Theorizing European Integration

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To the memory of Alexandra Moschonidou
Her love will always be a blessing to an innocence preserved

Summary of Contents

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Abbreviations

AMT   Treaty of Amsterdam (1999)
CFSP Common Foreign and Security Policy
EC   European Community
ECJ   European Court of Justice
EMU   Economic and Monetary Union
EP   European Parliament
EPC   European Political Cooperation
EU   European Union
IGC   Intergovernmental Conference
JHA   Justice and Home Affairs
QMV   Qualified Majority Voting
SEA   Single European Act (1987)
TEU   Treaty on European Union (1993)

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In these opening pages, I would like to pay tribute to the memory of two individuals: Vincent Wright, whose constant encouragement and advice were instrumental in finding my way into British academia, and Peter F. Butler, former Head of the Department of Politics at Exeter, who within such a short period of time did so much to make me feel at home in an educational environment that meant so much to him. His thoughts, taken from his paper on the purpose of a university education *Do Not Go Gentle into that Good Night* can be read as a blueprint of hope for the shape of things to come:

> To provide students with an understanding of the reflections that have taken place on such matters as the nature of the best state and on the relationship between and among citizens and subjects and rulers and governments seems to me to offer them both a sense of, and a capacity for membership of, a human community, one of the primary characteristics of which is its members' ability – too often latent – to reflect on the conditions of their common existence.

I also proudly acknowledge the support of my father Nikitas who has always been so immeasurably confident about the destination of my intellectual departures, no matter how long or arduous these journeys may have been. Above all, my greatest debt is to my mother Karolina and my stepfather Dimitris. Their love means the world to me. As always, I am wholeheartedly grateful to Panagia Gorgoepikoos for answering my prayers. Finally, a word about the person to whom this book is dedicated, Alexandra Moschonidou. She has been by my side from the day I literally took my first steps, dedicating her life to me ever after. I have never stopped missing her, although I know, as profoundly as she does, that she will always live in my heart.

Introduction

> No one who has heard a whispered intimation of the power and greatness
> of theory will ever surrender to despair, nor will he doubt that this sound of
> thought will one day awaken the stones themselves.
>
> R. M. Unger, *Knowledge and Politics* (1975)

Theorizing in the social sciences is a path to making sense of complex social reality. This intellectual route to explaining and understanding real-life events is central to the study of European integration, for it reveals the underlying structure of relations among a plethora of public, semi-public and private actors involved in the process of steering the political system of the European Union (EU). They include: institutions of collective governance; national and subnational authorities; interest associations; civic organizations; policy communities; ordinary citizens. Theorizing also helps to break down the complexity of the regional system, whilst systematizing its study with a view to deepening our understanding of large-scale polity-formation, novel patterns of institutionalized shared rule and instances of formal and informal interaction among different domains of policy action. In a word, theorizing becomes an indispensable tool for knowledge acquisition.

Having welcomed the new millennium, and after nearly five decades of uninterrupted theorizing about European integration, international scholarship is still puzzled as to what exactly the EU is or may come to resemble in the future. Today, both 'process theories' of international integration, such as functionalism, neofunctionalism and transactionalism, and others that focus on alternative integration outcomes, such as federalism and confederalism, find it difficult to grasp the distinctive nature of the European polity and its complex and increasingly overlapping governance structures. The same can be said of those theoretical perspectives that were advanced during the 1970s, such as international regimes, interdependence and concordance systems, or even of recent theoretical insights drawn from the likes of consociationalism, liberal intergovernmentalism, new institutionalism and multi-level governance, to mention but a few. Whether a good part of these theoretical approaches are trapped in a process of inventing a series of neologisms to conceptualize the evolving polity of the EU, no conceptual consensus has thus far emerged over this uniquely observed regional formation. Rather, integration scholarship is still in search of a reliable theory as the basis for the future of the political system

that is currently coming into being at the regional level. But such is the complexity of the Union's ontological conundrum that many promising theoretical departures confine themselves to the microcosm of sector-specific analyses, often professing an almost explicit antipathy to the construction of a 'grand theory' of regional integration, or to the development of a foundational discourse and epistemological awareness within the discipline on what constitute legitimate questions and answers for integration scholarship.

