

Wendler, Frank

**Working Paper**

The politicisation of European Treaty Reform: Public justification and party polarisation in the German Bundestag and UK House of Commons debates over revision of the EU treaties

WZB Discussion Paper, No. SP IV 2012-301

**Provided in Cooperation with:**

WZB Berlin Social Science Center

*Suggested Citation:* Wendler, Frank (2012) : The politicisation of European Treaty Reform: Public justification and party polarisation in the German Bundestag and UK House of Commons debates over revision of the EU treaties, WZB Discussion Paper, No. SP IV 2012-301, Wissenschaftszentrum Berlin für Sozialforschung (WZB), Berlin

This Version is available at:

<https://hdl.handle.net/10419/70785>

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# WZB

Wissenschaftszentrum Berlin  
für Sozialforschung



Frank Wendler

**The Politicisation of European Treaty Reform**  
Public justification and party polarisation in the  
German Bundestag and UK House of Commons  
debates over revision of the EU treaties

**Discussion Paper**

SP IV 2012-301

August 2012

**Social Science Research Center Berlin (WZB)**

Research Area

**Civil Society, Conflicts and Democracy**

Research Unit

**Transnational Conflicts and International Institutions**

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## **Author affiliation other than WZB/Affiliation der Autoren außer WZB**

Frank Wendler  
Johann Wolfgang Goethe-Universität  
Fachbereich 03 Gesellschaftswissenschaften  
Institut für Politikwissenschaft  
E-Mail: [wendler@soz.uni-frankfurt.de](mailto:wendler@soz.uni-frankfurt.de)

Wissenschaftszentrum Berlin für Sozialforschung gGmbH  
Social Science Research Center Berlin  
Reichpietschufer 50, 10785 Berlin  
Federal Republic of Germany

Telefon: +49/30/25491-0      E-Mail: [wzb@wzb.eu](mailto:wzb@wzb.eu)  
Telefax: +49/30/25491-684      Internet: <http://www.wzb.eu>

## Abstract

The thesis that European integration has become “politicised” has prompted a major debate in comparative political science and research on the EU. This debate nevertheless remains inconclusive with regard to links between the objects and thematic focal points of EU controversies (justification dimension) and the patterns of polarisation between political parties arising within these debates (interaction dimension). This paper seeks to explore these links through an analysis of parliamentary debates between 2005 and 2009 in the German Bundestag and UK House of Commons over revision of the EU treaties. The results of analysis suggest that disaggregating the various aspects related to the institutional reform of the EU helps to shed light on the different variants of political contention arising in public debates about Europe. It is shown that the democratic legitimisation of European integration in particular prompts relatively strong and “atypical” patterns of party polarisation, whereas questions concerning the political goals and action capacity of the EU are more consensual and appear to be more “domesticated” in the sense of being debated within the established patterns of domestic party politics.

## Zusammenfassung

Die These einer “Politisierung” der europäischen Integration ist sowohl in der neueren Forschungsdebatte zur europäischen Integration als auch in der vergleichenden Politikwissenschaft breit beachtet worden. Für die Überprüfung dieser These auf der Ebene des nationalstaatlichen Parteienwettbewerbs stellt sich aber noch die Aufgabe, systematisch Erkenntnisse über die Zusammenhänge zwischen thematischen Objekten und Bezugspunkten von Debatten (d.h., der Rechtfertigungsdimension) und damit zusammenhängenden Polarisierungsmustern politischer Parteien (d.h. der Interaktionsdimension) zu gewinnen. Diese Zusammenhänge werden im vorliegenden Paper am Beispiel von Debatten des Deutschen Bundestages und des britischen House of Commons zur Reform der europäischen Verträge im Zeitraum zwischen 2005 und 2009 untersucht. Die empirische Analyse zeigt, dass durch eine Unterscheidung verschiedener thematischer Objektebenen eine Differenzierung der Politisierungsthese erzielt werden kann. So hängt vor allem die stark umstrittene Frage der demokratischen Legitimität der Vertragsreform mit “atypischen” Polarisierungsmustern zusammen, während Wertefragen eher innerhalb der Rechts/Links-Dimension debattiert und Fragen der Handlungsfähigkeit der EU relativ konsensuell bewertet werden.

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## 1. Introduction

The alleged “politicisation” of European integration – defined as the emergence of politically salient and contested public debates about decisions, actors and institutions of European multi-level governance – has become a major subject of research on the EU (Hooghe/Marks 2008, de Wilde 2011, Bartolini/Hix 2006). With regard to the competition between political parties at the domestic level, however, the assumption that European integration has become politicised entails two questions that existing research fails to address sufficiently. Firstly, we still know relatively little about the justification dimension of public debates on the EU. This means that, although a stronger degree of political contestation of European politics is frequently assumed, there are few systematic studies that determine which aspects of EU multi-level governance become the focal points of public debate, and which ones remain more consensual or have lower visibility in the public arena. This appears to be a question which could be clarified primarily through descriptive empirical research, but the implications of findings of this kind are not trivial for the assessment of the politicisation thesis. On the one hand, controversies may relate to the content of policy-specific EU decisions, thus suggesting that the EU has become normalised as a political system in terms of an increased degree of (potentially desirable) political competition (cf. Statham et al. 2010; Hix 2006, 2008). On the other hand, by contesting the political competences, institutional shape and democratic legitimacy of the EU, or even the idea of European integration, these debates may also signal a surge in “Eurosceptic” positions (cf. Leconte 2010, Fuchs et al. 2009, Szczerbiak/Taggart 2008a, b). Thus an important task to be fulfilled by forthcoming research would be to clarify the degree to which political contention refers to the “constitutional” aspects of European integration (i.e., the balance between national sovereignty and supranational integration) vis-à-vis the extent to which it refers to policy-specific issues and decisions (such as the liberalisation of the single market, the handling of the European debt crisis or European foreign policy).

A second open question relates to what could be labelled the interaction dimension of party politics on the EU (i.e., what patterns of polarisation emerge between political parties with regard to European integration). Nearly all contributions to the debate ask to what degree EU issues can be seen to have a transformative potential for party politics. The assessments range from the observation of “busi-

ness as usual” politics (particularly government–opposition and left–right patterns of polarisation) to the assumption that EU politics causes new patterns of polarisation to emerge between mainstream and extreme parties or feeds into a “new cleavage” between the so-called winners and losers of integration (cf. Kriesi et al. 2008: 9 ff.; for good reviews of this debate, see Statham et al. 2010: 249–52, Fuchs et al. 2009: 12–17, Steenbergen/Marks 2004: 4–11, Hix/Hoyland 2011: 138–40). Thus, if we combine the justification and the interaction dimensions, then the politicisation of European integration can mean a lot of different things, ranging from a typical left–right debate on the content of a single market directive to the emergence of populist right parties opposing the idea of European integration.

Against this background, this paper argues that a more differentiated and systematic investigation of the links between the justification and the interaction dimension is needed in order to advance in the politicisation debate. Therefore, the question posed here is how different aspects of EU treaty reform translate into patterns of polarisation between parliamentary parties in the debates of the German Bundestag and those of the British House of Commons. In addition to mapping different variants of political contestation across Europe, the paper seeks to test a set of hypotheses about the linkages between different aspects of the justification for European treaty reform and patterns of party polarisation emerging in the debate.

Empirically, the paper is based on the computer-based coding of plenary debates between 2005 and 2009, the period between the ratification of the Lisbon Treaty and the failure of the Constitutional Treaty in the Dutch and French referendums. Choosing domestic parliamentary debates as the empirical basis for an investigation of this question is attractive for several reasons. National parliaments constitute the central arena of public political debate in democratic political systems and they are directly involved in the process of EU treaty revision through their right of ratification. Moreover, these debates offer unmediated information about party positions (in contrast to expert surveys or media analyses) and give insights into debates evolving from the interaction between competing political parties (in contrast to manifesto analyses, where each party is analysed in isolation from the others). Nevertheless, relatively few studies exist so far that investigate the role of parliaments as an arena of political debate about processes of European-

sation (cf. Wendler 2011a, b and Maatsch 2010; for a historical retrospective, see Müller-Härlin 2008), as compared to a large volume of literature on the evolution of scrutiny mechanisms of parliaments in relation to domestic executives in EU policy making (Auel/Benz 2005; O'Brennan/Raunio 2007).

The paper is organised in four parts. Following this introduction, section 2 presents the theoretical framework of the paper. Section 3 explains the selection of cases and data and the method of analysis. In section 4 the empirical findings are presented by discussing the content of debates and assessing the modes of interaction between parliamentary party groups. The main results are summarised in the concluding section 5.

