties.

B. The respect of accession criteria

In this respect, article O of the Maastricht Treaty (formerly article 237 of the Treaty of Rome) on the accession procedure highlights the integrationist vocation of the EU: « Every European State can become a member of the Union ». However, the procedure for accession is obviously long and complex. As we have seen, some criteria were defined by the European Council of Copenhagen (21-23 June 1993). Then, during the European Council of Luxembourg (12-13 December 1997) it was decided that the negotiations with each country will not proceed according to the same timetable. Finally, some concrete enlargement negotiations began on the 30th of March 1998 (1). In this context, the criteria for accession are often nevertheless seen as rational, consistent and reliable arguments. However, as this section seeks to demonstrate, despite the rationality of their presentation many criteria are in fact distinctly loose and frequently incoherent.

“Being a European State”

Article O of the Maastricht Treaty stipulates that “ every European State ” can apply for EU membership. However, the question of being a European state remains highly ambiguous. Does it mean that the State has to belong to the European continent, or has to share a European identity ? And in the latter case, what would be the criteria to evaluate this common identity ? For example, this question has been decisive in the case of Turkey. Does Turkey belong to the European continent ? Does this country share a European identity ? On this point, the European Council of Luxembourg stated that “ the political and economic conditions ” for accession were not yet met but, at the same time, the Council reminded that Turkey was eligible to join (which seems to mean that Turkey is a “ European country ”). Marocco however is not, as witnessed by the refusal of the European Council in 1986 to accept its candidature. In other words, the criteria of being a European country is not as clear as it might appear, clarity that is unlikely to increase should the EU extend its frontier to the east.

1 Six countries (Poland, Hungary, the Czeck republique, Slovenia, Estonia and Cyprus) have formally begun to negotiate their accession. The case of Norway, Switzerland and Malta are rather different in that their accession depends largely upon national ratification. However, accession was actually postponed for six other countries (Bulgaria, Roumania, Slovaquia, Latvia and Turquey). In total, fifteen countries are nevertheless candidates to join the EU in the near future.
"Political criteria."

Political criteria have always been presented by the EU as rational and objective. They are centred upon four points: the existence of lasting institutions which guarantee democracy, the priority of law, the respect of human rights, the respect for and protection of minorities. These political criteria have moreover been institutionalized by the Amsterdam Treaty: “the Union is based on freedom, democracy, priority of law, the respect of human rights and fundamental liberties, the rule of law”. The Commission has given more details on the conception of them in its Agenda 2000, a document which insists on the “implementation” of principles and rights, and not just their proclamation. The role of political parties, non-governmental organisations and the media are thus supposed to be carefully observed. Similarly, respect for the rights of minorities is also potentially a decisive criteria given that, 44% of Latvia's population, 38% of Estonia's, 18% of Slovakia's and 13% of Romania's are from minority "ethnic" groups (1).

However, these official political criteria face severe difficulties when the Commission and the Council have actually tried to implement them. What really makes the difference between beginning negotiations and postponing this process because of failure to meet political criteria?

Firstly, identifying a basis for democracy is not easy. The protection of minorities, set by the Council as one of the elements of a genuine democracy, is sometimes used as an obligatory criterion (Turkey, Latvia, Slovakia with the Tzigan and Hungarian minorities), and sometimes it is less so (Estonia and its Russian minority; the Czech Republic and discrimination against the Roms) (see table I). In the case of Slovenia, for example, “even where more stable forms of consultation and even partnership have developed, the general public is not satisfied with the new democracy. A lesson to be learned from recent Slovenian experience is that strong, more professional, organized interest groups and their engagement in policy-making do not automatically mean more democracy for the people” (2).

Secondly, we come to the same conclusion in the case of the evaluation of Eastern judicial systems, another "basis for democracy" whose disfunctioning does not seem to play a decisive role in enlargement decision-making (Estonia, Hungary, ...) or even be seen by the EU as a problem (Bulgaria). Moreover, such criteria are far from objective as the degree of political liberties and “order” seem to vary widely from country to country. Indeed, whether these criteria are suppletive or cumulative remains unclear.

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1 Amongst the ten Eastern and central European candidates to accession, only Bulgaria has not signed the « Convention-cadre » of the Council of Europe on the protection on minorities. Latvia, Lithuania, Poland, the Czech Republique and Slovenia have yet to ratify this framework.

Thirdly, the notion of stable institutions is also problematic. Is it possible to speak about stable institutions in the case of the Czech Republic, for example, a country that only came into being in 1993. And what of Estonia or Latvia? On the other hand, the Commission deems itself competent to consider Slovakia as the only country which does not respect the Council’s political criteria, largely because constitutional attributions are considered to have been infringed, in particular the rights of opposition groups. But the case of Bulgaria does not appear any more politically suitable. Freedom of the press, surely essential in any democratic state, is not always respected in Poland or in the Czech Republic, yet this has not disqualified either of these countries in the eyes of the EU. In short, comparative analysis of the criteria, country by country, shows that the reasoning of the Commission and Council is not clear as far as political criteria are concerned (Table I).