For its part, this book aims to do justice to those who have contributed to the theoretical study of European integration, as well as to advance a particular conception of the European polity, best captured by the term 'confederal consociation'. The proposed model, which in large measure aspires to transcend the 'international-comparativist' divide in EU studies, has considerable implications for the way in which sovereignty relations are to be reconceptualized within a highly interactive system of mutual governance such as the EU. But the changing conditions of European statehood, in turn, entail serious implications for the democratic organization and social legitimation of the European polity and, given the increased levels of political interconnectedness, its component political systems. Hence, one may legitimately raise the question whether the segments, in the form of distinct politically organized entities, form a constitutive part of a larger, purposive whole – i.e. a polity in its own right – or whether they represent an instance of (mainly) horizontally cooperating states, whose respective governments retain ultimate political control over the pace and range of the regional arrangements.

The view taken in this book is that the present-day EU contains elements of both, and that the theory of consociationalism exemplifies its essential character as a composite political structure composed of both states and demoi. The message is clear: the EU is not a state as conventionally understood by political scientists, nor have the member publics developed (as yet) a sense of belonging to a transnational polity. Consistent with this view, the overall conclusion to be drawn is that the building of a democratically organized European polity composed of multiple civic spaces and public spheres depends ultimately on the development of effective European 'civic competence': the institutional capacity of European citizens to engage themselves in the governance of the larger polity.

A few words about the organization of the book are in order here. It is divided into four parts, each reflecting a particular concern with the theoretical study of European integration. Part I, comprising Chapter 1, links the uses of regional integration theory with the broader exercise of theorizing in the social sciences. In doing so, it justifies the centrality of theory in the process of developing a more profound understanding of complex social and political phenomena. Moreover, it identifies the new challenges confronting EU scholarship and attempts, in a theoretically informed manner, to unfold Europe's social scientific puzzle so as to get to grips with the uniquely observed process of European polity-formation.

Part II, including Chapters 2 and 3, deals more specifically with those integration theories that aim to explain the nature, conditions and dynamics of regional international integration in general, and its application to the postwar West European order in particular. While Chapter 2 focuses on the formative theories of European integration and the relationship between structure and process (functionalism, federalism, transactionalism and neofunctionalism), Chapter 3 suggests a number of questions about the dynamic interplay between autonomy and control through the conceptual lenses of a group of theories that form part of what might best be termed as the 'second wave' of theorizing European integration (confederalism, international regimes, interdependence and concordance systems). Part III, including Chapters 4 and 5, offers an account of recent trends in theorizing the political system of the EU. In this context, Chapter 4 draws its insights from an examination of formal treaty reform in the mid-1980s and early 1990s and the emergence of new, multi-level governance arrangements which, taken together, lead towards the formation of a pluralist regional polity. In terms of theorizing the EU during the past decade or so, the result is a shift in paradigm 'from policy to polity' with serious implications about the changing nature of sovereign statehood in contemporary Europe. Chapter 5 explores the pattern of relations between state and regional organization, by portraying a particular image of the EU as a confederal consociation: a consensual form of union, whose distinct culturally defined and constitutionally organized polities have established among themselves a symbiotic *modus operandi* based on the practice of political co-determination. Finally, Part IV, comprising Chapter 6, investigates the recent normative turn in EU studies and shifts the emphasis from theory to metatheory and from questions of 'who governs and how?' to questions of 'who is governed?' in the evolving structures of the European polity.