## **2. Theoretical framework and hypotheses**

The theoretical framework of this paper consists of two parts: firstly, a conceptual framework to map the content of parliamentary debates and thus to assess the justification dimension of controversies about EU treaty reform; secondly, a set of competing hypotheses concerning the interaction dimension of debates, i.e., the patterns of polarisation between political parties that can be seen to emerge within these debates.

Concerning the justification dimension, the paper builds on recent contributions to research about the empirical legitimacy of institutions beyond the nation-state (Ecker-Ehrhardt 2011, Nullmeier et al. 2010). According to this body of literature, the legitimacy of international organisations is not assessed in relation to a set of previously defined normative criteria, but is seen to depend on a process of public justification of a political order through the expression of normative assessments (or "legitimacy claims", cf. Reus-Smit 2007: 159) in a public debate (Nullmeier/Nonhoff 2010: 32). Applied to international organisations, this approach implies that statements about the acceptability of a political system can differ both with regard to their normative substance (expressing either the approval or rejection of institutional arrangements) and their ontological dimension (by proposing different kinds of interpretation about the status and function of an international organisation in comparison to institutions of the nation-state). In this sense, an important aspect to the analysis of public justification processes related to suprana-



tional organisations like the EU is to what degree such debates are based on technocratic ideas of functional cooperation between states and the extent to which they involve genuine standards of democratic legitimacy. Depending on a particular speaker's viewpoint, the EU may be defined as a *Zweckverbund* or regime of functional cooperation, a community of values, a Union of citizens or an emerging federal state.

In order to map the structure of legitimacy claims proposed in debates about the forthcoming reform of the EU treaties, the paper uses a relatively simple fourfold categorisation. Firstly, the analysis distinguishes assessments based on input legitimacy (i.e., a procedural definition of legitimacy in terms of participation, representation and accountability) from those based on output legitimacy (i.e., a substantive definition based on rights and values, political problem solving and decision-making effectiveness; see Scharpf 1999: 6–28). It is assumed that the input criteria are inseparably linked to normative standards of democratic legitimacy (for a contrasting view, cf. Schneider 2010: 52), whereas the output criteria rely mainly on a technocratic but not necessarily democratic conception of the EU as a framework of functional cooperation between nation-states (for an overview of related debates, see Hix/Follesdal 2006, Kohler-Koch/Rittberger 2007). Secondly, the paper proposes a distinction between normative and empirical legitimacy claims. This differentiation is used to correct one of the major difficulties of a simple input–output distinction, namely, the risk of confusing arguments referring to the appropriateness of the institutional order of a political system in relation to given values and principles, and the empirical assessment of the performance of a political system to satisfy these principles. Thus input-related arguments may refer either to the democratic legitimacy of institutional arrangements according to a given conception of democracy or to the actual capacity of a political system to ensure a sufficient degree of political participation, acceptance and support. Output-related arguments, in turn, can also be seen to involve both a normative dimension (concerning the appropriateness of the values and goals pursued through the decision making of a political system) and an empirical dimension (concerning the effectiveness of decision making and problem solving). If both distinctions are combined, then a fourfold categorisation of legitimacy claims results. This categorisation is used in the empirical part to map the thematic structure of parliamentary

debates on EU treaty revision. The following four types of legitimacy claims can be distinguished (cf. also the overview in table 1):

- claims assessing the treaty reform project in relation to the normative input legitimacy of the EU (*democracy claims*). This category subsumes statements that evaluate EU treaty reform by referring to normative principles of democratic legitimacy, particularly participation, accountability and democratic representation. Examples are statements such as “The Lisbon Treaty strengthens democracy in the EU by giving more rights to the European Parliament” or “The people should be given the right to decide about the Treaty in a referendum”.
- claims assessing the treaty reform project in relation to the empirical input legitimacy of the EU (*approval claims*). This category subsumes those statements that assess empirically observable approval and political support for EU treaty reform by political elites, intermediary organisations and the wider public. This applies to statements such as “A broad majority of parties and all parliaments across the EU support the Treaty” or “Seventy percent of the British population are against the Treaty”.
- claims assessing the treaty reform project in terms of the normative output legitimacy of the EU (*values claims*). This category is used to capture assessments referring to goals and values of political action as proposed in the planned reforms to the EU treaties. Examples are statements such as “The Charter of Fundamental Rights is an expression of our common heritage of values” or “The Lisbon Treaty stands for the idea of a neoliberal and militarist Europe”.
- claims assessing the treaty reform project in terms of the empirical output legitimacy of the EU (*action capacity claims*). This category includes those statements assessing the effect of EU treaty reform for the problem-solving capacity and decision-making capacity of the EU from the perspective of national political actors. Examples are “The Lisbon Treaty enables us to act in the field of Climate Protection Policy” or “Co-decision hinders us to realise British interests in the framework of the EU”.

*Table 1: Distinction of four categories of legitimacy claims about the institutional development of the EU.*

	<b>Input Legitimacy</b>	<b>Output Legitimacy</b>
<b>Normative assessment</b>	Democratic legitimacy of institutions and decision-making procedures ( <i>Democracy claims</i> )	Norms and values of the EU as defined in the treaty ( <i>Values claims</i> )
<b>Empirical assessment</b>	Popular approval and political support for the revision of the EU treaties ( <i>Approval claims</i> )	Problem-solving capacity and decision-making effectiveness of EU Institutions ( <i>Action capacity claims</i> )

For the purposes of this paper, this fourfold categorisation of legitimacy claims is used to map two aspects of the justification dimension of public debates on Europe: firstly, the relative frequency of the different types of claims in relation to one another (the thematic structure of debates); secondly, the relative degree of political contestation in the four categories (the thematic focal points of controversies about the forthcoming reform of the EU treaties). However, this categorisation does not say anything about the patterns of polarisation between parliamentary parties in these debates.

In order to assess this interaction dimension, the following paragraphs discuss four patterns of polarisation between parliamentary actors that appear relevant from a review of the literature of party politics about the EU, and propose a set of hypotheses for how these can be related to the various thematic aspects of the justification dimension discussed above. As the subsequent discussion will show, two of these four modes of interaction can be classified as “domesticated” forms of polarisation that fit well within the logic of domestic party politics, whereas two appear as more “atypical” or transformative.

Firstly, one of the most common patterns of domestic politics is the polarisation of debates between the government majority and the parliamentary opposition. Based on a principal–agent explanation of relations between the executive and parliament, the main argument for this model of political conflict is that the political allegiance of the government majority towards the executive, on the one hand, and incentives for opposition parties to seek electoral gains through criticism

of government action, on the other, trumps the constitutional separation of legislative and executive powers as the main frontline of debate (Auel/Benz 2005: 374). Several arguments can be made that this “politics as usual” mode of interaction can be translated to European affairs. Firstly, the process of European integration can be seen to privilege parties in government, because the access to EU institutions (particularly the Council and institutions such as Coreper) is restricted to representatives of the executive. Opposition parties therefore have a stronger incentive to criticise increases in EU competences and decision making, particularly when such parties are far removed from participation in government (as in the case of radical fringe parties). Secondly, aside from their ideological stances towards the EU, parties in government have a clear strategic incentive to legitimise and defend decisions made at the EU level to which they have contributed and for which they can therefore be blamed and held accountable. This argument appears particularly strong in cases of EU decision making where unanimity is required and a government veto would thus have been possible to prevent decisions not seen in the national interest (as in the case of EU treaty reform). Opposition parties, on the other hand, have a strong political incentive to criticise government leadership through their entrenched function as the main actors imposing political scrutiny of the incumbent government. Aside from the specific content of EU decisions, opposition parties are therefore likely to criticise aspects of government leadership such as negotiation techniques, the particular compromises accepted during negotiations, or the degree of transparency and legitimation of government action in EU treaty negotiations. Overall, these arguments relate to strategic motives for party behaviour and a rationalist understanding of institutions as political opportunity structures. Therefore, they may apply independently of the ideological convictions of government and opposition parties towards the EU (and create a stable pattern of contestation of European politics between government and opposition, independently from changes in government).

Secondly, in a more ideology-based reconstruction of party competition over Europe, several authors have asked to what extent left–right politics as the predominant cleavage of domestic party competition emerges in debates about EU issues. Several scholars have argued that the gradual stabilisation of the institutional development of the EU as a political system, which goes along with a clearly

increased role in various policymaking areas (particularly regulation of the single market), prompts political parties to discuss European integration in terms of a left–right dimension. Europe, in this sense, becomes a matter of contention between advocates of “regulated capitalism versus neoliberalism” (Hooghe et al. 2004: 122). Empirical underpinning for this view has so far been provided mostly for political alliances and patterns of polarisation in the European Parliament (Hix 2006, 2008; Hix et al. 2007). A slightly different twist is given to this view in the interpretation of Hooghe and Marks, who suggest that party politics related to Europe emerges through polarisation between traditional-authoritarian and alternative-libertarian parties and the corresponding rise of a “new politics” or GAL/TAN cleavage (Hooghe et al. 2004: 140, Marks 2004: 244). However, this argument mainly suggests a different kind of interpretation of left–right polarisation over European issues rather than a transformation of party cleavages, because the distinction between the societal-identitarian and socio-economic dimensions of left–right politics is common parlance in comparative party research (cf. Benoit/Laver 2009: 11 ff.).

