



8 The transnational field of computerised exchange of information in police matters and its European guilds

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This chapter will discuss the emergence of a specific group of powerful agents on the transnational scale, those who decide and frame what is called security, insecurity and fate in Western societies through the exchange of information in policing matters. They consist of a specific guild of professionals dealing with “internal security” and consider themselves experts in domains that the general public does not know about (and does not need to know about) for its own safety. This guild of professionals of (in)security management is a bureaucratic nobility or strata which has extended within and beyond Western societies, by its informal and institutional networking, and which is both public and private (Bigo 2011a).¹ They challenge de facto the authority of the national professionals of politics, even if formally they seem to be dependent on them. They shape the debates at stake concerning priorities of struggles against insecurity in a global world, described as being permanently on the verge of a forthcoming chaos, of a possible Armageddon (nuclear, viral or economic...), and requiring emergency measures. Similar to the Middle Age guilds, which were clusters of different crafts and professions, these professionals of (in)security have internal hierarchies (powerful and powerless agents and inner struggles which are sometimes ferocious) but they have, nevertheless, a sense of being part of a social universe, which differentiates the experts from the profanes (Isin 2002). Their transnational character is masked by the fact that they present themselves as the spokespersons of the national state in its most “regalian” activity, providing peace and security, assuring law and order. But this transnational character exists nevertheless and becomes visible through the exchange of information these professionals have in common, and through the specific enunciation of security problems they share, as well as the professional trajectories they follow, which sometimes merge and create a sense of being part of the same social universe. At their core, research will find networks regrouping intelligence services, policemen specialised in anti-terrorism and organised crime, border guards specialised in surveillance and controls concerning travellers and military specialised in low intensity conflicts and





anti-subversive activities (Amicelle *et al.* 2004; Bigo 2008), as well as private actors coming from the police security surveillance service complex. The scope of this guild is transnational but never global, despite the pretence of the actors. One can consider three entangled networks, whose collaboration is contingent upon the activities they have in common and their proximity to reason of state and historical links: a first, is an institutionalised European Union, which has set up its own institutions on policing and border controls, a second concerns US–UK “specific” relations on policing and intelligence matters, which often involve a wide “Anglo-Western” area, including Australia and New Zealand, and a third network is built on specific transatlantic relations between NATO countries and is mainly about defence and humanitarian military interventions. The three networks are not “concentric circles”, harmoniously dispatched geographically and functionally; they intermingle and struggle on overlapping subjects.

Empirically, the chapter’s central focus will be on the part of the guild, which is based in Europe and has originated from anti-terrorism policing. Following Niilo Kauppi and Mikael Madsen, who insist that:

these developments concerning the rise of a global elite are not only exemplified by the rise of the EU as such, but also, and perhaps particularly, by the rise of a set of transnational European power elites evolving in and around the European construction.

(Madsen and Kauppi, Introduction to this book)

I will agree with them for moving the focus from traditional European studies towards a political sociology of the international by discussing the emergence of transnational social universes, or fields of power, that can be traced through the historical trajectories of some central agents and their institutional configurations. I will consider here how European policing has to be analysed, not as a spill over in terms of European governance but as a product of the development of these guilds of professionals of (in) security. Taking into account that the professionals of (in)security are only one specific example of their larger inquiry addressing other professional groups (bankers, lawyers, etc.), three hypotheses concerning the constitution of a global elite may be discussed. First, are the professionals of (in) security dealing with European internal security matters acting as mere national civil servants working for their national state and not at all a part of the process of the constitution of a global elite? Second, do they form a class fraction of the “globalisers”, and if so, are they a coalition of diverse experts producing an epistemic community, an emergent bureaucracy, or an elite distant from the local and the national? Or, third, are they, as I claim, a transnational guild organised along solidarities which are dependent on the way they frame events as “security problems” by using a preventive police viewpoint, and through a computerisation of exchange of





1 information on a large scale, connecting them and constraining them?
2 And, if so, what are the consequences of the existence of this cluster of
3 professions organised around the idea of a global insecurity in terms of
4 suspicion, surveillance, proactive practices, preventive arguments and
5 belief in predictive technologies? The latter hypothesis supposes that the
6 agents of (in)security develop their own practices, codes of conducts and
7 political imagination, which frames their exercise of power in their partici-
8 pation in transnational fields of power. These fields of power are no
9 longer aligned with the national fields of state power represented by the
10 professional of politics, and the transnational agents contest the legitimacy
11 and capacity of the politicians as professionals of politics to have the last
12 word on what is (in)security (Bigo and Madsen 2011). As a result, national
13 security is part of global security, and may be challenged by the emergence
14 of the “new problem” of delivering security globally. As we will see, it does
15 not mean that these agents are not profoundly nationalists, but their prac-
16 tical activities shape them and create a “cleaved habitus” (Bigo 2011). If
17 this hypothesis is confirmed by the historical elements of European polic-
18 ing, then this aggregated guild is centrally tied to the idea of expertise, but
19 not necessarily to belonging to an emergent global elite.

20 Answering such a major question supposes a knowledge of the practices
21 of the different agents who recognise themselves as interested in the stakes
22 of internal security in their relation to justice and freedom. Moreover, it
23 considers whether the solutions always imply other agencies than the
24 national ones, because of the external dimension of exchange as the only
25 way to have a form of internal security. It is, then, important to begin with
26 the paradox or the oxymoron of an internal security at the European scale
27 to understand how European policing has been set up and transformed.
28 The situation of freedom of circulation has been read as a “European
29 security problem” inside and outside the European Union, with many pro-
30 fessions fearing that they were in danger if new forms of border manage-
31 ment were not immediately set up. The decoupling of state borders’ logics
32 of control from the territorial border in the name of freedom of move-
33 ment of persons – tempered by the fear of the rise in crime related to this
34 freedom – has exacerbated previous tensions concerning the narratives of
35 national sovereignty and global insecurity. It has also destabilised the idea
36 of what is internal and what is external to a national state inside the Euro-
37 pean Union. The internal security of a European space is the coalescence
38 of different national internal security spaces including, de facto, an external
39 dimension for each national state that the limited effect of European
40 citizenship has not succeeded in solving fully. It has therefore created
41 ambiguities, raising new questions about controls and surveillance in the
42 entire European zone and accepting the need to trust other police forces
43 and to share responsibilities between these forces, as well as accepting the
44 existence of some coordination points. The discourse of a security deficit
45 implied by freedom of movement of persons, of a “sieve” Europe, which is





in need of renewed controls that are more efficient (more upwards and downwards) in order to cope with the end of systematic control at the internal borders of the EU has been developed, first against Schengen and then between Schengen member states, by those who feared receiving immigrants that might overstay in their own country. This has reframed quite completely the rationale of the old habit of police cooperation and exchange of information (Bigo and Guild 2005)