Two more general consequences arise from these remarks. Firstly, the “rationality” of the criteria is extremely hard to demonstrate in practice. Algorhythms and theories of action are frequently incoherent and often contradictory. Secondly, by creating a Europe of "two sides", the EU’s approach to selection could have lasting consequences for the future (1). Within the Visegrad group (Hungary, Poland, Czech Republic and Slovakia), only the latter has been rejected. Placed in its recent historical context, this “discrimination” in the name of values that are inconsistently defended could lead to political tensions within and between the countries concerned. This is all the more important given that these countries are nevertheless likely to join the EU at some time in the near future. In this respect, the Turkish government’s boycott of the European Conference in London (12.3.1998) illustrates a sentiment of frustration. In short, the “rational” nature of the EU’s political criteria for enlargement is highly questionable.

Tableau I (Sources : Proposition de la Commission, 19/12/97, Règlement du Conseil 16/03/98, n° 622/98 ; JO 20/03/98, L.85/1) :

<table>
<thead>
<tr>
<th>Country</th>
<th>Criteria fulfilled</th>
<th>Missing criteria and improvements requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>ESTONIA</td>
<td><strong>Political criteria</strong> : Stable institutions, legal basis ensuring human rights and the respect of minorities.</td>
<td><strong>Political criteria</strong> : Judicial system ; institution of a mediator ; reform prison conditions ; intensify the struggle against corruption ; review visa and refugee system ; improve treatment of the Russian minority. Economic criteria : Reforms in many sectors (energy, agriculture with restitution and privatization of land, environment).</td>
</tr>
<tr>
<td>HUNGARY</td>
<td><strong>Political criteria</strong> : Democratic state since 1989.</td>
<td><strong>Political criteria</strong> : Judicial system ; protection of the Rom minority ; anticorruption measures ; visa and refugee system. Economic and social criteria : Budget stabilization, job market, health care and social security reforms, protection and supervision of frontiers, customs law.</td>
</tr>
<tr>
<td>POLAND</td>
<td><strong>Political criteria</strong> : Democratic country since 1989.</td>
<td><strong>Political criteria</strong> : Freedom of the press, protection of privacy Economic criteria : Economic stabilization, development of financial capacities and services, continuation of privatizations, restructuring of metalurgy, protection and supervision of frontiers (Bielorussia and Ukraine), reforms in the agricultural system (environment and biodiversity), antitrust legislation, reform of the social security and retirement system.</td>
</tr>
<tr>
<td>Slovenia</td>
<td><strong>Political criteria</strong> : Independant state in 1991.</td>
<td></td>
</tr>
<tr>
<td>MALTE</td>
<td><strong>Political criteria</strong> : Structural reforms.</td>
<td></td>
</tr>
<tr>
<td>TURKEY</td>
<td><strong>Political and economic criteria</strong> not reached</td>
<td><strong>Political criteria</strong> : Human rights and minorities, relationships with Greece, resolution of the Cypriot problem.</td>
</tr>
<tr>
<td>Country</td>
<td>Political criteria</td>
<td>Economic criteria</td>
</tr>
<tr>
<td>--------------</td>
<td>--------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td><strong>BULGARIA</strong></td>
<td>Postponed negotiations</td>
<td>Struggle against corruption, functioning of justice, democratic control over police and secret services, minority integration, struggle against organized crime&lt;br&gt;<strong>Economic criteria</strong>: Privatization of public companies, control of state aids; restructuring of industry and culture.&lt;br&gt;<strong>Social criteria</strong>: Training for the young and the unemployed, creation of minimal social protection.</td>
</tr>
<tr>
<td><strong>LATVIA</strong></td>
<td>Postponed negotiations</td>
<td>Minority rights. The fight against financial crime, protection and supervision of frontiers, problem of the Bielorussian border.&lt;br&gt;<strong>Economic criteria</strong>: Economic liberalization (excessive bureaucracy, lack of legal rules) and restructuring, privatization. Investments needed in energy, transport, fiscality, competition, environment.</td>
</tr>
<tr>
<td><strong>LITHUANIA</strong></td>
<td>Postponed negotiations</td>
<td>Protection of boundaries, refugees’ status, struggle against organized crime and corruption.&lt;br&gt;<strong>Economic criteria</strong>: Competition in the internal market, privatization and restructuring of banks, energy, agro-food, business law and intellectual property.</td>
</tr>
<tr>
<td><strong>ROUMANIA</strong></td>
<td>Postponed negotiations</td>
<td>Protection of civil liberties, improvement of the judicial system, social and legal protection of children.&lt;br&gt;<strong>Economic criteria</strong>: Aquis communautaire (reform of governmental services), economic modernization (privatization, agreements with international financial institutions), productivity, environmental protection of water and air.</td>
</tr>
<tr>
<td><strong>SLOVAQUIA</strong></td>
<td>Postponed negotiations</td>
<td>Problem of freedom of expression, need for free elections at national and local levels. Tzigan and Hungarian minorities’ protection.&lt;br&gt;<strong>Economic criteria</strong>: Foreign investments, restructuring of industry and finances, independance of justice and media.</td>
</tr>
</tbody>
</table>
"Economic criteria".

The EU's "economic criteria" have as their cornerstone the requirement that each candidate country develop a "viable market economy" capable of withstanding the competitive market forces that already are purported to exist within the Union. Agenda 2000 gives more details on the existence of a "viable market economy". It is based on six elements:

- the balance between supply and demand is the result of free-market prices and unhindered exchange,
- no barriers to entry or exit from markets,
  - the legal system (property rights included) is established and contracts can be implemented,
  - macro-economic stability is reached (price stability, public finances and stable balance of payments)
- a consensus on the basis of economic policy,
  - the financial sector of finances is sufficiently developed to direct savings towards productive investments.