Thirdly, on a more transformative view of EU party politics, many contributions to the debate have highlighted the polarisation between the relatively pro-European mainstream and more ideologically radical Eurosceptic parties as a typical form of contestation over European issues (Hellström 2008, Steenbergen/Marks 2004, Hix/Hoyland 2011: 138/9). The emergence of this so-called “inverted U” pattern is explained both through strategic and ideologically motivated modes of party behaviour. A central assumption for both accounts, however, is that European integration establishes a two-dimensional space of political conflict in which the usually predominant left–right cleavage is complemented by an additional, orthogonal conflict between the principles of national sovereignty and supranational integration (Hix/Lord 1997, Steenbergen/Marks 2004: 6 f.). Explanations based on strategic party behaviour argue that mainstream parties have an interest in downplaying potentially divisive European issues, and thus they adopt a relatively pro-EU position mainly to externalise the issue vis-à-vis domestic political competition. This gives radical fringe parties an opportunity to mobilise against the centre-party cartel of pro-European parties, creating inverted U-type polarisation (cf. Statham et al. 2010: 249). By contrast, explanations based on

ideological motives argue that the radical parties of both the left and the right are mobilised against the EU through different, although ideologically consistent motives. Whereas left parties take issue with the reduction of the means of state intervention and the deregulation of markets through European integration, parties on the radical (populist) right mobilise against the opening of state borders and the loss of national identity through transnational integration. On this view, the European Union can be seen as a political project of the moderate mainstream that faces ideological resistance from both the left and right (Hellström 2008: 192 ff.). Independently of explanation, however, the emergence of inverted U-type polarisation certainly appears to be atypical compared to the established patterns of domestic party competition, although it does not seem to be transformative in the sense of confusing existing political cleavages and endangering the action capacity of governments in the EU.

Fourthly, probably the most transformative pattern for domestic party politics is what could be labelled as a non-party mode of interaction – that is, the emergence of patterns of polarisation across and within the party groups represented in parliament. Several authors have argued that the emergence of pressures on intra-party cohesion is indeed the most visible effect of European integration on domestic party politics, as opposed to open and clear-cut contestation between parties (Ladrech 2010: 134 ff.). The explanation for the emergence of this kind of contestation is similar to that for the inverted U, as it is based on the assumption of a dilemma encountered by political parties in a two-dimensional space of political conflict (i.e., within the sovereignty–integration and left–right dimensions). On this view, parties engaged in public debates about the EU struggle with the question of how to adapt to both dimensions. The prevailing logic of political competition within the nation-state, however, sets strong incentives for political parties to compete primarily within the left–right dimension where, historically speaking, they have entrenched positions which party members and voters identify with. Furthermore, conflicts within the left–right dimension have a far greater salience for the competition of political parties, trumping the sovereignty–integration dimension as a playing field for vote-seeking parties. Both strategic and ideological motives therefore act as brakes on a realignment of party competition over European integration, holding the established left–right polarisation firmly in place. As

a consequence, parties are assumed to be far more internally divided over the issue of European integration than they would be vis-à-vis one another within the left-right political dimension (Hix/Hoyland 2011: 140). An increase in the salience of European issues, therefore, is expected to affect parties mostly through the rise of intra-party dissent which may surface in parliamentary debates to different degrees, depending on the formal and informal rules of interaction in the legislatures. This mode of interaction can be qualified as the potentially most transformative effect of a potentially emerging politicisation of European integration on domestic party politics, because it affects the coherence and credibility both of the government majority and opposition parties.

Having outlined a conceptual framework for the assessment of the justification and interaction dimensions of the debates over EU treaty revision the task of this study, now, is to explore the links between both dimensions. The rationale for this undertaking is in part descriptive, designed to map parliamentary debates systematically and differentially. The paper seeks to supplement the theoretical explanation of political contention over the European Union by testing two sets of hypotheses about the links between the justification of various aspects of treaty reform and its contestation by political parties. These hypotheses are discussed in the remainder of this section.

Firstly, the paper suggests that political contention over Europe does not evolve in a generalizable pattern of party polarisation across all thematic areas, but that different kinds of links exist between the justification and interaction dimensions of political debate. It is assumed, then, that claims in the category of “input legitimacy” (i.e., those relating to assent and democratic legitimacy) are more likely to create atypical patterns of polarisation between parties than claims related to “output legitimacy” (i.e., values and action capacity). The main argument buttressing this assumption is that political justification for the democratic legitimacy of an emerging supranational order relates quite strongly to the sovereignty-integration dimension of political conflict, discussed above as an important factor in the emergence of atypical polarisation. By contrast, both output categories address primarily but not exclusively the substantive content of EU policy making and can therefore be expected to resonate more strongly with the functional preferences of parties within the left-right dimension. Put more succinctly, a polarised debate

over the input side is expected to revolve around the question of “how much Europe”, thus prompting dissent by backbenchers directed against national government leadership and the European Union, creating unholy alliances between Eurosceptic fringe parties against the relatively pro-European mainstream. By contrast, output-side debates mainly address the question of “what kind of Europe”; these are expected to result in the more familiar forms of government-versus-opposition debate or left–right polarisation between advocates and opponents of a social, competitive, ecological, Christian or multicultural Europe.

Secondly, from a comparative perspective it is assumed that different kinds of domesticated and atypical forms of polarisation will emerge in the British and German parliaments. Contextual conditions of the debate in the House of Commons – that is, the open, adversarial style of debate in a parliament typically classified as an “arena legislature”, the incumbency of one-party government and a more highly concentrated party system – suggest the emergence of polarisation between government and opposition that will be partly subverted by intra-party dissent and debates between back- and frontbenchers. By contrast, the constellation of institutional and party political factors in the Bundestag – a more cooperative style of negotiation in a parliament classified as a “transformative legislature”, the incumbency of a grand coalition during the period of analysis, and a more highly fragmented party system – suggest the emergence of a left–right debate whose pattern will be partly shifted towards that of an inverted U. The main argument underlying this assumption is, firstly, the greater ideological heterogeneity of the government majority (composed of Christian and Social Democrats) and the parliamentary opposition (composed of Greens, the Left, and the Liberal Democrats) – a factor which arguably imposes constraints on the cohesiveness of both camps. The unusual coalition between the two largest mainstream parties creates an ideal setting for the emergence of inverted U-type polarisation. Whereas a broad government of the centre parties has incentives to defend and legitimise the process of treaty reform, smaller parties with more extreme positions particularly regarding socio-economic matters (the Left Party and Greens on the one hand, and the liberal FDP on the other) are likely to adopt more critical positions.



These assumptions will be tested in the remainder of the paper. In order to prepare the empirical discussion, the next chapter will explain the data selection and methodological approach of the study.

### 3. Data and method

This paper builds on data compiled for a larger research project conducted by the author that investigates the evolution of political debate about European integration in the domestic parliaments of various European Union member states (cf. Wendler 2011a, b). Empirically, the project proceeds through the computer-based manual coding of the transcripts of plenary debates on the European Union in the UK House of Commons and the German Bundestag, particularly sessions dealing with meetings of the EU Council and debates dealing with the revision of the EU treaties and their ratification at domestic level. The coding method is modelled on the methodological approach of “claims making analysis”, through which statements expressing a view or argument about a given political subject are identified in the text and coded with the number of a variable best fitting its content from a list (or “codebook”) of variables (cf. Koopmans/Statham 2010: 53 ff.). The codebook used for the project covers a set of four broad policy-specific subjects and four broader “constitutional” subjects (further specified through sub-categories) concerning the overall institutional development of the EU, including the issue of treaty reform.

In the coding procedure, only statements evaluating the various aspects of European integration were considered; purely descriptive statements were thereby omitted. The codebook considers four types of assessment: it distinguishes between positive and negative assessments (i.e., statements expressing the approval or rejection of treaty reform), and it differentiates between normative valuations (i.e., claims referring to the goals and principles advanced through treaty revision) and those evaluating given developments according to criteria not discussed by the speaker (i.e., claims referring to the actual attainment of goals advanced in the process of treaty reform)<sup>1</sup>. Separate data files (or “hermeneutic units”, in the

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1 This distinction was introduced into the codebook to achieve a more differentiated and precise representation of the intention expressed through different kinds of positive or critical assessment. The difference made between both kinds of statements is that normative statements express a reasoned assessment of the appropriateness or desirability of the principal object that a statement

programme language of Atlas.ti) were used to code the speakers' statements for each parliamentary party. By organising the data units in this way, all claims in the parliamentary debates were categorised according to the party-political affiliation of the speakers, taking into account six parties for the German Bundestag and three in the British House of Commons<sup>2</sup>.

