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Adding flesh to the skeletal framework:
Historical Institutionalism's Challenge on
Intergovernmentalist Accounts of European Integration

Paper in: Meta-Theory and
Theories of European Integration
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European integration is fascinating and unique. It is also scientifically challenging and inspiring. A number of theories have been introduced, aiming to describe, explain, analyze, or predict different aspects of that phenomenon. The most ambitious construct a sweeping picture of the whole process, trying to probe into its roots and to single out its driving forces. They are, at the same time, due to their high level of abstraction, the ones most prone to criticism and varying value-based interpretations.

The task of this paper will be, consequently, to present the propositions of one of the general theories of European integration – historical institutionalism, and to venture a partial assessment of its relevance, strengths and weaknesses on the grounds of a case-study, namely the recent Eastern enlargement.

Paul Pierson’s article “The Path to European Integration: A Historical Institutional Analysis” will serve as template for the analysis. The author’s claim is that historical institutionalism provides a more complete and multi-faceted explanation of the influence of supranational actors on European integration and of member state constraint than intergovernmentalism, while acknowledging and trying to amend the weaknesses of the neo-functionalist theory. Integration is a process unfolding over time in constantly changing contexts and thus producing a moving picture, rather than a still image, and embedded into a certain institutional setting with a life of its own. It presupposes a different dynamic, unintended consequences and micro-level developments, that cannot be subject to tight control.

The paper is structured as follows: the first part describes historical institutionalism as a scientific approach in the social sciences, the second part reconstructs the historical institutionalist argument as it relates to European integration; the third part explores the theory’s compatibility with the empirical-analytical paradigm; and the last part is devoted to the case-study.

I. Historical institutionalism as a scientific stream

In the wider area of social sciences historical institutionalism conceptualizes itself neither as a grand theory, nor as a case study-centered approach. Rather it chooses to be thought of as a “midlevel Weberian project” (Thelen 1992: 6) that pays special attention

to intermediate-level variables and is in the position to “illuminate sources of variation on a common theme“ (Thelen 1992: 10).

When talking about “new institutionalism” (the rediscovery of institutions in the 1980s) the reference is usually made to economic research. Less attention has been paid to its possible usage in the field of politics. This is mainly what historical institutionalism as a scientific stream in the new institutional tradition seeks to address and develop.

The new focus on institutions came as an answer to the 1950s-1960s emphasis on behavioralism in comparative politics. Having itself sprung up as a critique of the “old” institutionalism that used to view political outcomes as flowing solely from the formal laws, rules, and administrative structures, behavioralism put the whole emphasis on the informal distributions of power, the characteristics, attitudes, and behaviors of individuals and groups of individuals and thus “often missed crucial elements of the playing field” (Thelen 1992: 5) and relegated institutions once again to the background.

Historical institutionalists were inspired to find answers to some questions to which neither ‘old’ institutionalism, nor behavioralism could provide satisfying explanation, such as how does one define the playing field (what are institutions), why do cross-national differences persist despite common challenges and pressures (Thelen 1992: 5), what events and prerequisites set a particular institutional environment on a particular path and how historical development changes the contexts in which political actors operate.

The historical institutionalist definition of institutions “includes both formal organizations and informal rules and procedures that structure conduct” (Thelen 1992: 2). Institutions serve as a framework that constrains but by no means is the “sole “cause” of outcomes” (Thelen1992: 3). Broad political forces also have place in illuminating politics, but historical institutionalism stresses the need to acknowledge the way institutions shape options and influence outcomes.

A crucial analytical tool of historical institutionalism is the concept of path dependency. An institutional path exhibits “a distinct pattern of constraints and incentives (institutions) [that] generate typical *strategies*, *routine* approaches to problems and *shared decision rules* that produce predictable patterns of behavior by actors“ (Deeg, 2001: 14). Skocpol and Pierson have given a succinct account of what path dependency

is: “once actors have ventured far down a particular path, they are likely to find it very difficult to reverse course...The “path not taken” or the political alternatives that were once quite plausible may become irretrievably lost” (Wikipedia 2006). In the beginning of a sequence, the so-called critical juncture, “things are relatively open or permissive but get more restrictive as one moves down a path” (Deeg 2001: 8). The moment of critical juncture itself is defined as the moment “when substantial institutional change takes place thereby creating a “branching point” from which historical development moves onto a new path” (“New Institutionalisms” and European Integration).