Instead of discrete and informal relations between members of a small club privileging face to face information on a very small number of topics, the exchange of information between police organisations and (beyond them) between police, police with military status, customs, immigration officers and intelligence services, will become absolutely central in terms of policing “borders”. The practices of exchanging information on persons but also, and mainly, on strategic analysis about threats, past and future, will rise suddenly. This will create a kind of new job, a new occupation, with the officialisation of police liaison officers as specialised national police officers (sent abroad to understand the other police organisations); and, as we will see, the transformation of logic of actions will lead to the construction of what has been called a “pillar” of the European Union: the pillar of European “internal” affairs.

Mapping the trajectories of the agents in charge of internal security in Europe and their intertwined logics of actions

Many books have described what they call the emergence of the third pillar of the European Union and the development of an area of freedom security and justice (Chalk 1995; Den Boer 1998; Den Boer and Walker 1993; Lavenex 1999; Lodge 1993). They all agree that a specific group of individuals participating in informal meetings and clubs are the origins of the creation of specific institutions for “home affairs” at the European scale. These authors, most of whom have provided an analysis of the legal developments of these activities, are often surprised by their speed and intensity. Few, however, have carried out a sociology of the agents involved in the exchange of information in police matters and all associated activities (Anderson and den Boer 1994, Bigo 1996, Sheptycki 1995). They have, nevertheless, been permitted to embark upon European research projects concerning this topic which (during the last ten years), has been a constant source of preoccupation for researchers coming from countries across the EU and beyond, as well as from different disciplines.²

One of the results of these European projects has been the constitution of a visualisation of the different groups and institutions that have been part of the internal security of the European Union from the beginning (Bigo 2005; Bigo *et al.* 2008, 2010; Elise, European Liberty and Security 2006).³ Researchers have analysed the vocabulary and the way the professionals of security frame definitions and classifications of threats.⁴ They





1 have also analysed the trajectories, which provide an insight into the crea-
2 tion of some institutions, especially the internal security agencies at the
3 EU scale and their power relations in the context of changing treaties and
4 rules of the game. Recently, a specific study conducted for the European
5 Parliament has synthesised these previous results (Scherrer *et al.* 2011).

6 In a nutshell, the careful analysis of 40 years of European integration in
7 the domain of European policing can be represented as a rope woven
8 together by three interconnected strings.⁵

9 As shown in this visualisation, each “string” can be analysed as a series
10 of events, which make sense on their own, and each of them describes a
11 specific logic or dimension of European policing (practical, juridical and
12 technological). The aim of this full mapping is to connect the different
13 dimensions or strings in order to look at the key interconnections between
14 the dimensions and the different operators of translation, and also to
15 understand the overall logic (or the rope) connecting these three dimen-
16 sions and sustaining the social relations between them. This mapping, by
17 the collection of hundreds of documents and interviews concentrated in a
18 synthetic visualisation, gives grounds to the idea of a transnational field of
19 power concerning security, whose main agents are the different guilds of
20 managers of (in)security. These guilds are more aligned along profes-
21 sional solidarities than national ones, and compete for the priorities and
22 the definition of security. But they all recognise that these definitions, of
23 categories of unwanted people and risk for the future, have to be the sole
24 monopoly of experts and not a general public discussion or even a choice
25 by professionals of politics.

26 The first dimension we will investigate is the history of intelligence and
27 police cooperation and the informal meetings of the top ranking police-
28 men dealing with subversion, terrorism and drug trafficking. The second
29 dimension is better known than the first one and is sometimes confused
30 with the overall practices of European policing. This second dimension
31 looks at the legal side of European policing, and its official norms, as well
32 as debates between national sovereignty and pooling of sovereignties in
33 the name of the fight against threats beyond the reach of one single state’s
34 police forces. If academia has rarely connected the two dimensions
35 because of lack of interdisciplinary research, the practitioners have some-
36 times better seen the tensions between the practices involved in the pro-
37 fessions, their transnationalisation and the normative and juridical
38 frameworks, in European terms, which try to sum up all their aspects.
39 Using Bruno Latour terminology, the practical “jump” (or the operator of
40 this “translation between the two first strings”), has been to reconcile the
41 two different logics of policing into an internal European security with a
42 third one: the belief in technologies of surveillance and computerisation
43 of the exchange of information as a solution to preserve sovereign
44 national decision-making, the coherence of the European institution and
45 collaboration against global insecurities. This dimension is related to the





technologisation of policing through the extension of information networks available to police and intelligence services. It connects policing with computerisation and surveillance. It explains why the exchange of information, data gathering, profiling and prediction have become the key drivers of the competition between the different guilds and why it has been so important for each professional to have computerised information to exchange in order to stay credible for the others.