PART ONE

THEORY

1

Integration Theory and its Uses

In defence of theory

Theory and good social science are mutual reinforcements. This is the underlying premise of this book, based on the following intellectual proposition: theory generates pluralism, pluralism produces choice, choice creates alternatives, alternatives formulate debate, debate encourages communication, communication increases awareness, awareness minimizes dogmatism and, in this way, there is a propensity to develop a greater and better understanding of social phenomena. This is a book about the theoretical study of European integration, rather than the praxis and assorted praxeology of the regional process *per se*. To reflect on a recent paradigm shift in integration studies, namely 'from policy to polity' (see Chapter 4), this is also a book about the ontology of the emerging European polity, rather than the day-to-day running of its constitutive policy processes and technical forms and mechanisms of collective regulation. In it, engagement in concept-building, normative theorizing and the advancement of ideational formulations of human governance are

taken as positive developments in the search for the kind of polity we want to build in Europe. The wider methodological claim put forward in this chapter is that good (or better) social science is theoretically informed. Accordingly, scholarly attempts at new theory creation, theory development and metatheory or 'second-order theorizing' (see Chapter 6) should be much welcomed.

But perhaps the strongest case to be made for theory in general, and against the raw positivism of self-styled 'social scientists' confining the art of theorizing to a narrow set of verifiable or falsifiable hypotheses, is that its role is to reveal ways of improving the conditions of human governance itself. The latter may be defined as the art of organizing the production of knowledge about the constitution of social activity. By theorizing is meant the systematic study of the conditions, structure and evolution of that constitution, by means of explicating, interpreting, understanding and, where possible, predicting individual, small- or large-scale social action. Although some theories tend to direct their conceptual and analytical *foci* on one, more or even all of the above categories (of which, each may form in itself the basis of a given research programme), what they all have in common is an explicit and unequivocal commitment to the search for reliable answers. But theories entail different notions of knowledge as well as cognitive resources for developing working conceptions and, accordingly, employ different approaches to knowledge acquisition, application, evaluation and critique. In short, theories as distinct knowledge domains allow room for a variety of methodologies and lines of social inquiry to be pursued, the biases and particularistic concerns of the researcher notwithstanding.

According to Mjøset, there exist four different notions or understandings of theory in the social sciences: law-oriented, idealizing, constructivist and critical. The first, by avoiding the search for truly universal laws as in experimental natural science, where 'theory is compact knowledge', but without rejecting social scientific claims to generalization, focuses on 'regularities that apply only within specific contexts': theory thus becomes 'a collection of "lawlike regularities" or "quasilaws"'; the second, in accepting that social science 'laws' are 'ideal types', focuses 'on the conditions which establish the *ideal* situation': theory, in this sense, is capable of yielding predictions in an idealized (or model) world and, to that end, 'perfect knowledge must be assumed'; the third notion questions 'any foundation for the social sciences', implying that no alternative ethical foundations can be found': as '[s]ocial science theory is not in principle different from everyday knowledge', it follows that 'social processes define (construct) certain realms of knowledge as science' – with theory itself taking the form not of axiomatic models, 'but of contextual understanding of interacting motives'; the fourth notion is based on an 'internal linkage between theoretical and ethical reflection', with social science being defined 'by its commitment to universal ethical principles': this notion of theory focuses 'more on ethical foundations and less on concrete paradigms

involved in the explanatory efforts of applied social sciences'.[1] Hence, the first notion focuses on 'theory testing, the second on modelling, the third on theory formation and the fourth on ethical reflection'.[2]

In the context of this discussion of the epistemological underpinnings of social science research, one has to take into account Laski's assertion that its variables are human beings whose uniqueness prevents their reduction to law in the scientific sense of the word.[3] To borrow Lieber's metaphor, 'we are all forced to acknowledge that water freezes at 32° Fahrenheit';[4] yet, how can we accept axiomatically that a given social phenomenon or for that matter the substance of a given political process or institution can only be subjected to a single pattern of systematic inquiry resulting in an impersonal form of knowledge driven by the explanatory power of formal rationality? As problems of recognition, classification and definition have not been solved in the social sciences, its theory is not defined by its ability to 'prove', but rather by its ability to 'illustrate'. But 'crass positivism' in the social sciences is also untenable, for the meanings and understanding of the concepts themselves are affected by the cultural context of both the researcher and the social phenomenon being studied.[5] And given the difficulties in using a tightly controlled experimental design to study social phenomena and to establish relations among variables that are consistent and generalized across time and space (through the generation and testing of hypotheses), explanation through the employment of vigorous causal mechanisms – i.e. the mechanistic approach – is but one element of the feasible end of social inquiry. More important, perhaps, it is highly doubtful whether too much 'social sciency' can help the analyst to uncover the alleged coherence that underlies the apparent chaos of contemporary social and political life through the operations of deductive logic (as the apparatus of social scientific theory) and modelling (as an expression of empirical observation), in turn inspired by rationalist explanations.