Three phases of path dependency can be discerned¹: the critical juncture which triggers the move toward a particular path; a period of reproduction during which positive feedback mechanisms reinforce the movement along the path; and another critical juncture through which the path comes to an end as new events topple the long-lasting, self-reproducing equilibrium. The most oft-cited mechanisms of institutional reproduction are the positive feedback mechanisms, or also mentioned as increasing returns to moving along a particular path. The more compelling the increasing returns, the less likely it is that a critical juncture – exogenous or endogenous – will occur to derail the path. Four positive feedback mechanisms are distinguished by Deeg (drawing on Pierson): large set-up or initial costs; learning effects; coordination effects; adaptive expectations. The meaning of the large initial costs is that once actors make an investment in a particular institution they have an incentive to continue it in order to recover those costs. Learning effects come as a desirable by-product of the functioning of institutions as actors become more knowledgeable of the rules and procedures within the institution and use that to enhance its efficiency. Coordination effects, that is the adaptation of other actors’ behavior to promoting a particular path, bring increasing benefits to the set of actors that was engaged in following the path from an earlier point in time. Adaptive expectations also bring increasing returns as one set of actors, expecting a second set of actors to follow a particular path, begins following the path first in order not to be left behind. To these four positive feedback mechanisms other actors add political authority and legitimacy, especially when talking about political contexts.

¹ This passage draws heavily upon Deeg 2001: 8-10.

Facing the danger of being branded as too deterministic, historical institutionalism pays special attention to the sources and consequences of institutional change. The model of punctuated equilibrium of Stephen Krasner cannot explain satisfyingly institutional dynamics. In its core is the notion that institutional change comes abruptly as a result of crises coming usually from changes in the external environment and punctuating the long periods of institutional stability. This model has been criticized by a number of authors (Thelen, Schwartz) for not capturing the interplay between political strategies and institutional constraints and the possibilities of a two-directional process of mutual influence they exert on one another. The broader political context, through the interplay of ideas and interests, can have considerable, albeit incremental, impact on the institutional structure.

Another model of institutional dynamism is the model of dynamic constraints. It differs from the model of punctuated equilibrium in two ways. First, “it emphasizes that institutional breakdown is not the only source of institutional change” (Thelen 1992: 17) and that strategic maneuvering has its place as well. Second, the focus of that model falls upon *internal* maneuvering within the institutions in response to external events as a source of institutional change. Consequently, the transition to a new path can be triggered by gradual endogenous developments, and not necessarily only by exogenous forces.

A source of scientific confusion is the closely related question of how an off-path institutional change, i.e. “adaptations of formal and informal institutions which together lead to the creation of a new logic” (Deeg 2001: 14) and to the embarking on a new path, can be discerned from an on-path innovation, i.e. “adaptations to new situations that preserve the elements of the path’s preexisting logic” (Deeg 2001: 14). Deeg attempts a somewhat confusing answer to that question by stating that the switch to a new path can be recognized by the fact that it no longer involves a movement along the same track but still retains pieces of the logic of the old path. A real change of path entails changes in formal *as well as* informal rules and institutions of the higher order. Third, the new path should be governed, in addition to retaining some of the logic of the old path, predominantly by a new logic. Deeg, however, suggests that in a context where institutional change has been gradual and endogenous it might be quite hard to make the

distinction between a simple on-path change and a more sweeping switch to a new path (Deeg 2001: 34-36).