1 The strength of the informal networks and their transatlantic characteristics: an old tradition, a vivid present

Unlike judicial cooperation, police cooperation has always taken place behind the scenes through informal networks, and it has been recognised officially by the authorities only many years after their establishment. The origins of police cooperation between European states can be traced back to the 1880s and the inter-war period, with a strong influence from Austria and France. At that time, cooperation was mainly bilateral and shaped by that of informal intelligence services. The first case of multilateral cooperation dates back to the 1880s, with the exchange of information about the anarchist threat and efforts to institute cooperation among European police forces in order to combat crime by creating individual records that police transmitted to other police forces of a foreign country. This shows that, contrary to popular belief, police cooperation does in fact date back to the time when national police forces were established and had never been considered at the time as an attack against sovereignty (Fijnaut 1987). It is also a reminder to the jurists, who consider European police collaboration to have begun with Schengen and Maastricht, and who explain that police cooperation was late because the spill over did not function in sovereign matters. The first steps of police cooperation were bilateral, but they turned out to be worldwide as well. The ICPC (International Criminal Police Commission), which was the ancestor of Interpol, was founded immediately after the First World War. The ICPC created the first database system with colour codes – with pink for homosexual behaviour, and indications for Jews and Gypsies – which permitted a quick pick-up of main information. Situated in Austria, and later on taken over by the Nazis, the database was used to locate these peoples, with tragic consequences. After the Second World War, the ICPO-Interpol (International Criminal Police Organisation) made regulations to forbid some kinds of personal data (sexual behaviour, political opinion...) from its system, but also accelerated the process of data gathering, and it was one of the first organisations to systematically computerise its data and develop regional desks for exchange of information (between criminal police) on judicial evidence (Anderson 1989). However, we can consider that the modern police and intelligence networks have been more the by-product of strategic military alliances of the post-war era than the hubs of Interpol world





collaboration. Some networks, like the “stay behind” group, which would later be known as Gladio, have established direct connections between the US intelligence community and some police force and intelligence services, sometimes without the knowledge of the ministers in charge. The 1950s also saw the creation of informal, transnational intelligence networks that were often secret and which the founders of Europe were only partially aware of. Most of them were transatlantic in origin or created around the colonial organisation. Exchanges between police intelligence services were often transatlantic too, operating between Western Europeans, North Americans, Australians, New Zealanders and Israelis. Cooperation was based on “friendly relations” between departments, and gave rise to three distinct networks – first, a cooperation among police counter-espionage departments, second, among military departments within NATO and among English-speaking countries more or less independently from the other, (third) more continental European networks. Training of European policemen in (CIA and FBI) Quantico schools has been considered a sign of excellence and was officialised in 1979 with the opening of official foreign training sessions to encompass the latter. Apart from the French, most of the European intelligence services were strongly attached to the US agencies and the NATO organisation. The Berna Club was an annual meeting in a top class hotel or resort where top-level civil servants in charge of intelligence services met and exchanged viewpoints. The Star Group and the Kilowatt Group were more operational, and their existence and functioning were discovered when the Iranians took over the US embassy in Teheran in 1979. It was even later that some member states and the public knew about the Echelon system of surveillance, whose beginnings originated from the sixties and were rooted in both the Cold War and decolonisation. For a large part of the period, European policing and intelligence gathering was mainly the task of police intelligence services, shrouded in secrecy and based on face to face relations. In the mid seventies, informal meetings and club practices grounded in the English tradition increased in number and also began to focus on other topics. In Europe, specialised police teams dealing with terrorism organised meetings because they were unhappy with Interpol regulations of political opinion prohibition and they wanted an exception for terrorist activities. At the fountain of Trevi in Rome in December 1975, fearing red terrorist international activities inspired by Moscow, the heads of these newly constituted antiterrorist sections of national police (Germany, Italy, France and UK) decided to meet. TREVI was known only ten years later, when the European governments wanted to prove that they were active against their own internal terrorism and obliged the police services to semi-officialise their group as a meeting against terrorism, radicalism and violence in an international context (reconstruction of Trevi as acronym). They quickly labelled some different national far left groups who had some vague links as Euroterrorist, in order to justify the collaboration





publicly. Specialised teams that were dealing with drug trafficking and organised crime, as well as money laundering, also used informal meetings and club techniques for the exchange of information. Both the FBI and DEA sent liaison officers to different places in Europe to organise networks (Sterling 1981; Sablier 1983). Some were operational (the Marseille “French” connection disruption), but most of them were informational (the Pompidou Group, the TREVI 2 Group). These networks have been the place of exchange of techniques against not only terrorists and drug traffickers, but also hooligans or protesters in demonstrations. They have forged the sense of a “specific community”, of an “old boys” network, highly conscientious of its own importance and responsibility. All these first-generation policemen have been socialised through these meetings, and they have been at the head of the more formal organisations appearing in the eighties. If some groups like the GAM (Groupe d’assistance Mutuelle) on customs or Transcrim on transborder crime were far from this ethos of intelligence in policing matters, the anti-drug and anti-terrorism groups have been always split between their criminal justice and detective behaviour on one side and the strategic intelligence ethos they received on the other side.

These informal clubs have continued parallel to the development of the intelligence community, and some have melted together with them by transferring a large part of their traditional members into the personnel of the first EU and Schengen regular groups. But the idea that there was a pre-history of police cooperation, that it will disappear with the constitution of publicly recognised groups that are more openly transparent and exclusively European, has been part of a juridical illusion of both the EU Commission members and the academic community. These groups have continued to exist, sometimes with meetings a couple of days before important EU decisions, without some member-states (seen as non trustworthy) and with the traditional allies. The general secretary of the Council, more than the EU Commission and its new DJ JHA (Directorate Generale Justice and Home Affairs), was sometimes invited. Far from being an instrument of hegemony by the US, they have been often the arenas where Europeans have joined forces to offer their allies a different point of view. They have tried to limit the influence of the US on European policing, insisting on the fact that the US was a “third party” that could not assist during the first part of the meetings; the US had to wait for a common European position to emerge before coming in for a “drink”. Accordingly, even if they have used and overused the technologies of policing promoted by the US liaison police officers, they have also wanted to stress their autonomy as a centre of decision-making, independent from Washington, where Brussels could not be ignored in favour of London or Berne. At that time, the lack of interest of the US in any form of internal terrorism was a key element in the differentiation of positions, and some of the former TREVI members, not yet retired, have insisted on





