

Journal of Contemporary European Research

Volume 15, Issue 3 (2019)

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Journal of Contemporary European Research

Volume 15, Issue 3 (2019)

Research Article

Who Is ERIC? The Politics and Jurisprudence of a Governance Tool for Collaborative European Research Infrastructures

Maria Moskovko, Arnljotur Astvaldsson and Olof Hallonsten

Citation

Moskovko, M., Astvaldsson, A. and Hallonsten, O. (2019). 'Who Is ERIC? The Politics and Jurisprudence of a Governance Tool for Collaborative European Research Infrastructures', *Journal of Contemporary European Research* 15(3): 249-268.
<https://doi.org/10.30950/jcer.v15i3.1028>

First published at: www.jcer.net

Abstract

Pan-European research infrastructures (RIs) have been labelled a ‘pillar’ of the European Research Area initiative (ERA) and ‘engines’ which are expected to drive forward the European Union (EU) economy by advancing its science and technology and ultimately its competitiveness on the global arena. The focus of this article is on the origins and nature of a policy tool named the European Research Infrastructure Consortium (ERIC), introduced by the EU in 2008 specifically for the purpose of stimulating and simplifying the set-up and operation of pan-European RIs.

The article offers an analysis of ERIC from the perspectives of legal, organisational and science policy studies. The findings demonstrate that enactment of the legal instrument signals the increasing involvement of a supranational body in a traditionally intergovernmental context of science policy. ERIC as a legal framework is characterised by its flexible nature in the sense that members of ERIC enjoy a significant discretion as to, for example, internal structure and financing. The taxonomy of twenty RIs which have to date been set up under ERIC status underlines the all-encompassing nature of the legal tool, which raises a number of further scholarly questions addressed here.

Keywords

Research infrastructures; European Research Infrastructure Consortium; Policy instrument; Scientific collaboration; Consortium; Intergovernmental legal instrument

How can the European Union (EU) enable day-to-day operations of such scientific organisations as a particle accelerator, a large data repository on societal values, or a platform facilitating biomedical research across different nations? Diverse in their missions, these types of collaborative facilities and resources for science have attained an umbrella term of ‘research infrastructure’ (RI) in the EU policy jargon. For over a decade, RIs have been praised for their ability to strengthen the scientific and technological capabilities of the EU through innovation and their potential to contribute to the Union’s competitiveness on the global stage. In order to facilitate a quicker set-up and smoother operation of European RIs, an entirely new organisational form, called the European Research Infrastructure Consortium (ERIC), was launched by the European Commission (Commission) in 2008. ERIC provides RIs with a legal personality and such features of an international organisation (IO) as exemptions from value added tax (VAT) and EU procurement rules.

Nearly a decade after the launch of ERIC, twenty RIs in different scientific areas have been set up with its help (see the table in the Appendix). Nevertheless, the existing scholarly research on ERIC is mostly case-specific (Lindström and Kropp 2017; Reichel, Lind and Hansson 2014), or limited to certain aspects of the ERIC phenomenon such as public participation (Ryan 2015), intellectual property (IP) rights (Yu, Wested and Minssen 2017), or public procurement (Graber-Soudry 2019). We identify a need for broader research efforts in political science, history, organisational studies, legal, as well as science and innovation policy studies on what ERIC is, where it came from, why it was introduced and how it works. This article marks a beginning for such research efforts, by laying out the historical origins of the ERIC phenomenon, the policy processes by which it came about, the details of the regulation upon which it rests, as well as the organisational characteristics of ERICs¹.

Historically, European collaboration on science was not a part of the original mandate of the then-European Community, rather it was made possible due to ad hoc intergovernmental solutions. Several successful cases of such collaborations include the European Organisation for Nuclear Research (CERN) in nuclear and particle physics, the European Southern Observatory (ESO) for ground-based astronomy, the European Synchrotron Radiation Facility (ESRF) for multidisciplinary materials and life sciences, and the space programmes within the European Space Association (ESA) (Krige 2003; Papon 2004; Hallonsten 2014). All of these, and several others have proven the worth of European intergovernmental collaboration in science and enabled Europe to keep up with international competition, foremost from the United States and Japan, in many scientific and technological fields. Some collaborative efforts have even given pan-European scientific communities an alleged global lead in their respective areas, in spite of an absence of coherent policy frameworks for their launch and development (Hallonsten 2016: 73-74).

In recent years, policymakers have paid increased attention to how RIs are funded and organised, not only in the natural and technical sciences but also in medicine, social sciences and the humanities. This is now a common theme in research and innovation policy, both at member state levels, as well as at such intergovernmental fora as the Global Science Forum (GSF)² of the Organisation for Economic Cooperation and Development (OECD) and G7. This is also a policy area where the EU has been proactive in enabling new European collaborations: in addition to money allocated via the EU funding schemes for research, the launch of the ERIC organisational form may be viewed as a very significant step of the EU in demonstrating its unprecedented commitment and exercising its law-making powers in the research and innovation area.

The article begins by introducing the methods it relies on. The following section provides a conceptual and historical background of European collaborations on science. Thereafter, we outline the developments in the domain of research policy which led to the EU's increased involvement in the matter of RI. The article continues with reflections on those legal foundations of the EU which enabled ERIC, before sketching out its legal portrait by dissecting the ERIC regulation (2009). Finally, we consider the organisational characteristics of ERICs and conclude by reflecting on the nature of this policy tool and suggesting potential paths for further research.

A NOTE ON METHODS

The primary questions we aim to answer in this article are what ERIC is, how and why it came about and what characteristics organisations under the status of ERIC possess. We acknowledge that the scope of a single article allows us to reveal only a concise account of the background and characteristics of ERIC; however our attempt to conduct this interpretive study by employing the perspectives of a legal scholar, a sociologist of science and a political scientist is done with the intention of delivering the starting point for a comprehensive analysis of this policy tool.

The foundation of the article is built upon a synthesis of historical accounts of European scientific cooperation on the matter of RI. The timeframe stems from the post-Second World War period until more recent developments leading up to the creation of ERIC in the late 2000s. With the purpose of determining the underlying causes leading up to the launch of the supranational ERIC instrument, we focus on the policy-related, legal and organisational explanatory factors which led to ERIC as an outcome. This allows us to draw inferences regarding the driving forces which stimulated the enactment of this legal tool.

As a second step, we trace the legislative processes around the enactment of the policy instrument by following the stages of the EU legislative procedures. The legal study of the ERIC form in this article is based upon a classic legal doctrinal method whereby relevant legislation and related preparatory

material has been examined and analysed in order to explain the legal form and the legal framework it is built on. For this purpose, publicly available documents were retrieved from the EU Lex and the archives of the EU institutions involved in decision-making on the ERIC instrument. The time frame was set for the period between 2000, marking the launch of the ERA initiative, and 2013, with the amendment of the ERIC regulation. The focus on the legal dimension of ERIC allows us to summarise and reflect on the main features of this legal tool.

An overview of the present-day organisational landscape of the twenty ERIC facilities was performed by constructing a table in order to differentiate between the diverse ERIC facilities (see Appendix). The information was retrieved from the websites of the individual ERIC facilities, official decisions of the Commission on the status of ERIC, the European Research Infrastructure Forum (ESFRI) roadmaps and the Commission's own account of the ERIC landscape.

BACKGROUND: 'EUROPE IS NOT OPTIMALLY ORGANISED'

Modern society is often seen as an organisation society (Presthus 1979; Coleman 1982; Perrow 1991), and the dominating organisational form is the limited liability company, the detailed legal status and leeway of which differs slightly between different countries, but the basic principles of which are universal. Aside from limited liability companies, governmental agencies, foundations and various forms of associations (including non-governmental organisations (NGOs) and international treaty organisations) are also common forms of organising collective endeavours, the goals of which are hard to accomplish without such a formal structure. Although there are several indications that scientific research is an activity with distinct characteristics that differ from, for example, the exercise of power through governmental authority and the accumulation of profit by the efficient production and marketing of products and services (e.g. Merton 1973; Whitley 1984; Münch 2014), there has, hitherto, been no organisational form that is specifically provided for international collaboration on science.

In most countries, both universities and independent governmental research institutes are either non-profit foundations, limited liability companies or governmental agencies. Large scientific facilities (Big Science) are typically operated either as companies, IOs or subsidiaries of foundations and associations, regardless of whether they are nationally or internationally owned and funded (Hallonsten and Heinze 2012). Prior to the launch of the ERIC organisational form – which may be looked upon as a form enabling collaborative research activity – multinational European research facilities were either treaty organisations (e.g. CERN, ESO) or limited liability companies established and operated under domestic legislation in the countries of their location (e.g. ESRF, the Institute Laue Langevin (ILL) and the European X-ray Free Electron Laser (XFEL)) (Hallonsten 2014). Smaller-scale and networked European RIs and other similar entities were, similarly, companies or associations (Lindström and Kropp 2017).

The Treaties of Paris (1951), Rome (1957) and Brussels (1967) that founded the European Coal and Steel Community (ECSC) and the European Economic Community (EEC) included no provisions on collaboration in science, other than on the side of applied sciences, for instance within the European Atomic Energy Community, Euratom (Middlemas 1995: 21-22). Thus, it was not until the 1970s that science and technology became an area of European Community policy (Grande and Peschke 1999: 45; Papon 2004: 69-70), and not until the new millennium that the EU actively started to take part in the maintenance and development of a broad research base in Europe, through its ERA initiative.

Nonetheless, as noted above, (Western) Europe managed to establish a number of collaborative IOs in science, building on post-war technology optimism and the unprecedented resource mobilisation in science, innovation and education in the North America and Europe of the 1950s and 60s. Part of the reason behind the launch of CERN in 1954 was to counter the 'brain drain' from Europe to the United

States and to keep German nuclear physicists occupied with peaceful research (Krige and Pestre 1987). CERN and its later counterparts in other areas of science were also motivated by global competition which necessitated intergovernmental collaboration to achieve a critical mass and reach the necessary levels of competitiveness (Krige 2003; Hallonsten 2016: 53-56).

Since European collaboration in science was not part of the mainstream Western European political integration process (through the ECSC, EEC, European Community and EU), for the remainder of the century it stayed formally uncoordinated and dominated by ad hoc solutions and a variety of organisational forms and legal arrangements. As of today, the area of research and innovation belongs to the area of shared competences between the EU and the Member States (Article 4, Treaty on the Functioning of the European Union (TFEU)), where the EU has 'competence to carry out activities, in particular to define and implement programmes', while 'the exercise of that competence shall not result in Member States being prevented from exercising theirs' (Article 4, TFEU).

While national political systems normally have procedures and institutions in place to channel initiatives – big and small – in science (e.g. systems of national laboratories, and political decision-making processes) (Hallonsten and Heinze 2012), European countries collaborate with the help of a vast and complex assortment of political deals and negotiations on a variety of levels, for which there are usually no (directly applicable) rules or guides to rely on. Some analysts have claimed that this lack of coherence is in fact one of the reasons for the scientific successes of many of these collaborations, as it has kept bureaucracy and institutional inertia at bay and bred a dynamic efficiency in which every specific collaborative project is allowed to meet the demands of its particular scientific community at the time of its realisation (Papon 2004; Gaubert and Lebeau 2009: 38; Hoerber 2009: 410).

However, the incoherence and lack of framework, especially in comparison to the structured process of launching megaprojects in the United States (Hallonsten and Heinze 2012; Hallonsten 2016: 86-87, 94-95), also meant that the policy field was very opaque and cluttered, and it seemed nearly impossible to avoid repeating the mistakes of predecessors. This situation led Peter Tindemans, former Secretary General of the non-profit interest organisation EuroScience and former president of the OECD Megascience Forum, to reflect that 'Europe is not optimally organized' and that 'European policy wheels in this area more frequently keep churning and churning, and then after a long period come to a halt' (Tindemans 2000: 3). In practice, several collaborations have been blatantly exposed to the realpolitik of the mainstream European integration process, such as the British-French strains of the 1960s, which delayed the launch of ESO, the French-German partnership of the 1960s and 70s that enabled the creation of ILL and ESRF, and the problematic relationship between Germany and Russia in the early 2000s that put their mark on the structure of the XFEL collaboration (Hallonsten 2014).

Historians and sociologists of science have concluded that the difficulties in reaching agreeable solutions in a timely manner are due not only to insufficient regulatory frameworks and institutionalised practices, but also the basic reason for political collaboration. With very few exceptions, European countries do not take part in collaborations in science (or otherwise) other than out of self-interest – 'the pursuit of one's interests by other means' as Krige (2003: 900) phrased it; while a collaboration is many times far greater than the sum of its parts, and can give European scientific communities a global competitive advantage, as arguably happened in the case of CERN, ILL and ESRF (Hallonsten 2016: 72, 90).

Hence, tensions between self-interest and the common good represent a conflict of interest that shows up in many different forms in these collaborations. This is evident in the negotiations over financial contributions, including the often difficult issue of domestic taxation, in the decision over siting, in the devising of schemes to regulate procurement of goods and services and the allocation of access to joint resources among national scientific communities (Hallonsten 2014: 43-45). In other words, the room for active policymaking in this area by the European supranational legislative and

polymaking body, to reduce barriers to successful launches of collaborative endeavours and ease tensions between national self-interest and common good, is significant.

THE INCREASED INVOLVEMENT OF THE EU IN RESEARCH POLICY

It was not until the 1970s that the European Community began paying attention to interstate collaboration in science and technology and at first the efforts were targeted at specific technological areas identified as important for European long-term economic growth (Tindemans 2009: 14). Specifically, on the side of RIs, it took until the Second Framework Programme (FP2, 1987-1991) before any funding was made available. Within it, a 30 million European Currency Unit (ECU) budget was allocated to the 'use of major installations' (European Council 1987). This fund was expanded gradually over the years and the successive framework programmes, but it was not until the early 2000s and the launch of the ambitious ERA initiative that RIs got a prominent position in EU-wide science and technology policy.

One of the tasks of the ERA was to enable the creation and operation of world-class European RIs (Chou 2014; Ryan 2015). As a result, in 2002, the policy coordinating platform ESFRI was set up by the initiative of the European Council in order to carry out a coherent EU-wide policy on existing and upcoming RIs (Papon 2009: 40). ESFRI is composed of national delegates and a representative of the Commission, and its nature and purpose may be looked upon as one of the means of realisation of the ERA objectives in the realm of RIs (Ryan 2015: 309).

ESFRI may also be described as a soft mechanism of policy coordination: it has been able to set some priorities by performing an EU-wide 'inventory' of new RIs and major upgrades of the existing projects of pan-European importance (Pero 2010; Feder 2016), much like the national processes that have been accomplished in parallel in most EU Member States. However, ESFRI's mandate neither covers funding nor real political priorities, and so the task of shepherding promising RIs towards realisation is still left to the Member States to negotiate. The ESFRI inventory, which is updated regularly and published in a 'roadmap' document (ESFRI 2006, 2008, 2010, 2016, 2018) has been criticised for being an 'impossible wish list' without differentiation between large and small infrastructure projects and with insufficient connection to the real processes of political decision-making around RIs in Europe (Springfellow 2016).

If the ERA made RIs a priority of EU research policy, the Europe 2020 strategy placed them in an even more elevated position: pan-European RIs were declared a 'pillar' of the strategy and pictured as the 'engines' which are expected to drive forward the EU economy by advancing its science and technology (European Commission 2008; ESFRI 2008a). Following this aspirational discourse, the EU bureaucratic machineries got to work on hammering out practical initiatives in the RI domain, which eventually produced the ERIC regulation. In 2007, the Commission took stock of the development of the ERA within the European Council's 2000 Lisbon Strategy (European Council 2000) in a specific green paper in which the ERA was described as the 'internal market for research' – an area which should allow for the free movement of researchers and free circulation of knowledge (European Commission 2007).

While acknowledging that progress had indeed been made, the Commission highlighted the fragmentation of research activities as a concern for the ERA, with research activities still largely confined to individual Member States. These concerns, the Commission said, could in part be met by establishing and operating 'world-class research infrastructures, integrated, networked and accessible to research teams from across Europe and the world' (European Commission 2007: 2). Pan-European infrastructures could be in service for the entire EU and would replace dispersed national and regional funding, tackling ineffective allocation of resources, potential duplication of research efforts and

results, as well as the inability to capitalise on spillover effects. It may thus be concluded that stimulation of the establishment of RIs was imperative in enacting the ERIC framework.

Additionally, and perhaps most significantly, initiating new and important research activities would entail sharing construction and operation costs among several Member States, with the Commission noting, as an example, that EU budgetary plans could not cover the estimated costs of ESFRI's 2006 vision of European infrastructures (European Commission 2007: 12-13). Thus, the Commission placed focus on the need for effective financing channels and finding ways to generate the necessary financing for setting up RIs with the ultimate goal of attaining the ERA goals. On the other hand, this also raised another significant issue standing in the way of an efficient set-up of new RIs: the EU (or individual Member States) provided neither a legal structure for setting up 'appropriate partnerships', nor a specific legal framework facilitating the creation of pan-European infrastructures (*ibid.*: 13-14).

In July 2008, the Commission presented a proposal for a legal framework for what it called ERI (European Research Infrastructure), and promptly forwarded it to the European Council and the consultation bodies – the European Parliament (EP), the Economic and Social Committee and the Committee of the Regions – in accordance with the legislative procedure set forth in Article 188 (TFEU). In general, the opinions of all three institutions and bodies were in favour of the proposed legal framework and the Commission's initiative was approved, with suggestions for amendments, in particular from the EP.

The amendment demands from the EP were aimed at reducing the legal form's commercial character and activities and minimise, or exclude, the participation of private actors while apparently elevating centralisation, i.e. added EU involvement in the establishment and operations of RIs (European Parliament 2009). The Commission gave its comments on the EP's amendment suggestions in early 2009, which resulted in a partial agreement. In the spring of 2009, an agreement was reached on the amended proposal in the Council, with the proposal adopted in June 2009 (European Commission 2008a; European Council 2009). By then, the framework had been renamed ERIC – European Research Infrastructure Consortium – verbally signifying the responsibilities put on the collaborating Member States, rather than the EU. In August 2009, the ERIC regulation was published in the Official Journal of the European Union and entered into force later that month.

THE LEGAL FOUNDATIONS OF ERIC

The EU is based upon the rule of law and only has the competence to act in accordance with what its Treaties (currently the Treaty on European Union (TEU) and the TFEU) allow. Thus, even though the improvement of the conditions for intergovernmental scientific collaboration by creating a specific EU legal instrument was widely accepted as the right thing to do by the EU, Member States and other stakeholders, the Commission still needed to find a sufficient legal basis for its suggestion, i.e. Treaty provisions from which the proposed legal framework could derive its legality. Article 181(2) TFEU allows the Commission to take 'any useful initiative' to promote the coordination between Member States of research and technological development activities, and Article 187 empowers it to set up 'joint undertakings or any other structure necessary' in order to execute the EU's research programmes. The Commission did indeed consider the possibility of introducing the new RI legal form as a joint undertaking (European Commission 2008b: 19), noting the Galileo satellite navigation system as an example of a use of that form. However, the actual financing of the Galileo system and other projects set up as joint undertakings turned out to be more homogenous, with the EU remaining the main source of financing. That, along with the high level of EU involvement in general, led the Commission to recommend against using the joint undertaking for the proposed European RIs (*ibid.*: 19).

As a consequence, the Commission, recognising the lack of specific legal form for RIs under EU law, and the inadequacy of existing legal forms under EU and different national laws, made full use of article 187 in the TFEU, and its option to set up a new, ad hoc structure (European Commission 2008b: 20). The structure proposed was in the form of a Council regulation, namely the ERIC regulation (European Council 2009). Using Article 187 of the TFEU as a legal basis in this manner was, in the Commission's view, substantiated by Article 179 of TFEU, which put the obligation on the EU to complete an internal ERA, for example by removing 'legal and fiscal obstacles' so that cross-border research cooperation could be fully exploited. Hence, policy motives and the legislative powers of the EU enabled the passing of the regulation on a new policy instrument for the area of research and innovation, with an ultimate goal of simplification of the set-up and operation of RIs.

A particularly notable feature of this legal instrument is that its use by the Member States willing to collaborate on the matter of RI, is conditional upon authorisation by the Commission and its continuous monitoring that the RI in question operates in accordance with the ERIC regulation. For that purpose, a comitology committee was set up in 2009 (European Commission 2010). In that sense, the decision to curb the EU's (European Commission's) role in the operations of individual ERICs is in line with one of the main principles of the EU – the principle of subsidiarity. The principle allows intervention by the EU 'only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States [themselves], but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level' (TEU, Article 5).

The principle of subsidiarity is often referred to as a mechanism for balancing power between individual Member States and the integration objectives of the EU (Öberg 2016). Therefore, while Articles 181 and 187 of the TFEU empower the Commission to 'take any useful initiative to promote the coordination' of research and technological development activities among the Member States, and 'set up joint undertakings or any other structure for the efficient execution of Union research, technological development and demonstration programmes', the regulation stresses that ERIC 'should not be conceived as a Community body [...], but as a legal entity of which the Community is not necessarily a member and to which it does not make financial contributions [...]' (European Council 2009). In other words, the EU does not intend to become a partner in pan-European RIs alongside those Member States that choose to collaborate.