When discussing new institutionalism, it must be said that the shortcomings of behavioralism inspired another line of scientific reasoning – rational choice institutionalism. Even though both approaches focus on institutions and acknowledge that „history matters“ (North 1990: vii), there are “unsolvable epistemological differences“ (Wikipedia 2006) between them. For rational choice theorists, institutions are “features of a strategic context, imposing constraints on self-interested behavior” (Thelen 1992: 7). In the historical institutionalist perspective institutions fulfil those functions, but play a much greater role in shaping politics. There is a difference in the way rational choice scholars and historical institutionalists reason about the nature of political actors. In the historical perspective they are more “rule-following satisficers” (Thelen 1992: 8) than “all-knowing rational maximizers” (Thelen 1992: 8). Most of us, most of the time, follow societally defined rules, even when so doing may not be directly in our self-interest.

The major difference however appears when one compares the two groups’ views on the issue of preference formation. For historical institutionalism “not just the *strategies* but also the *goals* actors pursue are shaped by the institutional context” (Thelen 1992: 8). In the rational choice perspective it is always a given that individuals and groups will act in the way that rationally best maximizes their self-interest. Thus the issue of preference formation remains exogenous for the theory of rational choice.

Last but not least, rational choice institutionalism works with a set of assumptions, which are supposed to be universally valid in any national context. Parsimonious as that deductive instrumentarium may be, its applicable power in various contexts is questionable – exactly the kind of weakness that historical institutionalism with its emphasis on case studies and inductive research seeks to remedy.

Some authors add the so-called sociological institutionalism to the new institutionalisms and call it „the thick version of institutionalism“ (“New Institutionalisms” and European Integration). For sociological institutionalism, institutions along with formal rules encompass a wide range of deeply embedded informal rules, symbol systems, cognitive scripts, and moral templates. In attempting to explain the role of institutions, sociological institutionalism adopts a “cultural approach”

according to which institutions affect actors' basic preferences and identities. Thus, as can be seen, the basic presumptions of sociological institutionalism are not far away from those of the historical variant. The latter, however, constitutes a more moderate approach, taking into account both rational calculations and shaped by informal practices identities. It also adds a distinct feature that the other two institutionalisms lack – the centrality of time and path dependency on earlier institutional choices.

II. Historical institutionalism and European integration

In the search for an explanation of the processes surrounding the formation and the evolution of the “extraordinary political experiment” (Pierson 1996: 123) called EC, historical institutionalism presents itself as the middle ground between neo-functionalism and liberal intergovernmentalism. Its highly ambitious intention is to pose a “theoretically based” (Pierson 1996: 125) challenge to the intergovernmentalist account while amending the shortcomings of the neo-functionalist through giving a better description of what the EC today is and a more grounded explanation of why it came about to be such. Mostly concerned with that task has been Paul Pierson in his article “The Path to European Integration: A Historical Institutional Analysis”. Pierson demonstrates the ways in which historical institutionalism converges with and diverges from the two grand theories. With respect to neo-functionalism, both stress unintended consequences, spillover, and the significance of supranational actors, but

neo-functionalism sees political control as a zero-sum phenomenon, with authority gradually transferred from member states to supranational actors, whereas historical institutionalism emphasizes how the evolution of rules and policies along with social adaptations creates an increasingly structured polity that restricts the options available to all political actors (Pierson 1996: 147).

Neo-functionalism does make decent use of the principal-agent theory to demonstrate how through chasing their own interests supranational institutions create constraints on member states. While institutional evolution follows a path of its own that cannot be subject to tight control, neo-functionalism nevertheless goes too far in attributing too much power to institutions. With respect to liberal intergovernmentalism, historical institutionalism does not object to the central intergovernmentalist claim that member states are still the most important decision makers, but acknowledges the possibilities of

gaps in their control and the difficulty to close them over time even at the presence of a desire to do so. Moreover, Pierson demands that “[r]ather than simply inferring policy and institutional preferences *post hoc* (emphasis added) from an examination of outcomes, intergovernmentalists (...) show that the desire to achieve these functional outcomes actually motivated key decision makers” (Pierson 1996: 157). Historical institutionalism is not rejecting the importance of intergovernmental bargains, it only stresses how crucially the day-to-day functioning of EC institutions shapes policy outcomes for the big actors in every next round of bargaining – leaving out some options, creating others. It is a fundamental discovery of historical institutionalism how important the post-bargaining period, so artistically neglected by intergovernmentalism, can be.