For the purpose of this paper, all claims dealing with the issue of treaty reform were extracted from the data set, using the output function of the Atlas.ti coding software. The output function provides a good point of departure for quantitative surveys (by creating a variable count) and a structured content analysis of debates (by creating a document collecting statements made by the speakers of each political party across several debates). Through extraction from the data set, an overall sample of 783 claims about the issue of EU treaty reform were drawn from plenary debates in the Bundestag (444 claims) and the House of Commons (339 claims). Most of the claims in the data set were coded in the context of debates dealing explicitly with the reform of the EU treaties and ratification at the domestic level (i.e., debates about the EU Amendment Bill and the adoption of the *Begleitgesetze*, respectively), although some of the statements were also taken from debates with a more general outlook on European affairs (i.e., debates about forthcoming meetings of the European Council).

Building on this data set, an additional step of categorisation was carried out, assigning each of the 783 claims to one of the four thematic fields defined in section 2 above. This data set was then assessed quantitatively, by comparing the distribution of variables in relation to thematic areas and political parties, and

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refers to, whereas an evaluative statement is neutral or non-explicit in terms of such assessment and refers only to the actual fulfilment of political goals of action addressed in the statement. This helps to disentangle different kinds of assessments that may be similar in their positive or negative direction but that are seen to express quite different intentions of a speaker. For example, a negative assessment of an aspect of treaty change in evaluative terms (such as "The adoption of the Constitution has come to a halt due to the no votes of the Dutch and French people", or "The advances towards a more effective EU foreign policy are small indeed") are frequently closer in their intention to a normative endorsement of the objects discussed (i.e., popular approval of the referendum or EU foreign policy) than statements expressing a normative rejection of these objects (such as "The government show contempt for democracy in ramming through this treaty without a referendum" or "European foreign policy is contrary to British interests and takes away part of our sovereignty").

2 The analysis considers statements by speakers of the two German conservative parties (CDU and CSU) separately, mainly to reflect debates about the allegedly stronger degree of Eurosceptic views in the CSU. The four other German parties considered are the SPD, FDP, GRÜNE and LINKE. For the House of Commons, only the three biggest parties (Conservatives, Labour and the Liberal Democrats) were considered; statements by very small parties (such as DUP or SNP) were omitted.

qualitatively via content analysis to detect patterns of polarisation between parliamentary parties in the debate. The results of this analysis are presented in the following section.

## 4. Empirical findings

The presentation of the empirical findings follows the logic of the introductory parts of this paper. Firstly, a quantitative survey of data is presented to map the justification dimension of parliamentary debates over the issue of EU treaty revision (i.e., the thematic structure and focal points of contestation in relation to the four thematic categories presented). Secondly, the interaction dimension of debates is assessed by discussing the polarisation of parliamentary parties in the EU treaty reform debates, using both quantitative data and qualitative content analysis.

### 4.1. The justification dimension: Thematic structure of debates and levels of contestation

What kinds of thematic claims are made about the revision of the EU treaties? As a first step of analysis, the quantity of statements in each of the four categories distinguished above is compared, with an additional category for statements that are either unspecific (such as “We support the Lisbon Treaty”) or do not fit any of the categories. The results are listed in table 2 below, with the absolute number of claims in each category and the relative percentage for each category in relation to all statements.

*Table 2: Amount of claims about the revision of the EU treaties in five categories, with absolute amount of statements and relative percentage in relation to all claims*

	<b>Approval</b>	<b>Democracy</b>	<b>Action Capacity</b>	<b>Values</b>	<b>Unspecific</b>	<b>Sum</b>
<b>Bundestag</b>	57 (12.8%)	108 (24.3%)	95 (21.4%)	82 (18.5%)	102 (23.0%)	444 (100%)
<b>House of Commons</b>	66 (19.5%)	82 (24.2%)	123 (36.3%)	9 (2.7%)	59 (17.3%)	339 (100%)

Three observations stand out. Firstly, speakers' assessments in the Bundestag and in the House of Commons relate to the input-legitimacy categories (i.e., approval and democratic legitimacy of institutions) in only a slightly smaller (Bundestag) or clearly greater amount of cases (House of Commons) than they do with regard to the output-legitimacy categories (i.e., values and action capacity). Judging from the simple amount of assessments, this is an indication that issues of democratic legitimacy (as compared to ideas of functional cooperation and technocratic legitimacy) do play a prominent role in debates about the future course of European integration. Secondly, although examples for statements in all four categories can be found, not all categories are discussed with the same degree of emphasis. For example, arguments about the effect of institutional change on the action capacity of the EU and its democratic legitimacy represent the greatest part of the debate. Thirdly, some differences between the countries under investigation are clearly visible, the most striking of which is that claims about the normative goals and principles of EU treaty reform are strongly present in Bundestag debates, while these issues are practically absent in House of Commons. This may be taken as an indication that, in the British debate, the institutional framework of the EU is externalised vis-à-vis debates about fundamental goals and principles of political action and defined in more pragmatic terms as a framework for the realisation of British interests (a suggestion supported by the high frequency of action capacity claims in the House of Commons debates).

In order to assess the degree of political contestation of the four thematic categories, the relative level of positive and negative assessments was compared. Table 3 below lists the percentage of positive statements in each category, with the absolute amount of variables for each of the four types of assessment in brackets.

This overview of data adds to the insights discussed above in several ways. Firstly, it is remarkable that the most "technocratic" of the four categories of claims – the effect of treaty change on the action capacity of the EU – is by far the least contested, whereas the other categories show stronger degrees of disagreement. It appears that, in both of the countries compared, the relatively high degree of overall approval of the treaty reform project (about two-thirds of the statements or slightly below this) is anchored mainly in the strong support for the treaty as an

instrument for improving the effectiveness of political action in the European Union.

*Table 3: Relative amount of positive statements about the revision of the EU treaties according to different types of claims*

	<b>Approval</b>	<b>Democracy</b>	<b>Action Capacity</b>	<b>Values</b>	<b>Unspecific</b>	<b>Sum</b>
<b>Bundestag</b>	57.9% (13/20/12/12)*	68.5% (73/1/29/5)	81.1% (72/5/15/3)	48.8% (37/3/32/10)	73.5% (52/23/5/22)	67.3% (247/52/93/52)
<b>House of Commons</b>	36.4% (11/13/21/21)	45.1% (34/3/42/3)	83.7% (102/1/16/4)	33.3% (2/1/6/0)	69.5% (37/4/12/6)	61.4% (186/22/97/34)

\*Values in brackets are the absolute amount of claims in each category that were coded as normative positive, evaluative positive, normative negative, and evaluative negative (from left to right in that order).

Secondly, on the input side of the four categories compared, it is evident that, although the treaty is endorsed by many speakers as representing democratic betterment of the EU, its actual approval by political elites and ordinary citizens especially is discussed more critically, adding weight to the argument that democratic legitimacy has indeed become an important and strongly politicised issue in the EU treaty reform debates. Thirdly, clear differences between the parliamentary debates of both countries are observable. This applies to the more critical assessment of EU input legitimacy by speakers in the House of Commons, who also stress to a significantly stronger degree their criticism of the lack of popular approval of the EU (which is unsurprising given the heated political debate about a referendum on the Constitutional and Lisbon Treaties). Another quite remarkable detail is the comparatively low level of approval given to the values and norms embodied in the EU treaties in the Bundestag debates, suggesting that this is the most strongly politicised aspect of the debate in Germany (to be explained in more detail in the next section).

To sum up this section, the data reviewed here shows that aside from country-specific differences, the revision of the European treaties prompts quite controversial parliamentary debates in which the fundamental norms of the EU and its democratic quality become focal points of dispute between the parties. Compared to these two subjects, the frequent references by speakers to the functional require-

ments for treaty change after enlargement and the action capacity of the EU appear as an important, but relatively uncontested element of the debates. Comparing both countries, the data suggests that, in the House of Commons, politicisation evolves mainly around issues of democratic legitimacy and popular approval while, in the Bundestag, matters concerning the fundamental values of European integration pursued through treaty reform are at the forefront of the discourse.

#### **4.2. The interaction dimension: Patterns of polarisation between parties**

In this section, analysis of the interaction dimension to debates starts with a quantitative survey of political party positions expressed by the relative level of positive and negative claims in each of the four thematic categories. The results are summarised in table 4 below.