Indeed, the fact that the initially proposed name for this legal instrument – European Research Infrastructure (ERI) – became European Research Infrastructure Consortium (ERIC) may signify an intentional setting of the tone in terms of responsibilities (monetary or in-kind contributions for RI), i.e. that they lie not with the EU, but rather with the collaborating Member States. Therefore, the role of the EU is that of the facilitator: with the capabilities of a supranational body, the EU put forward a practical policy instrument for Member States to implement. Nonetheless, the launch of the ERIC framework meant that the Commission, as an executive arm of the EU, now has a more active role in the RI domain than ever before, although its present intention is to remain an observer and a facilitator, rather than an equal stakeholder.

Therefore, from the policy perspective, ERIC may be viewed as a new legal instrument, devised to overcome barriers that may be political, but the proper remedy to which – at least in the view of the Commission – is through legislation. When the Commission proposed the enactment of the ERIC regulation, its main objective was to make it easier for different actors to join forces and ensure that cross-border collaborative research activities get set up more quickly and smoothly (European Commission 2008c; European Commission 2018). The idea was that the ERIC framework would provide a specific legal form for such research projects, given that the existing ones were deemed insufficient due to the involvement of multiple actors of different nationalities and jurisdictions (European Commission 2008c). It may therefore be posited that one of the main benefits of creating a specific legal form for pan-European RIs was down to sheer simplification, introduced on the basis of historical

experiences of delays, incoherence, and inability (European Commission 2008b). Hence, we may conclude that stimulation and simplification were the two main driving forces behind the creation of this new legal form.

THE ERIC REGULATION

Before addressing individual provisions of the framework provided by the ERIC regulation, it is fitting to describe briefly the essence of and main objectives behind its structure. Simply put, the ERIC regulation sets up a framework for establishing and operating infrastructures in a specific legal form, which has to involve at least one Member State and two other countries that are either Member States or associated countries. In addition, other (non-EU) countries and intergovernmental organisations can also join as members or observers. Thus, on the basis of the regulation, the EU Member States that are working on, or interested in setting up a cross-border research activity in a certain field, can apply to the Commission to establish their activity (the infrastructure) with the help of the ERIC legal form, i.e. to establish the infrastructure as a legal entity with full legal personality and the legal name ERIC.

While the overall objective of the ERIC legal framework may be seen as the provision of a platform for the EU Member States to combine their resources and efforts in order to set up cooperative RIs (simplification), the narrower focus is on getting Member States to actually use the ERIC legal form and thereby contribute to the advancement of the internal European research market (stimulation). Thus, one of the main challenges was to create an instrument that is flexible, easy to use and can be set up relatively quickly (European Commission 2008b: 36). In terms of flexibility, the framework requires that application to the Commission is accompanied by statutes – a prospective constitutional document – which should be in compliance with the mandatory features of an ERIC facility, as set forth in the regulation. This should allow for flexibility in terms of structuring each ERIC in accordance with the various research fields they serve. In terms of saving time and effort, which is considered imperative, the legal framework is expected to bring several advantages.

First, lengthy negotiations between different states on the appropriate legal arrangement with the entailing analysis of different national (and European) legal forms, would be avoided, as well as the search for alternative solutions in case existing legal forms needed to be adjusted or complemented (European Commission 2008b: 32). This framework would thus present a ready-to-use legal form that would ensure the full recognition and capacity of the legal person established in all Member States. Second, the intention to have the legal form recognised as an IO for the purposes of, inter alia, escaping the payment of VAT and excise duties would solve one of the potential negotiation obstacles between interested states, as the non-host states would not need to worry about unequal positions in terms of obtaining benefits from investing in the infrastructure, i.e. that those states that participate and provide financing without hosting the RI would be financing the payment of VAT to the host state (European Commission 2008b: 34). Third, many multinational research projects have been established by international agreements. By setting up a new legal entity for research purposes with the Commission's acceptance, based upon EU regulation with the legal base in the Treaties, the Member States would not have to go through the cumbersome process of having an international agreement ratified in national parliaments (European Commission 2008b: 32), or getting their respective foreign ministries involved and thus prolonging the internal negotiations.

The details of the regulation³ indicate that it provides a legal form for RIs and a legal framework around that legal form. The legal form can be subsequently used to establish individual (and, purportedly, independent) legal persons, which should have the abbreviated word 'ERIC' as a part of their legal name. This is the essence of the regulation: putting a legal form at the disposal of actors (mainly EU Member States), which can then establish legal persons that operate within that legal form and its

framework. The nature of the operation of ERICs is limited: they shall principally be occupied with establishing and operating RIs⁴. A crucial feature of an ERIC is that it is not commercial in nature and should therefore carry out its activities on a non-economic basis (Article 3(2)). This means that ERICs should not look to commercialise their activities by offering the products of their operations on a market in return for remuneration. Nevertheless, an important caveat is added as ERICs are allowed to engage in 'limited economic activities' that are closely related to the main research task and which do not impede its fulfilment (Article 3(2)). Thus, the regulation opens the door for limited commercialisation of the research work of an ERIC, justified by boosting innovation and the transfer of technology (Preamble, Recital (8)). An obvious example in this regard would be the licensing of certain IP that has been discovered and developed within the operations of an ERIC, by creating a spin-off company (European Commission 2010a: 13).

For a project to be accepted as an ERIC, it has to have certain essential elements of a European RI. Namely, the project must justify excellence of European research in a broader sense and add something valuable to the ERA, including being accessible to researchers and contributing to the dissemination and mobilisation of knowledge and information within Europe (Article 4). The research activity can thus not be an isolated one with limited value for the EU as a whole but should rather be a contributing factor in achieving an integrated European research market. This must be clearly outlined in the application for ERIC status, which should be submitted to the Commission along with the proposed statutes of the ERIC-to-be and a declaration by the host Member State that it will give the ERIC the status of an IO within its jurisdiction (Article 5).

The Commission⁵ is the EU institution tasked with evaluating applications for ERIC and making final decisions on whether they may be established. The Commission assesses whether a project, and its application, fulfils the above requirements and other conditions in the ERIC regulation, advises on necessary changes and subsequently adopts a decision, either rejecting or accepting the application (Article 6). The Commission's acceptance is in the form of an implementing decision published in the EU's Official Journal along with the main features of the statutes of the proposed ERIC. Although neither stipulated in nor intended by the regulation, the Commission also appears to undertake the role of an incubator, providing funding for the preparatory phase of these collaborative projects and, along with ESFRI, overlooking their developments (ESFRI 2016, 2018).

Only EU Member States, associated countries⁶, other third (non-EU) countries, and IOs can be members of an ERIC; hence, private actors cannot. Members may come and go, but an ERIC must at all times be formed of at least one Member State and two other states, which are either Member States or associated countries. Initially, this requirement was limited to Member States alone, of which there had to be at least three at any point in time. In 2013, the ERIC regulation was amended to reflect better the contribution of associated countries to the ERA and give them a better opportunity of participating in European RIs (Amendment, Preamble and Article 1). As a result, in 2017, Norway became a host nation to two ERICs. This development demonstrates the fact that as the ERIC legal framework is based on secondary EU legislation, it is susceptible to change.

The regulation also provides a simple frame for the governance structure of ERICs, with the structure being further detailed in their statutes. However, the statutes should at least allow for an assembly of members, as the highest authority that appoints a board of directors, or a director, as an executive body and legal representative (Article 12). The important matters regarding the rights and obligations of members are left to the statutes, including the crucial matter of members' financial contributions and voting rights (Article 10(1)(h)). However, voting rights do not necessarily correspond to members' input as Member States or associated countries, or a mixture of the two, shall at all times jointly hold the majority of voting rights (Article 9(3)). Thus, irrespective of third countries or IOs providing the bulk of funding for an ERIC, the power to decide on the essential matters of the ERIC should still be in the hands of the EU member countries, or states closely associated with the EU, in accordance with 'the

[EU] dimension of the regulation’ (Preamble, Recital (14)). On a similar note, the statutory seat of the ERIC legal entity shall be in a Member State or associated country (Article 8(1)).

An ERIC facility is a legal entity that shall have full legal personality from the effective date of the decision by the Commission and full legal capacity in each Member State, which allows it to enter into all kinds of lawful contracts, have rights and bear responsibilities and be party to legal proceedings to the greatest extent accorded under the law of each Member State (Article 7(1)-(2)). Of course, the EU is not competent to oblige associated countries to recognise ERICs as legal persons with full legal capacity, and thus the regulation does not refer to them in this context. In its first report on ERIC, the Commission states that

associated countries or third countries to which the ERIC regulation is not directly applicable, [...] need to submit a binding declaration recognizing the legal personality and the privileges of an ERIC for possibly hosting (in the case of associated countries) or becoming a member’ of an ERIC (European Commission 2014: 5).

The recent report of the Commission on ERIC points out that so far only Israel and Serbia have submitted those declarations (European Commission 2018: 7).

Additionally, ERIC as a legal person has two important and distinguishable characteristics. First, the general rule is that an ERIC is a legal person where members have limited liability – their liability is limited to the financial contributions they make (Article 14(2)). Another, greater, liability structure can be put forward in the statutes, but limited liability is still the general rule. In relation thereto, the regulation expressly states that an ERIC, as an independent legal person, is liable for its own debts and, furthermore, that the EU shall not be liable (Article 14(1)). The regulation’s built-in rationale for such a liability regime is that it logically follows from having its own legal personality and would also allow for more efficiency in operations, although, notably, the assertion on efficiency is not further elaborated upon (Preamble, Recital (20)). Second, ERICs should have the status of IOs (and bodies) in two predetermined and delimited situations: (1) in general enjoying certain exemptions IOs get in terms of paying taxes (VAT and excise duties) (Article 5(1)(d)); and (2) from complying with public procurement rules, when buying goods and services (Article 7(3)).

It is also relevant to address briefly the applicable law and jurisdiction – issues which are of paramount importance when establishing a legal form that not only intends to operate on a cross-border basis, but because such an element is a prerequisite for its existence. The regulation sets forth the following hierarchy in terms of laws applicable to the establishment and operations of ERICs: first, EU law, including the ERIC regulation, shall apply. Second, the law of the state where ERIC has its statutory seat (which could be an associated country) shall apply in instances and situations not covered by EU law. Third, the statutes of the specific ERIC, as codified by a Commission implementing decision, shall apply (Article 15(1)).

ONE SIZE FITS ALL?

Viewed from the perspective of organisational studies, the features immanent to a facility set up under the status of ERIC are mixed and may thus characterise ERIC as an international body, a public, or a private entity. Hence, a certain hybridity is present in organisations under this legal-administrative status. Hybridity in this sense refers to a condition of ‘mixed origin or composition of elements’ (Denis, Ferlie and van Gestel 2015: 275). This mix is particularly evident in the fact that ERIC is neither an EU agency, nor a part of its Member States (Reichel et al 2014: 1056). While it possesses some of the attributes of an IO (e.g. procurement and VAT exemptions), it also adheres to national laws (e.g. employment legislature) and its statutes (e.g. data or IP policy).

In view of the implementation of the ERIC regulation, while it provides certain simplifications during set-up and other benefits, ERIC is still a novel creation that is not fully recognised by the external actors with whom RIs under this legal status come in contact (European Commission 2018). This novelty reportedly poses challenges to the everyday life of ERICs, such as in registrations under the national legal systems, opening bank accounts, applying for loans or claiming reimbursement of VAT and excise duties (European Commission 2014, 2018). Hence, some of the features of this legal form are yet to get diffused from the EU level down to the Member States levels and to become recognised and accepted norms among the rest of the society.

As mentioned above, the diversity within the group of existing ERICs is striking (see table in Appendix). In the taxonomy used by ESFRI in its roadmap reports, five are in the area of ‘social and cultural innovation’, six in ‘environment’, five in ‘health and food’ (however, rather in the ‘health’ and not in the ‘food’ part of this classification), three in ‘physical sciences and engineering’, as well as one in ‘energy’. But the dissimilarities do not end there. The variation in budgets, both for construction and operation, is enormous: the most expensive ERIC, the European Spallation Source which is a neutron source for multidisciplinary materials science, costs a thousand times more to establish than, for example, the European Clinical Research Infrastructure Network (ECRIN), which costs only 1/70 of the European Spallation Source in annual operation costs (ESFRI 2016). Quite trivially, this diversity implies a great diversity of organisational structures and goals, standards for evaluation, stakeholders, users, levels of political discussions and decision-making. Furthermore, despite the majority of the existing ERICs being distributed by their nature – meaning that they are composed of networked resources or nodes spread out in the collaborating Member States – only the coordinating office of such an RI may be exempt from VAT. Hence, it appears the matter of VAT, and particularly the possibility of VAT exemption for in-kind contributions, has yet to be worked out between the Member States and the EU (European Commission 2018).

Moreover, despite the intended stimulation, the ERIC regulation and its practical manifestation in twenty RIs appears to diverge from mainstream EU policy, including RI policy. For example, in spite of ESFRI’s prioritisation of the area ‘food’, so far no ERIC has been established in that area. Besides, two of the existing ERICs are not even on the ESFRI roadmap. Furthermore, the involvement of non-EU countries in ERICs and such a gesture as the UK becoming an official member of the European Spallation Source ERIC in 2016, despite Brexit, or even becoming a host of its second ERIC in 2017, signals that RIs continue to occupy a side track of European policy. The EU and the UK, however, explicitly mentioned the need to explore the future of the UK’s participation in the ERICs (European Council 2018: 5). On 16 January 2019, the UK amended its legislation in favour of ‘Continuing ERIC Regulation’ after the exit (UK Statutory Instrument 2019). It is, however, still, to a large extent undecided what measures will be taken in relation to the UK’s participation in ERICs – including with respect to the two ERICs hosted by the UK – after it leaves the EU without a deal, which will likely lead to the UK being neither a member, nor an associated country under the ERIC Regulation (UK Parliament 2019).

In this regard, all but one of the Commission decisions establishing ERICs after the UK notified its intention to leave the EU in March 2017 address Brexit, albeit in a very limited manner. Thus, regarding Instruct-ERIC, with its statutory seat in Oxford, the Commission implementing the decision states that, if ‘the United Kingdom ceases to be a Member State and without prejudice to the provisions of a possible withdrawal agreement, the Statutory Seat of Instruct-ERIC will be relocated to the territory of a Member State or associated country [...]’ (European Commission 2017). Further, the Commission, implementing the decision establishing the latest ERIC, EPOS ERIC, states that the UK will, upon leaving the EU, and unless a withdrawal agreement stipulates otherwise, be considered as a third country within the meaning of the ERIC regulation (European Commission 2018a).

In light of the ambition of simplification in the context of the EU bureaucracy, the approach of the ERIC regulation of providing a single legal form for different kinds of RIs seems logical; however, from the perspective of organisational studies, science policy studies, and history of science, this variety would suggest that the current categorisation of RIs is rather artificial and the identification of the twenty RIs in the table (see Appendix) as an organisational field appears unnatural, both as an act of scholarly work and policymaking (Hallonsten forthcoming 2020). The logical implication of the discussions on the flexibility of ERIC's legal form is the question of whether in fact practically any kind of research collaboration – as long as it fits into the broad criteria of the ERIC regulation – may qualify to become an ERIC? And if so, what effect does it trigger in terms of the ultimate goal of attaining a sustainable RI landscape, able to contribute to the competitiveness of the EU in the global knowledge economy? We encourage future research to look into these questions.

An interesting development worth mentioning is that recognising their differences, but also acknowledging the similar challenges faced by the established ERIC facilities, an informal ERIC Network was formed in 2014 (European Commission 2014). The representatives of the already established ERICs or those in the application process, along with representatives from the Commission and on occasion representatives from national research ministries, meet twice a year in order to exchange best practices and communicate with one another and the Commission (European Commission 2018). As of 2017, the network transferred to a more formal structure, titled the ERIC Forum (CERIC ERIC 2017), the purpose of which – apart from dealing with the common challenges – is also 'to contribute to the further development of the ERIC Regulation, ESFRI framework and European and international research context' and 'to foster the visibility, impact and sustainability of ERICs' (ERIC Forum 2018). This action may signal that even though these diverse organisations do not constitute a single organisational field (Hallonsten forthcoming 2020), their shared interests lead to coalition-building with an evident intention to promote common interests and ensure visibility at various levels.

CONCLUSION

This article has characterised the nature of ERIC as a legal instrument, determined the causes which led to its enactment in the form of an EU regulation and traced the process of its emergence by focusing on the policy and legal developments. The ERIC legal framework was launched by the Commission in order to alleviate a major concern that existing structures for the creation and organisation of European collaborative RIs were insufficient. In addition, another motivation was to facilitate a swifter move towards the goals of the ERA initiative. Therefore, stimulation and simplification were identified as the main driving forces behind ERIC.

Without doubt, the legislative powers allowed the EU to enact this legal tool for RIs and in this way obtain a solution that national legal systems could not fully provide. Once RIs are established under the status of ERIC, they should, as a matter of EU law, be recognised as legal persons and attain some features of IOs. Those include VAT and excise duty exemptions, as well as eased procurement rules. Nonetheless, the benefits that an ERIC facility is supposed to attain – despite nearly a decade having passed since the instrument's enactment – still have not become fully accepted at the levels of individual Member States. This is particularly evident in instances when ERICs as legal persons engage in day-to-day encounters with such external actors as financial institutions or national registry offices (European Commission 2014, 2018).

Furthermore, the diversity of the ERICs has proved to be striking. The all-encompassing and flexible nature of this instrument allows scientific organisations of different forms, sizes and missions to be set up and operate under the status of ERIC. Despite their differences, the current twenty ERICs have since 2014 been engaged in a forum, which may be seen as an informal interest grouping of these novel creations that advocate for their own visibility and recognition. The all-encompassing nature of the

legal form is also evident from the 2013 amendment of the ERIC regulation which ensured increased involvement from the associated countries. In addition, the 2013 amendment of the ERIC regulation serves as a reminder that ERIC is not set in stone and, being secondary EU legislation, is susceptible to change. This means that its flexible structure allows it to adjust to the challenges which the EU may face in the future. In the course of time, an amendment could, for example, completely alter this legal form and, possibly, even remove it. Currently, ERIC mostly fulfils the function to set up RIs and once they start running and entering subsequent stages of their life cycles, new challenges may emerge and continued legislative solutions might be the way to respond to them.

We would therefore like to encourage continued scholarly efforts within Political Science, Law, Sociology and Economics in order to evaluate what precedents the current state of ERIC legal form may set for the future of collaborative scientific organisations and their governance. Such scholarly inquiries can, with significant reward, begin with problematising the ERIC framework as a policy tool for achieving political, organisational and legal consistency in a field where incoherence has long ruled and where the current science policy regime – on the European, as well as the level of individual Member States – depends on coordinated efforts on behalf of the EU. Moreover, a decade since its enactment, it might also be time to start reflecting on whether the key ambitions are being fulfilled by the ERIC regulation. Such studies will require longitudinal analyses and an extensive time-frame and we therefore encourage starting data collection immediately.

ACKNOWLEDGEMENTS

We would like to thank the individuals who provided their constructive comments on the earlier versions of this article.

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ENDNOTES

¹ We use ERIC in plural as a collective noun, meaning RIs set up under the ERIC status.

² Formerly the Megascience Forum.

³ The remainder of this section gives a summary of the ERIC regulation and therefore references are given to specific articles in the regulation, unless otherwise stated.

⁴ Which are defined as ‘facilities, resources and related services that are used by the scientific community to conduct top-level research in their respective fields and cover major scientific equipment or sets of instruments’ (Article 3(1), cf. Article 2(1)(a)).

⁵ The Commission is also required to obtain opinions from independent experts (Article 5(2)).

⁶ An associated country is ‘a third country which is party to an international agreement with the [EU], under the terms or on the basis of which it makes a financial contribution to all or part of the [EU] research, technological development and demonstration programmes’ (Article 2(1)(c)). The Agreement on the European Economic Area (EEA) would be an example of such an agreement, with Norway, Iceland and Liechtenstein thus able to become “associated countries” in an ERIC.