The mixture between a historical and an institutionalist analysis provides for a theoretical framework that is both descriptive and explanatory. The institutionalist part serves to describe what the EC currently is – that is, an “increasingly structured, densely integrated polity” where, in spite of retaining their role as the most important decision makers, member states are increasingly constrained by the existence, interests, actions, and own development of the common institutions they had themselves at an earlier point created. In the words of another observer: “what has been happening within the EC/EU – and because of the EC/EU – is both the sophisticated accommodation of converged national interests via the construction of governance regimes and the consolidation of a supranational polity” (Puchala 1999: 329). This simple observation is astoundingly powerful and constitutes one of the biggest strengths of the historical institutionalist perspective. It suggests very elegantly that European integration is, in the end, no war between nation-states and supranational actors in which less member state power would mean more power for EU institutions because presented in that way it wouldn’t lead to the attainment of the structured polity the EU more or less today represents.

In addition to describing what the EC is, the institutionalist part of the analysis starts an explanation why gaps in member state control emerge. The historical part, on the other hand, is instrumental in completing the case for member state constraint and in providing an account why subsequently it is difficult for member states to close the gaps that have once been opened. The temporal aspect of politics, within which the second biggest strength of historical institutionalism lies, is crucial because “[w]hen European

integration is examined over time, the gaps in member state control appear far more prominent than they do in intergovernmentalist account” (Pierson 1996: 126).

In building up his account Pierson makes avail of a couple of definitions. Following North, institutions are “the rules of the game in a society or, more formally, are the humanly devised constraints that shape human interaction” (North 1990: 3). It becomes clear, however, when examining Pierson’s theory, that he uses a much more rationalist concept of institutions than he initially proclaims. Gaps in member state control are “significant divergences between the institutional and policy preferences of member states and the actual functioning of institutions and policies” (Pierson 1996: 131).

Four antecedent conditions shape the emerging of gaps in member state control. The first of them – the autonomous actions of supranational institutions – can be described as the major contribution of neo-functionalist analysis. It argues that in the European context the independent interests of institutions create a serious problem for member states because due to the nature of the European project they have to „allow reasonably efficient decision making and effective enforcement despite the involvement of a large number of governments with differing interests” (Pierson 1996: 132) and at the same time have to acknowledge that it will be difficult to rein in EC institutions all the time because “these crucial collective organizations cannot function without significant power and (...) the authority required will grow as the tasks addressed at the European level expand and become more complex” (Pierson 1996: 132-133). The growing independence of EC institutions is observable in the increasing influence of the Commission and the ECJ. The agenda-setting powers of the Commission and its role as a process manager coordinating a dense network of experts have steadily increased through time. The ECJ has created for itself no less significant political resources in the sphere of judicial review that have allowed it to increase tremendously the influence of EC law and in effect to “constituationalize” the European polity (Pierson 1996: 133).

Of considerable importance though it may be, this neo-functionalist gap is hardly sufficient to account for member state constraint because “what appears to be autonomy may simply reflect the principals’ deft use of oversight” (Pierson 1996: 134). Other sources of gaps that strengthen the challenge to intergovernmentalism and spring from historical institutionalism’s focus on the temporal dimension of politics exist. First, of

great significance are the restricted time horizons of decision makers. Member states, usually preoccupied with short-term concerns, miss out on the fact that “[m]any of the implications of political decisions (...) only play out in the long run” (Pierson 1996: 135). Owing to the logic of electoral politics, in which “the decisions of voters, which determine political success, are taken in the short-run, politicians are likely to employ a high discount rate” (Pierson 1996: 135) of long-term institutional effects.

A third source of gaps can be seen in the ubiquity of unintended consequences. When handling complex social processes decision makers can hope neither to fully grasp, nor to control them. This is especially valid in the case of the EC where the sheer scope of decision-making “limits the ability of member states to firmly control the development of policy” (Pierson 1996: 137). The consequences of this increasing issue density are far from negligible. First, problems of overload become widespread and force member states to delegate decision powers to experts. In this day-to-day functioning of EC institutions the principals do not and cannot scrutinize their agents the way they do at the time of grand bargains. These time intervals, during which flesh is being added to the skeletal frameworks (Pierson 1996: 137), are extremely important because a lot of policy actually evolves that lessens the ability of member states to exert firm control. Second, issue density brings about the famous neo-functionalist process of spillover through which the tasks being adopted in one sector extend their effects on others.