The "capacity to face competition and market forces" is also clarified by the Commission around the following five points:

- a viable market economy, with a macro-economic stability so that agents can take decisions in a stable and foreseeable context,
- a sufficient volume of human and material resources, including infrastructures (1),
- public intervention and legislation in favour of competitiveness,
- the degree and rhythm of trading integration with the Union,
- a proportion of small firms is respected,
- currency criteria: capacity to meet the objectives of the political, economic and currency union through, in the long term, being able to adapt to the type of criteria imposed on current member states by the Maastricht treaty.

Tables II and III set out the financial assistance given to countries that have begun accession negotiations and for those whose accession has been "postponed". Again, the criteria used in practice do not appear as clear and rational as the EU's statements of intent suggest. The need for improvements in the economic sector sometimes seems to be as demanding for countries who have begun negotiations as for the those whose accession has been postponed (Poland vs Latvia for example). Trade balances with the EU were meant to be one of the criteria used to

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1 Energy, telecommunications, transports, etc.
inform the choice of future member-states but this issue does not appear to have been analyzed in detail. Finally, the hypothesis that countries which have received the most important financial aid for pre-adhesion reform will get preferential treatment is also misleading. In fact, as tables II and III show (notably through the contrasting cases of Slovenia and Bulgaria), large PHARE budgets are no guarantee of eligibility for EU membership.

Financial assistance for countries that have begun negotiations (II):

<table>
<thead>
<tr>
<th>Country</th>
<th>Amount of the aid (euros)</th>
<th>Trade balance for each country</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHYPRE</td>
<td>142 + 74 (1996-1998) + 24 (loans)</td>
<td>The EU is the first trading partner</td>
</tr>
<tr>
<td>ESTONIA</td>
<td>152 from 1992 to 1997 (PHARE)</td>
<td>- 10 %</td>
</tr>
<tr>
<td>HUNGARY</td>
<td>672 from 1990 to 1996 (PHARE)</td>
<td>-1,2 millions euros in 1996</td>
</tr>
<tr>
<td>POLAND</td>
<td>140 from 1990 to 1996 ; In 1998, should have received 212 millions but this amount has been reduced to 178 millions (lack of preparation)</td>
<td>- 2,8 billions euros</td>
</tr>
<tr>
<td>CZECK REPUBLIC</td>
<td>433 from 1990 to 1996 (PHARE)</td>
<td>- 3,9 billions euros</td>
</tr>
<tr>
<td>SLOVENIA</td>
<td>116 from 1990 to 1996 (PHARE)</td>
<td>-1,1 million euros</td>
</tr>
<tr>
<td>NORWAY</td>
<td>/</td>
<td>+ 6 %</td>
</tr>
<tr>
<td>SWITZERLAND</td>
<td>/</td>
<td>+ 8,3 billions euros. But the exports of the 15 rose by 7,4 % from 1996 to 1997, whereas the imports rose by 6,7 %</td>
</tr>
</tbody>
</table>

Financial assistance for countries whose adhesion has been postponed (III):

<table>
<thead>
<tr>
<th>Country</th>
<th>Amount of aid (euros)</th>
<th>Trade balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>MALTE</td>
<td>138 million from 1978 to 1998 (85 million loans + 53 million aid)</td>
<td></td>
</tr>
<tr>
<td>BULGARIA</td>
<td>538,5 million from 1990 to 1996 (PHARE)</td>
<td>+ 22 million euros in 1995</td>
</tr>
<tr>
<td>LATVIA</td>
<td>162 million from 1992 to 1997 (PHARE)</td>
<td>- 5 %</td>
</tr>
<tr>
<td>LITHUANIA</td>
<td>220 million from 1992 to 1997 (PHARE)</td>
<td>+ 26 million euros</td>
</tr>
<tr>
<td>ROUMANIA</td>
<td>731 million from 1990 to 1996 (PHARE)</td>
<td>- 400 million euros</td>
</tr>
</tbody>
</table>
Being able to absorb the “acquis communautaire”

The acquis communautaire is a metaphorical notion which, revealingly, is not translated into English by most actors engaged in European politics. During the first accession process, the acquis communautaire was defined as the respect of the following elements (Article B § 5, Amsterdam Treaty):
- the original treaties and their revisions,
- the acts adopted by the Union,
- international agreements,
- the Community's objectives,
- the legal principles of the “Community order”.

Amongst the general criteria for Eastern enlargement, integrating the acquis communautaire into the administrative and legal systems of each candidate country is required without exception. Indeed, the 1995 Livre Blanc sur le marché unique listed elements of the “acquis communautaire” sector by sector. Not surprisingly given the length of time over which this acquis was developed (not to mention the years of resistance which preceded much of its content), respecting the acquis communautaire is a particularly difficult task for Eastern candidate countries. Compared to the last enlargement (Finland, Sweden and Austria), these candidates are not already members of the European economic area. The task is also difficult because European legislation has grown rapidly since the mid 1980s, a trend that the Amsterdam treaty serves to confirm. During the Luxembourg European Council of December 1997 it was decided that from April 1998 onwards the Commission would make reports on the evolution of the “reprise de l’acquis communautaire” in each country and give recommandations to the Council for future intergovernmental bilateral conferences (1). For analytical purposes, the acquis communautaire can be broken down into two parts: Community law and Community public policies.