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APPENDIX**Table 1: The twenty existing ERICs to date, in chronological order (as of 18 August 2019)**

Acronym	Full Name	ESFRI area	Statutory seat (country)	ERIC status granted	Capital value (M€)	Oper. costs (M€)	No of founding member states*
SHARE	The Survey of Health, Ageing and Retirement in Europe	Social and Cultural Innovation	Munich (DE)	2011	250	18	5
CLARIN	Common Language Resources and Technology Infrastructure	Social and Cultural Innovation	Utrecht (NL)	2012	n/a	14	9**
EATRIS	European Infrastructure for Translational Medicine	Health and Food	Amsterdam (NL)	2013	500	2.5	8
ECRIN	European Clinical Research Infrastructure Network	Health and Food	London (UK)	2013	5	5	5
ESS	European Social Survey	Social and Cultural Innovation	Graz (AT)	2013	n/a	2,5	15
BBMRI	Biobanking and Biomolecular Resources Research Infrastructure	Health and Food	Paris (FR)	2014	195	3.5	16
EURO-ARGO	EURO-ARGO	Environment	Brest (FR)	2014	10	8	9
CERIC***	Central European Research Infrastructure Consortium	Physical sciences and engineering	Trieste (IT)	2014	100	10	6
DARIAH	Digital Research Infrastructure for the Arts and Humanities	Social and Cultural Innovation	Paris (FR)	2014	4.3	0.7	15
JIVE***	Joint Institute for VLBI ERIC	Physical sciences and engineering	Dwingeloo (NL)	2014	n/a	2.5	4

Acronym	Full Name	ESFRI area	Statutory seat (country)	ERIC status granted	Capital value (M€)	Oper. costs (M€)	No of founding member states*
-	European Spallation Source	Physical sciences and engineering	Lund (SE)	2015	1,843	140	15
ICOS	Integrated Carbon Observation System	Environment	Helsinki (FI)	2016	116	24,2	9
EMSO	European Multidisciplinary Seafloor and Water Column Observatory	Environment	Rome (IT)	2016	100	20	8
-	Life Watch	Environment	Seville (ES)	2017	150	12	8
ECCSEL	The European Carbon Dioxide Capture and Storage Laboratory Infrastructure	Energy	Trondheim (NO)	2017	1000	0,85	5
CESSDA	Consortium of European Social Science data Archives	Social and Cultural Innovation	Bergen (NO)	2017	117	39	15
INSTRUCT	Integrated Structural Biology Infrastructure	Health and Food	Oxford (UK)	2017	400	30	14**
EMBRC	European Marine Biology Resource Center	Environment	Paris (FR)	2018	164,4	11,2	9
EU-OPEN-SCREEN	European Infrastructure of Open Screening Platforms for Chemical Biology	Health and Food	Berlin (DE)	2018	82,3	1,2	7
EPOS	European Plate Observing System	Environment	Rome (IT)	2018	32	18	12

Notes: * including observers **including international organisations *** not on ESFRI roadmap

Sources: ESFRI 2016, 2018, EC decisions on ERICs, websites of RIs

Journal of Contemporary European Research

Volume 15, Issue 3 (2019)

Research Article

The Ubiquity of the Level: The Multi-Level Governance Approach to the Analysis of Transnational Municipal Networks

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Citation

Mocca, E. (2019). 'The Ubiquity of the Level: The Multi-Level Governance Approach to the Analysis of Transnational Municipal Networks', *Journal of Contemporary European Research* 15(3): 269-283.
<https://doi.org/10.30950/jcer.v15i3.960>

First published at: www.jcer.net

Abstract

European cities have built cooperative relations through transnational municipal networks (TMNs). Most of the dedicated literature has relied on the multi-level governance (MLG) framework, claiming that the establishment of TMNs has been favoured by the multi-tier and multi-actor system of governance developed within the European Union. While MLG can help to illustrate the characteristics and functions of TMNs, it does not enable to explain the engagement of European cities in these organisations. This article therefore identifies and discusses the analytical and operational limitations of the MLG approach. It is claimed that the MLG framework does not provide a suitable analytical approach to shed light on the economic, political and institutional drivers of the participation of European cities in TMNs. By way of contrast, an urban approach hinging on the urban level may address the MLG's analytical and empirical shortcomings.

Keywords

Multi-level governance; Transnational municipal networks; European Union; Local government

In the fields of European and urban studies, the literature on subnational mobilisation has burgeoned relatively recently. Within this research domain, transnational municipal networks (TMNs), organisations made up of cities located in different countries, received particular interest (see Pierre 2017; Kern and Bulkeley 2009; Caponio 2018; Busch 2015; Bulkeley and Newell 2010; Bulkeley 2005; Bulkeley and Betsill 2005; Bulkeley, Davies, Evans, Gibbs et al. 2003; Betsill and Bulkeley 2006, 2004; Benz, Kemmerzell, Knodt and Tews 2015). Most of the research contributions on TMNs opts for a multi-level governance (MLG) approach, conceiving TMNs as a by-product of the system of MLG characterising the European polity (Mocca 2017a: 692). Accordingly, the multi-level governing arrangements in place in the European Union (EU) have fostered the diffusion of TMNs, thanks to the distribution of policy functions across various governmental tiers and the presence of access points to the decision-making process for non-state entities (Mocca 2017a).

While being a dominant approach in European studies along with intergovernmentalism and neo-functionalism, the MLG framework presents some analytical and operational flaws that question its validity to analyse the phenomenon of transnational municipalism in Europe. While comprehensively describing EU governing arrangements, characterised by the displacement of authority across multiple levels of government and by the involvement of various public and non-public, state and non-state actors in decision-making, MLG can provide neither the theoretical base nor the analytical tools to investigate the engagement of cities in TMNs.

By adopting the MLG approach, some questions about local governments' participation in TMNs are left unanswered: what factors determine the participation of cities in TMNs? What explains the different propensity of cities to engage at the EU level? By privileging a non-hierarchical treatment of the different tiers of government, although skewed towards a top-down perspective, the MLG approach does not allow the level and/or the group of actors that have a more prominent role in a

specific activity or policy to be targeted. In the case of TMNs, where the actors are local governments, the MLG framework does not provide the analytical instruments to closely examine the urban level, where political, economic and institutional factors may possibly contribute to explain the motivations for cities to join TMNs. The MLG framework does not question the fact that the closest connections among levels fostered by the process of European integration have facilitated the participation of local governments in EU decision-making and thus any reading of the various forms of subnational mobilisation in the EU has to be contextualised in the multi-level structure of the EU. However, the MLG approach does not seem to be capable of uncovering the reasons underlying the participation of local authorities in TMNs, inasmuch as the multi-tiered and multi-actor structure of the EU constitutes the backdrop to, rather than the cause for, the engagement of local authorities in TMNs.

Drawing on these premises, this article critically discusses the application of the MLG approach to the study of local governments' membership in TMNs by shedding light on its analytical and operational limitations. To emphasise, this article does not have the pretence of criticising in toto the concept of MLG or all its possible heuristic applications, although some of the critical arguments have a more general character, whose applicability may transcend the specific case of TMNs. In the attempt to complement the *pars destruens* of the critique, this article will devise a *pars construens*, proposing an alternative avenue to the MLG approach to the analysis of TMNs. This approach will focus on the urban level while taking into account the network level, hence enabling the drivers and motivations prompting cities to engage at EU level to be spelt out.

This article is organised as follows. After this introduction, a discussion of the various conceptualisations of MLG is outlined. The MLG approach is then critically assessed, before an alternative approach to MLG is presented. In the last section, concluding observations are provided.

THE APPLICATIONS OF MULTI-LEVEL GOVERNANCE

Before engaging with a critique of the MLG approach to the analysis of TMNs, it seems necessary to provide an overview of the various meanings and uses of the term MLG. The term, developed in the 1990s by Hooghe and Marks, has gained significant currency, not only in European studies, where it was originated, but also in other subfields of political science, such as local government studies. MLG was initially employed in the domain of cohesion policies and subsequently in other EU policy areas, including environmental policy (Piattoni 2009) and more recently refugee and migration policy (see Hepburn and Zapata-Barrero 2014; Caponio 2018).

In the literature, there is no consensus on the nature of MLG and a wealth of epitomes used to define it witnesses such lack of clarity. Firstly, MLG is described as a 'real-world phenomenon' (Peters and Pierre 2004: 75), whose existence can be investigated across different policy sectors and different countries (see Bache and Flinders 2004). In this sense, MLG refers to the particular governing arrangements that characterise the EU's architecture, entailing the displacement of power from the central state to the EU and subnational authorities as well as the involvement of non-public actors. This transfer of competencies and powers that characterises multi-tier systems of governance occurs in three directions: upwards to international actors and organisations, downwards to regional and local authorities, and outwards to civil society and non-state actors (Pierre and Peters 2000 in Jordan, Wurzel and Zito 2005: 480).

The distinct EU governing structure is captured in abstract terms by the concept, or notion, of MLG (see Zürn, Wälti and Enderlein 2010: 2; Zürn 2010: 87; Peters and Pierre 2004: 76-77; Kaiser and Prange 2002: 2; Bache and Flinders 2004a: 1). The concept of MLG indicates a 'system of continuous negotiation among nested governments at several territorial tiers – supra-national, national, regional and local' (Marks 1993: 392).

MLG has gained considerable success in European studies and acquired a prominent position over other similar concepts coined to define the displacement of power. The scholarly interest for the diffusion of authority has produced a wealth of concepts to define the dispersal of powers and influence: 'polycentric governance', 'multi-centred governance', 'governance by networks', 'consortio' and 'condominio' are just some of the terms that can be found in the literature (Hooghe and Marks 2003: 234-235)¹.

In an attempt to specify its nature, MLG has been defined as a 'normative concept', that is a 'normatively superior mode of allocating authority' (Bache and Flinders 2004c: 195). In particular, with reference to its adoption to the case of British politics, Bache and Flinders (2004c: 197) argue that the 'concept' of MLG 'has potential as an organizing perspective: a map of how things (inter)relate that leads to a set of research questions'. However, an 'organising perspective' does not equate with a theory, inasmuch as it 'is always partial, it is not falsifiable, and it never provides a comprehensive or even definite account of the topic of analysis' (Bache and Flinders 2004b: 94).

Drawing on its more sophisticated elaborations, MLG is also considered by some as a 'model' (see Peters and Pierre 2004: 75; Marks, Hooghe and Blank 1996: 346; Hooghe 1996: 3; Bache and Flinders 2004c: 195). The rationale underlying the MLG model is the recognition of various patterns of allocation of power among manifold actors at various tiers of governments. Consequently, MLG is not a monolithic model, but it can assume different configurations. The different 'visions' of MLG (Hooghe and Marks 2001: 3) are synthesised by the well-known two-pronged Type I and Type II typology developed by Hooghe and Marks (2003). The modalities in which each level operates and the way they are connected define two models of multi-tier systems: Type I, labelled as 'general-purpose jurisdictions', and Type II, defined as 'task-specific jurisdictions' (Hooghe and Marks, 2003: 236). While enriching the heuristic capacity of the concept of MLG, scholarly opinion diverges on the analytical value of the model: while some authors consider this typology as a heuristic tool to examine the different types of distribution of authority (Bache and Flinders 2004c: 200), for others, the two types of MLG represent ideal types, which cannot be studied empirically (Zürn, Wälti and Enderlein 2010: 4; Piattoni 2009: 170).

MLG is also conceived and applied as an 'approach' (see Zürn, Wälti and Enderlein 2010: 5; Peters and Pierre 2004: 86; Marks 1996: 418; Hooghe and Marks 2009: 2; Bache and Flinders 2004a: 2) or as an 'analytical framework' (Kaiser and Prange 2002: 2; Bache and Flinders 2004c: 196). Here, MLG is included, together with liberal intergovernmentalism, among the 'modern approaches of classical integration theory' (Jachtenfuchs 2001: 257). In effect, the 'theory-impregnated multi-level governance approach' (Börzel and Risse 2009: 218) enters in the debate on reducing and dismantling the central state through the distribution of powers and competencies to supra- and subnational authorities. In so doing, the state-centric perspective of previous approaches to European integration has been questioned by MLG. By postulating the 'transformation of the nation state', while rejecting its 'withering away' or its 'obstinate resilience', the MLG approach sought to provide a way out from the two theoretical strongholds of European studies: neo-functionalism and intergovernmentalism (Börzel 1997: 8). Despite the early enthusiasm for the MLG approach seeming to have faded away, it is still widely used to describe EU governing arrangements.

Finally, MLG is elevated by some authors to the status of theory. For Piattoni (2009: 172), MLG theory, pivoting around 'a multi-level concept', encompasses the analysis of politics, policy and polity domains and thus 'is at the same time a theory of political mobilization, of policy-making and of polity structuring'. More precisely, MLG theory assumes the 'embeddedness' of subnational governments in supra-local norms and relations, while asserting that the latter do not hinder the international actions of local actors (Peters and Pierre 2004: 79). Since in a multi-level system the relations among the agents involved in the decision-making and policymaking process are not structured in a vertical and compartmental way, 'hierarchy has been replaced by stratarchy'; in other words 'an organizational

model where each level of the organization operates to a large extent independently of other organizational levels' (Peters and Pierre 2004: 79). MLG theory has been applied to 'explain policymaking and its outcomes in a multi-level context', such as in research on fiscal federalism, joint decision traps and two-level games (Zürn, Wälti and Enderlein 2010: 5). However, some sceptical views have been aired on the capability of MLG to constitute a theory. In particular, it has been pointed out the descriptiveness (Ongaro 2015; Jordan 2001; Bache 2007) and, more specifically, the 'descriptive neutrality' (Schmitter 2004: 49) of the MLG framework. In this respect, it has been noted that MLG is unable to formulate articulate explanations of the mechanisms of European integration (Jordan 2001), or of the 'outcomes in the governance process' (Peters and Pierre 2004: 88). Therefore, it is claimed that MLG falls short of constituting a complete theoretical account (Ongaro 2015; Jordan 2001).

Thanks to its versatility, MLG has been widely employed as a lens through which to explore those cases where the intra- and inter-level relations in diverse polity arrangements constitute the object of enquiry, or whenever a phenomenon or process could be described as multi-actor, polycentric and multi-scale. For this, MLG has been readily applied to the study of TMNs and is considered suitable by some authors to explore such organisations for several reasons. Firstly, the MLG framework would enable abandoning state-centric interpretations of TMNs (Betsill and Bulkeley 2004). Secondly, the use of the MLG approach, by placing emphasis onto the 'polycentric arrangement of overlapping and interconnected spheres of authority', provides an alternative interpretation to vertical top-down accounts (such as regime theory and transnational networks), especially to examine global environmental governance (Betsill and Bulkeley 2006: 154). Thirdly, the MLG approach is deemed to be so apt to analyse TMNs that some authors have firmly stated that 'it is only by taking a multilevel perspective that we can fully capture the social, political, and economic processes that shape global governance' (Betsill and Bulkeley 2006: 141). Finally, the MLG perspective offers apt descriptions of EU institutional arrangements and the 'opportunities for strategic actions' of non-state actors (Benz, Kemmerzell, Knodt and Tews 2015: 322). From this perspective, the establishment of inter-urban networks is deemed to be favoured by the new mode of governing developed within the EU. In particular, the greater interconnection between levels of government and the transfer of competencies from central states to both the EU and local levels have provided cities with more opportunities to act independently from the nation states.

Additionally, few attempts to use MLG as a model have been made, as witnessed by some studies where Hooghe and Mark's two types of MLG have been employed to classify TMNs. Drawing on this typology, TMNs have been conceptualised in two ways. On the one hand, if considered as a form of Type I MLG, TMNs represent a channel of participation and involvement in EU affairs of local authorities, although within a hierarchical distribution of powers across scales (Bulkeley, Davies, Evans and Gibbs et al. 2003). If conceived as Type II MLG, TMNs enable local authorities to engage in a variety of policy sectors that cut across different scales, creating a 'new political space or sphere of authority' (Bulkeley, Davies, Evans and Gibbs et al. 2003: 240). An example of empirical application of the MLG typology is Betsill and Bulkeley's (2006) study on the Climate Change Protection programme, where it is argued this network, although interposing between actors across multiple scales (hence Type I MLG), can be viewed as Type II MLG, insofar as it engenders 'a new sphere of authority through which the governance of climate change is taking place and which is not bound to a particular scale' (Betsill and Bulkeley 2006: 151).

Due to its polysemous and polyvalent nature, the different meanings and applications of MLG are not mutually exclusive or contradictory and, therefore, the choice of one meaning over another eschews any epistemological justification. However, it is arguable that MLG can constitute an object of inquiry, a concept, a model, an approach and a theory, and succeed equally in performing all these functions. MLG may be a useful concept to describe the functioning and organisation of the EU institutional architecture, or a model of the EU system of governance. However, its capability to explain the wide

and diverse array of phenomena occurring within the EU raises some concern. Forcing a concept to function as an approach means to employ a tool with no explanatory power to interpret a real-world phenomenon, falling into what Sartori (1970) defined as the ‘concept-stretching’ fallacy (Ongaro 2015: 3). Similarly, a model cannot be used as an analytical approach, inasmuch it typifies a phenomenon, hence synthesising and ordering its complexity; but a model does not enable the uncovering of underlying causal mechanisms, unless it is elaborated into a theory. Hence, such inadequate use results in a poor explanation of the phenomenon under study. Following this line of reasoning, MLG does not seem to be suited to provide a causal explanation of local authorities’ membership in TMNs. The reasons for the rejection of the MLG approach to analyse the engagement of European local governments in TMNs rest with a series of limitations of this framework, discussed in the next section.

A CRITIQUE OF THE MLG APPROACH TO TMNS

The concept of MLG has made its way in the field of TMNs and subnational mobilisation more broadly. The main merit of MLG is the emphasis placed on the importance of non-state and non-public actors in decision-making as well as its comprehensive perspective on the diffusion of power and the integration and mutual influence between levels. Despite its wide success, the MLG approach presents a series of limitations that affect research on TMNs. Such shortcomings are engendered by issues related to the insufficient explanatory strength and the problematic empirical applicability of the MLG approach to examine the participation of local authorities in TMNs. In more detail, it is possible to distinguish two main types of limitations affecting the MLG approach to transnational municipalism: analytical and operational (see Table 1). While the first type of flaws refers to the validity of MLG as an approach to uncover the causal mechanisms explaining cities’ membership in TMNs, the latter indicates the challenges posed by this framework to empirically investigate the phenomenon under discussion. In the following sub-sections, these limitations are examined.

Table 1: Limitations of the MLG approach to the analysis of TMNs

Analytical limitations	Synchronic and unhistorical reading
	Descriptive comprehensiveness
	Absence of a specific analytical focus
	Lack of internal causal coherence
Operational limitations	Limited empirical applicability to comparative studies
	Lack of tools to analyse economic, political and institutional dynamics at play at each level
	No prescriptive stance
	Issues with case selection
	Inability to assess inter-level influence

ANALYTICAL LIMITATIONS

A first analytical flaw of the MLG approach to TMNs is its implicit synchronic and unhistorical reading of the international engagement of subnational agents. The contributions mentioned in the introductory section stress how the multi-layered structure of the EU has prompted cities to coalesce around urban issues. As such, the multi-tiered structure of the EU has provided local authorities with access points to the supranational level, through which they can obtain considerable political and economic advantages. Such a reading has an inherent contemporary flavour, suggesting that this is a fairly recent phenomenon dating back to around two decades. It is certainly true that, with the progress of European integration, cities have been able to carve out of the European polity a growing niche of autonomy. Nonetheless, cities have been threading cooperative linkages for centuries, although not with the same intensity as today. Indeed, cities have always sought to establish

international links with the purpose of gaining economic advantages and political influence. In this respect, Braudel (1984) documents how the gradual establishment of the economic relationships among European cities, such as the Hansa or the Italian Maritime Republics, laid the foundation of the international economic system. From an historical viewpoint, the growing autonomy that cities have acquired in the last decades is not exceptional. By way of contrast, it can be argued that the process of nation state building during the eighteenth and nineteenth centuries represents a rupture with a long-lasting locally-based political order. In effect, the stability of the nation state began to shake since the 1970s, when economic, political and institutional factors caused a shift of responsibilities from the central states to local governments. Among the main drivers of such a transformation are: the welfare state retrenchment undertaken in a neoliberal shift throughout Western society; the reform of public administration of the late 1980s to 1990s, which outsourced once public functions to private enterprises and devolved many competencies to subnational authorities; and the principle of subsidiarity promoted by the then European Economic Community as a way to foster democratisation. The very same literature on TMNs acknowledges the historical roots of the modern transnational municipalism in the medieval inter-urban leagues (see Kern and Bulkeley 2009) and the town twinning practice developed in the second decade of 1900s (see Kern 2009). More recently, several examples of 'city meddling' in international issues have been documented, such as anti-war and anti-nuclear protests, whereby local political elites took a stand on matters of international relevance (Alger 1990: 511).

Therefore, lacking an historical perspective, the MLG approach underestimates the past existence of local governments and nation states and their autonomous historical trajectory in the European integration process. In other words, the greater involvement of cities in the EU went hand in hand with the EU integration process. By way of contrast, cities and states developed at different times and, in many cases, urban settlements formed well before nation states, especially in those countries unified in a relatively recent period (for example Italy, Germany and Belgium). Therefore, besides overlooking the historical evolution of the international interactions between subnational actors that have threaded European relations, a further limitation of the MLG approach to the analysis of TMNs is its descriptive comprehensiveness, as mentioned previously. While providing a clear description of the EU governing structure, MLG does not appear to offer an adequate framework to explain either the political processes that have led to the engagement of local authorities in the EU decision-making system, or what the relationships between actors at different levels are. In this sense, it can be claimed the MLG approach offers a narrative of the existing displacement of power across tiers and agents; but it is not explanatory, as it does not provide an account of the drivers that have led to such peculiar configuration of authority.