Shifts in the policy preferences of chiefs of government constitute a fourth source of member state constraint. The policy preferences of member states are not fixed – in the world of politics, as opposed to the world of economics and firms, the stable preferences of actors are not a given. Political and institutional arrangements that have been entered into by one government at a certain point in time continue to stand even though the political configuration in a certain member state may change at a later point. The reasons for shifts of preferences may be various – not only changes in government, but also different policy views of different ruling parties, altered circumstances, or new information.

In a next step Paul Pierson engages in illuminating why the corrective mechanisms of competition and learning (although suitable for the firm) are not applicable to the world of political institutions. Because of the lack of another international regime, similar to the

EC, within Europe, the argument of competition has little convincing force in the EC. In relation to learning one can, however, assume a more effective corrective mechanism by which “member states will gradually become aware of undesired or unanticipated outcomes and will become more adept at developing effective responses over time” (Pierson 1996: 141). Yet, the effect of learning depends very much on the chances of member states at regaining control there where they have lost ground. If the barriers to regaining control are too high, “learning will not provide a sufficient basis for correction” (Pierson 1996: 142).

Subsequently, historical institutionalism demonstrates why the barriers to regaining control are too high, i.e. gaps are difficult to close. Three broad reasons are provided. First, supranational actors, having gained so much in terms of influence on the process of integration will understandably be expected to resist efforts at curtailing their powers. This neo-functionalist point, however, fails “to address the question of why, in an open confrontation between member states and supranational actors, the latter could ever be expected to prevail” (Pierson 1996: 142).

For that reason, two more explanation points are offered. The institutional barriers to reform debilitate the powers of member states to redesign policies and institutions. Political institutions in the EC are “specifically designed to hinder the process of institutional and policy reform” (Pierson 1996: 143). The rules of the game in the EC were so constructed as to “inhibit even modest changes of course” (Pierson 1996: 143) – Treaty revisions, for instance, are extremely difficult. In the EC, even smaller changes of course face hurdles much more formidable than the ones in nation-states. Thus, as member states become more and more bound by the *acquis communautaire*, and present the so-called joint-decision trap, the reassertion of control becomes increasingly problematic.

Policy reversal can be made difficult by previous institutionalization, but the sunk costs and rising price of exit it generates may make reversal unattractive too. This point, in essence, reconstructs the path dependency argument and demonstrates how initial decisions may become self-reinforcing *over time*. For member states the “social adaptation to EC institutions and policies drastically increases the cost of exit from existing arrangements” (Pierson 1996: 144) and “alter[s] the context for future decision

making” (Pierson 1996: 146) to the extent that options which once had seemed possible now become highly improbable. The lock-in processes that have been triggered at an earlier point and constantly magnify themselves along the path make the option of tearing up the treaties and walking away virtually unthinkable. That does not, however, mean that efforts at restricting supranational actors in particular areas, especially with respect to future activities, are bound to fail, but the case Pierson makes for the difficulty of reversing the path in “previously institutionalized fields of activity” (Pierson 1996: 146) is compelling.

Schwartz has expressed doubts that path dependency is a suitable theoretical basis for historical institutionalism. In his view it does little to explain how exactly history matters. He rejects the notion of increasing returns as the ruling mechanism of institutional reproduction and advances power and socialization of actors on its place: “Institutional stability (...) rests either on organizations’ ability to socialize new actors, or it is enforced externally, by the aggregate of institutions” (Schwartz 2001: 12). This criticism on grounds that historical institutionalism does not allow space for ideas and power carries force, as Pierson never makes specific mention of those two important factors of institutional change/reproduction in spite of having identified informal rules as part of the institutional concept.