1 their cleverness in light of the under reaction of the US in the eighties
2 and their overreaction after September 11, 2001. The disagreements about
3 the analysis of far-left terrorism and its links with Moscow, the Middle East,
4 and Palestine or Hezbollah were strong. This was also the case with drug
5 trafficking, military actions and the focus on cocaine only. However, apart
6 from these staunch discussions and divergences, it is evident that they
7 were sharing with their counterparts the same discursive frame on the
8 transnationalisation of threats and their global increase, which called for
9 counter actions starting with the maximisation of information exchange;
10 legal if possible, illegal if necessary. After September 11, 2001, this has
11 been pushed through, and we have again seen the capacity of influence of
12 some of these transnational groups of professionals. This was the case with
13 the Prüm Agreement, in which some articles were clearly opposed during
14 the discussions inside the EU forums concerning DNA collection and
15 private armed security guards in planes. It was also clear concerning the
16 freezing of assets of persons suspected of terrorism. A “non-existent clear-
17 ing house” was set up outside official meetings to permit bargaining
18 between the member states, and beyond them, about which persons to put
19 on the list. It seems that in other informal groups, retired policemen of
20 the clubs of the eighties sometimes participated in discussions concerning
21 the watch lists, their exchange, or even the Swift analysis of data; activities
22 considered as illegal by the EU Parliament. The US intelligence and police
23 services have long been active in the EU, and they have constituted their
24 own system with the department of Homeland Security, but they have also
25 learnt a lot from the EU databases and information networks which were
26 older than many of those in the US (in matters of policing) and which
27 were already applying the principle of interoperability.

28 This interest in informal relations between actors shows a social trans-
29 national space beyond the EU institutions. Key actors of European polic-
30 ing operate outside its official scope, and have a very important role in
31 intelligence services: the exchange of information. This was revealed only
32 after the Madrid and London bombings, and it has been considered too
33 quickly as an innovation. These actors have also been non-European, with
34 influential elements coming from the US directly or via Switzerland, if not
35 via the United Kingdom. They have generated a dynamic of mimetic
36 rivalry, where the first northern and transatlantic networks were consid-
37 ered to be playing against Europe and the European Union construction,
38 and were challenged by the ones previously excluded from the game when
39 they built more official networks and organisations in the 1980s. Indeed,
40 they wanted a system of EU policing that would bring in all the member
41 states, including the southern ones – even after the enlargement to the
42 East European countries – and they asked the US’ best friends and the
43 third party countries to wait for the EU to take a common position. By this
44 means, they tore apart the profound solidarities among NATO–Common-
45 wealth networks and they created a great deal of unease in the countries





that sought to be the sole mediators, for instance the UK and, later, Poland. If September 11, 2001 has been meaningful in terms of its impact on European policing, it is because it has destabilised this move of a purely EU-based policy and has strongly reactivated transatlantic networks of influence at the risk of exacerbating the internal divisions between European members. Ironically, the post-2005 situation is somehow related to the situation of the late fifties in terms of police cooperation, as if the eighties have been put aside. Although we may see a return of intelligence policing and anti-terrorism old trends, notably with the blurring of the boundaries of a European field and its merging into a transatlantic field characterised by informal relations with the priority given to intelligence, secrecy and illiberal practices, it is the opposite that will be seen in the communitarian developments with the strong impact of the Lisbon Treaty.

2 The “landmark” of the “third pillar” in community developments

Lawyers and Europeanists have a date for the origins of European policing. They begin their books and papers with the Maastricht Treaty and the creation of the “third pillar” (De Lobkowicz 1994; Den Boer and Walker 1993; Lodge 1993; Monar 1998; Moreau Desfarges 1993; Pauly 1996; Wallace 1994). This is logical, of course, when one looks at the legal effects of the Europeanisation of policing in terms of criminal justice. Nevertheless, the idea of a birth of internal security in the EU at the beginning of the 1980s is confused with its community development by law professors and European civil servants of the Commission. They forget to include what they do not want to see: the informal networks and their strong transatlantic dimension.

For most of these Europeanists, apart from some Euro-sceptics among them, the Maastricht Treaty is a success. It is the “landmark” of European policing and many texts refer to it, quite “religiously”, as a myth of origins. The narrative is almost always sequenced in the same manner, even if variations exist nationally. The preparation of the Maastricht Treaty created the impulse for organising an enlarged security based on mutual trust between member states, and a connection between policing and mobility by considering that the access to the freedom of movement of persons within the area of the European Union (as envisaged by the single European act of 1986, and the horizon of 1992) has to be regulated in terms of crime displacement, extension and globalisation.

The establishment of the European Internal Security Agencies has, in fact, been the product of political and juridical struggles between professionals of politics and the Euro-bureaucracy, but these agencies (which are now at the heart of European policing) are also (and in the main), involved in the making of a social field of “European” professionals, the exchange of





information in police and justice matters and the competition between the main actors in networks concerning police, justice, frontiers and surveillance by IT systems. In a couple of years, the landscape of European policing has changed radically in terms of institutions. European agencies have been created and they are the central part of this landscape (or field) that goes beyond the juridical discussions of the Treaties and the equilibrium between the different institutions of the EU (member states, Council, Commission, Parliament and courts). We have seen the multiplication of “agencies” and databases organising a dense network of exchange of information and a fierce struggle to control the access to these different and, still heterogeneous, channels of information. The creation of the European Police Office, (EUROPOL) in 1996, has been followed by the European Judicial Cooperation Unit (EUROJUST), decided in 1999 and established in 2002, and the institutionalisation of UCLAF (the coordination unit), into a European Anti-Fraud Office (OLAF) in 1999. In addition, we have also seen forms of institutionalisation of other groups and networks, with the development of a European Police College (CEPOL) dealing with formation and training of police, a specific agreement concerning the different police with military status called EUROGENDFOR and the development of permanent structures of intelligence and counter-terrorist services like the Situation Centre (or SITCEN) which, despite the efforts of the Counter Terrorist Coordinator, never became a European equivalent to an embryonic fusion centre. In parallel to the anti-terrorist and organised crime system of agencies, the discursive assemblage connecting terrorism with migration and border controls has led to the creation of the now, well-known, European Agency for the Management of Operational Cooperation at the External Borders (Frontex) in 2004, legally based on the first pillar, but acting de facto on third pillar contents, and influenced by second pillar matters through the action of different Navies. Another innovation, post 2001, dealt with the protection of network-based information and led to the constitution of a European Network Information Security Agency (ENISA), based in Heraklion in Greece, which has been running since 2004 with very little publicity and transparency about its activities. Recently, again away from the public view, an agency central to the organisation of the field was set up in 2011. Left for the moment with no final acronym, the agency for the operational management of large IT systems (OMLITS) will be in charge of the management of the main data bases concerning travel and border controls and their interoperability. If so, we will have soon a “system of systems”, permitting requests for exchange of information between EURODAC, the Visa Information System (VIS), the second generation of Schengen Information System (SIS II), the Eurosur and the European Entry-Exit Systems. This agency will be operationally launched in Tallin in the summer of 2012.