Although from a conceptual viewpoint the all-embracing nature of this approach can be seen as a strong point, it can be at the same time an analytical weakness. The non-hierarchical and multi-agent features that characterise MLG may constitute an analytical flaw, as it does not allow giving preference to one level over another. The absence of a specific analytical focus may thus result in a lack of critical explanations of the potential tensions among actors at different levels. In the case of TMNs, the local and EU levels play different roles: while the first is the level where actions are initiated, the second represents the target of local governments' actions. In this sense, local governments are the actors of TMNs, while the EU is the recipient and, to some extent, the enabler of their actions. Therefore, the use of a MLG framework does not shed light onto the causal drivers underlying the participation of local governments in TMNs. While the existence of TMNs is contextualised in a multi-level system of governance in the EU, the latter cannot explain the reasons underlying cities' participation in such organisations. Rather, to develop an explanatory account of the engagement of European local authorities in TMNs more attention should be paid on the local rather than on the supranational level (see Saunier and Ewen 2008).

As a corollary of its descriptive nature, the MLG-oriented literature on TMNs appears to be uncritical, eschewing an assessment of the effectiveness of a multi-tiered structure to address specific policy problems. For this reason, the MLG approach to TMNs carries an implicit normative assumption about the capability of multi-tier systems to deliver effective policy solutions and ensure adequate political participation. More generally, it has been observed that the MLG literature is characterised by ‘premature normativism’, as it assumes implicitly the effective functioning of multi-level governance arrangements rather than shedding light on the mechanisms underpinning MLG (Stubbs 2005: 69). In the same fashion, Ward (2010: 478) observes that MLG has been popularised in most of urban comparative research ‘treating each of the levels – nation, region and city – as ontological and epistemological givens’. In light of this general criticism, it is arguable whether the MLG approach can help to understand how TMNs can address specific problems. Nor is it clear how the MLG framework can guide an analysis of the effectiveness of TMNs’ action (in terms of decision-making, lobbying and problem-solving capacity) in a given policy sector.

A fourth limitation is the lack of internal causal coherence of this approach to study TMNs. If used as an explanatory framework to examine TMNs, the MLG approach is tautological. On the one hand, according to its definition, the governing system of the EU is multi-level precisely because of the presence of a multitude of actors at different levels. On the other hand, as the research contributions mentioned in the previous section note, subnational mobilisation appears to be incentivised by the multi-level structure of the EU. In the first case, the involvement of local authorities at EU level is a pre-condition of MLG; while in the second case, MLG is a driver of subnational mobilisation. Therefore, it is not clear whether the interaction of subnational actors at EU level contributes to shape the institutional and policymaking structure of the EU or the multi-tier nature of the EU architecture explains the supranational engagement of local authorities.

Due to its unhistorical, descriptive and normative nature, the MLG approach appears to lack of the essential elements that qualify an analytical framework, thus not lending support to examine TMNs. The minimal consideration of a diachronic perspective of the supranational inter-urban connections does not enable the analysis of the causes of subnational mobilisation by separating the implications of the historical evolution of the international engagement of cities from the outcomes of the establishment of the European Community. Additionally, the presumption of the MLG approach about the goodness of fit of the multi-layered model of governance limits a critical analysis of the participation and contribution of European local authorities to the EU decision-making process.

OPERATIONAL LIMITATIONS

In addition to the analytical criticisms identified above, the MLG approach to TMNs faces several operational issues. Primarily, the validity and applicability of MLG to specific cases are questionable. The MLG approach is affected by a problem of abstract modelling: MLG is mainly a theoretical model with limited empirical applicability to the comparison of different units (Stubbs 2005: 70). More precisely, it has been observed that MLG typologies (such as Type I and Type II MLG) are tailored to the Western European institutional context and therefore they cannot be adapted to other realities (Stubbs 2005). By way of contrast, some authors have claimed that Hooghe and Marks’ two-pronged typology of MLG, despite its European origins, can be easily adapted to other governance arrangements with a federal structure (as the US and Australia), or where transnational organisations exist (Betsill and Bulkeley 2006). Indeed, Betsill and Bulkeley (2006) have adopted the two types of MLG in their study on the CCP programme, which groups cities outside the European area. Nonetheless, the transfer of this approach from one context to another requires a certain degree of adaptation. Such a process would require the inclusion of the different political and institutional elements of the new reality and, possibly, the elimination of those components characterising the original context. From this perspective, it is arguable that the MLG approach is so flexible and

adaptable to analyse all the institutional multi-tiered structures. Therefore, it can be claimed that, thanks to its looseness, MLG as a concept can be exported, while this is not possible for the models (Stubbs 2005).

Moreover, while providing an insight into the opportunities that new modes of governance have opened up to local authorities, the MLG approach to TMNs does not provide the instruments to undertake the analysis of the economic, political and institutional dynamics that play out at each level, which are pivotal to gain an understanding of why cities are getting increasingly important in the political landscape. While enabled by supranational processes, subnational mobilisation is a phenomenon initiated by local governments, which are the main actors of TMNs (see Saunier and Ewen 2008; Payre 2010; Acuto 2016; Acuto and Rayner 2016). By emphasising the entanglement of the several levels, the MLG approach does not allow us to cast light on a single level as an object of inquiry. Even further, the levels appear to be symbiotic and mutually influencing, although a preference for a top-down reading is more prominent. As such, the MLG approach seems to discourage any research endeavour to unravel the web of relations among levels and actors.

Another critical aspect of the MLG approach is its fuzziness about the role and competencies of which level should be entitled to deliver effective policy responses, and how the different actors should cooperate. To understand what each level of government should do to deliver adequate policies, it is necessary to understand the role that each level plays in a given policy domain. However, disentangling the actions and the contribution of public and non-public, supranational, national and subnational actors poses methodological and empirical challenges. Firstly, it is difficult to analyse the different types and modes of interaction among the levels as well as to appraise the results of this interaction. A second challenge is how to isolate and evaluate the contribution of each agent to address a specific policy issues and how this differs from the input provided by other actors. A case in point are TMNs operating in the realm of environmental policy. One may ask how local authorities tackle climate change. Then, the issue is how to isolate the impact of local authorities' action from the concurring action of the national and European levels, which are entitled of binding legislative powers. In this respect, Bulkeley and Betsill (2005), in their analysis of sustainable cities, argue that focusing on the local dimension of sustainable cities will not enable to depict a more articulate landscape. By way of contrast, the MLG framework can provide a multi-faceted perspective.

A multi-level approach would also limit the choice of the research methods. For example, there would be issues with the application of a comparative research design, since the selection of the cases would constitute a significant challenge. Indeed, it is neither straightforward to select the most appropriate cases at each level, nor to establish criteria to operate such a choice. For what concerns the research on TMNs, the adoption of the MLG framework would imply that European transnational municipalism involves more than one level of government, namely the local and the European levels. From a methodological standpoint, then, the units of analysis should be located on each level, leading to draw a sample of member cities and a sample of networks. However, when it comes to data collection, both samples would comprise cities, inasmuch as member cities constitute the networks and, in many cases, also hold representative positions (such as chairs). Hence, the sample would be cross-national rather than multi-level (the level would still be local) (see Pierre 2017; Castán Broto and Bulkeley 2013; Bulkeley and Betsill 2003; Betsill and Bulkeley 2004) and in some cases, even only national, with studies focusing on a small pool of cities in the same country (Caponio 2018; Benz, Kemmerzell, Knodt and Tews 2015). Alternatively, the units of analysis are networks (Hakelberg 2014), or cities and networks in the same country (Busch 2015). The MLG approach to transnational municipalism is thus flawed by a mismatch between the conceptual premises of the MLG, which emphasise the multi-tier aspect, and the empirical application relying on the use of cities as units of observation. When used as an analytical approach, the empirical results do not seem to support the theoretical premises. However, even assuming that a pool of cases including participants at each level of government could be drawn, it is

debatable whether a diverse sample would enable to explore the causal mechanisms of transnational municipalism. It can be contended that this method would privilege breadth over depth of the explanations, providing a more descriptive rather than explanatory account.

Finally, a particularly challenging aspect is to distinguish and assess the existence, strength and direction of the influence exerted by one level over another. Similar concern is expressed by Bache and Flinders (2004c: 196), who cast some doubt on the capability of the MLG framework to 'measure the impact or outcomes of multi-level governance processes'. Although it is widely argued that the supranational level has influenced the local level, this argument has more a theoretical than an empirical validity. The magnitude (i.e. how much) and the direction (i.e. which level has impacted on another level) of such influence cannot be measured, unless the EU–local relationship is explored over a very long time-span. While through TMNs European cities can lobby the EU institutions, the degree of such influence, for instance over EU funding programmes and legislation, is difficult to quantify. Similarly, while it is clear that the EU has influenced local authorities, it is difficult to quantify the scope of such influence.

The gist of these criticisms refers to the implicit incoherence between the key arguments and their empirical application. While most of the literature on TMNs emphasises the importance of couching such phenomenon in a multi-level and non-hierarchical theoretical framework, it fails in developing it fully. Thus, a multi-level approach to examine TMNs may result in the production of an exhaustive anthology of descriptions of this phenomenon, primarily through the use of case studies where individual cities are the units of observation. This incongruence between the conceptual base of multi-level accounts of TMNs and the practice can be, at least partially, explained by the analytical challenges of the multi-level analysis outlined above.

The discussion of the analytical and operational issues with the MLG approach suggests that this framework does not enable the explanation of inter-urban networking in the EU in sufficient depth. MLG can be considered as a characterisation of the status quo in the European administrative context and, with this meaning, it constitutes the backdrop against which the decision as to participate in TMNs is taken. In other words, the MLG approach to TMNs provides an exhaustive description of the nature, functions and role of these organisations, but it does not offer a suitable tool to examine the reasons and drivers for European local governments to participate in TMNs.

To substantiate the *pars destruens* articulated in the preceding section, the *pars contruens* of this critique will be set out in the ensuing section, by devising an analytical alternative to the MLG approach to TMNs.

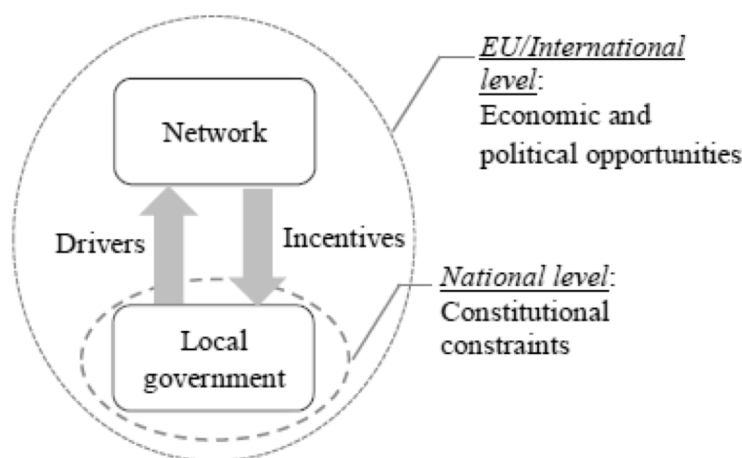
AN ALTERNATIVE PATH: THE URBAN-CENTRIC APPROACH

To rectify the shortcomings of the MLG approach to TMNs outlined in the previous section, an alternative analytical avenue focused on the urban level could lend a useful interpretive framework². Rather than adopting a multi-scale perspective to examine TMNs, where all the levels are treated in a non-hierarchical way, this approach, named elsewhere 'urban approach' (Mocca 2017a), draws on a different analytical perspective, enabling an exhaustive analysis of one single level (i.e. the urban) to be undertaken. At the core of this approach lies the normative assumption of the pre-eminence of the urban dimension, conceived as an environment where economic, political and institutional structures shape municipal decision-making and thus cities' decision as to whether participate in TMNs (Mocca 2017a). While international phenomena, such as Europeanisation and globalisation, have favoured the establishment of supranational city networks, offering greater opportunities to create relationships and providing a space to exchange knowledge and practices, they cannot alone explain the reasons for cities to join. Hence, Europeanisation and globalisation processes can be considered as 'enabling

factors' to the actions of local governments (Pierre 2017; Mocca 2017b; Benz, Kemmerzell, Knodt and Tews 2015). Although local governments are influenced by European and international events, local authorities maintain a sphere of autonomy within their boundaries (Mocca 2017a).

As shown in Figure 1, the urban approach is structured around four dimensions grouped in two categories: the supranational and national levels, which represent the broad context, and the meso and urban levels, which offer causal explanations. Intuitively, the supranational level is characterised by those phenomena occurring beyond the national boundaries, such as European integration and global interconnections, which have enabled the internationalisation of local governments. Therefore, this dimension comprises the enabling factors of TMN membership. By way of contrast, the national level, by constitutionally establishing the relationship between central and local governments, limits the policymaking, financial and political autonomy of cities. Thus, it is in this dimension that the constraining factors should be found.

Figure 1: The urban approach to Transnational Municipalism



The meso level, or horizontal level, i.e. the network dimension, is where the local interconnects with the European level. If we want to understand why cities engage in TMNs, then we have to factor in the incentives derived by the involvement in networks. These benefits are not only and not primarily financial: more importantly, network membership hones in the skills and knowledge of local officials, strengthens the international image of cities as well as their political weight at EU level (see Phelps, McNeill and Parsons 2002; Payre and Saunier 2008; Payre 2010; Mocca 2017b; Kübler and Piliutyte 2007; Keiner and Kim 2007; Ewen 2008; Betsill and Bulkeley 2004; Andonova, Betsill and Bulkeley 2009).

Finally, in the urban dimension, a wide range of context-specific factors may concur to influence cities' involvement in TMNs. As found by previous research on the topic, these drivers may be grouped in three comprehensive analytical domains: economic, political and institutional (Mocca 2017a, 2017b). The economic domain refers to the economic context where local administrations operate as well as to the specific economic decisions taken by the latter to improve the local economic performance. As such, it has been found that cities' engagement at the EU level may be a strategy to access an extra source of funding (additional to national transfers) to redevelop their locality (Mocca 2017a; Ewen 2008). Further, it has been argued that cities with advanced economies are more likely to participate in cooperative urban networks (Mocca 2017a). The political domain comprises urban-level political drivers, namely the political composition of the council, the political weight of individual councillors in determining TMN membership and the political tradition and discourses characterising a given city's context (Mocca 2017b). These factors may thus affect whether and to what extent cities participate in

TMNs (Payre and Saunier 2008; Leitner and Sheppard 2002). Finally, the institutional structure has to be examined, since the level of decentralisation that determines the distribution of policy and financial competencies may foster a greater presence of cities at EU level, thus accounting for an explanation of socio-ecological urban networks membership (Mocca 2017a).

The model here proposed to analyse TMNs postulates that the participation of local authorities in TMNs is driven by the place-specific economic, political and institutional urban structures and by the instrumental expectations of local political elites that exploit networks to obtain collective and selective benefits, which in turn help them tackle urban issues. More broadly, focusing the analysis on one level means to extrapolate it from the multi-level web and permits to elaborate a causal explanation of a specific political phenomenon through the identification of a set of actors at one specific level that are primarily responsible for the phenomenon in question. Overall, then, the urban approach argues for a more orderly structured picture of EU governance, contradicting the MLG perspective.

CONCLUDING REMARKS

In this article, the adoption of the MLG as an analytical approach to explain the engagement of European local governments in TMNs has been discussed. It has been argued that, as a concept, MLG provides an exhaustive description of the nature, functions and role of TMNs. However, when applied as an approach to shed light onto the drivers of cities' membership in TMNs, MLG presents both analytical and operational shortcomings, which make it an inadequate framework to analyse the topic under study. Therefore, the criticisms moved here do not refer to the concept of MLG, which aptly describes the governing arrangement of the EU, but to the forceful adaption of a descriptive tool to serve as an explanatory framework. As such, the use of the MLG framework to examine TMNs results in a theoretically weak causal account of the phenomenon of transnational municipalism in the EU. In particular, the inadequacy of the MLG approach lies in its inability to unravel the motivations and drivers prompting local governments' involvement in TMNs. Further, the multi-level perspective, by privileging the inter-level rather than the intra-level dynamics of transnational municipalism, plays down local governments' political agency.

To address its shortcomings, an urban-centred approach has been proposed. This focuses on the urban level and conceptualises the European integration process and the multi-layered and multi-actor structure of the EU as enabling factors of local governments' actions. This framework, focusing on the urban structures while taking into account both the individual (i.e. single cities) the collegial dimension of TMNs, may provide a tool to sift through the range of urban-level factors and dynamics that influence the engagement of cities in TMNs.

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ENDNOTES

¹ For an exhaustive list of the terms coined to define diffusion of authority across different levels, see Hooghe and Marks (2003).

² For an empirical application of this approach, see Mocca (2017a, 2017b).

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Journal of Contemporary European Research

Volume 15, Issue 3 (2019)

Research Article

The Democratic Legitimacy of the 2016 British Referendum on EU Membership

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Citation

Kröger, S. (2019). 'The Democratic Legitimacy of the 2016 British Referendum on EU Membership', *Journal of Contemporary European Research* 15(3): 284-298.
<https://doi.org/10.30950/jcer.v15i3.1052>

First published at: www.jcer.net

Abstract

This article addresses the input legitimacy of the British EU membership referendum of 2016. It considers who was given a vote in the first place, and whether those given a vote could make a reasonable choice in light of the campaign. More precisely, it assesses the following four criteria: the franchise, the presence of clarity, the amount and quality of information and the quality of public debate. Applying these criteria to the EU referendum shows it fell short of the first two whilst it could have done better as regards the last two. The article concludes by briefly discussing what can be learnt from this referendum for the future.

Keywords

Brexit; EU referendum; European Union; Democratic legitimacy; Input legitimacy

Much has been written about the referendum on British membership of the European Union (EU) since the 23 June 2016. Commentators have mostly focused on the demographics of the result and the factors that determined voters' choices. By contrast, there has been little scholarly reflection on *how democratically legitimate* the referendum *process* can be said to be (but see Bellamy 2019). The legitimacy of the referendum process forms the topic of this article. In particular, I shall address normative questions of input legitimacy concerning who was given a vote in the first place, and whether those given a vote could make a reasonable choice in light of the campaign.

I consider it possible to argue that a 'good' referendum can strengthen the democratic legitimacy of a constitutional decision, such as remaining in or leaving the EU (Rose 2013). My aim here, however, is not to discuss the legitimacy of referendums per se. Instead, I shall look at how democratically legitimate a referendum process can be said to be. There is a wealth of relevant criteria one could look at which address this question. For instance, one might want to address the role Parliament plays in the process (Chalmers 2017), or the no less important constitutional questions of how to deal in a democratically legitimate way with different majorities in the devolved regions or of which role the devolved nations should play in the process of leaving the EU (Soares 2016; McHarg and Mitchell 2017). While these questions are democratically relevant, the focus of this article is on input legitimacy. A number of factors motivate this focus.

First, referendums are widely discussed as a means of increasing the input legitimacy of democracies. Second, while output legitimacy in general also matters for democracies, democratic processes are instituted in part to decide matters that people disagree about, including whether to belong to the EU. As a result, the core of their legitimacy rests on democracy offering a fair process to decide these disputed matters, so that the results will be acceptable also to the 'losers' of a specific decision. Third, and relatedly, while certain outcomes can be regarded as straightforwardly illegitimate, such those that curtail basic rights, illegitimacy in most areas cannot be a matter of outcome per se, but only of the process that leads to outcomes. Fourth, then Prime Minister David Cameron presented input legitimacy as a driving factor behind calling the referendum, suggesting that support for the EU would

be strengthened by a referendum. Of course, most agree that the decision to call the referendum was really driven by party politics, with Cameron hoping to win back voters who might otherwise have considered voting for the United Kingdom Independence Party in the 2015 general election (Tournier-Sol 2015; Copsey and Haughton 2014).

The article proceeds as follows. The next section justifies the focus on input legitimacy and defends four criteria that, in my view, need to be addressed to assess it: the franchise, presence of clarity, the amount and quality of information, and the quality of public debate. I shall also reflect on how to weigh these criteria. In the following section, I shall define the four criteria in more detail and evaluate how far the referendum process met them, taking each one in turn. As we shall see, the way the criteria played out was very much the result of Brexit politics, in other words, of the balance of the political forces at play. I shall contend that the referendum fell short of the first two criteria whilst it could have done better with respect to the last two. As a result, I shall conclude that the 2016 referendum enjoyed little input legitimacy. The final section discusses the implications of this analysis, and what can be learned for future referendums.

THE INPUT LEGITIMACY OF REFERENDUMS

Before analysing input legitimacy, it seems useful to firstly clarify whether having a referendum about EU membership in the United Kingdom (UK) was even constitutional. After all, if it were not then it would have lacked legitimacy from the start, given that paragraph 1 of article 50 of the Consolidated version of the Treaty on European Union requires that a Member State deciding to withdraw from the Union does so ‘in accordance with its own constitutional requirements’.

However, the answer appears straightforwardly that it was constitutionally legitimate. True, parliamentary sovereignty is the prime constitutional norm in the UK, so that referendums in the UK can, as a matter of constitutional principle, only be advisory. They can never bind parliament or a government and do not place a *legal* obligation on government, and the 2016 referendum did not do so. However, if Parliament passes the required legislation they can take place, as was the case here. The European Union Referendum Bill was introduced to the House of Commons on 28 May 2015, passed its third reading on 7 September 2015, and was approved by the House of Lords on 14 December 2015, after which it was given Royal Assent on 17 December 2015. The first clause of the bill read that ‘A referendum is to be held on whether the United Kingdom should remain a member of the European Union’. This bill made the EU membership referendum constitutionally legitimate.