Concerning the overall level of approval of EU treaty reform indicated for each political party, the values confirm common expectations about the assessment of party positions towards the EU. In Germany, the two big mainstream parties (particularly the CDU, and to a somewhat lesser degree the SPD) show a high level of support for the reform of the EU along with the liberal FDP and Greens; whereas more Eurosceptic attitudes are indicated for the Bavarian CSU and, to a much clearer degree, the Left Party. In Britain, the relatively pro-EU stance by the Labour party is opposed to the clearly more Eurosceptic attitude of the Conservatives, whereas the Liberal Democrats appear as the party that is most clearly supportive of the revision of the EU treaties. A simple comparison of the overall positions of parties therefore may cast some doubts about the emergence of domesticated forms of polarisation. For both countries, the data appears to contradict the assumption that the debate is polarised between relatively pro-EU government parties and more sceptical opposition (as shown by the very different levels of approval of opposition parties in both the German and British cases). Nor does any clear left-right pattern emerge, as documented by the apparent differences between the two conservative parties, CDU and CSU, on the one hand, and the sharper divergence between the SPD or the Greens and the Left Party, on the other. For the German case, inverted U polarisation appears to be the better description, with the Left Party and CSU – as the most ideologically extreme parties on the left and right

respectively – being the most sceptical about treaty reform, while the political centre shows a high level of pro-European consensus. The British case may be explained as a GAL/TAN type of polarisation between societally progressive Labour and Liberal Democrats on the one hand, and the Conservatives, on the other.

*Table 4: Relative amount of positive statements by speakers from each parliamentary party in each of the five categories of claims and in relation to all statements*

	<b>Assent</b>	<b>Democracy</b>	<b>Action Capacity</b>	<b>Values</b>	<b>Unspecific</b>	<b>Sum</b>
<b>CDU**</b>	83.3% (7/8/0/3)	94.7% (18/0/0/1)	93.0% (37/3/1/2)	78.6% (9/2/0/3)	87.5% (20/8/0/4)	88.9% (91/21/1/13)
<b>CSU**</b>	0% (0/0/2/5)	91.7% (11/0/1/0)	30% (2/1/6/1)	n.a. (0/0/0/0)	85.7% (3/3/0/1)	55.6% (16/4/9/7)
<b>SPD**</b>	100% (2/11/0/0)	71.4% (19/1/5/3)	100% (22/0/0/0)	65.5% (18/1/5/5)	68.4% (16/10/0/12)	76.9% (57/23/10/20)
<b>FDP</b>	80% (3/1/0/1)	85.7% (12/0/2/0)	100% (4/0/0/0)	40% (2/0/3/0)	88.9% (7/1/0/1)	81.1% (28/2/5/2)
<b>GRÜNE</b>	33.3% (1/0/1/1)	85.7% (12/0/2/0)	100% (7/1/0/0)	80% (8/0/1/1)	70% (6/1/0/3)	80% (34/2/4/5)
<b>LINKE</b>	0% (0/0/9/2)	4.5% (1/0/20/1)	0% (0/0/8/0)	0% (0/0/23/1)	0% (0/0/5/1)	1.4% (1/0/65/5)
<b>LAB**</b>	50% (8/13/9/12)	69.7% (27/3/11/2)	92.5% (73/1/3/3)	75% (2/1/1/0)	83.3% (27/3/4/2)	77.0% (137/21/28/19)
<b>CON</b>	8.7% (2/0/12/9)	11.4% (4/0/30/1)	59.4% (19/0/13/0)	0% (0/0/5/0)	45% (8/1/8/3)	29.6% (33/1/68/13)
<b>LD</b>	100% (1/0/0/0)	75% (3/0/1/0)	90.9% (10/0/0/1)	n.a. (0/0/0/0)	66.7% (2/0/0/1)	84.2% (16/0/1/2)

\*Values in brackets are the absolute amount of statements coded as normative positive, normative evaluative, normative negative and evaluative negative (from left to right in that order).

\*\*Parties in government for the period of analysis.

However, this simple quantitative method of assessment only gives a partial picture of polarisation between parties, which may obscure subjects where a controversial and politicised debate takes place. For instance, two parties may agree on the positive effect of the Lisbon Treaty for the EU's action capacity, but emphasise its value in different and potentially conflicting directions (e.g., for creating a social Europe as opposed to creating a competitive Europe). By the same token, the demo-

cratic value of the treaty may be seen by one party in the shift towards more supranational governance (e.g., more competence for the European Parliament), but by another in the defence of national sovereignty and the reduction of the role of supranational institutions. A simple quantitative evaluation of the direction of assessments, in short, may miss the ideological content of arguments in a debate that gives rise to politicisation in party political terms.

A review of the arguments exchanged in the parliamentary debates elucidates the emergence of two different types of debate with quite different mechanisms of polarisation in the two countries compared. The first type of dispute, particularly prevalent in the House of Commons deliberations, can be characterised as a debate about government leadership in the EU, in the sense that decisions made by the government in the context of European integration are discussed as choices with collectively binding consequences for the entire political community and political system. This kind of debate tends to evolve along the divide between government and opposition, although in general a low degree of cohesion is achieved on both sides of the dispute. It is a typical characteristic of this type of debate that reference is made to external developments or norms that resonate in the specific context of the national system, in order to argue in favour as well as against revision of the EU treaties. The second type of debate – one which is more prominent in Bundestag discussions – can be characterised as a directional debate dealing with the future course of European integration. This kind of debate fits more clearly into established patterns of polarisation between left and right and is mainly used for the output categories of claims (i.e., in debates about the values pursued through treaty reform). Apart from these two levels of debate, both cases reveal mostly consensual elements that can be considered as anchors for the legitimation of treaty reform, which occur mainly through claims related to the action capacity of the EU.

Debates about the reform of the EU focus almost exclusively on political leadership in the House of Commons. Here the discourse by representatives of the Labour government is based on the claim that the policy goals envisaged by the Lisbon Treaty are in the interest of the UK, particularly in terms of the treaty's emphasis on global trade, external action, humanitarian assistance and development, as well as energy liberalisation and the promotion of civil society (17 claims). The Lisbon



Treaty is endorsed with the argument that the voting system benefits the UK<sup>3</sup> (11 claims) and adapts the EU to a long-standing British demand for a streamlining of institutions (5 claims). It is stressed that reform of EU foreign policy enhances the UK's capacity for action in its own foreign policy arena; EU foreign policy remains intergovernmental and does not impinge on UK sovereignty or that country's right to a permanent seat on the UN Security Council<sup>4</sup> (13 claims). The Lisbon Treaty is thus presented as a case of successful negotiation of British interests, offering the UK various opt-outs (6 claims) and putting aside the issue of institutional reform to finally deal with the challenges confronting Europe<sup>5</sup> (6 claims). Government representatives in particular point to examples of political support for the treaty by political parties and civil society groups across Europe (16 claims); they emphasise that the ratification procedure complies with democratic standards in the UK and elsewhere (8 claims), and insist that British common law is not undermined (4 claims) and that the treaty strengthens the rights of national parliaments (12 claims). It is noteworthy that the discourse among Labour speakers is not entirely coherent, as many speakers particularly from the back benches point to the rejection of the Lisbon Treaty by some civil society groups and its defeat in national referendums<sup>6</sup> (13 claims). These dissenting Labour voices also argue that the Lisbon Treaty diminishes the rights of national parliaments<sup>7</sup> (4 claims) and that it estab-

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3 Example: "In future, population size as well as the number of states is important to decision making. That will raise the proportion of votes in UK hands from 8 to 12 per cent" (D. Miliband, LAB, Debate on EU Amendment Bill, Vol. 470, Part. No. 34, 21.1.2008, Column 1247).

4 Example: "In addition, as has already been mentioned, the Lisbon treaty provides for the high representative to speak at the United Nations Security Council. However, as our report states in paragraph 157, that 'will make little difference to current practice. It will not undermine the position of the UK in the United Nations system nor the UK's representation and role as a permanent Member of the Security Council'" (M. Gapes, LAB, Debate on EU Amendment Bill, Vol. 470, Part. No. 34, 21.1.2008, Column 1264).

5 Example: "Rather than setting us on the slippery slope towards a federal Europe, the treaty marks a different point. All 27 member states agreed at the European Council in December: 'We expect no change in the foreseeable future, so that the Union will be able to fully concentrate on addressing the concrete challenges ahead'" (D. Miliband, LAB, Debate on EU Amendment Bill, Vol. 470, Part. No. 34, 21.1.2008, Column 1252).