All these agencies, which we have detailed in a series of publications about their origins, legal bases, roles, functions and operational powers (Amicelle *et al.* 2004; Bigo 2008; Scherrer *et al.* 2011), are de facto organised





as a network and act as its central nodes by extracting information locally and nationally through local bureaus and by establishing database networks connecting the exchange of information of the different countries with their own intelligence analyses and development of profiles. The computerised network exchange of information and the connections between the agencies, are the “nerves” of this way of policing, which uses data elaborations of profiles, watch lists, categories of risk and dissemination of alerts to develop, store and retain mass gatherings of information.

Since the establishment of Europol in 1996, policing has become driven by anticipatory logics and preventive discourses insisting on proactivity. This development of European agencies has certainly been speeded up by the events of September 11, 2001 in the US, but it is also a product of a much broader development of a “governmentality of unease” that dates back to, at least, the 1990s. This has always privileged the mutual recognition method, typical of a limited pooling of sovereignty, and not a harmonisation towards a single space, with the consequence of intense inner struggles and harsh competitions behind the façade of a consensual discourse on trust and confidence in other groups and institutions. The years 1997–2000 were formative, due to the multiplication of specific arenas that integrated the individuals from previous informal networks into EU mechanisms (these professionals were not compelled to leave the parallel structures to enter into the new ones); meetings procedures and the size of the groups were rationalised, and traditional EU civil servants were included, disturbing the police socialisation of previous groups. Routines became central, and the objective of consolidating the groups as they were formed became the first goal of all these sub-groups. The competition for the best knowledge on specific threats, and their importance regarding other threats as well as their connectivity with them, became an everyday source of paper work. It led to the creation and reformulation of categories, statistics and, ultimately, management techniques about who has to be under discrete surveillance, who has to be arrested, who has to be banned and, beyond individuals, which groups to put on “additional” checks.

A few examples of these threats are the protesters against G7 and G8, the groups organising common demonstrations of trade unions in Brussels, the football supporters and all the groups preparing to cross a frontier en masse for a big sporting or political event and the additional visa requirements occurring when a country is subject to state violence to “prevent” people “fleeing” (i.e. asking for refugee status). In all that, September 2001 arrived as a “latecomer”, and not as an exceptional moment, reframing the whole organisation of the network of institutions and agents. It has, nevertheless, had the role of a formidable “accelerator” in favour of the existing connection between policing, intelligence, surveillance and border control by silencing the complaints of the specialists of data protection and privacy regarding the maximal use of techniques and the possibility for these networks to develop illiberal practices.





1 It is nearly impossible to draw up a complete summary of the cooperative activities since 2001 among European countries, or between them and
2 third party countries, within the area of freedom, justice and security. By
3 March 2007, the EU Commission stated that 51 texts had been adopted
4 since September 2001, 33 were in the process of being adopted and 22
5 communiqués and 21 reports had been published, making the area of
6 freedom and security one of the most dynamic fields of legislative activity.
7 The “de-pillarisation” or “cross-pillarisation” of certain initiatives that
8 involved various groups from the Commission and Council, and even
9 some private players within specific partnerships, was by far one of the
10 most important effects of this increase in activities (Baldaccini and Guild
11 2007; Balzacq and Carrera 2006; Monar 2003). Some people perceived
12 this combination of internal and external security concerns as the third
13 pillar spilling over into the first pillar, others as a sort of “Americanisation”
14 of European policies (den Boer *et al.* 2008; Kantner and Liberatore 2006).
15 Both interpretations are only partly true.

16 Beginning in 2003, European police and intelligence services, along
17 with the services in charge of external borders and visas, made considerable
18 efforts to Europeanise themselves, provided that this move would
19 increase their discretionary power and not result in greater judiciary
20 control. These services were seeking an intelligence agency and a European
21 equivalent of the American Homeland Security department via a
22 system of border controls with biometric identification and travel author-
23 isations granted before travelling, or an inter-operable database that would
24 allow them to gather, store and compare data for investigations; this led to
25 the Treaty of Prüm and renewed agreements between the EU and the FBI.
26 For some, while these efforts were necessary to avoid risks, they were also a
27 way to avoid American hegemony in this field. These developments were,
28 then, not made simply to follow the American position; there was a real
29 push to create a European industry for databases and security technology
30 that could compete with the United States’ and at the same time guarantee
31 the control of information concerning European citizens and foreigners
32 living on EU territory. Unlike criminal investigation police, the
33 intelligence departments insisted on the danger posed by Al Qaeda within
34 Europe where there were large communities of Muslim origin, particularly
35 in France, Germany and the United Kingdom, which could serve as a
36 groundwork structure. Despite a difference of opinions about participation
37 in the war in Iraq, the different anti-terrorist services of the different
38 member states made a joint evaluation of the threat and were mostly in
39 agreement. Within Europe, anti-terrorist services shared more or less the
40 same opinions on the possible threats (although they would propose different
41 responses to the problem) and had for some time stressed the idea
42 of the infiltrated enemies within our own borders (Bonelli 2005). European
43 leaders did take the threat of Al Qaeda seriously, but many considered
44 anti-terrorist activities to be the concern of the police and judicial
45





fields, aided by intelligence services, rather than the business of the army or agencies such as the NSA and the CIA, the spearheads of American policy. So, the more European policing collaborated with the US, the more they were driven towards a trend obliging them to be subordinated to their own intelligence services and even to their own militaries, and their related private partners of the defence industry. The idea of integration of information, even nuanced by the EU commission in terms of availability of information, was never in favour of criminal justice but instead in favour of prevention and hence of fostering a certain kind of suspicion freeing the agencies from the judges' supervisions and giving the intelligence services the upper hand on the network. It is here that a transnational guild of professionals of intelligence has developed illiberal practices (Bigo *et al.* 2008a).