While constitutionally legitimate, one can still ask how *democratically* legitimate this referendum was from a normative perspective. When defining legitimacy, scholars typically look at input and/or output criteria (Scharpf 1999). Looking at the latter, and asking whether leaving the EU will produce more just policies and improve everybody’s welfare as well as enhance the UK’s sovereignty and democracy, is certainly important. Indeed, some consider it is so unlikely to achieve this result that they argue there ought not to have been a referendum in the first place (see Fossum 2017). However, it remains a distinct question whether the referendum process leading to the result possessed input legitimacy and so was itself democratically legitimate. The quality of the democratic process is crucial to ensuring that conflicts within democratic political systems can be managed peacefully and for those disagreeing with the outcome to nevertheless accept the result, even if only in a preliminary way. In this way, democratic legitimacy is largely a matter of input, rather than of output (Buchanan 2002).

How, then, can we define input legitimacy? A common definition of input legitimacy is that it derives from a process in which all relevant parties are entitled to have their views and interests treated with equal respect and concern (Scharpf 1999). So far as referendums are concerned, input legitimacy involves considering the following criteria:

- (1) How the franchise is defined.
- (2) The presence of clarity.
- (3) The amount and quality of information.
- (4) The quality of public debate.

These criteria help determine whether a democratic process has been both sufficiently inclusive and that the issues presented to the electorate have been sufficiently clear and balanced. This is necessary for the process to be considered to have treated those involved with enough equality of concern and respect for it to possess input legitimacy. The definition of these criteria and their application to the referendum process is the object of the below study. As we shall see, the way and degree to which these criteria were (or were not) met were shaped by the political forces at play, as was the case in previous referendums in the UK, which included a different constituency of voters, different provisions for thresholds, and different provisions as to how legally binding the referendum should be.

I will propose that the four criteria should be weighted in the order in which they have been listed above and will be discussed below. Who is entitled to vote, the question of the franchise, is indeed the most important question, given ‘any referendum result will have been influenced by the design of political community’ (Shaw 2017: 560). The second most important question is that those who are entitled to vote know what the vote is about – the presence of clarity. If those legitimately entitled to vote know what to vote on, the availability of truthful information and proper debate in the campaign might still influence their decision. To make sure that information does not remain isolated but instead is contextualised and embedded in wider arguments, we need a high-quality public debate. In sum, all four criteria are important, but the first two are crucial and it is difficult to imagine how a referendum which failed to meet them could be legitimate.

DEFINING AND ASSESSING FOUR CRITERIA OF INPUT LEGITIMACY

I will now define each of the four input criteria in more detail and assess them empirically in turn.

The Franchise

The franchise answers the question of ‘who belongs to the people?’ The standard view of political community is that entitlements to a say over collective matters should follow membership, formalised as citizenship. Importantly, citizenship in modern democracies has been linked to nation-states. This standard view is well reflected in the stakeholder account of political rights and obligations, in which the claim to being a citizen of a given political community belongs to those whose freedom and rights are inherently linked to the collective self-government and flourishing of this polity over time (Bauböck 2015). In this account, one would include those individuals in the franchise who enjoy citizenship of the given country. However, due to increasing social and political entanglements as well as changing ethics, this reading of membership in a political community has been increasingly challenged, and a number of scholars argue for an extension of participation rights to citizens who so far are not included in the franchise.

Some authors have argued in favour of the all-affected principle (AAP). This principle contends that those whose interests are affected by a decision should be entitled to participate in making it (Goodin 2007). The AAP thus determines the scope of the people on the basis of the scope of the decision at hand. The obvious problem with this approach is its ‘over-inclusiveness’ (Goodin 2007: 49, 57). That is not surprising given the cosmopolitan drive of many supporters of the AAP, but means it fails to

distinguish degrees of affectiveness. In many, possibly even most, decisions, some citizens' interests will be affected more than others', thereby introducing the challenge of having to weigh interests and allocating proportional voting rights (Warren 2017: 9; Miller 2009: 216).

Other scholars have argued in favour of the all-subjected principle (ASP). Unlike the AAP, the ASP links democracy to the nation-state and argues that 'all those subjected to political rule within its boundaries ought to have a say in its making' (Näsström 2011: 117), a proposition that comes fairly close to the idea of 'no taxation without representation'. As a result, the ASP has been used to demand greater political inclusion, mostly of migrants, within the nation-state. For if resident aliens are obliged to abide by the rules of a state, why should they not have the right to participate in its decisions (Gould 2006: 49)? Anything else, so the argument runs, results in the 'effective disenfranchisement' (Benhabib 2004: 215) of permanent residents from national politics.

I propose that a mix of the stakeholder principle and the ASP should have prevailed in the 2016 British EU referendum in order for all *relevant* views and interests to be treated with equal concern. This mix results from the fact that the stakeholder perspective appears too narrow whereas the ASP appears too broad.

On the one hand, the strong link that the stakeholder account establishes between presence, attachment to the political community and citizenship rights and obligations is not fit for purpose in a context characterised by freedom of movement between EU member states. Freedom of movement within the EU has created reasonable expectations for EU citizens who have settled in the UK that they could stay without having to naturalise. Without a willingness to legislate, prior to the vote, that permanent resident rights established prior to a potential Brexit should continue after Brexit, those expectations could not be met. As a result, the agreement of the British people to free movement under the EU Treaties implied an obligation to include EU residents in the UK in the referendum. Some might object that extending the stakeholder principle to those EU citizens resident in the UK is not sufficient and that the UK is not the relevant polity for the stakeholder principle (which instead is the EU) (Olsen and Rostbøll 2017). However, when applying normative criteria to real world processes, one needs to take the concrete context of those processes into account. In the present case, that means taking into account:

- (1) That the nation-state has not lost its meaning and function to such a degree that governments and citizens could be expected to let individuals participate in political choices about their 'own' country when those individuals may never have lived on the territory concerned.
- (2) That the EU allows for a member state to leave the EU 'in accordance with its own constitutional requirements' as per article 50, without consulting the other member states or their populations.
- (3) That we have freedom of movement in the EU and that EU citizens living in the UK at the time of the referendum had acquired rights that EU citizens outside the UK had not.

On the other hand, the weak link that the ASP sees between presence, attachment to the political community and citizenship rights and obligations fails to acknowledge that people move in different capacities. For instance, some citizens will have spent their holidays in the UK on 23 June 2016 and as such were subject to British law on that day. Yet, that should not have entitled them to a vote. The same can be said of short-term guest workers, who by definition will have left long before any of the consequences of the vote will materialise, as well as potential future migrants who have not yet become residents in the UK and so have no acquired rights. By contrast, EU citizens residing in the UK are directly and strongly affected by the decision, particularly in the case of a leave vote. Many of them came and settled because of free movement entitlements within the EU. As a result, they should have been included in the franchise.

Turning to the empirical assessment, the franchise for the 2016 referendum on UK membership of the European Union was defined in the European Union Referendum Act 2015. People eligible to vote had to be over 18 years old, and at least one of the following: a British or Irish citizen resident in the UK; a qualifying Commonwealth citizen; a British citizen who is a service voter or overseas voter (British citizens can register as overseas voters up to 15 years after leaving the UK); a Member of the House of Lords; or an Irish or Commonwealth citizen who would be entitled to vote in European elections in Gibraltar. This definition of the franchise is based on the stakeholder account with some additional provisions stemming from the UK's colonial past.

The exclusion of around 2.15 million adult EU citizens resident in the UK, most of whom pay taxes in the UK, does not appear justified (Low 2017), nor does the exclusion of those 1.3 million British citizens living in the EU but outside UK territory. Indeed, some of those 'most likely to be strongly affected by the decision ... were precisely those deprived of a voice' (Shaw 2017: 567). The exclusion of these groups of citizens seems all the more questionable given the citizens of Malta, Cyprus and Ireland who resided in the UK were eligible to vote. Their eligibility arose not from their status as EU citizens, but rather from the fact that these states are members of the Commonwealth. However, article 18 of the Treaty on the Functioning of the European Union stipulates that 'any discrimination on grounds of nationality shall be prohibited', and such discrimination seems precisely to have been in place here.

Why was the franchise defined in the way it was? The House of Commons Library Briefing Paper 07212, published on 3 June 2015, told all Members of Parliament (MPs) and members of the House of Lords that the results of a referendum would not need to be implemented (Uberoi 2015: 25) and so would not be binding on Parliament or government, a point which was repeated by the Minister for Europe later the same month. This was 'the reason given for not extending the franchise appropriately' (Grayling 2017: 190). In a situation, where Prime Minister Cameron sought to appease the Eurosceptic part of his own party, did not think he would lose the referendum (see Shipman 2016) and where the referendum result was only going to be advisory, Cameron thought it acceptable to let the Eurosceptics in his party define the franchise and exclude important parts of the citizenry who would probably have overwhelmingly voted 'remain'. As I noted above, 'any referendum result will have been influenced by the design of political community' (Shaw 2017: 560), and the present one was certainly shaped by the absence of the vote of EU citizens living in the UK.

In sum, I have shown that not all relevant parties could see their views and interests represented with equal concern and respect, and the franchise was therefore not defined in a legitimate way. As a result, the input legitimacy of the process suffered.

The Presence of Clarity

The next criterion of democratic participation implies that for all the concerned parties to be able to form a view on the decision that represents their interests, it is crucial that there is clarity about the question being asked and what is at stake in how it is answered. In our case, this means that not only the question to be asked in the referendum needs to be clear (LeDuc 2015: 141), but also what follows from either answer to the question (Renwick, Palese and Sargeant 2018: 546). Clarity only exists, therefore, when 'the various sides of an argument are well known and well established in the public discourse' (LeDuc 2015: 142-143). If asked to tick a box without knowledge of what each option represents, one is not casting a meaningful vote. Indeed, these principles are also laid out by the British Electoral Commission: 'Informed voters are fundamental to a well-run referendum, and this means that those eligible to vote ... should be able to understand the referendum question, the possible outcomes and the campaign arguments' (Electoral Commission 2016: 37). Clarity of the question as well as the implications of either choice is a crucial precondition for a meaningful debate during the campaign as well as a meaningful vote.

Turning to the empirical assessment, the referendum question read ‘Should the United Kingdom remain a member of the European Union or leave the European Union?’ The question as such is very clear. The trouble is that ‘Remain’ or ‘Leave’ never were *just* one option. For instance, ‘Leave’ is a term for a number of alternatives, such as staying in the single market and/or the customs union, or adopting Norway, Canada or World Trade Organization style frameworks, and so on. Once we look at the different ‘Leave’ options, we see that a majority for ‘Leave’ does not express the will of the people in respect of any one of those alternatives. Research from the Electoral Commission has found that 45 per cent of polled people found it ‘difficult to access information about what would happen in the event of a Leave vote’ whereas 41 per cent found this easy (Electoral Commission 2016: 44). These numbers suggest that the public was deprived of clarity about what would happen in the case of a ‘Leave’ vote, thereby rendering a meaningful vote difficult. Let me illustrate this point with a different example.

Imagine 40 per cent of the population is vegetarian, 30 per cent loves pork but abhors beef, and the remaining 30 per cent love beef but cannot eat pork. A vote on the question ‘who wants to eat meat tonight?’ could yield a 60 per cent majority. Yet both the pork and the beef options are rejected by 70 per cent of the population. The reason is simple: ‘meat’ is not actually a real option. ‘Meat’ means something different to different voters, and the 60 per cent majority in favour of ‘meat’ is the sum of mutually incompatible beef and pork eaters. To make things worse, any skilled politician can evade criticism of the ‘meat’ option by switching from one definition to the other as convenient.

Having more than two options for voters to choose from arguably comes with its own problems (Weale 1999: 132-137). Nevertheless, transferred to the 2016 EU referendum, the binary choice and the vagueness of the ‘Leave’ option in particular allowed its campaign to cast the widest net of all, encouraging each voter to keep their most favourable version of Brexit in mind, however far that may be from reality. It allowed proponents of hard and soft Brexit, free-market fundamentalists and protectionists, open-door internationalists and xenophobes to all add their votes together (Grayling 2017: 194), creating a coalition of incompatible voters. One might object that at a higher level of aggregation, most ‘Leave’ voters agreed with the slogan of ‘taking back control’ so as to achieve fuller sovereignty somehow and also be able to control borders. However, this ‘agreement’ rested by and large on a false knowledge of the status ante quo and/or false expectations as to what might be achievable in terms of sovereignty and border control post Brexit and/or different degrees to which voters agreed to the slogan as well as the type of policy they would like to see implemented post Brexit. Consequently, most ‘Leave’ voters would not be able to get the Brexit they thought they voted for.

In sum, the question posed by the referendum was not answerable because the implications of ‘Leave’ in particular were unclear, and the different alternatives were not sufficiently specified (Renwick, Palese and Sargeant 2018: 546; Allen 2018: 110). Whilst there was a (slight) majority for some version of ‘Leave’, we do not know the real preferences of those who voted ‘Leave’. In other words, the referendum hid the different preferences that underline ‘Leave’. As a result, the democratic legitimacy of the process was harmed.

The Amount and Quality of Information

The third criterion relates to the amount and quality of information needed for a legitimate process. A precondition for a fair and impartial process during which both sides can produce similar amounts of information is that spending in the campaign be regulated so as to ensure that neither side over-spends and has similar chances to put their arguments forward. It is furthermore important that the information be circulated even-handedly, ensuring voters receive information from both sides and can make an informed decision. The media has a crucial part to play in assuring that information is reported in a balanced way and that the arguments of both sides are made available to the public. However,

information needs not only to be available, it must also be of sufficiently high quality to be deemed ‘accurate, impartial, accessible to as many people as possible, and relevant to people’s concerns’ (Renwick, Palese and Sargeant 2018: 549). For voters to make a free and reasoned choice, trustworthy information should be readily available to them. If their choice is based on deceit or misinformation, they cannot be sure of voting in a manner that best serves their own interests. Furthermore, their capacity to hold office holders and campaigners to account will be reduced.

Turning to the empirical assessment, let us first see whether both sides of the campaign had access to similar amounts of funding. Campaigners were ‘subject to the PPERA [The Political Parties, Elections and Referendums Act 2000] regulatory framework which places limitations on spending by campaigners and provides transparency about sources of funding’ (Electoral Commission 2016: 9). For each campaigner, regulation foresaw a spending limit of £7 million. Altogether, Remain campaigns collectively spent £19,309,588 whereas Leave campaigns spent £13,332,569 (Electoral Commission, n.d.), making for the most expensive referendum campaign in British history. Remain thus outspent Leave by almost £6 million, which is a considerable imbalance. However, the officially designated Leave campaign, Vote Leave, fronted by Boris Johnson and Michael Gove, was fined £61,000 in July 2018 for breaches of electoral law during the referendum. It exceeded its £7 million spending limit by almost £500,000 by funnelling £675,315 through pro-Brexit youth group BeLeave (Electoral Commission 2018). The over-spent cash went into online advertising, targeting people based on individual psychological profiles. According to evidence heard by the House of Commons Digital, Culture, Media and Sport Committee in March 2018, those profiles were built through Facebook and other data, without consent or knowledge of voters. The profiles were first sold to Cambridge Analytica LLC and then to a Canadian corporation, Aggregate IQ Ltd, hired by Vote Leave to target UK voters (Rawlinson 2018). It is impossible to know how much this overspending affected the referendum result, though Vote Leave campaign director Dominic Cummings said, in a quote since removed from the Aggregate IQ website ‘We couldn’t have done it without them’ (Cadwalladr 2018). What we do know is that electoral law was breached, which decreases the democratic legitimacy of the process, though it did not seem to impress the government.

With regard to the amount of information, voters had access to a multitude of sources of information, both online and offline. Online sources consist of the websites of media, government bodies, academia, think tanks and social media. Offline sources consist of printed media, television, political events and peers. Though it is fairly safe to assume that the average voter will not explore all of these sources to inform themselves, it is also fair to assume that taken together, these different sources produced a good amount of information. However, as mentioned above, voters perhaps did not necessarily get all the relevant information, as indicated by research that shows that the media mostly focused on three issues only: the conduct of the campaign, the economy and immigration (Deacon, Harmer, Downey, Stayer, et al. 2016: 3). Indeed, when asked, 84 per cent of respondents said that they knew ‘a great deal’ (34 per cent) or ‘a fair amount’ (50 per cent) about what the referendum was for (Electoral Commission 2016: 44). However, when respondents were asked whether they had enough information to be able to make an informed decision, only 62 per cent agreed whereas 28 per cent disagreed (Electoral Commission 2016: 45). Likewise, it is telling that it was on the day after the referendum (not before) that the search phrase ‘what is the EU’ spiked on Google (Fung 2016).

This brings us to the quality of information. According to a poll by the Electoral Reform Society, one week before the referendum 33 per cent said they were well or very well informed, whereas 28 per cent said they were poorly or very poorly informed one week before the referendum (Brett 2016). These are low levels of informedness, which indicate that the quality of the information was questionable. Indeed, the campaign was plagued by little lies, half-truths and misinformation (Renwick, Palese and Sargeant 2018: 546). The most prominent example of this was the £350 million a week figure that the Leave campaign and many of its prominent supporters, including Boris Johnson,

suggested would go to the NHS once the UK left the EU. It has become clear since that this will not happen. By way of another example, a key theme of the Leave campaign was the idea of ‘taking back control’ and restoring a classic notion of Parliamentary sovereignty. This slogan was based on a false characterisation of the pooling of sovereignty that membership of the EU involves. Whilst it is true that the Court of Justice of the European Union can de facto overrule national courts and national Parliaments, it is also true that Parliament had previously *decided* to give away some of its ‘sovereignty’ to the EU, because it was of the view that within a globalising world it is necessary to sign up to international treaties, not least with immediate geographic neighbours. On the other side, the Remain campaign repeatedly used unverified numbers to support the idea of an economic breakdown in the case of the UK exiting the EU. In sum, both sides of the campaign were not wholly honest to voters.

As a result, only 34 per cent of the respondents in post-referendum research agreed with the statement that the conduct of the campaigns was fair and balanced, with a mere 12 per cent agreeing strongly (Electoral Commission 2016: 47). The main reasons given for the negative view were that the campaign was ‘one-sided / unbalanced / biased / partial’ (31 per cent) and the information was ‘inaccurate and misleading’ (31 per cent) (Electoral Commission 2016: 47). Indeed, supporters of both sides of the campaign have acknowledged that ‘truth was badly compromised in much of the campaign’ (Low 2017), so much that nearly half of all voters (46 per cent) thought politicians from both sides were ‘mostly telling lies’ (Brett 2016). It is not surprising, therefore, that voters increasingly turned towards social media, family and peers as sources of information and confirmation (Brett 2016).

To some extent, the media is to blame for the poor quality of information. The media continue to be an important source of information for the public, and it is their responsibility to inform and educate in an unbiased way. It has been suggested that the media did not do enough to retract lies, misinformation or unsubstantiated insinuations (Seaton 2016). Even the BBC has seen itself confronted with criticism for treating all arguments ‘as of equal value, giving equal airtime to unequal arguments’ (Parker, George and Bulmer 2017: 7). As a result, the arguments that were presented in debates often were unbalanced and not fact-checked, leaving half-truths unexplored and insufficiently countered (Seaton 2016: 335-336).

Some might say that all the information was available, not least through fact-checking provided by the BBC and *The Guardian*, but people simply did not want to know or listen (Bellamy 2019). However, the average citizen will not go to EU websites (or even the BBC) to find out whether a claim made by either side of the campaign is true or not. Citizens depend on party actors and the media to give them cues, also in regard to European integration (Hobolt and de Vries 2016: 422). To some extent, they do not even go as far as that and instead rely on peers in their echo chambers, though again cues there will have more often than not originated in some media outlet, and will often revolve around what some politician has said. Therefore, what party actors and the media offer in terms of information is highly important, though it is also true that many citizens are active carriers of misinformation (Kuklinski, Quirk, Jerit, Schwieder, et al. 2000) and will not change their view regardless of what information is passed on to them (Flynn, Nyhan and Reifler 2017). For example, there are well-established discrepancies between public perceptions of immigration levels in the UK and the statistical realities (Duffy and Frere-Smith 2014).

In sum, the assessment of this criterion is mixed. Taken together, Remain campaigns spent more than Leave campaigns, whilst the official Vote Leave campaign was found to have overspent and targeted voters in an inappropriate way. Information was available on both sides of the campaign, though it did not cover all relevant aspects by any means, and additionally was often misleading. Overall, it is fair to say that the democratic process was harmed by breaches of electoral law as well as the half-truths and misinformation involved.

The Quality of Public Debate

The last criterion concerns the quality of public debate. Public debate is crucial so that arguments can be exchanged, defended and weighed against one another. Public debate should be organised around alternative conceptions of the public good. It is where information, views, arguments and counter arguments on relevant issues ideally are expressed and tested as well as channelled into policymaking. As such, it serves different purposes. Public debates can act as processes that convey information. Given no individual alone possesses all the relevant information about any given policy, sharing information in public debates is important. Likewise, the different views that actors hold are rarely if ever known by the wider public, rendering a public sphere and debate where they can become known essential. Public debate reveals issues that are of significance for the whole society and contributes to the solution of problems. Furthermore, public debate should feed into parliamentary debates as well as government policies. If there is no public debate, then the link between society and government and state is weakened and democracy becomes elitist. Public debates also help to hold MPs and administrations to account. It is through these different functions that public debate contributes to democratic legitimacy (Habermas 1962). These days, public debate takes place mostly through the mass media, but also increasingly through social media, as well as public meetings, which indicates that there are different forums with different publics, rendering it more difficult to realise the above described ideals. Therefore, both the media and the political actors involved have a responsibility for the quality of public debate, the former because they provide the forum where debates occur, and the latter because they are the subjects of the debate.