To illustrate his propositions Pierson presents a case study in the field of European social policy choosing in particular gender equality, workplace health and safety, and the Maastricht Social Protocol to demonstrate how in a realm where member states are still typically seen as the key decision makers unintended outcomes, the restricted time horizons of member state policy makers, high issue density in the EC, and shifts in member state preferences have generated gaps in member state control and opened up possibilities for “a growing significance of European policy” (Pierson 1996: 156).

III. Historical institutionalism and empirical-analytical science

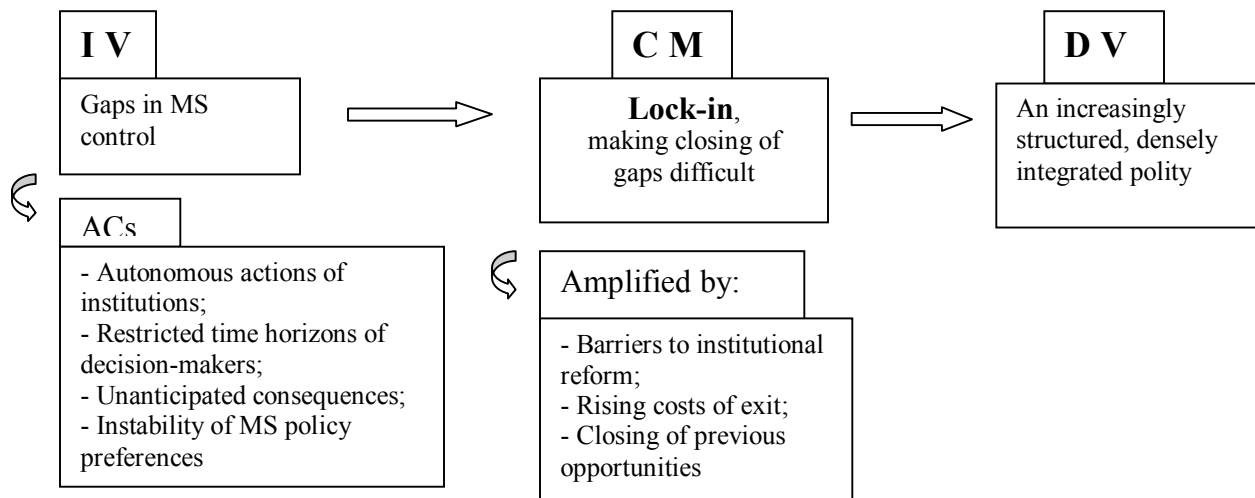
In this section, an effort will be made to assess the formal compatibility of historical institutionalism with the scientific criteria that empirical-analytical science stipulates and it will be subsequently reflected on its strengths and weaknesses, incorporating the points of critique that have been advanced against it.

Historical institutionalism certainly addresses an issue of importance to the scientific community – explaining the phenomenon EC/EU has been such for more than a couple of decades and the issue has been widely covered and viewed at from various angles. Paul Pierson provides a fairly extensive overview of literature on European integration geared toward presenting the two main contenders for a sweeping theoretical explanation of the process. His attention is focused more toward liberal intergovernmentalism, because this is the theory whose weaknesses he seeks to expose. Thus, the brief, three-page resume of intergovernmentalism’s central claims is not out of place. The chief assumption that pervades Pierson’s work is that integration processes are observed through time, i.e. it does not suffice to pick up just one point in history and based on it to generalize on the whole process because this would produce a distorted and untrue image. As far as inferring and predictions for the future are concerned, historical institutionalism contains little predictive force and, in fact, does not make an attempt at increasing it. It concentrates on shedding light on the past and the way its lock-in effects link it with and predetermine the present. The uncertainty estimate is almost lacking from Pierson’s account. Apart from stating that it is difficult to discern between a true case of institutional independence and a mere power of oversight by the principal, he does not identify points in his theory that can be later subject to critical examination.