So, if we look at this institutionalisation by the European Union, of European policing in terms of the participants, it seems that during the period of the Hague Programme, the changes were profound. The strata of "diplomat policemen" became central, especially when traditional diplomats wanted either to stop the "progress" of this domain or to supervise it. With the enlargement, the number of people meeting in sub-specialised groups in the area of Justice and Home affairs exploded. Before the enlargement, the total size of these diplomat policemen was around a hundred individuals in groups of twelve to fourteen partners. After the enlargement, and the development of sub-specialised meetings, we are speaking of more than a thousand individuals in groups of twenty-five or more partners; this increase being related to the development of permanent jobs in new agencies and to the multiplication of arenas, including participation in the comitology of private actors. Most of them did not belong to the Commission as such, but were seconded there by national ministries, and often represented a specific service. From the nineties onward, the intimacy of the beginning was lost, but the sense that they are, nevertheless, all together in a world apart with its own rules continues to expand hugely. Policemen, police with military status, customs, immigration officers, border guards, judges, finance specialists and intelligence services meet in these sub-committees and in the meetings between them. On the European scale, they often meet more with these other professions than they have done in their careers at the national level. They have the feeling to be in diverse scenes with different cultural traditions, different nationalities and languages, with different professions or know-how and visions about the skills needed to do the job. How could they be all wrong? They nevertheless are oriented towards the idea of coping with security at all levels: individual safety, local community, national security and global security. National security is now one among many other preoccupations. Security is everywhere and has become unlimited. Freedom and Justice exist only to implement this "safer world" and not as a limit to security expansionism.





1 This cooperation between multi agencies has been seen as a necessity
2 because of the mobility of people over the world and because of the multi-
3 plicity of systems of values in cosmopolitan places. This mobility of persons
4 is considered a risky activity for the country as such, because if travellers
5 pass through, they may potentially be terrorists, drug traffickers, illegal
6 migrants or just unwanted people (refugees, minorities). And even if these
7 mobile people settle, they do not share central values, so even their chil-
8 dren are suspects. The model of suspicion initiated by the UK in Northern
9 Ireland reached a new world dimension when it was reproduced by their
10 European and American colleagues (Bigo and Guittet 2004). At the same
11 time, a geopolitical dimension, extending the networks of countries to be
12 contacted for information exchange, has been added to the traditional
13 policing between Western countries, with the argument that non-
14 democratic countries such as Russia, China, Pakistan or Libya have a lot of
15 information to exchange and that they are “useful” partners. Military ana-
16 lysts arrived massively in some forums, and sometimes reframed the initial
17 questions by integrating individual movements of migrants as if they were
18 a fifth column. At the same moment, in practice, they were de facto inte-
19 grated into the reframing of policing as the branching out of intelligence
20 and prevention into mass surveillance. Therefore, they were de facto the
21 adjuncts of the justification of a preventive policing attitude trying to
22 govern populations by small categories of suspects. But they were not
23 directly integrating policing into a war matrix generalised to the world, as
24 it has been stated. Policing has swallowed war. And the end of the war on
25 terror, it can be argued, has not diminished the practices of preventive
26 policing.

27 The Lisbon Treaty, by reframing the structure of the European Union
28 and the idea of three pillars created thirty years ago, has re-opened the
29 key questions of the seventies and eighties, and has partly rectified the
30 success of the neo-moderns to impose a more transatlantic military intelli-
31 gence and strategic approach to European internal security. It even can be
32 said that the Lisbon Treaty, has reorganised the EU on different bases (by
33 de-pillarising the spheres of activities of the EU), because some of its pro-
34 moters reacted partially to this excessive attention to security and its polic-
35 ing of military intelligence connections. So, even if (formally) the Lisbon
36 Treaty today has suppressed the different pillars since its entry into force
37 on the 1 December 2009, the so-called “third pillar” of the European
38 Union has materialised in symbolic terms (for so long), by being a profes-
39 sional and social space, which has its own specificities and its own special-
40 ists. Hence, it has forged its own “naturalness” and its de facto survival
41 after Lisbon with multiple interpretations and managerial organisations,
42 recreating de facto in 2011 the groups of the 1990s; for example COSI.

43 In a nutshell, to understand this second dimension of legal and norma-
44 tive elements of European policing, coined by EU institutions under the
45 label of “Justice and Home Affairs” with the Maastricht Treaty of 1992, and





later on, under the terminology of an “area of freedom, security and justice”, it is essential to analyse the trajectories and formation of the individuals recognised as experts; how they are organised in sub-groups, groups and institutions, how they become spokespersons and experts, rather than relying on general characteristics concerning their nationality or their culture, and to see them as pure representatives of a specific institution like the EU Commission or the Council. It is also important to understand whether the network they are immersed in is strictly European, just between some member states, or whether it is transatlantic; it varies along the professional lines and along the alliances the guilds constitute. The oppositions between border control and mobility control, criminal justice and preventive actions, are the key drivers for understanding the juridical evolutions of an “internal security dimension”, which goes beyond the borders of the EU *stricto sensu*, and contains a strong “external dimension”, validated by the Amsterdam and Nice Treaties and the different summits of Seville, The Hague and those that follow. This array of activities has been marked by a label, which is now fading away with difficulty, namely – the “third pillar”.