The Aquis communautaire as Community law - In reality, it is one thing to define the acquis communautaire in abstract terms and quite another to determine the concrete objectives of the European Union. This is no doubt why an extremely juridical definition of the acquis communautaire tends to be evoked to explain the refusal or acceptance of a new member State within the EU (2), whereas in fact the lack of precise conceptions of European integration as a

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1 In summary, these reports are the "stick" used to drive candidate countries towards the adoption to the aquis communautaire, whilst the PHARE programme is the main mechanism (the carrot) used to assist countries to aquire the aquis.

2 As Cécile ROBERT concludes, this trait means the social policy dimension of enlargement can only be taken into account by the Commission if it is couched in the legalistic language and argumentation styles. ROBERT
political project often seems more decisive. From this perspective, the Commission's four criteria on the aquis communautaire are not as rational as one might think. Their degree and the nature of their applicability appear to vary according to each country under consideration. Many open questions remain: are the political and economic criteria cumulative or suppletive? Within one criteria, are all the dimensions cumulative or suppletive? In short, the *acquis communautaire* and the assumptions, algorithms and norms upon which it is based is a distinctly hazy notion. Its looseness is inevitably connected to that of the objectives of the EU. For this reason, from an analytical point of view, the links between perceptions of reality, rationalities, and visions for the future have to be reconsidered. Indeed, such an angle enables one to appreciate how the highly abstract character of the values underlying enlargement criteria is linked to the uncertain nature and objectives of the European project as a whole.

This analysis also leads us to conceptions of time and their relevance for European integration. As recent studies of the Commission at work have showed, the supposed demands of urgency is frequently in conflict with idealistic conceptions of Europe: the time of European integration is essentially that of the present (1). More precisely, although the European Union is often described in terms of projects and plans, these are essentially used as deadlines for negotiations to ease current conflicts. However, the domination of the present has not prevented EU actors from requiring candidate countries to bring about sustained change in very short periods of time. Isn’t there a paradox in asking for viable and durable institutions as a necessary condition for accession when the EU itself is still an ever-changing and undefined politico-institutional system? In summary, a twofold process characterizes the EU. On the one hand, the Commission and the Council ask for durable institutions from the candidate countries, which encourages people (both in the East and the West) to believe that the European construction already possesses these characteristics of stability and durability. On the other hand, the Commission and the Council underline that the integration process is never ending and belongs to the future. These two sets of behaviour are not without consequences. Firstly, by reinforcing this underlying ambiguity, the European Union meets two goals: the freedom to decide which countries they want to accept as new members whilst appearing solid, determined and driven by common values, all characteristics meant to reassure European citizens.

Secondly, in allowing negotiations to "advance", the EU's approach to time can also store up problems for the future. The concept of "flexible integration" illustrates this tendency. "The aim of flexibility is to allow different groupings of member states to pursue an array of public

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1 M. ABELES, "De l'Europe politique en particulier et de l'anthropologie en général", Cultures et conflits n° 28, 1997.
policies with different procedural and institutional arrangements” (1). By presenting accession in a positive way and then insisting on extremely high entry conditions, the EU runs the risk of engendering not only frustration amongst candidate countries, but also a multi-level Europe which inevitably would interpret the *acquis communautaire* in quite different ways.

The *Aquis communautaire* as Community policies - A second feature of the enlargement debate is the emphasis given to the potential impact of the accession of Eastern countries on Community public policies on the one hand, and of the impact of these policies upon the Eastern European countries on the other. In both directions it is clear that this impact is likely to be considerable. Once again, however, the way this debate is usually framed heavily influences the conclusions drawn both by actors and researchers. Indeed, in political debate over three issues, the impact of enlargement on EU policies often overshadows projections as to how Eastern European actors themselves would have to come to terms with this aspect of the “*acquis communautaire*”.

The first issue concerns the EU’s "economic and social cohesion policy", or more precisely the structural funds. Since their reform in 1988, these have come to finance a significant part of regional and local development policies within the existing member states. Given that the funds are due to be reformed in the year 2000, and that they are often depicted as the Community policy most “needed” to rebuild the Eastern European economies, reflection about the future content of EU action in this field inevitably revolves around the likelihood of budgetary transfers from the West to the East. What is much less discussed is the question of how the structural funds are to be implemented in the future, both in existing and future member states. “Agenda 2000” sets out in general terms the need to “simplify” implementation procedures and to take into account the “absorption capacity” of Eastern European countries. However, the way this debate is structured at present tends to overlook two related dangers that could become major obstacles to successful Eastern enlargement. The first is the danger of the structural funds being used in the East to re-legitimate forms of top-down regional development that have so often failed in Western Europe. As examples from Spanish regions such as Extremadura seem to indicate, shifting the locus for decision-making on structural funds to the regional echelon does not necessarily move public policy closer to the needs of economic and social partners (chambers of commerce, private companies, associations) (2). The second danger is to underestimate the effects of EU policy in this field on centre-periphery relations within each state. In the West, the structural funds have created links between local areas and the Commission which the former in particular are extremely


reluctant to give up. Resistance to Eastern enlargement also stems from the fear (in our view misplaced) of local and regional politicians in the West that in future the structural funds will only be accorded to deeply disadvantaged areas (in particular those of the Eastern European countries).