Turning to the empirical assessment, did the media make arguments from both sides equally available to the public? It is possible to claim that *overall*, one could find different arguments in the media. However, there are two caveats.

First, whereas in broadsheet newspapers one could find arguments both in favour and against staying in the EU, the arguments put forward in tabloids were much more unidirectional and less balanced. As a result, the audience of the pro-Leave tabloids was mostly exposed to one-sided, Eurosceptic arguments. Second, of the nine main national daily newspapers, five supported the Leave campaign. These were the *Sun*, *Daily Express*, *Daily Star*, *Daily Mail*, and *Daily Telegraph*. Three newspapers were mostly pro-Remain: *The Guardian*, *Daily Mirror*, and the *Financial Times*. Of these only the *Mirror* has a circulation that compares with that of the Leave newspapers. The other main national daily, *The Times*, adopted a more or less neutral position (Levi, Aslan and Bironzo 2016). As a result, 80 per cent of people who regularly bought a daily newspaper bought a title favouring Leave (Levi, Aslan and Bironzo 2016), implying that the Eurosceptic discourse of the main tabloids reached a much larger audience. The combined effect of these two factors, the unidirectional reporting of the tabloids and their wider reach, was that 48 per cent of all referendum-focused articles were pro-Leave and just 22 per cent pro-Remain (Levi, Aslan and Bironzo 2016; Deacon, Harmer, Downey, Stayer, et al. 2016). This is perhaps unsurprising given that most British tabloids have run a campaign against the EU for several decades (Daddow 2012). Indeed, research by *The Economist* (2016) found that the British press 'has a long and well-observed tradition of fabricating facts about Europe'.

When looking at the quality of the public debate, we also need to look at the role of political leaders. Did they debate their opposing arguments in public? This happened to some degree in televised debates and when prominent representatives of either side made public speeches. However, politicians mostly put forward an argument about the advantages of their respective perspectives (or, with the Remain campaign, the disadvantages of leaving the EU) without directly engaging with each other's arguments or the 'facts' that the other side used. Instead, we witnessed a cherry-picking of numbers and arguments depending on which perspective was adopted. Two prominent examples illustrate this point. The first is the question of whether or not the UK can manage the scale of immigration into its territory while a member of the EU. Leave suggested it cannot and that being a

member of the EU meant signing up to the principle of free movement for EU nationals. Whilst this is correct, it missed the point that migration to the UK is more than just intra-EU migration. 'Remain' in turn said that if the government chose to, the UK would be able to turn EU nationals away for reasons of public security or health. Whilst this is also correct, it did not really engage with the argument put forward by the Leave side. The second example concerns the amount of legislation coming from Brussels. 'Leave' claimed that up to 60 per cent of all the UK's laws are made in Brussels whereas 'Remain' suggested that the number is closer to 13 per cent. Interestingly, both sides got their numbers from the same source (Miller 2010), and both claims were equally correct. It all depends on what is included in the definition of EU law. The estimates at the higher end of the spectrum included EU rules that are not laws in a meaningful sense, such as administrative decisions, and regulations that are not relevant to the UK. However, this difference was not explained to the public, and arguments were not properly discussed.

Another feature of the debate was the disdain for expertise that some of the actors displayed. Infamously, Michael Gove, co-chair of the Vote Leave campaign, when asked to name a single independent economic authority who thought Brexit was a good idea, replied 'I think people in this country have had enough of experts', and that he would side with 'the British people' instead. This fits with a political climate where those involved in public debates increasingly challenge conventional standards of evidence (Levandowski, Ecker and Cook 2017) and instead focus more on the emotional bases of policymaking (Siles-Brügge 2019), even if the overwhelming majority of publicly available evidence backs the facts. It echoes a general development towards increasing relativism towards facts (Mooney and Kirshenbaum 2009; Mohammad 2012), where sentiments rather than scientific evidence are increasingly accepted as common currency, while 'facts' are disputed and 'experts' are derided. It is a backlash against the paradigm of 'evidence-based policy', which since the 1990s served as a means of 'technocratic repression' (Widmaier 2010; Siles-Brügge 2019: 23) in an allegedly post-ideological age that had no regards for the felt experiences of citizens.

Let us sum up. The first criterion, the definition of the franchise so as to include all who are permanently subject to British law on British territory and over 16, was not met. The second criterion, the presence of clarity, was met half-way. Whereas the referendum question itself was clear, the particular implications of 'Leave' were anything but. As a result, it was difficult, if not impossible, to make an 'informed decision'. The third criterion was the amount and quality of information. There was a sufficient amount of information which was accessible to many people. However, it was not always accurate. Instead, voters were exposed to a series of half-truths and misinformation, and print media was largely biased in favour of Leave. As regards the fourth and final criterion, public debate, different arguments were made both by politicians and by the media. However, the quality of the debate was poor because there was a cherry-picking of arguments, these arguments were not discussed against each other but in isolation, and some politicians rejected scientific expertise altogether.

CONCLUSION

In this contribution, I have looked at the democratic legitimacy of the British EU referendum in 2016. I have suggested that its input legitimacy depends on four normative criteria, namely the franchise, presence of clarity, amount and quality of information, and the quality of public debate. The empirical analysis of these criteria showed that the referendum fell short of the first two whilst it could have done better for the latter two. In light of this, the referendum failed to meet the expectations of input legitimacy as defined in the context of this contribution.

One might ask whether the criteria put forward in this contribution are not too stringent. After all, we do not suggest that general elections are illegitimate if the foregoing campaigns included misinformation. Whilst this is a fair objection, we need to recognise there are important differences

between general elections and one-off referendums that aim to strengthen the democratic legitimacy of political systems. If elected politicians hand over very important decisions to voters, then this comes with an even greater responsibility on their part to stay truthful and not seek to manipulate the electorate. However, elected politicians have less of an incentive to remain truthful in referendum campaigns compared to general elections. This is because referendums are one-off events and politicians do not stand to lose office if their recommendations and discourse prove to be flawed or false. In the present case, this argument weighs particularly heavily since leaving the EU will shut the door to renewed British EU membership for the foreseeable future whilst having a considerable, and probably negative, impact on the economy in the short to medium term (Tetlow and Stojanovic 2018). In other words, the fact that elected politicians cannot be held to account by voters after the ballot increases the need for them to act in ways consistent with stringent criteria, such as those proposed here. This point is reinforced by the fact that the referendum was interpreted as politically binding after the fact, whereas it only enjoyed advisory status legally, and that a number of relevant decisions, for example regarding the franchise, had been taken due to the referendum's advisory status.

Handing over very important decisions to voters also places greater responsibilities and obligations on the electorate, not least the obligation to inform itself more and better than it would do in the context of general elections. In representative democracy, voters are normally content to delegate the responsibility to govern and steer to those elected politicians who, in turn, are happy to make it their full-time job and as a result have access to more information on specific policies than the average voter. However, in forms of direct democracy such as referendums, this duty to be informed and act responsibly lies with both elected politicians, who have decided to hand over a decision to voters, and the voters themselves. It is difficult to see how such a democratic process could claim legitimacy if both sides did not accept their responsibilities.

This assessment of the input legitimacy of the recent EU referendum points to a number of lessons. The first, and single most important, lesson is that governments should not call referendums if they cannot be very clear about what each option on the ballot paper involves. Cameron's commitment to a referendum did not come from a careful analysis of what an EU membership referendum would involve, what the implications of a 'Leave' vote might be and how leaving the EU could be implemented. Instead, he sought to appease backbenchers within his own party and prioritised winning the next general elections (Renwick, Palese and Sargeant 2018: 546). The consequences of holding a referendum on as important a question without it having been clear from the start what 'Leave' would mean can be observed in British politics ever since. Not only has the country been divided since the vote, but also MPs as well as the government struggle to know what type of Brexit they should deliver, if any, to the point that leaving the EU without any deal remains a possibility as late as summer 2019. In sum, 'a referendum is a mechanism for deciding between two options. It is not in itself a mechanism through which the form of those options can be developed' (Renwick, Palese and Sargeant 2018: 547).

The second lesson regards the campaign, where it might be worthwhile considering using deliberative forums such as citizens assemblies more. In a political environment in which the media landscape is as polarised and ideological about an issue as the British tabloids are about the EU, and where citizens mistrust politicians to a high degree, it is worth experimenting more with forms of citizen education and enabling. Though only ever a few voters can participate in these forums, their results can be made broadly available, and might be trusted more by peers than distant media or politicians. Positive experiences have been made with citizen assemblies prior to the second Irish referendum on the Lisbon Treaty, and they have also begun to enter the British debate about how to surpass the political deadlock in Westminster.

The third lesson concerns referendums in general, and in particular in democracies where they are used rarely. In such cases they should be complementary to representative democracy and not a

substitute for it. In the present case, Cameron's decision to hold a referendum on EU membership was driven by party-political goals. Instead, it should have been embedded in a discussion process in Parliament where government and opposition parties could have debated the problems they saw and how they might best be addressed, as well as which options should be put to the voter, if any.

ACKNOWLEDGEMENTS

I would like to thank Richard Bellamy, Albert Weale and two anonymous reviewers for their constructive feedback on an earlier version. I would like to thank Richard Bellamy for language editing.

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Journal of Contemporary European Research

Volume 15, Issue 3 (2019)

Research Article

What Helps Cement Feelings of Connection between EU Citizens

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Citation

Balestrini, P.P. (2019). 'What Helps Cement Feelings of Connection between EU Citizens', *Journal of Contemporary European Research* 15(3): 299-318. <https://doi.org/10.30950/jcer.v15i3.1015>

First published at: www.jcer.net

Abstract

There is a growing body of literature on EU public opinion. Yet the feelings of connection between Europeans and how these influence EU model type preferences are an unexplored area. The present article addresses this gap in the research. Using Eurobarometer data, our results demonstrate that while being in a more favourable personal situation helps cement bonds between EU citizens and in turn stimulate public support for the EU, perceived EU policy contribution to unemployment, immigration and crime tend to damage the related bonds and successively boost public opposition to the EU. Terrorism management, multiculturalism, economic deprivation or 'putting aside' Europe's Christian identity are also not found to help EU citizen cohesion. The article then discusses the implications of these findings.

Keywords

European Integration; Christianity; Terrorism; Public opinion; Income redistribution; Bonds between EU citizens

The popular rise of mainstream and radical Eurosceptic political parties may threaten the perennialism of the European project in the long term. This context has stimulated academic thought on how to make the EU more popular and whether Brexit could have been avoided (see for example, Goodwin, Hix and Pickup 2018). Extant literature about the EU has shown that, by and large, citizens evaluate European integration on the bases of personal and national cost/benefit calculations. In other words, utility explanations about the EU produce public support for (or opposition to) integration. This vector of support depends on subjective socio-economic appraisals (Carey 2002; Gabel and Whitten 1997; Hooghe and Marks 2005). It also hinges on objective personal socio-economic circumstances (Gabel 1998; Hix 1999; Hooghe, Huo and Marks 2007) and the objective national socio-economic context (Sanchez-Cuenca 2000; Gabel 1998). Yet, the great majority of existing research relies on two dependent variables to draw these conclusions, namely 'EU membership as a good thing' and 'EU benefit' variables¹. While these two variables measure national utilitarian support, they tend not to gauge the economic and cultural proximity that citizens can feel towards one another and how perceived or real current EU developments influence this relationship. The need to explore other facets of public support for the EU, including the influence of the national context on the latter, has been underlined by researchers (see, for example, Hobolt and De Vries 2016). This article makes some contributions towards this.

Expanding the public opinion literature on European integration, the aim of this article is to examine empirically how the shared interests² between citizens affect public attitudes towards the EU. More specifically, the article analyses how subjective national and European economic and political assessments affect feelings of connection between EU citizens and, in turn, public support for European integration. It also investigates how objective personal socio-economic circumstances influence EU citizen cohesion and thus stimulate public support for (or opposition to) integration. It explores how the objective national socio-economic context can stimulate bonds between fellow Europeans and hence public opinion on integration. Finally, it examines whether, in countries where

Christianity is recognised as the official or preferred state religion, citizens are more likely to develop links with citizens in other EU states and support the EU.

In line with previous research, the findings show that the integration winners – those with human and financial capital – and citizens who are satisfied with their country's direction and their influence on the workings of the EU, are more likely to bond with other EU citizens and be supportive of the European Union. However, citizens are found to be more sceptical about the EU contribution to unemployment, crime and immigration. The results also show that people are failing to see the EU's added value in domains such as terrorism, social redistribution, the preservation of Europe's Christian heritage or the management of immigrants' integration into EU societies. The findings suggest public anxiety with some current EU policy developments and the impact of the latter on the welfare of citizens across the EU. I start with a discussion of previous research on public attitudes towards the EU, then set out seven hypotheses, which I test on the basis of Eurobarometer (EB) datasets for all the member states in 2015 and 2016. The findings are then discussed and conclusions are drawn.

PAST RESEARCH ON CITIZEN SUPPORT FOR EUROPEAN INTEGRATION

Prior empirical research has established that utility calculations underlie citizens' opinion about European integration. This approach relies on self-interested explanations of political attitudes and suggests that citizens are more likely to support integration if it results in a net personal or national benefit. Thus, people's positive perceptions of national and personal economic conditions³ increase the level of support for the EU (Carey 2002; De Vreese and Boomgaarden 2005; Gabel and Whitten 1997; Hooghe and Marks 2005; Llamazares and Gramacho 2007 and McLaren 2007). Furthermore, better educated individuals and those of higher social conditions – in other words, people with human and financial capital – have been shown to back integration as market liberalisation pertaining to integration offers more opportunities for them (Gabel 1998; Hix 1999; Hooghe et al. 2007). Finally, the objective national socio-economic context sways public opinion of the EU. Thus, unemployment, crime, immigration and social redistribution have been demonstrated to affect public attitudes towards the EU (for example, Anderson and Kaltenthaler 1996; Gabel 1998; Gabel & Palmer 1995).

Identity-related concerns also explain variations in public support for the EU. The pooling of sovereignty inherent to European integration can be interpreted as potentially eroding national self-determination and blurring boundaries between distinct national communities.⁴ Various studies (for example, Hooghe and Marks 2005; Kaltenthaler & Anderson 2001; McLaren 2007) have thus demonstrated the relationship between the importance of exclusive national identity and lack of support for European integration. Euroscepticism can also be related to a general hostility towards other cultures, such as negative attitudes towards minority groups and immigrants (DeVreese and Boomgaarden 2005; Hobolt et al. 2011). However, national economic and social utility calculations about the EU have been found to have greater explanatory power than identity issues (Hobolt and Wratil 2015; Kuhn and Stoeckel 2014). Benchmarking approaches play a role in accounting for differences in public attitudes towards European integration. The national context provides economic and political benchmarks against which the public can judge the European Union (Kritzinger 2003 and Kuhn and Stoeckel 2014). Belot and Guinaudeau (2017) have found that public EU support increases (decreases) when Europeanisation makes individuals' desired policies more likely (less likely). However, most of this research resorts to two dependent variables to draw conclusions – namely 'EU membership as a good thing' and 'EU benefit' variables. Whilst these two variables measure national utilitarian support (and are recognised as such by earlier research literature), they tend to gauge potential national gains from EU membership rather than potential citizen gains. They also fail to take account of the potential economic and cultural proximity that EU citizens can feel towards one another. The related closeness can arise from current EU policy developments and/or from policies citizens would like the EU to implement. EU countries are relatively culturally close (Hofstede 1991).

Their country's EU membership also gives them a shared sense of community and destiny. They are subject to the same EU policies.⁵ Yet they tend to view economic and cultural globalisation (promoted by the EU) as negatively impacting on their welfare and more generally on their way of life.⁶ They thus tend to see globalisation as increasing social inequalities, benefiting primarily large companies and threatening national cultures (see for example, Eurobarometer 69.2, 72.4 and 73.4; Balestrini 2016a and b). Nevertheless, despite these concerns, citizens are not opposed to globalisation altogether, but are opposed to its excesses. They are inclined to favour more regulated international trade (see Rodrik 2018). A large majority of Europeans are opposed to leaving the EU or even the euro (as evidenced by Eurobarometer data). The argument of the state's economic 'survival' may play a part in this, as has been seen in the Brexit negotiations (de Vries 2017). This sense of common threats and belonging may help to forge common interests and connections between EU citizens. These research issues are important markers to appreciate better the conditions upon which public support for the EU can happen on a more durable basis and help design policies which fulfil this objective. Several policy issues and theories – albeit with utilitarianism as an overarching pillar – are examined in the present research to grasp the nature and scope of EU citizen cohesion.

Testing the following Eurobarometer question (Eurobarometer 84.1 and 85.1 2015, 2016) enables us to address this gap in the literature: 'Can you tell me whether you agree or disagree with the following statement: 'what brings the citizens of the different EU Member States together is more important than what separates them'. Tables 1, 2 and 3 demonstrate that citizens tend to be more positive about what they share with one another than when they evaluate EU membership itself.⁷ Thus, 71.89 per cent (2015) and 74.06 per cent (2016) of respondents think that they have common ground with other EU citizens as opposed to 55.16 per cent and 59.97 per cent of respondents who respectively view their country's EU membership as a good thing and consider their country has benefited from EU membership. This may entail that, when responding to this question, they do not only appraise current EU policies but also consider what they have in common with other EU citizens and how 'wanted' EU policies could reflect this.

Table 1: Sense of proximity between EU citizens (in percentage)

Can you tell me whether you agree or disagree with the following statement: 'what brings the citizens of the different EU Member States together is more important than what separates them'					
Year	Totally agree	Tend to agree	Tend to disagree	Totally disagree	Don't know
2015 EU 28	24.95 ¹	46.94	16.42	4.82	6.87
2016 EU 28	25.93	48.13	14.92	4.22	6.80

Note:¹ EU weighted score **Source:** Eurobarometer Surveys 84.1 and 85.1 (2015 and 2016)

Table 2: EU membership evaluation (in percentage)

Generally speaking, do you think that (our country)'s membership of the European Union is...?				
Year	A good thing	Neither good nor bad	A bad thing	Don't know
2015 EU 28	55.16 ¹	27.58	14.99	2.27

Note:¹ EU weighted score **Source:** Eurobarometer Surveys 84.1 (2015)

Table 3: EU benefit (in percentage)

Taking everything into consideration, would you say that our country has on balance benefited or not from being a member of the European Union?			
Year	Benefited	Not benefited	Don't know
2015 EU 28	59.97 ¹	31.33	8.70

Note:¹ EU weighted score **Source:** Eurobarometer Surveys 84.1 (2015)

Table 4: Factor analysis

Item	Varimax Rotated Factor Loadings	
	2015 Factor 1: EU Assessment	2015 Factor 1: Specific EU Assessment
'Generally speaking, do you think that (our country)'s membership of the European Union is...?'	.83	–
'Taking everything into consideration, would you say that our country has on balance benefited or not from being a member of the European Union?'	.77	–
'What brings the citizens of the different EU Member States together is more important than what separates them'	.61	.69
'When it comes to the issue of migration, please tell me if you believe that more or less decision-making should take place at a European level or no change is needed.'	.49	.65
'In the current context of migratory flows from outside the EU, to what extent do you agree or disagree with each of the following statements? The country needs legal migrants to work in certain sectors of the economy' ⁸	.51	.69
Eigenvalues	2.16	1.38
Percentage of variance explained	43	46
α	.60	.51

Note: N = 28149 (2015) **Source:** Eurobarometer Surveys 84.1 (2015)

'EU membership as a good thing' and 'EU benefit' variables tend to measure general, diffuse public support for the EU while specific EU public support tends to relate to policy support (see for example, De Wilde and Trenz 2012; Easton 1965, 1975). Thus, public support for more migration policy decision-making at an EU level or support for economic migration in certain sectors of the economy are examples of variables gauging specific, policy public support for European integration. A factor analysis revealed that 'EU membership as a good thing', 'EU benefit', 'EU citizen cohesion', 'EU migration policy decision-making' and 'EU economic migration' variables represent one underlying construct (see Table 4).⁹ It measures public opinion about integration. However, the third, fourth and fifth variable load on the construct significantly less than the first two, that is .61, .49 and .51. versus .83 and .77. Moreover, when considered on their own, these three variables load on the construct more uniformly (see second column of Table 4). This means that the third, fourth and fifth variables are likely to gauge specific EU public support. Furthermore, the terms 'what brings the citizens of the different EU Member states together...' contained in the third question refer to the idea of unity, cohesion or connection between

EU citizens based on common interests. Bearing in mind the nature of this question and these results, the idea that, when responding to the third question, citizens do not solely evaluate current integration but also what bonds them to other EU citizens and how EU policy does or could enact those bonds seems to be corroborated. In other words, besides expressing their opinion about current integration, they also formulate EU model type preferences¹⁰ based on what they feel they share with other fellow Europeans.¹¹ Testing a fairly broad range of issues with the third variable will enable us to uncover how the economic and cultural proximity that EU citizens can feel towards one another influences EU policy preferences.