6 Example: "Will the Foreign Secretary tell Chirac and Schröder that we will not go down the road that they are suggesting? Will he send them a copy of Monty Python's dead parrot sketch – it is deceased; it is kaput; it is no more?" (D. Skinner, LAB, Debate on EU Constitutional Treaty, 6.6.2005, Vol. 434, Part No. 81, Column 999).

7 Example: "The role of national parliaments will be massively diminished. In fact, as recently as December it was suggested by European parliamentarians from a number of parties at a Future of Europe conference, that our Parliaments' role will be to try to influence the European Parliament, so that it can make the appropriate amendments to what comes out of the Council. As Chairman of the European Scrutiny Committee, I am not prepared to accept that" (M. Connarty, LAB, Debate on EU Amendment Bill, Vol. 470, Part. No. 34, 21.1.2008, Column 1272).

lishes a (negatively connoted) European superstate or takes away too many powers<sup>8</sup> (6 claims).

Some of these arguments are partially confirmed by statements from Conservative Party speakers, particularly the claim that decision making in the EU will improve to the UK's benefit<sup>9</sup> (7 claims) and will increase the effectiveness of external action (5 claims) without diminishing the UK's action capacity (5 claims). However, some Conservative speakers claim that reform of EU decision making harms the realisation of national interests particularly by centralising power and establishing restrictions for global trade (8 claims). The thrust of the argument, however, is based on the claim that the treaty takes away too many powers from the nation-state and thus hollows out domestic democracy<sup>10</sup> (15 claims), that it has no popular support in the UK (5 claims), that it was rejected in other national referendums (18 claims) and that its drafting and ratification in the UK is undemocratic because the procedure is opaque and does not involve a plebiscite (9 claims). The argument by Labour for not staging a referendum – that the Lisbon Treaty does not have a constitutional quality – is also attacked (3 claims), with the addition that the Passerelle Clause would make future treaty changes possible, which bypass national parliaments altogether (5 claims). Again, this discourse against the treaty and its mode of ratification is far from coherent: several Conservative backbenchers called the procedure a modest and indeed non-constitutional form of treaty change<sup>11</sup> (6

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8 Example: "The treaty takes us further towards a superstate. The Foreign Secretary told us that the treaty was not a constitution and that the seven years of travail, which I thought were about a constitution, were in fact about institutional reform. I do not believe that. Ninety per cent of the treaty is the constitution that emerged from the long travails in which my hon. Friend the Member for Birmingham, Edgbaston (Ms Stuart) played such an important part" (A. Mitchell, LAB, Debate on EU Amendment Bill, Vol. 470, Part. No. 34, 21.1.2008, Column 1296).

9 Example: "I shall vote for the treaty tonight, because I believe that it is a good thing, but I hope that the Minister for Europe will explain to others the treaty's benefits to our country and why it will help us to influence what is about to happen in Europe and to meet some of the challenges ahead better than would be the case without it" (I. Taylor, CON, Debate on EU Amendment Bill, Vol. 470, Part. No. 34, 21.1.2008, Column 1310).

10 Examples: "However, the treaty's constitutional innovations are sufficiently sweeping, and its erosion of our national democracy sufficiently serious, that many of us will have no hesitation not only in voting against it, but in voting for a referendum at every opportunity" (W. Hague, CON, Debate on EU Amendment Bill, Vol. 470, Part. No. 34, 21.1.2008, Column 1263); "Does he agree that the difference in this debate is not between those who believe in an intergovernmental Europe, as he and I do, and those who believe in sacrificing our freedoms to a European superstate?" (J. Hayes, CON, Debate on EU Amendment Bill, Vol. 470, Part. No. 34, 21.1.2008, Column 1310).

11 Example: "The treaty is a pretty modest one. It does not compare with the Single European Act or Maastricht, but the consequences of failure would be huge. We are four years on from the French referendum veto and the Dutch veto. It is a huge matter for the United Kingdom, and huge for Europe" (D. Curry, CON, Debate on EU Amendment Bill, Vol. 470, Part. No. 34, 21.1.2008, Column 1303).

claims) and expressed support for it in various terms (7 claims). Very little criticism of the substantive content of the treaty is made, such as statements criticising the EU for inhibiting free enterprise or for having deleted the principle of undistorted competition (3 claims). The position expressed by Conservative Party speakers thus boils down to primarily a criticism of Labour Party leadership as regards European affairs, focusing on that government's arguments for ratifying the treaty via parliamentary vote, using frequent reference to parliamentary sovereignty and the preservation of national democracy. With regard to the substantive content, however, Conservatives have relatively little to criticise about the Lisbon Treaty. Within this sharply polarised leadership debate, the Liberal Democrats take an outsider position, focusing their comments mostly on the functioning of supranational institutions at EU level, which Liberal Democrat speakers expect to work more effectively (5 claims) with better democratic control through the European Parliament (3 claims). The polarisation between government and opposition therefore appears as the main mode of interaction in the debate, which is most sharply expressed in the two input-legitimacy categories. In these thematic domains, a relatively strong degree of intra-party dissent is visible, remarkably on both sides of the government–opposition divide.

A different type of debate emerges in the case of the German Bundestag. One general difference is that many more claims directly address the development and political goals of the EU, rather than the realisation of German interests through the EU. CDU speakers, for instance, emphasise that the Lisbon Treaty increases the effectiveness of decision making in the EU (13 claims), gives it more weight and coherence in its external action (6 claims) and allows it to put aside the issue of institutional reform and address problems of concern to the citizens<sup>12</sup> (6 claims) and challenges arising through globalisation, such as climate and energy policy, enlargement, and migration issues (6 claims). The realisation of German interests is mentioned only in the context of the introduction of mechanisms for flexible

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12 Example: "Europa wäre aber nicht komplett, wenn wir uns nur mit den Fragen hinsichtlich der Institutionen aufhielten. Deswegen bin ich persönlich sehr froh, dass wir am Ende den Grundlagenvvertrag haben werden und wir uns wieder den Problemen, die die Bürger bewegen, zuwenden können" ["Europe would not be complete, however, if we only concerned ourselves with matters related to its institutions. For that reason I am personally very pleased that we will finally have a reform treaty so that we can again turn our attention to the problems affecting our citizens" – author's translation] (G. Krichbaum, CDU, Plenary Session16/107, 4 July 2007, 10992C).

integration<sup>13</sup> (4 claims) and the need for smooth and quick ratification (4 claims). While the role of national parliaments is also mentioned as an element of democratisation (7 claims), more references are made to the European Parliament (3 claims) and the democratic quality of supranational decision making (3 claims). The treaty is endorsed as complying with the constitutive ideas and principles of the German political system and the Basic Law, such as the respect for the principle of subsidiarity<sup>14</sup> (3 claims), the statement of fundamental rights in the Charter<sup>15</sup> (7 claims) and the introduction of state-like symbols and denominations (3 claims).

The discussion of values expressed in the treaty is even more prevalent in statements by SPD speakers, who frequently refer to historical commitments to the

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13 Examples: “Der neue Vertrag erleichtert die verstärkte Zusammenarbeit einer Gruppe von Mitgliedstaaten in bestimmten Politikbereichen. Damit ist eine Weiterentwicklung der Europäischen Union innerhalb des EU-Vertragsrahmens möglich. Dies gibt uns die notwendige Beweglichkeit in einer sehr groß gewordenen Union, einer Union von Mitgliedstaaten mit unterschiedlichen Stärken, Wünschen und Interessen” [“The new treaty facilitates stronger cooperation between groups of member states in a specific areas of politics. This makes further development of the European Union within the framework of the EU treaties possible. This gives us the necessary flexibility within a European Union that has become quite large, a union of member states with different strengths, desires and interests” – author’s translation] (A. Merkel, CDU, Plenary Session 16/132, 12 December 2007, 13799C); “Wer nicht will, dass auf wichtigen Politikfeldern der Langsamste immer das Verhandlungstempo aller bestimmt, der muss jetzt für den Vertrag von Lissabon sein” [“In the most important areas of politics, whoever does not wish that the slowest determine the pace of negotiations, must now be in favour of the Lisbon Treaty” – author’s translation] (A. Merkel, CDU, Plenary Session 16/169, 19 June 2008, 17825A).

14 Example: “Der neue Vertrag unterscheidet deutlich die Zuständigkeiten der Europäischen Union von denen der Mitgliedstaaten. Diese Unterscheidung war immer ein deutsches Anliegen. Wir haben das seit langem vertreten. Ich halte das für ein wirklich wichtiges Ergebnis dieses neuen Vertrages. Der Vertrag macht außerdem klar: Zuständigkeiten der Europäischen Union können wieder an die Mitgliedstaaten zurückgegeben werden, wenn dies vernünftig erscheint. Das heißt also, Kompetenzzuteilung ist nicht mehr eine Einbahnstraße – von den Nationalstaaten nach Europa –, sondern auch der umgekehrte Weg ist möglich” [“The new treaty differentiates clearly between the areas of competence of the (European) Union and those of its member states. This was always a matter of German concern; we have supported it for a long time. I consider this a really important outcome of the new treaty. The treaty also makes it clear that areas of competence of the European Union can be returned to the member states, whenever it appears reasonable to do so. This means that the distribution of responsibility, the assignment of competences, is no longer a one-way street from the national states to Europe: the reverse path is also possible” – author’s translation] (A. Merkel, CDU, Plenary Session 16/132, 12 December 2007, 13799A).