As Tilly suggests, three styles of explanation generally compete in those portions of social science that seek explanations of social phenomena:

> The first expects social life to exhibit empirical regularities that at their highest level take the form of laws . . . The second accounts for particular features of social life by specifying their connections with putative larger entities: societies, cultures, mentalities, capitalist systems, and the like . . . The third regards social units as self-directing, whether driven by emotions, motives, interests, rational choices, genes, or something else.[6]

Each style corresponds to a different account of explanation. In the first style, for instance, 'explanation consists of subsuming particular cases under broadly validated empirical generalizations or even universal roles'; in the second, it 'consists of locating elements within systems'; and in the third, it 'consists of reconstructing the state of the social unit . . . and plausibly relating its actions to that state'.[7] To these, Tilly adds a fourth style/account that deserves attention, according to which 'explanation

consists of identifying in particular social phenomena reliable causal mechanisms [events that alter relations among some sets of elements] and processes of general scope [combinations and sequences of causal mechanisms]'.[8] The emphasis in this fourth category is on the nature and range of social mechanisms, with explanation being assigned the task of 'locating robust cognitive, relational, and environmental mechanisms within observed episodes'.[9]

But a useful and perhaps more ambitious theoretical enterprise has to incorporate a sense of understanding as a valued claim to the pursuit of unfolding the puzzling features of complex social processes, organizations, episodes or system-steering events, and even to allow for 'an intuitive organization of perception'.[10] At the same time, such an intellectual strategy should also be able to identify parallels or suggestive analogies among comparable case studies (even if the latter have come under the close scrutiny of adjacent disciplines); draw attention to schemes of understanding the evolutionary nature of political processes as constitutive of wider social phenomena; trace the broader intellectual environment within which concepts and assumptions are used to facilitate the production of explanatory patterns, i.e. the genealogical method; and attempt to make advances in the realm of social inquiry itself, by being prepared to take risks – as well as accept, or at least constructively respond to, possible criticisms from methodologically competing research programmes – in the generation and framing of hypotheses that aim to state the general conditions of the social phenomenon under investigation.

The above methodological reflections suggest that integration theorists, instead of exhausting their analytical talent in applying the logic of 'strict' science in the ever-changing social and political environment of the European Union (EU), should strive for a more profound understanding of the existing and emerging constitutive public spheres and political spaces of the larger entity. This is by no means a negation of disciplined social inquiry or a more or less implicit attack on empirically grounded social research. It is merely to make the point that 'the value of theory is not determined by any rigid criteria',[11] and that narrow training, rationalist rule application and the employment of an overly 'scientific' procedure that rests on the illusion of ethical neutrality in social inquiry are not the most appropriate methodological blueprints for enriching our understanding of European integration as an essentially political phenomenon. All the more so, if one takes into account the patterns of human behaviour, institutional interaction and societal mobilization that integration has produced in such diverse fields as collective norm-setting, authoritative value allocation, large-scale constitutional engineering, economic governance, transnational civil society formation, joint problem-solving, multiple identity-holding, loyalty-sharing and so on.

In summary, theorizing about the past, present and future of European integration is as much about explaining the causality of multiple interactions as it is about developing feelings for the play of collective European

governance and polity-building, as well as the inevitable normative and ethical questions to which these processes give rise. Normative as the above claims may be, it seems that the highest educational purpose the theoretical study of social phenomena can serve is to venture for a deeper and more penetrating understanding of the conditions of human association, the forces that shape the range and depth of societal interactions and the possibilities of improving the quality of debate about such self-inquiring questions as 'where we are now, from where we have come and to where we might go'.[12]

Why theorize?