One can next ponder how subjective and objective personal and national socio-economic calculations shape connections between citizens and how integration fits into this. In line with previous research (Carey 2002; De Vreese and Boomgaarden 2005; Gabel and Whitten 1997; Hooghe and Marks 2005; Llamazares and Gramacho 2007; McLaren 2007), it is first contended that subjective national and European economic and political assessments influence EU citizen cohesion. More specifically, one expects here that the more positively citizens view their country direction or the more citizens are satisfied with their voice on the workings of the EU, the more they are likely to bond with other EU citizens. The rationale for this is that perceived economic and political gains are likely to boost feelings of connection between fellow Europeans and in turn stimulate public support for integration.

The EU complex and multilevel division of power between various European institutions and between EU institutions and national governments makes it more difficult for people to attribute policy responsibility. Citizens tend to use national economic and political benchmarks to assess European integration (see for example, Kritzinger 2003; Kuhn and Stoeckel 2014). The EU of the early twenty-first century has though become more relevant to the lives and interests of European citizens as it increasingly affects their national and individual welfare. It involves policies (especially the common currency, European citizenship, immigration, border control and foreign and security affairs) that are highly salient and can even be controversial (Gabel 2000; Hooghe and Marks 2005). These changes have made the EU more visible, politicised and contested by political parties, social movements, interest groups and citizens which have, in turn, modified the public's EU cost/benefit calculations.

Individuals partly take cues from political parties (usually mainstream political parties) that can lay the blame on the EU for some unpopular policy measures or from those (especially radical political parties or factions within mainstream parties) that underscore the fact that much of national socio-economic decision-making is outside national governments' control under current EU agreements. To this effect, the migration emergency and the British referendum campaign (and its Brexit outcome) have shown that citizens may not just be benchmarking the performance of domestic institutions versus that of EU institutions or other EU states but also the same versus that of non-EU states or even benchmarking against the present and past performance of domestic institutions (see for example, Bulman 2016). Political parties¹² play a role in cueing mass attitudes towards this end (De Vries 2017; Polakow-Suransky 2017).

The perspective of real or potential citizen gains may help to strengthen EU citizen cohesion. Thus, consistent with earlier research (Gabel 1998; Hix 1999; Hooghe et al. 2007), individuals who have human and financial capital are more likely to take advantage of opportunities stemming from market liberalisation pertaining to integration. These opportunities may help to create links with other EU citizens which can successively enhance public support for integration. It is therefore secondly argued that individuals of higher social positions, with better levels of education or financial capital, are more likely to connect with other EU citizens.

Thirdly, in agreement with the literature on public attitudes towards the EU (Anderson and Kaltenthaler 1996; Gabel 1998 and Sanchez-Cuenca 2000), national levels of unemployment, immigration, crime and social redistribution are expected to affect national publics' opinion about

integration. Unemployment, immigration¹³, crime and social issues have remained highly salient issues for citizens for most of the last two decades (as evidenced by Eurobarometer data). In citizens' minds, socio-tropic instrumental relationships exist between immigration, unemployment, crime and loss of (or threat to) national identity. These interconnections affect their views of national and European institutions of governance (Kehrborg 2007; Lahav 2004). The EU free trade stance¹⁴ also tends to be seen negatively by citizens. Some form of European protectionism is moreover favoured by a large majority of Europeans, this largely irrespective of the socio-economic traditions of EU member states (see, for example Ifop-AMDLE 2011). A national context of high unemployment, immigration, crime and social redistribution is likely to undermine bonds with other fellow Europeans and foster public opposition to integration. Although citizens can sympathise with fellow citizens in other EU nations and acknowledge that these policy issues tend to be EU-wide, popular discontent in more adverse national contexts is likely to prevail and lessen feelings of connection between EU individuals. In countries where social redistribution is high, the reverse is true. In these nations¹⁵, people are more opposed to integration as they fear that the market liberalisation impetus of the EU weakens social redistribution. However, the 2008 economic crisis has provided 'opportunities' for national governments across the EU¹⁶ to reduce social expenditure. This context could limit the effect of social distribution levels on EU citizen cohesion.

Furthering the public opinion literature on the EU, I examine here the effect of terrorism, the positioning of party leaderships on multiculturalism and Christianity as an official or preferred state religion on public support for integration. These factors are connected to immigration which is a key concern for national publics. Multiculturalism, the foreign nature of terrorism (Islamic terrorism) and Christianity relate to identity and security (safety) concerns. They may affect citizens' sense of national identity, what they feel they share with other EU citizens, and how they view EU policies – especially towards migration and European identity. It is maintained that terrorism, the positioning of party leaderships on multiculturalism and Christianity as an official or preferred state religion do not affect EU citizen cohesion. National and European political actors often stress the arguments that European integration has made it possible to preserve peace between countries and that European states are stronger together in the fight against crime and, in particular, terrorism (see European Commission 2016). With the significant increase in acts of terrorism in Europe in the last 15 years (National Consortium for the Study of Terrorism and Responses to Terrorism (START) 2019) and the fact it is a transnational phenomenon, the electorate may partly buy into this argument. However, the fear of terrorism among national publics is fairly widespread and goes beyond the actual level of terrorist activities in a country (see for example, Eurobarometer 75.4 and 85.1, 2011 and 2016). The enduring migration emergency and repeated media reports about potential or real terrorists infiltrating the wave of refugees in Europe may have played a part in this (Grierson 2016). National publics' perceived economic, cultural and physical (safety) insecurities nurture national public opinions about terrorism. It is likely that these factors make altogether redundant the sway of the level of terrorist activities (in a state) on public opinion about integration.

'National multiculturalism' could help citizens to feel closer to one another in the European context and contribute to a higher support for European integration. In national contexts where the positioning of political party leaderships favours the integration of immigrants into society on a multicultural basis, individuals can have a propensity to 'reach out' to other individuals and therefore find common ground with other Europeans more easily¹⁷. To this effect, European institutions are striving to construct European identity on a more universal basis, relying on values such as freedom, equal rights and solidarity (see Pinxten, Cornelis and Rubinstein 2007). Large scale immigration¹⁸ has however contributed to reducing national differences in immigrant integration policies towards a more multiculturalist perspective¹⁹. Radical political parties have been 'skillful' in exploiting and developing citizens' sense of cultural dispossession and linking it to economic deprivation in a globalised world. People's scepticism towards globalisation and mass immigration yet exceeds the electoral weight of

such parties (Rodrik 2018). This political climate could neutralise the impact of immigrant integration (national) strategies on public attitudes towards the EU.

Furthermore, it is argued that citizens' cultural insecurities are likely to be resistant whether Christianity is recognised as an official or preferred state religion in a country or not. As such, it is hypothesised as not impacting on public attitudes towards the EU. In countries where Christianity is recognised as the official or preferred state religion, the multicultural character of the EU, its inclinations towards free markets and mass immigration may not be considered as less threatening to national identity than in other countries. Thus, countries such as Italy, Poland and Spain have argued unsuccessfully for the inclusion of Christian roots in the EU constitution (see for example, Black 2004). Governments in a number of eastern and central European EU member states also criticise the multicultural character of the EU which is seen as threatening national identity and in particular the Christian heritage of their country. This finds echoes in public opinion in these countries (Szczerbiak 2007, 2012 and 2015; Heinisch and Landsberger 2012). In the British referendum on EU membership, questions about national identity and mass immigration were key reasons for endorsing Brexit (Bulman 2016). Lately, in the Italian 2018 general election, Salvini (Lega) specifically referred to the need to protect the Christian heritage of Italy in a campaign dominated by national identity and immigration issues (see, for example, Boschi 2018). The same type of argument is used, perhaps though not as forcefully, by radical parties in laic nations such as France where the ancient status of Christianity in France is used to 'push' the argument for a preferred status. In sum, it is maintained that current EU policies towards terrorism, multiculturalism and the 'side-lining' of the European Christian heritage may be perceived by citizens as not helping to sustain or grow bonds between fellow European citizens.

Formalising these ideas yields the following hypotheses:

Hypothesis 1: subjective national and European economic and political assessments

H1.1: the more positively citizens view their country direction, the more they are likely to bond with other EU citizens.

H1.2: the more citizens are satisfied with their influence on the workings of the EU, the more likely they are to bond with other EU citizens.

Hypothesis 2: objective personal socio-economic circumstances

H2: individuals' education, social class or financial situation strengthens EU citizen cohesion.

Hypothesis 3: objective national socio-economic context

H3.1: the higher the crime rate in the country is, the higher unemployment and immigration in the country are and the lower income dispersion in the country is, the lower EU citizen cohesion is.

H3.2: terrorism does not sway EU citizen cohesion.

H3.3: positioning of party leaderships on multiculturalism does not influence EU citizen cohesion.

Hypothesis 4: Christianity as the official or preferred state religion

H4: in countries where Christianity is recognised as the official or preferred state religion, citizens are no more likely to bond with other EU citizens than those in countries where it is not.

METHODOLOGY

In order to test the hypotheses, public support for the EU has been analysed within 28 EU member states using a two-level hierarchical linear model that allows the combination of individual-level and country-level data²⁰. For the individual-level data, Eurobarometer surveys 84.1 (2015) and 85.1 (2016) are used. The country-level data are mainly based on Eurostat data for 2015 and 2016. The choice of

data derives from the availability of required questions to test the hypotheses. The central goal in developing the regression models is to examine the unique effects of independent variables on the dependent variable²¹. National weights are used to ensure the national representativeness of the samples.

The dependent variable used to test the hypotheses is the following: 'Can you tell me whether you agree or disagree with the following statement: 'what brings the citizens of the different EU Member States together is more important than what separates them', 'totally agree' (coded 1), 'tend to agree' (coded 2), 'don't know' (coded 3), 'tend to disagree' (coded 4), or 'totally disagree' (coded 5)²². With regard to independent variables, country direction, EU democracy satisfaction, education, social class, financial position, unemployment, income dispersion, immigration, crime, terrorism impact, positioning of party leaderships on multiculturalism and Christianity as state religion are employed to test the hypotheses.

Country Direction – employing the question 'In general, things are going in the right direction, neither in the right nor in the wrong direction or in the wrong direction in our country'. Two variables were created as follows. In the first variable, the response 'things going in the right direction' was coded as 1 and all the other responses were coded as 0. In the second variable, 'neither in the right nor in the wrong direction' was coded as 1 and all other responses were coded as 0. 'Things going in the wrong direction' is as a result the baseline group for both variables.

EU Democracy Satisfaction – using the question 'Please tell me to what extent you agree or disagree with each of the following statements: 'My voice counts in the European Union', 'totally agree' (coded 1), 'tend to agree' (coded 2), 'tend to disagree' (coded 3), or 'totally disagree' (coded 4).

Education – age when stopped full-time education. Education attainment is generally a reliable indicator of citizens' skill levels, employment and earnings (see for example, Carnevale, Rose and Cheah 2011; OECD 2011).

Social Class – Two dummy variables were created as follows. In the first variable, respondents belonging to the middle class of society were coded as 1 and the other 2 groups (working and higher classes of society) were coded as 0. In the second variable, respondents belonging to the higher class of society were coded as 1 and the other 2 groups were coded as 0. Working class is the baseline group which is expected to be the least in favour of European integration (see, for example, Gabel 1998). Social class generally remains a reliable indicator of citizens' education, occupation and earnings (Whitty 2001 and Wright 1997).

Difficulties in Paying Bills – Difficulties in paying bills at the end of the month. Two dummy variables were employed as follows. In the first variable, respondents who occasionally have difficulties in paying bills were coded as 1 and the other two groups (those who 'most of the time' and 'almost never or never' have payment difficulties) were coded as 0. In the second variable, respondents who almost never or never have payment difficulties were coded as 1 and the remaining two groups (those who 'most of the time' and 'occasionally' have the related difficulties) were coded as 0. 'Most of the time' is the baseline group since it is the group which is expected to oppose European integration the most (Gabel 1998).

Unemployment – Unemployment rate (Eurostat definition - source: Eurostat 2016a).

Terrorism Impact – Terrorism impact score in 2015 and 2016 (source: Institute for Economics and Peace 2016). It gauges the direct and indirect impact of terrorism in a country in terms of its effect on lives lost, injuries, property damage and the psychological after-effects of terrorism. The higher the figure, the higher the terrorism impact in a country is.

Income Dispersion in Society (Gini coefficient) – Gini coefficient of equivalised disposable income (source: Eurostat 2016a). The Gini coefficient measures the extent to which the distribution of income or consumption expenditure among individuals or households within an economy deviates from a perfectly equal distribution. A Gini index of 0 represents perfect equality, while an index of 100 implies perfect inequality (in income distribution).

Net Migration – Net migration into EU countries per thousand inhabitants (source: Eurostat 2016b). This variable has been selected as it is the most frequently publicly reported and commented upon variable by political actors and field experts. Since most countries do not have accurate figures on immigration and emigration and given the public sensitivity of the information, these figures need to be assessed with caution.

Crime – Crime per head of population (recorded by the police) (source: Eurostat 2016b).

Positioning of Party Leaderships on Multiculturalism – (source: Bakker, Edwards, Hooghe, Jolly et al. 2015). Weighted aggregate expert scores per country are calculated from the raw expert data for the 2014 Chapel Hill Expert Surveys on the positioning of political parties on multiculturalism in EU member states. The score of each political party is weighted according to the percentage of votes obtained at the national election most proximate to the Eurobarometer year. A score of 0 means the leadership of a political party strongly favours multiculturalism whilst a score of 10 means the same leadership strongly favours the assimilation of immigrants.

Christianity as Official or Preferred State Religion – (source: Pew Research Center 2017). Two dummy variables were created as follows. In the first variable, countries in which Christianity is the official state religion were coded as 1 and the other 2 groups (countries in which Christianity is the preferred state religion and those in which there is no official or preferred state religion) were coded as 0. In the second variable, countries in which Christianity is the preferred state religion were coded as 1 and the other 2 groups were coded as 0. Countries in which there is no official or preferred state religion are the baseline group.²³

In line with earlier research on public opinion about the EU, the following are control variables: gender, age and ideology.²⁴

RESULTS AND ANALYSIS

An analysis of variance is first conducted to determine whether there is significant variation in public opinion on European integration at the individual and national levels (see Table 5). As both the individual and national variance components are significant, there is significant variance in EU opinion at both the individual and national levels: in 2015, 93.66 per cent of the variance are explained at the individual level $[(1.227/(1.227 + 0.083) * 100)]$ and 6.34 per cent at the national level $[0.083/(0.083 + 1.227) * 100]$; in 2016, 91.05 per cent of the variance are explained at the individual level $[(1.150/(1.150 + 0.113) * 100)]$ and 8.95 per cent at the national level $[0.113/(0.113 + 1.150) * 100]$. The fact that the data are measured at the individual level explains this unequal split (Steenbergen and Jones 2002). Two models are specified in Table 6.

The coefficients for country direction and EU democracy satisfaction are (statistically) significant in all models – in other words, both in 2015 and 2016. The direction of these coefficients indicates that the more positively citizens view their country direction or the more citizens are satisfied with their say on the workings of the EU, the more they are likely to feel closer to citizens in other EU countries and support European integration. In light of these results, Hypotheses H1.1 and H1.2 are supported. Therefore, the more positively citizens view their country direction or the more citizens are satisfied with their influence on the workings of the EU, the more they are likely to bond with other EU citizens.

Perceived economic and political gains strengthen links between European citizens and in turn enhance public support for the European project. The results obtained for education, social class²⁵ and citizens' financial positions proceed from the same logic. The coefficients for education, social class and citizens' financial positions (the latter only in 2015) are (statistically) significant. The direction of the related coefficients denotes that individuals of higher social positions, with better levels of education and/or financial capital are more likely to connect with other EU citizens and support integration. In view of these results, Hypothesis H2 is overall supported. Thus, individuals' education, social class or financial situation strengthens EU citizen cohesion. The opportunities that market liberalisation (relating to European integration) offers to individuals with human and financial capital explain these results. The real or potential benefits brought by market liberalisation to them contribute to stimulating feelings of connection with fellow Europeans and the process of European integration. Cost/benefit calculations are the root of public support for the EU. The findings for Hypotheses H1.1, H1.2 and H2 confirm earlier research results (for example, Hix 1999; Hooghe and Marks 2005; and Gabel 1998). However, here, it is the prospect or fulfilment of personal gains that cements bonds between Europeans, which successively provides public support for the European Union.

Table 5: ANOVA

	Estimates (2015)	Estimates (2016)
Fixed Effects		
• Constant	2.037** (.039)	1.910** (.037)
Variance Components		
• Individual Level	1.227** (.010)	1.150** (.009)
• Country Level	.083** (.023)	.113** (.029)
-2 x log likelihood	42250.84	41165.20

Notes: Table entries are maximum likelihood estimates with estimated standard errors in parentheses. ** Significant at $p < .01$

Source: Eurobarometer Surveys 84.1 and 85.1 (2015 and 2016)

Turning to the results for the objective national socio-economic context, the coefficients for unemployment, immigration and crime tend to be (statistically) significant while those for income dispersion are not significant. The direction of the coefficients implies that the higher the crime rate in the country is, the higher unemployment and immigration in the country are, the more Europeans feel 'detached' from citizens in other EU nations and oppose European integration. Bearing in mind these results, Hypothesis H3.1 is supported. Therefore, the higher the crime rate in the country is and the higher unemployment and immigration in the country are, the lower EU citizen cohesion is. However, national levels of income dispersion do not predict the same outcomes. The results for unemployment, immigration and crime can be explained by the fact that while most EU citizens are generally concerned about these issues and tend to be sceptical about the national and EU inputs in the related fields, popular discontent in the most unfavourable national contexts dents bonds between Europeans. In this configuration, citizens are more likely to oppose European integration. The effect of the Euro on national competitiveness²⁶, the financial crisis and the migration emergency have not affected all EU member states uniformly. Some countries such as Italy and Greece have been affected more heavily. Euroscepticism in these settings has found fertile ground to grow and prosper. However, while these results are in line with previous research (for example, Anderson and Kaltenthaler 1996 and Gabel 1998), the size of the coefficients in the present research²⁷ tends to be smaller. It is likely that the extent of popular malaise with national levels of immigration, crime and, to a lesser extent, unemployment is such nowadays across EU member states that if this trend continues in the future, actual levels of immigration, crime or unemployment may not be a differentiator of public attitudes towards the EU any longer.

Table 6: Regression estimates of public attitudes towards European integration

	2015	2016
Constant ^a	2.207** (.026)	2.118** (.033)
Education	-.086** (.013)	-.080** (.013)
Gender	.002 (.006)	-.014* (.007)
Age	-.047** (.008)	-.007 (.008)
Ideology	.029** (.006)	.032** (.007)
Occasional Financial Difficulties	-.027* (.011)	-.008 (.012)
Almost No & No Financial Difficulties	-.057** (.012)	-.006 (.013)
Middle Class	-.017* (.008)	-.043** (.008)
Higher Class	-.010 (.008)	-.045** (.008)
Right Country Direction	-.148** (.008)	-.098** (.007)
Neither Right nor Wrong Country Direction	-.079** (.007)	-.058** (.007)
Voice Counts in the EU	.270** (.007)	.176** (.007)
Unemployment	.061 (.030)	.100** (.026)
Terrorism Impact	-.014 (.030)	-.066 (.036)
Gini Coefficient	.034 (.031)	-.008 (.029)
Net Migration	.071* (.031)	.075* (.029)
Crime	.062* (.027)	.069* (.029)
Positioning of Party Leaderships on Multiculturalism	.051 (.025)	.029 (.019)
Christianity as Official State Religion	-.027 (.026)	-.016 (.028)
Christianity as Preferred State Religion	.008 (.029)	.008 (.029)
N (Nations)	28	28
N (Individuals)	26334	25907
-2 x log likelihood	36061.74	32172.48

Notes: Table entries are maximum likelihood (standardised) estimates with estimated standard errors in parentheses.

^a Values for the Constant are B coefficients.

** significant at $p < .01$; * significant at $p < .05$

Source: Eurobarometer Surveys 84.1 and 85.1 (2015 and 2016)

This may explain what seems to have happened with income dispersion. The non-significance of the latter here contradicts earlier findings by, for example, Sanchez-Cuenca (2000). Whilst some differences exist in the extent of social redistribution between countries, market liberalisation and the 2008 economic recession have tended to reduce the level of social redistribution across countries. This downward trend and its causes – the EU free market stance – are probably noted by citizens. Whatever the degree of national social redistribution, individuals do not see integration as helping the matter. The lower grade of social policy fitting with market imperatives pursued by the EU and national governments clashes with popular support for social redistribution across EU nations (see EES 2009; ESS 2012). EU institutions seem to have distanced themselves from a strong source of public EU support.