The second EU policy depicted as "threatened" by Eastern enlargement is the Common Agricultural Policy (CAP). Arguably the mostly highly integrated EU policy, the CAP is certainly a policy to which social partners (farming unions in particular) have become accustomed. These partners are understandably anxious that the lower costs of agricultural production in Eastern Europe mean that should a single trans-European market be created, prices and farm revenues in the West would plummet (argument backed up by images of floods of low cost products flowing across the EU’s current borders). A second fear is that Eastern European agriculture will take profit from such a scenario because it is subject to much less stringent farm and food-processing hygiene regulations. Without discounting the economic and health safety reasoning behind these concerns, it is important to dwell for a moment on the assumptions that fuel this perception of Eastern European agriculture as an imaginary ennemy. The first assumption is that the East will export to the West more than it imports. Today at least, on the contrary the East is a larger market for Western agriculture than the West is for the East. Secondly, post collectivisation, Eastern agriculture is rapidly changing. If this means that it is often better able to provide food to domestic markets, it does not necessarily mean that the East’s capacity to export agricultural products will increase. Finally, Western agricultural interests often overlook the likelihood that a long transition period will be envisaged for the opening up of their markets to the East. During this period, the question of food hygiene regulations will no doubt be at the forefront of East-West dialogue, and may even slow down further the process of creating a single transeuropean market. Finally, it is important to place strident defenses of the CAP as part of an un-negotiable _acquis communautaire_ in the context of pressures for further reductions in price support to Western farmers. These pressures do not come from the East, however, but from the aftermath of the GATT negotiations and the emerging World Trade Organisation’s discussions (1).

Behind concerns over the future of the CAP lies a more over-riding fear that Eastern enlargement will undermine fair competition: a third "threat" to the EU’s policy _acquis_. In short, “the level playing field” that is now said to exist within the Western European economy is seen as unlikely to be respected in Eastern European countries. In other words, Western entrepreneurs and public decision-makers suspect these countries as harbouring an

approach to the economy riddled with forms of hidden protectionism. If the functioning of Eastern economies quite naturally appears strange to these actors, is their fear of an unravelling of EU competition policy really justified? Firstly, it could be argued that given the state of public finances in Eastern Europe, no state in this area is in any position to subsidise its industry in ways that would have any serious impact upon the operation of a trans-European economy. Second, in the light of the powers invested in EU regulatory mechanisms (the DG IV, the Court of Justice, the Court of Auditors...), could other forms of protectionism in the East withstand the pressure of EU-level regulation?

In summary, the supposed negative impact of enlargement on European policies is as questionable as the impact such a process is purported to have on Community law. Behind the veneer of self-evident truths that often surrounds debates on enlargement lie a multitude of uncertainties, unsubstantiated postulates and stereotypes.

3. The role of images

Representations shape social reality. Some of these representations are grounded on supposedly “rational” arguments, such as algorithms and norms. But other representations have at their origin collective images, which are “vectors of implicit values, norms or even algorithms. They possess and transmit meaning immediately without the need for long discursive explanation” (1). Indeed, two sets of images of Eastern countries appear omnipresent in practitioner and academic discussion of future enlargements.

A. « Eastern countries are different »

We have seen that the postponement of accession negotiations for six countries (Bulgaria, Roumania, Slovaquia, Latvia, Lithuania and Turkey) is not necessarily attributable to rational and systematic forms of decision-making. Instead, at least in a number of these cases, postponement stems largely from the suspicions and clichés which play an important and underestimated role in foreign affairs. Memories of the Balkan crisis have strong resonance in European mentalities; the image of “contributors” as against “benefiting” countries; concerns over levels of environmental protection in the East (the image of old and polluting industries); projected increases in unemployment generated by migrants from the Eastern countries; and the image of low-qualified people who will benefit from the “social dumping” practices of multinational to the detriment of Western workers. The Western media but also the discourse of its political representatives are largely responsible for these representations. Once again, the issue of time and European integration appears decisive.

1 P. MULLER, op. cit.
Painful memories of the past often appear as a negative point (previous Balkan crises and their consequences for the West, Communist regimes and the cold war, etc...). In contrast, during previous enlargements the involvement or neutrality in world conflicts of such as Austria, Sweden and Finland does not seem to have fueled negative images. In short, collective memories are selective and it is therefore necessary to study what mechanisms encourage certain images to take hold and last, whereas others are allowed to fall from the public consciousness and thus permit new, more positive, images to take their place.

**B. Geopolitical strategies and national stereotypes:**

The role of images in the politics of enlargement becomes even clearer when one looks in detail at two aspects of the accession debate at the level of the Council of Ministers and the European Council: distinctions between insiders and outsiders; supposed differences of approach between the governments of France and Germany.

*Insiders and outsiders* - This dichotomy is reinforced by the process of agenda setting on enlargement and subsequently by the manner through which Council decisions are implemented.