Half a century of uninterrupted theorizing about the structure and dynamics, substance and procedures, forms and functions of European integration has produced a situation where, *prima facie* at least, little remains to be said. This critical and rather pessimistic syllogism is not intended to offer an apology for theoretical inaction, or for that matter a justificatory basis for a methodological blueprint inspired by atheoretical observations. Likewise, it should not be seen as an attempt to escape the intellectual responsibility of developing a more insightful understanding of the multiplicity of forces (and causes) that constantly form and reform the regional system. It is only to state that the theory of such a polysemous and still largely elusive concept as 'integration' appears to have reached a high *plateau* in its West European context. Similarly, this is not to imply that integration theorists should start looking for new regional experiments of comparable conceptual and analytic potential. Rather, the idea is that the new challenges confronting the study of European integration, concerning both its theoretical boundaries and operational reality, do not take place in a theoretical vacuum: they are an extension, if not a refinement, of older theoretical endeavours, necessitating the striking of a balance between explanation and understanding, or between 'first-' and 'second-order theorizing' (see Chapter 6). At the same time, however, the task for contemporary integration scholarship still remains to discover a reliable theory of integration as the basis for the future of the Union and, in doing so, to offer a convincing response to the challenges of large-scale polity-formation.

Legitimately though, one may wonder whether Puchala's cynical prophesy that integration theory will amount to 'a rather long but not very prominent footnote in the intellectual history of twentieth century social science' will prove as accurate as the author would have us believe.[13] A first response is that *theory matters*, whether its conceptual findings and qualifications are to be evenly appreciated by scholars and practitioners alike (the latter being in principle much less interested in theoretical purity than operational reality). For familiarity with theory helps to test our

analytical tools and appreciate their relevance in real-life situations. As Taylor puts it, 'Each theory . . . leads to unique insights which are valid starting points for the purpose of comparison and evaluation.'[14] Or, in the words of Keohane and Hoffmann, 'Attempts to avoid theory . . . not only miss interesting questions but rely on a framework for analysis that remains unexamined precisely because it is implicit.'[15] 'Therefore', Church asserts, 'awareness of theory is a necessary ground-clearing measure.'[16] True, a great deal still remains to be accomplished in the theoretical study of European integration. But as long as theory-building activities remain at the top of the academic agenda, there are good grounds for thinking that important possibilities are deemed to be explored. To borrow from Rosamond: 'Theorizing intellectualizes perceptions. It is not that theory just helps us to identify that which is significant.'[17] Thus, as Groom rightly points out, '[t]heory is an intellectual mapping exercise which tells us where we are now, from where we have come and to where we might go.'[18] Even more than that, however, theory is a means of linking 'the order of ideas' (as conceptual entities) to 'the order of events' (as actual occur-rences),[19] without being created merely in response to the latter. Church explains:

> Theories have a life of their own related not just to what happens outside but to general intellectual changes, and, especially, to who supports them and why. Political commitment and self interest like academic investment all play a part in keeping theories going in altered circumstances. Hence theories keep re-appearing and debate between them is continuous.[20]

But what might constitute such 'possibilities'? How are they to be explored? What is the appropriate methodological line to that end? To start with, substantive progress in the field requires the transcendence of purely narrative and/or descriptive approaches about, on the one hand, the form and functions (or structure and dynamics) of the integrative system and, on the other, the resolution of fundamental ontological issues confronting a discipline that has become subject to diverse interpretation. This, in turn, requires 'structured ways of understanding changing patterns of inter-action',[21] free from the inherently fragmented boundaries of micro-analysis. Put differently, the aim is to project a macroscopic view of European governance based on systematic conceptual explanation. As Church rightly observes: 'We need to be aware of the conceptions we use since they determine our perception of things.'[22] The *locus classicus* for this contention is found in Allison's influential *Essence of Decision*, stating that 'different conceptual lenses lead analysts to different judgements about what is relevant and important'.[23] After all, as Hamlyn reminds us, albeit in a different, philosophical context, 'one cannot get at reality except from within some system of concepts'.[24] Groom makes the point well:

> Our conceptualization does . . . give a context to the activities of practitioners and provides them with an opportunity of learning from the experience of