15 Example: “Bei der weiteren Entwicklung der Union sind wir uns aber durchaus auch unserer gemeinsamen Werte der Aufklärung, des christlichen Menschenbildes und unserer Begabung zur Freiheit bewusst. Deshalb ist es auch richtig, dass diese Grundpositionen in einem EU-Verfassungsvertrag angesprochen werden. Das sind aus unserer Sicht konstituierende Elemente für eine Europäische Union” [“With the further development of the (European) Union in mind, we are fully aware of our commonly held values of enlightenment, our Christian nature/heritage and our propensity for freedom. Therefore it is also important that these basic positions be addressed in a constitutional treaty. From our point of view those are the constituent elements of a European Union” – author’s translation] (V. Kauder, CDU, Plenary Session 16/035, 11 May 2006, 2902A).

idea of European integration<sup>16</sup> (7 claims) as well as the mutual obligation of member states to engage in European integration (6 claims), and stress the compatibility of the treaty with the German Basic Law (4 claims). The support for the social values embodied in the Charter of Fundamental Rights is expressed more strongly by the SPD than by the CDU, with several speakers expressing their outrage at the British opt-out<sup>17</sup> (5 claims) and showing their support for Europe's having a social and democratic mission in the world (4 claims). Against this background, the European Union appears less as an instrument for the realisation of German interests than as a value-based framework for the political management of globalisation<sup>18</sup> (7 claims).

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16 Examples: "Wir sollten in dieser Stunde, da wir wissen, dass viele Bürgerinnen und Bürger vor allen Dingen außerhalb Deutschlands und viele Politikerinnen und Politiker große Erwartungen an die deutsche Ratspräsidentschaft richten, in einem historischen Bewusstsein handeln. Der Erste, der davon gesprochen hat, dass wir so etwas wie eine europäische Verfassung brauchten, war der Franzose Aristide Briand 1916 mitten in den Schrecken des Ersten Weltkrieges. Der Zweite, der dann schon den Entwurf eines Verfassungsvertrages für eine europäische Föderation vorgelegt hat, war der Brite Jennings 1940 in der tiefsten Dunkelheit europäischer Geschichte" ["Because we know that many citizens, especially those outside Germany, and many politicians have great expectations from the German (EU) Council Presidency, we should, in this hour, act in historic awareness. The first person who said that we needed something like a European constitution was the Frenchman, Aristide Briand, in 1916, amidst the horrors of the First World War. The second person who then presented a draft of a constitutional treaty for a European federation was the Briton, (Ivor) Jennings, in 1940, in the darkest hour of European history" – author's translation] (A. Schäfer, SPD, Plenary Session 16/103, 14 June 2007, 10580A); "Lassen Sie mich als Sozialdemokrat auf den Kernsatz des 1925 von uns verabschiedeten Heidelberger Programms hinweisen: Wir wollen die Vereinigten Staaten von Europa. (Beifall bei Abgeordneten der SPD) 1925! Was hätten unsere Großväter und Väter Europa und insbesondere Deutschland alles ersparen können, wenn das deutsche Volk, Herr Stresemann und andere mitgeholfen hätten, näher an das Ziel heranzukommen, das wir nun Schritt für Schritt erreichen! Was hätte das für die europäische Entwicklung bedeutet! Deswegen sind wir Sozialdemokraten stolz darauf, dass wir diesem Ziel jetzt einen wesentlichen Schritt näher gekommen sind" ["Allow me, as a Social Democrat, to refer you to the core message of the 1925 Heidelberg Program we passed into law: We want a United States of Europe (applause from SPD members of parliament). 1925! Just imagine what our fathers and grandfathers could have spared Europe and Germany especially, if the German people, Herr Stresemann and others had played their part in bringing us closer to the goal that we are now attaining step by step! Imagine what that would have meant for European development! For that reason we Social Democrats are proud of the fact that we have come an essential step closer to achieving this end" – author's translation] (G. Weisskirchen, SPD, Plenary Session 16/132, 12 December 2007, 13816D).

17 Example: "Mit stolz geschwellter Brust ziehen wir durch die Welt und sagen: Wir sind eine Wertegemeinschaft. Im Hinblick auf die Grundrechtecharta müssen wir jedoch sagen: Diese gilt für alle, mit Ausnahme der Briten. Natürlich wird der Europäische Gerichtshof das zu heilen versuchen, das können wir nur hoffen. Aber was für ein Symbol ist das, wenn wir mit den Staaten in einen kontroversen Dialog eintreten, in denen die Menschenrechte, die Grundrechte, die Freiheitsrechte mit Füßen getreten werden? Das ist peinlich und beschämend." ["Chests swollen with pride, we go around proclaiming that we are a community of values. But, as regards the EU Charter of Fundamental Rights, we would have to say that this goes for everyone except the British. Of course the European Court of Justice will try to heal things; we can only hope for that. But what does it signify, if we enter into a controversial dialog with states in which human rights, fundamental rights and the rights to freedom are trampled underfoot? This is embarrassing and shameful." – author's translation] (M. Roth, SPD, Plenary Session 16/107, 4 July 2007, 10997A/B).

18 Example: "Es geht dabei nicht nur um Institutionen und um Strukturen. Darauf hat die Bundeskanzlerin hingewiesen. Es geht um die große Frage, wie wir Globalisierung demokratisch gestalten und wie wir uns in den Prozess der Globalisierung einbringen können" ["The issue is not just one of

While these claims are not strictly party political, they show a greater degree of contextualisation of the goals proposed in the treaty vis-à-vis the ideological stance of the speakers' own party than do most of the statements found in the British debate.

Similar cases can be found in the statements made by the liberal FDP and the Green Party. While the former criticises the dilution of the principle of free competition in the new treaty<sup>19</sup> (3 claims), the latter depicts the revised EU as an answer to the challenges of globalisation “such as energy, education and research” – typical Green topics<sup>20</sup> (3 claims) – and as a step towards strengthening social rights in relation to economic freedoms<sup>21</sup> (2 claims). Both parties agree with the government parties on the positive effect of the Lisbon Treaty for the democratisation of the EU (FDP 10 claims, Greens 12 claims). A strong claim against the leadership of the government in EU affairs is only found in the case of the Left Party, but this is combined with an equally strong ideological criticism of the Lisbon Treaty and the EU as a whole. The Left Party criticises the drafting and the ratification of the treaty

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institutions and structures. The Chancellor has pointed this out. We're dealing with the big question of how we can shape globalisation democratically and how we can participate actively in the globalisation process” – author's translation] (M. Roth, SPD, Plenary Session 16/035, 11 May 2006, 2905C).

19 Example: “Ich möchte nun auf den einen oder anderen Wermutstropfen hinweisen. Der faire und unverfälschte Wettbewerb ist auf Wunsch von Herrn Sarkozy aus den Zielen der Europäischen Union gestrichen worden. (...) Es ist aus unserer Sicht ein schwerer Fehler, dass das gestrichen worden ist. Wir wünschen uns und werden in Zukunft darauf dringen, dass die Europäische Union auch weiterhin eine marktwirtschaftliche Union ist. Gerade in der Sicherstellung des Wettbewerbs zugunsten der Verbraucher sehen wir ein wichtiges Element der sozialen Dimension der Europäischen Union.” [“I would like now to point to some pieces of bad news. Fair and undistorted competition has been stricken from the goals of the European Union at the behest of Mr Sarkozy ... in our view a grave error.... We wish – and in the future we will press for it – that the European Union will continue to be an economic union. Precisely in the guarantee that competition will benefit consumers do we see an important element of the social dimension to the European Union” – author's translation] (M. Löning, FDP, Plenary Session 16/107, 4 July 2007, 10990B).

20 Example: “Energie, Bildung und Forschung. Das sind die Zukunftsfragen. Auf diese Fragen brauchen wir europaweit Antworten. Dabei kann und muss uns auch der Verfassungsvertrag helfen” [Energy, education and research: these are the questions of the future. To these questions we need Europe-wide answers. In this quest, the constitutional treaty can help us and must do so” – author's translation] (R. Künast, B90/GRUENE, Plenary Session 16/035, 11 May 2006, 2903A).