The agenda setting of enlargement is characterized by a stop and go cadence. In this respect, observers often overlook the fact that the EU has frequently changed its approach to Eastern enlargement. One explanation can be found in political changes at national level (French “cohabitation” of President Jacques Chirac and Prime Minister Lionel Jospin; the British election of a Labour government; the German Länder’s pressure on Helmut Kohl’s government to resist further European integration). Secondly, in this general context of disorder, the enlargement process possesses another characteristic underlined by L. Friis:

“*The EU did not put enlargement on the agenda (...) to implement it right away, but rather to regain control over the overall process*”; “*Because the rationale behind the new strategy was not to speed up Eastern enlargement, but to stabilize Central and Eastern Europe through the prospect of membership, the Commission embarked on what we call a trickle-down strategy: it tried to create a long term process sprinkled with (minor) concessions (also on trade) which could keep the Central European ‘happy’, in the sense that they could see that the process would eventually lead to membership. What was as important was the strategy also aimed at keeping the Central Europeans busy! Before one could realistically speak of accession, the Central Europeans had to prepare themselves, i.e. above all, adopt E.C. legislation*”.

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Friis’s analysis is also pertinent for the study of the implementation of enlargement. According to this author, this process can best be defined in terms of flexibility. Flexibility of EU membership, with pre-strategic measures, negotiations for accession and postponed accession finds also stems from the EU’s tendency to separate high from low politics in matters related to enlargement. Consequently the negotiations with future member-states are more state-centric (only governments are invited to negotiate). The consequence of this institutional specificity is a form of spillover which transforms bargaining into indirect negotiations: “The logical results of this is that inside-outside games will appear as an indirect negotiation, where the EU will have to settle many issues within its own negotiation system, before it can sit down with an outsider, a fact which reduces the speed of the game” (FRIIS, 1998).

However, the degree of flexibility depends upon the balance of interests and forces. In the case of enlargement, the asymmetry of the inside-outside game is often the condition involved for postponing negotiations. The enlargement process and its characteristics can indeed be seen as the results both of international diplomacy and of the decision-making process within the EU. In both cases insiders and outsiders are not only carefully constructed categories, but also powerful images who’s effects are often difficult for actors to control.

**Franco-German “opposition” over enlargement** - The enlargement process and its characteristics are also the consequences of the relationships between the governments of France and Germany. A strategic vision of their relationship is one means of understanding their respective approaches towards Eastern enlargement. But strategic behaviour and calculation of interests are not the only criteria for political action. Indeed, the evolution of the Franco-German couple during the enlargement negotiations in Copenhagen appears to have been decisive in creating confusion around enlargement and an absence of clear criteria.

The first “clash of symbols” involves the images present in geopolitical struggles and diplomatic negotiations. For governments of France, the attachment to the Union, to a unified Community (including Poland and Roumania for cultural and historical reasons) is often claimed to be essential (1). For Germany, greater emphasis seems to be given to security and defence issues. Moreover, four out of five countries currently are negotiating their accession are of direct interest to the German economy (Hungary, Poland, Slovenia and the Czech Republic: 50 million new consumers, cheap labour, easy delocalisations and exports). In this respect, the German government is supported by that of the UK which favours the emergence of a large free-trade area (as do the governments of Finland and Sweden).

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1 And this despite the opposition from France (but also the governments of the United Kingdom and Ireland) to the Commission’s position on these countries during the PHARE program negotiations in Copenhagen. This opposition was due to pressure from national industrial interests to continue their own « solo » technical assistance efforts to the Eastern countries.
Franco-German differences were apparent during the decisive period of the PHARE programme negotiations. As A. Niemann points out, “the German Presidency was sympathetic to the Commission proposals. It agreed that there was a need for a comprehensive and coherent pre-accession strategy and made this one of the primary objectives of its presidency (Agence Europe, 10 November 1994). Most importantly, the German Presidency worked out a compromise that allowed agreement on a strategy without specifying any figures for the future PHARE budget and thus prevented a stalemate at Essen (Agence Europe, 19 November 1994)”. In addition, the Commission’s then President, Jacques Delors, was much more in favour of Eastern enlargement than many French representatives, an important element symbolized by an agreement coalitions between Delors and the then US President, George Bush. In short, as Florence Deloche-Gaudez shows in a recent article (1), both prior to and after its Presidency of the EU, the policy of France towards enlargement has been irregular, tactless and clumsy.

However, the opposition between French and German areas of influence is not as deep as the medias often suggest. This can be seen through the amount of aid sent to the East in terms of volume (both French and German contributions have increased), and as compared to aid to southern countries (2). Moreover, these different attitudes towards the enlargement process have to be contextualised in the light of recent problems experienced by the Franco-German leadership as regards European integration. As one commentator recently observed “In contrast to the Mitterrand-Kohl tandem that had fostered the reform process at Maastricht, France and Germany failed to inspire the Amsterdam IGC to action” (3). On the one hand, the cohabitation period in France has been one of internal conflicts, disorganization and changes in approach on economic and social issues. On the other hand, the pressure from the Länder (mostly Bavaria and Saxony) on the Federal government compelled Helmut Kohl to temper his European enthusiasm. As a consequence, new subsystems within each government have appeared, each with their own values, algorithms and norms.

To sum up this section on the role of images in the enlargement process, we have seen that far from being anecdotal, its symbolic dimension is both omnipresent in elite and popular discourse and highly influential on policy content and form.