The empirical evidence submitted as a corroboration of the theoretical claims is at best acceptable (Pierson however points to other sources where one could look for a more thorough investigation on the subject being examined) but by no means decisive. Using three mini case studies, it presents one aspect of European politics – namely the social policy of the EC – in which historical institutionalism’s theoretical framework holds true but this single case study certainly cannot validate the whole theory. In the same way, the presented data is questionable in terms of convincing force because it heavily depends on the interpretation method used by the observer. It is, for example, difficult to identify whether member states, when negotiating the terms of EC social policy, were unaware of the unintended consequences their decisions could entail. It is as a whole difficult to ascertain, at least from the data that Pierson provides, whether in consenting to certain Community policies member states were forced to do so or deemed it in their interest to do so. For that reason historical institutionalism has been criticized exactly on the

grounds that its propositions are not testable. The data provided does not serve to try to falsify the theory. Its interpretation is undertaken in such a manner as to fit the theory in order to corroborate it.

A reconstruction of the theory has already to a large extent been done in the previous section. Here is the place to add an arrow diagram that pays special attention to the most important propositions – the centrality of time and the definition of the EC/EU:



The overall assessment of the ‘scientific-ness’ of Paul Pierson’s historical institutionalism, despite the mentioned inadequacies, must be positive. The clarity with which the variables and antecedent conditions are presented makes the construction of an arrow diagram relatively straightforward. The theory is difficult, but not impossible to test, although the interpretation of case-study data may not be unambiguous.

IV. Case-study – Eastern Enlargement

Owing perhaps to the historical proximity of events, a shortage of theory-anchored attempts at explaining the recent Eastern enlargement is evident in the scientific literature. Insofar as such research exists, it has been dominated by constructivist approaches, stressing the importance of norms and ideas in shaping a process in which member states felt obliged to act according to the values they promoted. Such an explanation, however, presents just one side of the coin. Institutional factors, path-dependent outcomes, as well as exogenous shocks played their part.

If the Eastern enlargement should fit the concept of historical institutionalism, then it must be evident that (following its explanatory mechanism) gaps in member state control, conditioned by either the EU's institutional setting, the restricted time horizons of decision-makers, unanticipated consequences, or shifting member state policy preferences (or all of them together), and persisting and increasingly difficult to close through time because of path-dependent lock-in, led to the completion of the Eastern enlargement and made the EU more structured and densely integrated. Whether the latter holds true, i.e. whether widening would undermine deepening, is probably too early to assess (even though related research has been done showing that the presence of 10 new members might not necessarily burden decision-making in the EU), but certainly one can make conjectures as regards to the former questions posed. One would like to uncover who the main actors were, whether path dependent lock-ins were present and what direction was taken – was it further down an existing path, a completely new path or a path-dependent institutional change? If it was a change, what were its dimensions and who was responsible for it – the member states, the supranational entities in the EU, or the candidate countries?

To be sure, and fitting with the historical institutionalist paradigm, member states were yet again the most important actors in the Eastern enlargement, simply because the final decision as to whether there will be an enlargement belongs by virtue of institutional design to them. Thus, the end of the process is contingent upon the acquiescence of member governments; this, however, does not mean that the *beginning* of the process was entirely contingent upon the will and unconstrained decision of member states. Once started, the pre-accession procedures rolled member states into a spiral from which they found it difficult to extricate. Accounts on the role of the Commission in the Eastern enlargement (Vachudova 2005) stress its powers as a broker that induced a large enlargement with the aim of strengthening its own positions. It is claimed that the Commission promoted cooperation between EU members and candidate countries and could draw dividends from being endowed with the exclusive execution of the technical oversight over pre-accession negotiations and candidate development towards fulfillment of the accession criteria. It is, however, hard to ascertain the exact impact of the actions

of the Commission and whether they can account for throwing member states out of the driver's seat.

A closer look at the EU's institutional design is thus necessary. The high levels of integration in the EU (and connected to it the fear of being left outside with costly negative externalities such as trade diversion, investment diversion and aid diversion) clearly precipitated a desire on the part of newly-emerging Central and East European democracies to join. The considerably bigger number of candidates, however, emerged as an unintended consequence that reignited the necessity to introduce inner institutional reforms. In this light, the Eastern enlargement can certainly be viewed as breaking with the path of previous enlargements, which did not involve sweeping institutional change within the EU. That illustrates one of the gaps in historical institutionalism: not only barriers to institutional reform but institutional reform itself might serve to explain the persistence of gaps in member state control.