The institutionalisation of a “third pillar” from Maastricht to Lisbon has permitted the different actors engaged in the transnational exchange of information on police and intelligence matters in a broad sense, to recognise themselves immediately. For the participants of European policing, it is easy to describe their views on who is in, who is out, or who is just a newcomer and does not know the effective rules of the game. They explain in detail that no juridical rules or manuals can give, or help an actor to learn, the rules of the game of European policing; it is an “experience” and the longer you have been in it, the better you are. Such a third pillar “tradition” has given bones to the aggregation of multiple networks with various interests as long as they were dealing with border surveillance and control, with mobility of people, with migration and with crime and political violence. A strong effect of the polarisation can be observed at the same time through the movement of an increased aggregation of groups of different professions. To be central in this space of European policing of the 2000s, it is necessary not to be ultra-specialised in one domain as before. On the contrary, services that can claim that they can multitask and that they can cope with many threats with their know-how and technologies are privileged, especially when they have gathered information that they can exchange widely and quickly. It seems that four criteria become central in the formation of authority inside this social space: first, to have been part of the informal clubs of the beginning and to know already the history of the positions and their distinctive deviations; second, to have a good knowledge of English and of diplomacy in order to negotiate in this area, but to have sufficiently been “on the operational ground” to have intimate knowledge of practices; third, to have a good legal background, even if it is intended to justify ambiguities and lack of clarity in order to get further





leeway for the decision makers and eventually to have information to share; and fourth, to have invested in technologies of computerisation and high tech software.⁶

This latter point is crucial. The computerisation of exchange of information has been valued since the mid eighties as “the” solution to effective collaboration, while leaving the issue of the centralisation of data undecided. It has permitted a masking of the struggle opposing the Commission to the Council, the first one wanting to centralise and coordinate the overall organisation (and its distribution among its own agencies), the second one wanting a technique allowing it to pool sovereignties, which enables the different states or the Council and its General Secretariat (but not the Commission) to be at the core of policing. It is only by looking at this third dimension, or string, that we can understand in more depth the social field organising European policing beyond its institutional settings, as its sociality is not only built on personal networks and confidentiality or in juridical and normative elements, but is also constructed through the use of technology and belief in the monitoring of the future of human behaviour.

3 The third dimension: policing and belief in technology of surveillance, tracing mobility and anticipating virtualities

The computerisation of policing has been seen by specialised services working on cases necessitating the gathering of information from other parts of the world as a priority. As demonstrated by Ericson and Haggerty, policing in an insurance and consumerist society, structured by the idea of risk management, is mainly about asserting truth over damages and transmitting the information concerning the victims to other (often private) providers of security and protection. The police organisations are only a small part of the activities of policing, but by asserting truth, they form a central node. It is quite impossible to avoid national police. Nevertheless, everyday policing has been less effectual (except perhaps on stolen cars) than specialised policing when it comes to computerising and to gathering, detaining and disseminating information electronically. National and local police have different budgets and priorities, depending on their degree of centralisation, money available and the nature of their activities. Most of the informal clubs of the seventies in Europe and the US, however, have considered that computerisation was the solution to any police problem, with the possibility of gathering and treating information quickly. The dream of the Total Information Awareness of the general Pointdexter is born in these meetings of the late seventies. The different clubs on anti-terrorist activities, drug trafficking, anti-subversive activities and illegal migration began to meet when they realised that they had a common thread running “horizontally”: the necessity of exchanging information to have quick, reliable and secure interoperable databases. The US





and NATO were keen to offer their help. The US invested in Interpol, but European policing networks wanted to channel information between them first. TREVI 4, most well-known as TREVI 2 (for the preparation from 1986 to the Single Act of 1992), has been central in this idea of developing technology not only for efficiency, but also to build a specific European identity in policing matters by constructing a technology capable of answering to the fear of the removal of internal borders, with the implementation of the Single Act on 31 December 1992 (the so-called security deficit). And, in addition, by insisting later on, with the Schengen Information System and the European Information System, that the creation of these data bases in networks and the creation of Europol permits them to share information between them before speaking with the US and other third party countries.

The Palma document of 1988 and the work of TREVI 4, have promoted these new technologies, including the possibilities of biometric identification and the interoperability between databases that we know today. The blueprint of not only the SIS, but also of Eurodac, VIS and FADO, has its origins during this formative period, largely before the bombing of 2001 and even before the fall of the Berlin Wall.

The “communautarisation” of some activities was often accepted, not because people wanted Europe as such, but because it was a way to have budgets for the computerised exchange of information and because this dimension of international exchange modified the national scene of the relations among the local polices and the interior ministries of most countries, among them Belgium, the Netherlands and the UK. The refusal to share information with other national services became complicated, especially when it was agreed to share it with the same kinds of services abroad. Years of controversies have been shaped through this technological argument, while being also (and sometimes mainly) about modernisation, managerial transformation and centralisation of policing. The autonomy of local police towards their national centre has diminished as an effect of the computerisation of the European exchange of information (as for instance in the case of Belgium). It has also permitted some coordinating structures (for example UCLAT in France) to have specific access to other information than that delivered to the different services, and to have a “bargaining” capacity to further the “cooperation” of reluctant services. The “nationalisation” of policing came as a result of its Europeanisation which, in some cases, triggered a creation of new services in order to have national correspondents, the justification always being a technical one about the necessity of efficient, secure and quick interoperable systems.