2 Even if French support to Mediterranean countries continues to be rationalized through appeals to French history and national identity (DELOCHE-GAUDEZ, 1998).
4. Enlargement as a mirror: a European Union in search of social and political meaning

The preceding sections emphasize the specificity of the next enlargement and set the scene for reflection about a further problem often raised in this domain: the EU’s future institutional shape. Previous enlargements have not raised this question in earnest, so why is it so prominent now? In keeping with the general approach of this paper, our response to this question goes beyond the «usual suspect» of institutional overload. Instead, this question is so difficult because it is the visible part of an iceberg who’s less visible, but much larger, foundations are historical and philosophical. In analytical terms, enlargement acts as a kind of «mirror» in which the plasticity of the EU’s objectives can be seen in a stark and often disturbing light. More precisely, the question of enlargement highlights that the EU’s institutional arrangements, governance methods and modes of legitimation are today at a crossroads.

Enlargement and the EU’s institutional arrangements

Like many other authors, C. Blumann insists on the fact that the EU’s institutions were set up for six members and that their organisation is in need of change. Several European Councils have confirmed this point: Cannes (1995), Madrid (1995), Turin (1996), Luxembourg (1997) (1), Cardiff (1998) (2), Vienna (December 1998). If some transitional measures have been taken, the general trend has been to put off this question to a later date (3). Cutting through the rhetoric around this issue, two questions dominate political maneuvering here.

The first is the number of Commissioners that each member state are to have in future. Protocole n° 11 of the Amsterdam Treaty stipulates that the number of Commissioners will be reduced to one per country for all member states, a change which will be set in motion one year before the next enlargement by a qualified majority vote in the Council.

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1 “Necessity to ensure, before enlarging, that the EU can support it in the best conditions, by implementing the necessary adaptations to the policies and to their financing, and by taking into account the fact that a new financial framework is essential” (point 37 of the press release).

2 According to this European Council, institutional arrangements should be debated only after the ratification of the Amsterdam Treaty.

3 Since 1998, the governments of France, Italy and Belgium have sought to obtain institutional reform before enlargement. Indeed, the French government has sought to present itself as the “gardien du temple” (DELRACHE-GAUEZ, op. cit., 1998).
The second question is whether or not to extend Qualified Majority Voting (QMV) in the Council. In its « Agenda 2000 », the Commission not surprisingly pushed for more QMV. But many member states oppose this move, not only because they fear losing power themselves, but because in such a situation the Presidency of the Council might see its role modified (1).

At the heart of both these questions is how the EU is to navigate between the logics of « construction » and « flexibility ».

Historically, one of the means used by European actors to avoid the questions of the essence and meaning of the EU is its frequently cited “never-ending constructive characteristic”. This characteristic reveals a strange conception of political organisations. Why should the EU be more “constructive in time” than other political institutions? This question is not far from the remark of H. Wallace when she underlined (2) that too often political scientists -and actors- over-estimate the exceptional characteristics of their object. Seeing the EU as a never-ending building site has in the past offered actors the opportunity to legitimately neglect or postpone the definition of Europe and the objectives of political union (identity, culture, government, etc.) (3). Our concern here is not to assess strategies behind this commonly observed behaviour, but to underline its existence and consequences.

This conception of a never achieved EU is supported by the concept of the flexibility of enlargement (see section 3.). In fact, this flexibility is of a dual nature: one is sector-related, and the other is relative to the countries accepted within the EU or whose adhesion has been postponed. However, a question remains: why does the EU need flexible integration and Europe à la carte at all? Flexibility does not seem to be the exception, rather it is the rule. If flexibility governs the decision-making process of enlargement, what is the answer to the

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3 Even the scientific literature is affected by this dominant paradigm. In other words, as K.E. Jorgensen notes, “the construction of Europe is a multi-faceted, contradictory and political process in all possible meanings of the term political” and “European integration has long passed a point of no return “. “Studying European integration in the 90’s ”, Journal of European Public Policy, 4:3, September 1997 : 486-492.
questions “Who will be the guardian of flexibility across the pillars?” (1) and «how long is flexibility to last?».

Finally, the political debate on the challenge to institutional arrangements of enlargement is striking for its refusal to accept the mountain of evidence provided by political science which suggests that the EU has already become a highly integrated decision-making structure complete with institutionalised practices and expected behaviour. The neo-institutionalist literature mentioned in section 1 systematises this trend most effectively, as do certain forms of public policy analysis applied to the EU (2). The normative question that this research helps to phrase is «how long can political actors continue to neglect in the name of national sovereignty the institutional developments of the EU which make it deeper than the treaties themselves admit?».

Enlargement and the EU’s methods of governance

Another way of phrasing the above question is to reflect upon why the future of the EU is often debated in terms of federalism against intergovernmentalism, rather than by addressing more concrete issues related to the EU’s actual methods of governance? The enlargement process gives the EU an opportunity, some say its last chance!, to clarify and legitimize these ways of reaching decisions. The question here is not whether a European political model exist (since it clearly does). Rather the objective ought to be that of clarifying the features of this model and reflecting upon how these can be better articulated with national traditions of political representation (3).