Another oft-cited unintended consequence, a product of a particular previous institutional outcome, which produced a lock-in effect for member states, that in the long run was conducive to the enlargement, was the negotiation of the Single European Act with which qualified majority voting was introduced. That decision fundamentally changed the institutional climate in the EU, making the reaching of consensus much easier and lessening the leverage of any particular member state.

Incremental change in the case of the Eastern enlargement was complemented by a significant exogenous shock in the face of the dismemberment of the USSR and Yugoslavia and the security gaps these two events produced in Europe. They were an origin of great uncertainty for the EU and at the same time an important impetus for strengthening the Union's common foreign policy. Responding to the interest of ex-communist European countries in joining it, the EU skillfully used its image to couple the promotion of democracy with the new common foreign policy and the restoration of stability. Due to its superior position in terms of political development, economic power and geostrategic significance the EU was in the position to set requirements which would-be members had to fulfill. Setting that process in motion, however, "[i]t is possible that EU governments did not understand the (...) difficulties of turning candidates away once they enter the process" (Vachudova, 2005: 8).

The Central and Eastern European countries, for their part playing no less considerable a role, interpreted the hopes that the European Council expressed in 1989, short after the fall of communism, that the artificial division of the continent will finally be overcome, as a promise to be allowed to join the EU and subsequently exerted a great deal of moral pressure on EU leaders to not step back on the ideals with which the Union was created. This strategic use of norm-based arguments, the so-called “rhetorical action”, underlying Schimmelfennig’s sociological institutionalist explanation of the Eastern enlargement, was instrumental into shaming member states into norm-conforming behavior:

[R]hetorical action changes the structure of bargaining power in favor of those actors that possess and pursue preferences in line with, though not necessarily inspired by, the standard of legitimacy. Rhetorical action thereby has the potential to modify the collective outcome that would have resulted from constellations of interest and power alone (Schimmelfennig, 2001: 63).

In the case of the Eastern enlargement rhetorical action was so effective because norms were not only a product of “self-interested calculations [but] constitute the identity of the actors: they not only constrain their behavior, but also constitute their world-views and preferences” (Sjursen, 2002: 492). Only such an understanding of the role of norms equips us adequately to make sense of why would-be members’ moral pressure made member states more and more entrapped in their democracy promotion program. Just how efficient moral shaming in the case was is demonstrated by Spain’s position on the enlargement. Spain considered it unthinkable to use its veto power, even though enlargement was certain to be against its utility. Because during the round of Southern enlargement it had been in a similar to the current candidates’ situation, this would have been morally unacceptable (Sjursen, 2002: 498).

In conclusion, the decision to open up the possibility of joining the EU for CEECs might have very well been a policy outcome, produced by a gap in member state control, which set the EU on a new path. Something in the causal mechanism further along the line is nevertheless missing, because historical institutionalism takes too little notice of informal constraints as a crucial part of human-devised institutions. Indisputably, there was a path dependent lock-in caused by a rising price of exit but historical

institutionalism somehow leaves those two concepts devoid of content. Moral constraints, aptly introduced into the game by the candidates, of which the theory does not take sufficient notice, are those that in the case of the Eastern enlargement made the costs of exit for member states greater through time and caused a lock-in that produced the ultimate acquiescence to accept the 10 candidates. Historical institutionalism can account for the initial decision to start an association procedure with CEECs but needs to incorporate more fully informal rules into its definition of institutions if it is to explain the transformation of intentions to associate the CEECs into intentions to *accept* them as EU members.

Having discovered gaps in historical institutionalism in the course of that case study does not invalidate the whole theory. It just necessitates the re-examination of some of its propositions in order to strengthen it.

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in my own hand and that I have used no additional sources of help other than the mentioned in the bibliography section. The places that cite word for word or paraphrase the meaning of other works have all been made known through a citation of the source.

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13/03/2006

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