21 Example: “Was hieße es, wenn der Vertrag von Lissabon scheitern sollte? Das hieße keine verbindliche Grundrechtecharta mit individuell einklagbaren Rechten. Das hieße keine Aufwertung der Daseinsvorsorge gegenüber dem Wettbewerbsrecht. (...) Ihre Beispiele stimmen. Aber Sie kritisieren damit den jetzigen Vertragszustand, dessen Basis der Vertrag von Nizza ist. Dieser muss überwunden werden” [What does it mean if the Treaty of Lisbon fails? It means that there will be no binding charter of fundamental rights with judicially enforceable individual rights. This means no elevating of public (social) services vis-à-vis competition law.... Your examples are correct. But you're criticising the current state of affairs, the basis of which is the Treaty of Nice. This would have to be overcome” – author's translation] (J. Trittin, B90/GRUENE, Plenary Session 16/169, 19 June 2008, 17834A).

for being undemocratic and a form of blackmail vis-à-vis other governments<sup>22</sup> (19 claims). They express fundamental opposition to the treaty for breaking with the notion of a peaceful, democratic and social form of European integration<sup>23</sup> (11 claims); for taking a step towards the militarisation of EU foreign policy (8 claims); for breaching the norms of the social state in the German Basic Law<sup>24</sup> (4 claims) and for taking a step towards social dumping and “free market cannibalism”<sup>25</sup> (4 claims).

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22 Examples: “Die Rhetorik der Polen ist sicherlich nicht akzeptabel, aber die Erpressungsversuche waren auch nicht akzeptabel; denn die Polen haben nichts anderes gemacht, als ein Recht zu nutzen, das ihnen die bestehenden Verträge lassen” [The Polish rhetoric is certainly not acceptable, but the attempts at blackmail weren’t acceptable either, because the Poles did nothing more than to exercise a right that the current treaties permit” – author’s translation] (A. Ulrich, LINKE, Plenary Session 16/107, 4 July 2007, 10994A); “Wenn die Substanz einer gescheiterten Verfassung nun in einem Vertrag ihren Niederschlag finden soll, dann wird versucht, etwas Gescheitertes an den Bürgerinnen und Bürgern vorbei durchzusetzen. Deshalb bleiben wir die einzige Fraktion im Deutschen Bundestag, die eine europäische Volksabstimmung fordert; denn nur so ist Europa den Bürgerinnen und Bürgern näherzubringen” [If the substance of a failed constitution should now find its expression in a treaty, then what’s being attempted is to force something failed through, over the heads of the citizenry. For this reason we remain the only faction in the German Parliament to insist upon a European referendum, because only in this way can Europe be brought closer to its citizens” – author’s translation] (A. Ulrich, LINKE, Plenary Session 16/107, 4 July 2007, 10994B).

23 Example: “Die Mehrheit der Europäer und auch wir wollen nicht keinen, sondern einen anderen Verfassungsvertrag. Wir wollen einen – ich zitiere aus unserem Entschließungsantrag –, der “die Grundintention eines sozialen, friedfertigen und demokratischen Europas im Geiste seiner Gründer und Gründerinnen und im Einklang mit dem Willen der Bevölkerungsmehrheit in den EU-Mitgliedstaaten widerspiegelt” [“The majority of Europeans, including ourselves, do not want to have no constitution (at all), but rather a different constitutional treaty (than that proposed). We want to have one that – I quote (here) from our proposed resolution – ‘reflects the basic intention of a social, peace-loving and democratic Europe, in the spirit of its founders, in harmony with the will of the popular majority in the EU member states’” – author’s translation] (D. Dehm, LINKE, Plenary Session 16/035, 11 May 2006, 2909A).

24 Example: “Der Vertrag bindet die Europäische Union zwar an Demokratie und Rechtsstaatlichkeit und die Organe bei der Ausübung übertragener hoheitlicher Gewalt an diese Prinzipien. Die Sozialstaatlichkeit fehlt aber vollständig. Das ist ein Verstoß gegen Art. 20 und Art. 79 des Grundgesetzes. Darauf wird gegebenenfalls verfassungsrechtlich zurückzukommen sein” [“Undoubtedly the treaty ties the European Union to (the principles of) democracy and the rule of law and it binds its organs to these principles in the exercise of the sovereign authority it has transferred to them. But the social welfare state is missing entirely, and this is in violation of Articles 20 and 79 of the (German) Basic Law” – author’s translation] (D. Dehm, LINKE, Plenary Session 16/132, 12 December 2007, 13814C).

25 Examples: “Die Botschaft des französischen und holländischen Referendums ist doch klar: Die Leute – auch die Mehrheit der Deutschen, die Sie per Volksabstimmung zu Wort kommen zu lassen höchst vorsorglich nie gewagt haben – wollen keine Verfassung, vor der sie in Deckung gehen müssen, und keinen ungehemmten Wettbewerbskannibalismus (...) über die Sozialbindung des Eigentums in unserem Grundgesetz hinweg. Sie wollen keinen Verfassungsvertrag, der dem neoliberalen Sozialdumping, dem Lohndumping und dem Mittelstandsruin die Tore sperrangelweit öffnet” [“The message of the French and Dutch referendums is clear indeed. The people – including the majority of Germans whom you have (with a maximum of caution) never dared to allow to voice their choice via plebiscite – don’t want a constitution from which they would have to run for cover and they don’t want unrestrained free market cannibalism ... over the social obligations associated with property ownership and the restrictions on property rights embodied in our Basic Law. They don’t want a constitutional treaty that rips open the floodgates for neoliberal social dumping, loan dumping and the ruin of small and mid-sized enterprises” – author’s translation] (D. Dehm, LINKE, Plenary Session 16/035, 11 May 2006, 2909A).

In the case of the German Left Party, assessment of the substantive content of the treaty in ideological party political terms is more strongly evident than in the case for the British Conservatives. This strengthens the contention that German Bundestag debates are characterised by greater ideological polarisation than UK House of Commons debates which, in contrast, focus more strongly on leadership issues. A polarisation of parties according to their ideological stance along the left–right spectrum is therefore visible to a greater degree in the German case, tending towards inverted U-type polarisation particularly with regard to the debate on the input legitimacy of treaty reform.

## 5. Conclusion

The task of this paper was to investigate the links between the public justification of EU treaty reform and the polarisation of political parties in parliamentary debates about this issue. To sum up and conclude this discussion, three findings should be pointed out. Firstly, the observations made in this paper support the argument that a differentiation of thematic aspects helps to explain the different variants of political contestation emerging in debates about European integration. Even in the thematically restricted field of EU treaty revision, the debate between parties does not emerge in a uniform pattern of polarisation: rather, it involves a number of different variants of debate and contestation. Some of these do not imply a great degree of dissent between parties; they appear familiar from the point of view of domestic politics. For the present study, this applies in particular to debates about the action capacity of the EU, where contestation is generally low, and to the values proposed in the treaties, where a typical left–right cleavage emerges in the German debate. A systematic distinction between thematic categories can be used to identify more strongly contested focal points of the debate that give rise to atypical patterns of polarisation. In the example analysed here, this description fits most closely to the debate on the effect of treaty change for the democratic legitimacy of the EU. This topic is relatively strongly contested in Germany and the UK and it gives rise to two kinds of polarisation designated as atypical: in the German case, interaction among parties that closely resembles the inverted U model; in the British case the emergence of strong intra-party dissent and criticism from backbenchers.



Secondly, the hypotheses about the links between the thematic aspects of justification and party polarisation receive some support from this analysis. Atypical forms of polarisation are indeed observed mostly in debates on the input-legitimacy aspects of treaty reform, whereas the clearest example of left–right polarisation can be found in out-legitimacy debates (e.g., the values debate in Germany). The debates on procedural aspects of approval, particularly the issue of a referendum, arguably involve strong government–opposition politics. But the relatively consensual debate on action capacity and the low presence of a values debate in the British case do not allow for a very rigorous test of this set of hypotheses.

Thirdly, the hypotheses proposed for the comparison of the parliamentary debates in Germany and the United Kingdom appear to be confirmed quite clearly in the present example. As demonstrated in the empirical part of this paper, the debates appear to be polarised along government–opposition lines in the House of Commons, whereas this kind of polarisation is practically absent in the Bundestag whose debates are characterised more strongly by a left–right cleavage.

The overall results of the study show us that it would not be correct to assume that European debates are generally more politicised in the United Kingdom than they are in Germany. Instead, both parliaments can be seen to engage in equally controversial discourse contesting different sets of questions – the compatibility of supranational integration with domestic democracy in the British case, and the future direction and core values of the European Union in the German case. These insights suggest that the politicisation of European integration is a variegated process involving different aspects and linkages between justification and political contestation, matters that would need to be addressed in greater depth in future research.

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