In an attempt to launch research on such questions, the concept of “multi-level governance” is increasingly used (4). This concept refers to trends which include the consolidation of European-level power, the decrease of national State power, and emerging regional levels of

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2 See our summary of this literature in C. LEQUESNE & A. SMITH, “Union Européenne et science politique : où en est le débat théorique?”, Cultures et Conflits n° 28, 1997.
3 For example, most analysis of the European Parliament is limited to the study of strategies of the political groups in the procedures (avis-conforme or co-decision). Little attention is given to emerging transnational political rhetoric or even the representations of Europe held by European Parliamentarians. For a general criticism of this trend see C. LEQUESNE (C.) & A. SMITH, “Interpréter l’Europe : éléments pour une relance théorique”, Cultures et Conflits n° 28, 1997.
power. It seeks to define the new and complex articulation between several institutional levels. But *multi-level governance* can be used in two ways: either state-centric conceptions or ones which on the contrary forecast the dilution of national States. More detailed explanations on the conception and attributes of “multi-level governance” is needed. In particular, the variant of *multi-level governance* analysis which is couched in institutionalist terms (thus perpetuating rather paradoxically an intergovernmentalist approach to European integration, thereby underestimating the strength of ties between politics and society) does not help to differentiate this notion from federal governance (1).

In short, the concept of *governance* itself needs to be developed so as to shed light on the problematic relationships between European integration and democratic theory, notably problems of the plurality of interests, dispersion of power and increase in constraints (2). The democratic functioning of the EU is indeed one of the core questions raised by enlargement and which, at least in theory, ought to be tackled by future institutional arrangements. In spite of recent increases in the European Parliament’s involvement in EU decision-making (3), many problems remain for this institution alone (4). In summary, as an increasing number of political scientists point out (5), the time for the question of legitimation has come.

### Conclusion - Enlargement and the Legitimacy of the EU’s « institutional order »

The EU’s lack of legitimacy has numerous sources. It is sometimes attributed to the policy-making process, perceived as a “joint decision trap” (6). Other researchers assert that legitimacy can only come through the invention of new, more regulatory, types of EU policy

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3 Introduction of codecision (Maastricht Treaty, article 251 of Amsterdam Treaty) ; new opportunities to amend draft legislation, vote on proposed President of the Commission, etc
4 It is already a cumbersome institution and is likely to become even more so with the addition of new members.
Another criticism is leveled at the EU’s development of “examination”, “review” and “accounting” (1). If the objective of greater transparency and a more distinct Community policy style are sometimes seen as solutions to improving legitimacy in the EU (2), it can be argued that these measures do not strengthen the legitimacy of the EU because they simply do not replace democratic input to, and control over, decision-making.

Ultimately, the legitimation of a politico-institutional system is not based on claimed principles (4), nor on substitution measures but rather on processes of social and political acceptance. Hence the question of legitimacy has to be tackled both at the national level where European issues are discussed (comparative studies show empirical variations (5) and at the European level. Indeed, as V. Schmidt underlines:

“The challenge confronting European polities today, therefore, is how to adjust their particular formulae for democracy to the new realities created by a new European level of supranational government, and how to provide new vehicles for democratic expression at the national level that also provide national democratic access to European-level decision-making” (6).

In this perspective, the focus on actors, ideas and problem-framing set out in this paper takes on additional importance. As we have seen, a-sociological interpretations of actor preferences nourish a theoretical standpoint which completely overlooks the role of history in creating the relationship between politics and society in each territory. It is precisely this relationship (and the manner through which the growth of the European Union contributes to its destabilisation), which provides a mean of understanding the difficulties of legitimating European integration. This question thus needs to be built into research strategies from the outset. Given that the prime focus of neo-institutionalist approaches is on explaining the

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4 For example, Article 6 of the Amsterdam Treaty states that The European Union is based on freedom, democracy, human rights, Etat de droit. Article 7 goes on to stipulate that governments which do not respect these principles can be sanctioned.
making of decisions, however, the authors concerned tend strongly to study institutions as isolated entities. This is clearly a necessary stage in any piece of research but it is not sufficient. Without going a stage further, the configuration of relationships which exist between institutions are rarely treated in any depth. By refusing to take into consideration the “social fit” of Community institutions, neo-institutionalist analysis condemns itself to purely academic modeling of European integration, a posture that is both limited and limiting.

In order to save European integration studies from the excesses of those who see Europe as a “fascinating” case with which to theorise, fundamental lessons from political sociology provide a foundation from which to build. From this perspective, Jacques Lagroye’s conceptualisation of “institutional orders” provide some solid bedrock:

“Institutional orders tie the conduct and the roles of actors in a net of constraints. These nets in turn provide individuals and groups with models of action which they are strongly advised to follow and the behaviour they can expect from their partners. Most of the time actors do not even conceive of going against these orientations” (1).

As simple as this definition may seem, it has yet to be systematically applied to the study of European integration. As a result, political science has rarely studied the deepening of European interdependence as a dynamic which raises challenges for political legitimacy through destabilising the equilibria of institutional orders and the models of action they engender. As historical institutionalists have been at pains to underline in other contexts, the durability of institutional configurations depends upon the social and political legitimation of these “patterned disorders” (2).

In order to develop research questions and hypothesis from this theoretical starting point, it is useful to return to the works of J. Lagroye for a distinction between legitimate and consensus-based institutional orders. Orders based on consensus involve utilitarian evaluations of the advantages and costs of a regime and its actors. Legitimacy, however, “involves belief in the social value of institutions” (3). For practitioners and citizens, the future enlargement of the EU seems to raise issues which mean that a consensus-based regime is no longer tenable. The challenge is to move to a European-wide system where social values are not just abstract


principles written in treaties but objects of constant democratic debate. For political scientists, such change (or resistance to change of this type) necessitates the formulation of new theoretical questions and a review of our cognitive maps, in particular so as to grasp the gap between a polymorphic reality and dominant values and representations.

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