Our findings for terrorism, positioning of party leaderships on multiculturalism and Christianity as an official or preferred state religion somewhat echo those for social redistribution. The coefficients for terrorism, positioning of party leaderships on multiculturalism and Christianity as an official or preferred state religion are not (statistically) significant. In view of these results, Hypotheses H3.2, H3.3 and H4 are supported. Therefore, terrorism and positioning of party leaderships on multiculturalism do not sway EU citizen cohesion. In countries where Christianity is recognised as the official or preferred state religion, citizens are no more likely to bond with other EU citizens than those in countries where it is not.

It is not only the economic side of globalisation which is generating concerns among people but also its cultural side. National publics tend to be preoccupied with mass immigration, multiculturalism, crime (terrorism included) and loss of national identity. While there are some national differences, immigration tends to have significantly increased in the last 20 years (see Eurostat data). EU institutions and national governments have also generally adopted a more multiculturalist philosophy for the integration of immigrants into European societies. Furthermore, they have defined European identity on a more universal basis.²⁸ These policies are driven by the globalisation of markets and the search for global competitiveness that it implies. Radical political parties are adding fuel to the flames by attempting to exacerbate the tensions and difficulties that these policy changes bring about. Among citizens, however, there are widespread perceived economic, physical (safety) and cultural insecurities associated with globalisation. There is thus a popular convergence on opposing mass immigration and the need to be tougher with crime which tends to cut across class and ideological divides and the socio-economic traditions of each state (Balestrini 2016a and 2016b). Whatever the level of terrorist activities in a country, the related insecurities feed into public opinion about terrorism. National publics seem also to be attached to Christianity, perhaps less so for religious reasons than for reasons of national identity – national history, values and traditions – that it symbolises. These matters are likely to explain the non-significance of terrorism impact, positioning of party leaderships on multiculturalism and Christianity as an official or preferred state religion as a distinguisher of public attitudes towards European integration. Therefore, tweaking policies to address popular concerns about immigration, safety and identity issues may be a powerful lever to influence public attitudes towards the EU positively.

CONCLUSIONS AND IMPLICATIONS

Furthering the literature on public opinion about European integration, this article shows how current and coveted EU policy developments shape feelings of connection between Europeans. More specifically, it does this firstly by demonstrating that perceived economic and political gains bolster links between fellow Europeans which in turn stimulate public support for integration. Secondly, it shows that the real or potential benefits brought by market liberalisation to individuals of higher social positions, with better levels of education and/or financial capital contribute to stimulating feelings of connection with fellow Europeans and the process of European integration.

Thirdly, the findings of this paper demonstrate that while national levels of unemployment, immigration and crime influence EU citizen cohesion, national levels of income redistribution do not. The influence of national levels of unemployment, immigration and crime on the related attitudes is, however, found to be more modest than in previous research. This may be explained by the fact that while EU countries tend to have all been affected by, *inter alia*, national competitiveness issues, the financial crisis and significant migrations, they have not all been equally exposed to these. In the states most impacted by these issues, such as Greece and Italy, Euroscepticism grows and prospers, damaging bonds between Europeans. Widespread perceived economic, cultural and physical (safety) insecurities among citizens seem to be threatening yet to make actual levels of immigration, crime and unemployment a non-differentiator of public opinion about integration. My findings reveal that this has already occurred for income redistribution. Citizens across the EU tend to back social redistribution. Market imperatives inherent to free trade pursued by national and European decision-makers have nevertheless contributed to reducing it substantially. European integration is not, therefore, perceived to be helping the matter. It undermines an important ‘historical’ source of public support for the EU.

Fourthly, this article expands the public opinion literature on the EU by showing that rife security and identity concerns among citizens weaken another important potential basis of EU support. Thus, terrorism impact, positioning of party leaderships on multiculturalism and Christianity as an official or

preferred state religion are not found to influence EU citizen cohesion. There is a convergence among national publics on rejecting mass immigration, multiculturalism and the absence of reference to Christianity as part of national and European identities. Economic, physical (safety) and cultural insecurities also explain public attitudes towards terrorism no matter what the level of terrorist activities is in a member state. National and European policies relating to these aspects seem to be failing to sustain and grow ties between EU citizens and could in turn jeopardise public EU support.

The political implications of this research are that besides attending to economic anxieties, policymakers need to pay closer attention to addressing citizens' concerns relating to their safety and cultural identity. Sustaining and growing bonds between Europeans – and as a result, building a powerful basis of support for the European project – depends on taking into better consideration public preoccupations with social protection, policing and their sense of being Europeans, more specifically what unites and distinguishes EU citizens from other citizens. This entails reviewing policies such as, *inter alia*, terms of trade²⁹, immigration, social protection, policing but also what it means to be European. Considering the sheer changes brought about by economic and cultural globalisation and the concerns it generates for most people, paying tribute to the past and present role of Christianity in European societies may help alleviate some of these concerns even if in a purely symbolic way. Changes in national and European policies need not be wholesale. What is required though is bringing the latter closer to citizens' preoccupations. The extent and nature of popular discontent with EU and national socio-economic outputs together with one of its symptoms – the growing popularity of radical Eurosceptic parties – seem to indicate that weathering the popular storm without noticeable changes in political orientation is likely to be a tall order. Future research may extend the current research to the post 2016 period and investigate the extent and nature of changes needed to help cement feelings of connection between citizens.

ACKNOWLEDGMENTS

I would like to thank the anonymous reviewers for their useful comments and feedback.

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ENDNOTES

¹ The questions used to operationalise these variables are the following: 'Generally speaking, do you think that our country's membership of the EU is a good thing, a bad thing or neither a good thing nor a bad thing?' and 'Taking everything into consideration, would you say that our country has on balance benefited or not from being a member of the European Union?' (see for example, Eurobarometer 77.4 and 71.4).

² I use the terms 'EU Citizen Cohesion', 'Bonds', 'Links', 'Shared Interests', 'Connections', or relatedly 'Sense of Proximity' (between citizens) in the article. Extant literature has shown that national and individual utilitarian appraisals of the EU play a central role in moulding public attitudes towards it. As developed further in the article (see page 3), the economic and cultural proximity between EU citizens stems from the relative cultural closeness of EU nations (see for example, Hofstede 1991) and a relatively similar integration into the world economy of EU nations (OECD 2018) – EU nations are generally more exposed to globalisation than, for example, China, the Russian Federation and United States. It also arises from economic and social policy choices which are largely shaped by their country's membership of the EU. These choices are not always popular among national publics – *the economic and cultural globalisation endorsed by the EU is thus deemed excessive* (see page 3). This context is likely to create a common sense of threats and belonging among EU individuals and help shape common interests and connections between EU citizens.

³ More precisely, citizens considering that things are going in the right direction in their country or those who have positive expectations over the coming 12 months for the country's economic and employment situations or the financial situation of their household.

⁴ The EU induces changes in policy fields as diverse as economic affairs, social redistribution, commercial matters, foreign trade, working conditions, cultural affairs, immigration, education, transport, environment and foreign and security affairs. It has developed as a distinct polity that sits above the national level. In such a political system of governance, it is increasingly difficult to pursue distinct national group interests. Boundaries between national communities are blurred and norms of 'us' and 'them' can erode. The one-size-fits-all monetary policy pertaining to the Euro exemplifies this to some extent. The management of the Euro currency is considered as primarily benefiting Germany to the detriment of nations such as Greece, Spain, France and Italy (see for example, Stiglitz 2016).

⁵ This is tantamount to socialisation theory (see for example, Inglehart and Rabier 1978; Inglehart, Rabier and Reif 1991; Anderson and Kaltenthaler 1996). According to these scholars, when a country joins the EU, it starts a political socialisation process, which leads to greater public awareness and appreciation of some of the benefits derived from integration and the set of institutions making up the EU more generally.

⁶ This scepticism towards globalisation has moreover played a role in the rise of populism and growing public support for radical political parties (see Inglehart and Norris 2016).

⁷ The EU membership and EU benefit questions are not available in Eurobarometer 85.1 (2016).

⁸ Response categories include: 'totally agree' (1), 'tend to agree' (2), 'don't know' (3), 'tend to disagree' (4), or 'totally disagree' (5).

⁹ The result of the Kayser–Meyer–Oklin test was 0.68 (0.58 for second column of Table 4), exceeding the recommended value of 0.5 and the Bartlett's test of Sphericity reached statistical significance ($< .01$) which supported the use of factor analysis (Bartlett 1954; Kaiser 1974). The EU assessment scale has a reasonable internal consistency ($\alpha = .60$ and $.51$). With short scales (for example scales with fewer than ten items), it is common to find quite low Cronbach's alpha values (Tabachnick & Fidell 2001).

¹⁰ In other words, the type of EU they favour, and more specifically the type of policies they would like the EU to implement.

¹¹ The results of the factor analysis empirically establish that the perceived economic and cultural proximity between Europeans – and therefore an identification with Europeans and Europe – sways public support for the EU. This brings support to the notion that a form of European identity exists (Cram 2012; Citrin and Sides 2004; Risse 2010).

¹² Radical political parties – such as Vox (Spain), La Destra, FdI and La Lega (Italy), UKIP and BNP (UK), RN (France), AFD (Germany), and FPÖ (Austria) – as well as factions within mainstream parties – PP (Spain), The Conservative Party (UK), CDU/CSU (Germany), LR (France), ÖVP (Austria) and FI (Italy). Many of these parties and factions also view Trump's trade policy (and especially its defence of protectionism) as a model.

¹³ The majority of immigrants in EU countries are from non-EU countries and tend to be lower-skilled workers (Lahav 2004).

¹⁴ The EU is a key exponent of globalisation. Citizens tend to view the latter as primarily benefiting large companies rather than individuals (see for example, Eurobarometer 69.2, 72.4 and 73.4; Balestrini 2015). The extent of citizens' knowledge about the EU's free trade stance may be arguable. However, media coverage about European corporate outsourcings in developing countries, citizens' personal experience with customer facing functions located outside of the EU and political parties regularly commenting on these deemed excessive outsourcings provide citizens with informational cues and shortcuts.

¹⁵ Such as Denmark, France and Sweden.

¹⁶ Especially Denmark, Germany, Ireland, Sweden and the United Kingdom (Eurostat 2018).

¹⁷ One can draw here a parallel with the intergroup contact theory (see for example, Allport 1954; Pettigrew and Tropp 2006; and Schneider 2008). The granting of equal status to different cultural communities, the nurturing of dialogue and cooperation (between these), the sharing of common goals (i.e. achieving community and national welfare) and the support of social and institutional authorities (including political parties) to achieve this can help to reduce prejudice between communities and find common ground. To this effect, the contact between communities does not need to be direct (face to face). It can be indirect (e.g. imagined contact, knowledge of contact among others or positive presentation of intergroup relations in the media) (see for example, Crisp and Turner 2009 and Husnu and Crisp 2010).

¹⁸ Especially since the beginning of the 21st century, see Eurostat data on immigration.

¹⁹ In essence, mass immigration makes it difficult to follow assimilationist policies towards immigrants, especially if, as tends to be the case in Europe, most of this immigration is culturally distant from traditional Judeo-Christian European cultures. France exemplifies this situation. It has abandoned its traditional immigrant assimilation policies and adopted instead immigrant integration strategies where multiculturalism is embraced (see Tribalat 2013; Choquet 2017).

²⁰ As one examines how the objective national socio-economic context shapes individual differences in attitudes towards European integration, a two-level hierarchical linear model is employed. This method is appropriate since the concern is with explaining variation at both the individual and national levels. A multi-level model enables us to explore causal heterogeneity and test the generalisability of findings across different national contexts (Steenbergen and Jones 2002). This model also corrects for the dependence of observations within countries – intra-class correlations – and makes adjustments both within and between the parameter estimates for the clustered nature of the data (Snijders and Bosker 1999).

²¹ In other words, examine the unique contribution of independent variables to the explanation of the dependent variable, controlling for other variables.

²² The 'do not know' response was retained in the dependent variable as it can help to capture the opinion of people who neither agree nor disagree with the statements - and not only those who have no opinion on the issues - in the absence of such an option in the response categories proposed to respondents. The regression results were very similar with or without integrating the 'do not know' category.

²³ Countries in which Christianity is the official state religion include Denmark, Greece, Malta and the United Kingdom, while Christianity is the preferred state religion in Bulgaria, Finland, Italy, Lithuania, Poland, Romania and Spain. In Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, France, Germany, Hungary, Ireland, Latvia, Luxembourg, the Netherlands, Portugal, Slovakia, Slovenia and Sweden, there is no official or preferred state religion.

²⁴ Operationalisation of these variables: Gender – (0) Male and (1) female categories; Age – in years; Political Ideology – ideological views of respondents from 1 (left) to 10 (right).

²⁵ In 2015, only the middle class variable is (statistically) significant.

²⁶ More generally, national competitiveness issues.

²⁷ More recent data are used in the present research.

²⁸ It is probable that not all central governments share this conception of European identity but have been unable to influence the matter. The Franco-German partnership, often key to the integration of Europe, may have been particularly directive towards other EU nations on this question and have influenced them to follow suit. For a discussion of group processes in the context of EU decision-making, see, for example, Balestrini and Gamble 2011.

²⁹ This is especially the case in emerging economies such as Brazil, China and India, all of which have a significant cost advantage. People tend to view mass immigration and industrial or service offshoring as a 'double penalty' (Balestrini 2016a).

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Journal of Contemporary European Research

Volume 15, Issue 3 (2019)

Book Review

National Political Elites, European Integration and the Eurozone Crisis

Edited by Nicolò Conti, Borbála Göncz, José Real-Dato

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Citation

Chiru, M. (2019). 'National Political Elites, European Integration and the Eurozone Crisis', edited by Nicolò Conti, Borbála Göncz, José Real-Dato, *Journal of Contemporary European Research* 15(3): 319-322. <https://doi.org/10.30950/jcer.v15i3.1055>

First published at: www.jcer.net

Abstract

The book draws on surveys of national legislators to analyse whether and how the economic crisis has changed the elites' levels of identification with the European Union, their perceptions of the functioning of the EU and their preferences for further integration and the future of the EU.

Keywords

European integration; Political elites; Economic crisis; Public opinion

The volume targets an audience of scholars interested in the European integration process and the role that political elites play in it. It is also a useful source for students of legislative representation and responsiveness, as well as for political economists trying to understand how economic circumstances influence the short and long-term institutional and policy preferences of policymakers.

The book is based on the project 'European national elites and the crisis' in which members of parliament (MPs) from 11 national legislatures were surveyed, prior to the refugee crisis and British referendum on EU membership, in Bulgaria, Croatia, France, Germany, Greece, Hungary, Italy, Lithuania, Portugal, Slovenia and Spain. In order to compare meaningfully the legislators' pre- and post-crisis preferences, this data was complemented with survey data collected largely by the same research team in 2007-2009, the 'Integrated and united? a quest for citizenship in an 'ever closer Europe' (INTUNE) surveys.

The first chapter, by Best and Vogel, analyses whether the economic crisis has changed the elites' levels of Europeanness (defined as attachment to Europe), support for further integration and support for a single EU foreign policy. According to their findings, since the crisis, elites have become more sceptical regarding further integration and the prospect of a single EU foreign policy, and thus more responsive to public opinion. However, the gap in emotional attachment to the EU between elites and citizens has increased. Real-Dato, Cotta and Rodríguez-Teruel investigate the respondents' post-crisis perceptions of EU institutions and their preferences regarding the future of them. Their analysis reveals that most MPs appear critical of how the Council and the Commission handled the crisis, but they are also favourable to further empowerment of the European Parliament, the European Commission and democratisation of the EU. MPs in countries that suffered the most from the crisis tend to think that the EU institutional structure does not take into account their countries' interests and places too much weight on some member states' preferences. The crisis led to a mostly indirect decline in legislators' trust in the EU: through their perception of citizens losing trust in the EU, whereas preferences regarding further supranationalisation seem to be even stronger in countries more affected by the crisis.

Lengyel, Lengyel and Conti study the crisis-induced changes in preferences regarding the Europeanisation of policymaking, distinguishing between policy fields, short and long-term preferences and most-preferred options regarding taxation at local, national and EU levels. An

important finding is that the crisis strengthened support for delegation of decision-making to the EU for all policies for the short term, whereas for the long-term perspective (although there remains remarkable support for Europeanisation of all policy domains), the intensity of this support has decreased compared to 2007. A general conclusion is that after the crisis, legislators became more supportive of EU governance irrespective of the state of their national economies. This finding is explored further in the next chapter, by Vogel and Göncz. They analyse the gap between citizen and elite views on European integration, the evolution of those views during the crisis and their determinants. Their analysis illustrates that this gap has indeed become larger: even if legislators' enthusiasm for further integration decreased, there was a much sharper decline in citizens' support. Nevertheless, according to Vogel and Göncz, increased polarisation of elite opinions on the EU has contributed to more congruence with public preferences.

Kukec, Kocijan and Verzichelli analyse the factors behind the disagreement between MPs and their parties regarding EU integration. According to their findings, this disagreement seems largely unaffected by parties' ideological and organisational characteristics, the salience of EU integration or government-opposition status. The same is true for MPs' seniority levels or their experience in local government. Instead, MPs with more frequent EU contacts tend to be more congruent with their parties as do MPs from Social-Democratic parties, as opposed to Conservative legislators.

Makarovič and Tomšič test how the crisis has influenced the pro-EU consensus among national legislators, focusing on the divide between old and new member states. It appears that the crisis has not loosened the pro-EU consensus of the elites. However, the authors show that the old versus new member states cleavage is still salient: elites from the latter are more attached to Europe. That said, the effects of certain independent variables - moderate political ideology, frequency of contact with the EU and perception of the EU's role in managing the crisis - play out differently for MPs from new member states with respect to support for further integration and average trust in EU institutions.

Finally, Marangoni and Russo investigate legislators' preferences for the EU's future, distinguishing between three models: federalist, intergovernmental and a compound model combining the two. A plurality of MPs supports the compound model, while only a minority opt for the federal model, although there is overwhelming support in the sample for strengthening the powers of the European Parliament, deepening integration and transforming the Commission into a true government of the EU. The authors illustrate that supporters of intergovernmentalism are driven by instrumental rationality, they doubt EU membership benefits their country and are more sceptical of future EU economic and geopolitical success; while federalist supporters are more leftist and, unsurprisingly, more attached to the EU.

There are many aspects to commend about the volume. Readers will certainly appreciate the up-to-date reviews of the literature on European integration, elite-citizen congruence or Euroscepticism that inform the research. The research designs used to analyse the data are appropriate and some of the operationalisations of the main variables are innovative. Above all, the book is convincing in illustrating that the national political elites' preferences regarding the EU are driven first and foremost by emotional attachment and ideological considerations, while the role of economic calculation is rather limited.

Nevertheless, some decisions of the contributors could also be questioned. First, while the choice of countries reflects various important cleavages (new versus old member states, countries hit hard by the crises versus some more resilient) and the sample includes four of the five largest countries in the Union, one wonders whether the main findings would hold if the sample had included countries where Eurosceptic parties have enjoyed stronger support for a longer period. Second, the link between the

theories being tested and the empirical analyses could have been made clearer: of the volume's seven substantive chapters, only four formulate explicit hypotheses. The reader's understanding of the magnitude of the empirical findings is also constrained by the fact that only three chapters include illustrations of the main effects of the regression analyses. Third, some chapters take seriously the extent to which parties' ideological and organisational characteristics structure and shape the MPs' attitudes and preferences regarding all the aspects of EU integration considered, but this is not consistent throughout the volume.

Fourth, a relevant question that is not fully addressed is to what extent the legislators' views and preferences are actually consequential. The book does not consider a series of contextual factors that could indicate the likely impact of the legislators' preferences on the actual EU integration process. One aspect is how active these national parliaments are with respect to the EU and how involved they are in scrutiny of the European legislative process. Another one is the variation in legislative career patterns: how often it is the case that politicians from the national parliament move to the European Parliament and other European institutions or vice versa? In some of the countries included in the study (for instance, France, Italy) there are numerous career switches between the two levels, whereas in others (such as Germany) European and national legislator careers are kept separate.

Another potential criticism refers to the nature of the data used in the volume. More specifically, the validity of the various analyses would have been augmented by supplementing the self-reported data with objective information on the MPs' behaviour or their positions. For instance, the legislators' frequency of EU contact or interest in the EU could have been measured with respect to membership in parliamentary committees dealing with European affairs.

Finally, a salient question is whether the reader can be persuaded by the overall optimistic outlook projected by the authors regarding the European elites' continuous support for further integration and the non-advancement of a 'constraining dissensus'. It could be argued instead that this is a snapshot that expired much sooner than expected. While the authors try to explain away their two deviant cases (Hungary and Greece) by referring to elite circulation processes specific to these countries, the validity of the overall assessment seems diminished most visibly by the current developments in Italy, but also more generally, by the decline of mainstream Social Democratic parties and the gains of parties propagating anti-EU rhetoric in both Western and Eastern European countries.

Notwithstanding these criticisms, the volume makes a significant contribution to the literature on European integration, helping us to make sense of the ways in which the national elites perceive the current state of the process and foresee its future, amid increasing citizen disenchantment. Hopefully, it will be soon followed by similar studies.

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National Political Elites, European Integration and the Eurozone Crisis
 Edited by Nicolò Conti, Borbála Göncz, José Real-Dato
 Routledge, 2018
 ISBN: 9781138479784; £115; 228 pages

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