Computer specialists were asked to create such a system of European information in police matters. By the mid eighties, private companies had been pushed to work with their public counterparts nationally and to join other consortiums in order to originate from at least three countries of the EU, even if they were encouraged to have US participation in the





1 competing bids. The Interpol system of exchange of information was cer-
2 tainly advanced in terms of technology, but it was considered as too open
3 in terms of consultation and too weak in terms of confidentiality and the
4 possibility of bringing in police elements not validated by justice decisions.
5 The competition between a Schengen Information System and a Euro-
6 pean Information System turned rapidly in favour of the first, as the
7 second did not pass many requirements in terms of technicality, especially
8 speed. From that time, the Schengen Information System was considered
9 as the “real” tool for the success of Schengen policy on “managing
10 borders”. Even the countries refusing to enter immediately into Schengen
11 later accepted an integration with the platform and to share data under
12 certain conditions. The SIS was seen as the practical side of European
13 policing for the policemen and border guards of all national police, and
14 soon changed the everyday life of the consulates all over the world. The
15 establishment of the categories of the SIS assembling (under the same
16 technological system of criminality) missing persons, third country nation-
17 als previously banned from one member state and theft of vehicles, has
18 reinforced the assemblage between policing and frontier control, or, as it
19 is later called, integrated border management. It has constituted a key
20 moment in transforming policing into a search for traces of mobility and
21 organising policing as mass surveillance. Concerning asylum seekers, the
22 Dublin Convention was substituted to the Schengen Article dealing with
23 refugees, with all the EU countries, for once, agreeing. The Convention
24 began life on its own, to avoid “asylum shopping” in the (too) “soft touch”
25 countries. Here, technology was also central, with the database of Eurodac
26 specifically focussing on the (later) organising of discussions on refugees
27 and treating them as untruthful persons trying to lie to the different state
28 administrations. Eurodac statistics and public narratives changed the per-
29 ception of refugees; the multiplication of police and journalistic labelling
30 concerning economic refugees mixing their fears for their lives with a
31 simple opportunistic change of country for better work, and then blurring
32 the line with immigrants, as well as using crude terms like “bogus” refu-
33 gees. Governments used technologies of systematic finger printing with
34 new scans on this population, and some proposed that they might run
35 through the database for fingerprints (or DNA) when crime involving a
36 foreigner occurred. Although they were discouraged to do so, the contro-
37 versy about privacy and data protection was framed by this idea of a
38 “natural” (statistical) connection between terrorism, crime, fraud, illegal
39 migration (especially overstay) and asylum seekers. Databases like FADO,
40 on false documents, also grew between and beyond EU member states,
41 and the idea of the connection of the body of the individual with his/her
42 identity through biometrics only (with no check on documents) took root.
43 Each new European agency on internal security wanted to have its own
44 technological system, organising the routes of exchange of information
45 and having priority over the others. The SIS was from the beginning





complemented by the SIRENE information system, paving the way for the exchange of judicial documents directly among judges, and “avoiding” the length of the procedural chain and its vertical logic of sovereignty. It affected strongly the idea of the European Arrest Warrant and other pieces of legislation where speed of exchange was considered as a good justice delivery, as opposed to scrupulous examination of data and claims by other countries, destabilising extradition and other procedures. An industry of “secure exchange of information”, which was first set up for banking mechanisms, saw the opportunity to invest in this small but profitable (economically and symbolically) segment of the market concerning police exchange of information. (Bigo and Jeandesboz 2008; Bigo *et al.* 2010a; Guild *et al.* 2011)

The enlargement of the EU to ten new countries, created a new controversy about technology obsolescence and new capacities for the systems, where any new technical capacity was seen as an asset for the future without much discussion about the necessity of these new capacities concerning, for example, images or DNA samples. The discussion revolved around “trust” between police and how far they could share genuine information instead of making deals in a stock exchange of valuable information, and the Commission multiplied grandiose projects for the next 20 years, always with more information sharing and interconnections between already existent databases.

The SIS 2 initiative was not an extension of SIS 1, but a reconfiguration of the system allowing new operations and searches between data and categories. It did not work for a while, the number of data affecting the speed of the system, but it was seen as “progress”. The Visa Information System (VIS) will change profoundly the monitoring of the mobility of people, especially when it will be combined with a European Entry and Exit system to check who has overstayed in Europe. It will affect the relations between EU citizen and third party country nationals willing to come to the EU. The Eurosur system for a Eurosurveillance of borders, involving border guards, navy and satellites of surveillance, is at risk of militarising the relations with Southern Mediterranean countries through the armament of police and border guards squads, but most of the discussions have only concerned its efficiency, its progress in terms of technology and its capacity to answer the “challenge” instead of discussions concerning its legitimacy and overall purpose.

We have discussed at length, and in different publications, what is at stake in each of these projects and technologies, and their impact on everyday life (Bigo *et al.* 2010a; Jeandesboz 2008, 2011). Here, I just want to insist on the link with the security industry and with private banking, and also on the importance of this digitalisation of data.

This third string is central to understanding how the social field has been constituted and how the guilds of professionals have been formed. Not all the participants quoted in texts concerning third pillar activities





are “actors”. They “act” only if they affect others. And it seems that to belong to the field of the professionals of (in)security, it is necessary to act in the computerised network of exchange of information or to have a central influence in terms of intelligence. Actors of the transnational game need a computerised database with their own specific “products” (from raw information, intelligence, statistics of specific categories and profiles to specific watch lists), the possibility of being connected with other databases and the means to distribute their results, as well as a certain level of confidentiality, to be a credible player. Their symbolic capital or authority mainly comes from this accumulation of data, concentration, specialisation of recognised information and redistribution of it among the network. The groups and institutions that do not have the capacity to participate in the exchange are now marginalised and they have lost their authority in terms of prioritising the struggles against threats and defining these threats, and their connections, along with their interests. To possess a database and to exchange information is not only to use it in functional terms, it is the very possibility to act and to speak with authority. Technology is not a solution, it is (to use Bourdieu terminology) the “skeptron” giving a form of political power inside the field of professionals of (in) security; it is what permits one to deliver “speech acts” with some success. It gives “sovereignty” a “password” for entering the game at this scale.

Even more provocative, the database reframes the relation between the actors by being the main “actant”: the “entity that does things”, not only by receiving orders, but also by acting itself. If we follow some ideas coming from actor-network theory developed by Latour, Callon and John, law – the non-human actor (i.e. the database network), is the effective actant (the translator) and not just a passive medium between human beings. It is the element “which bends space around itself, makes other elements dependent upon itself and translates their will into a language of its own” (Callon 1981). It participates in the human/non-human relation and “masters” it. The database network has to be fed by the humans who see themselves as “slaves” at the service of the computerised assemblage, as if the database network was an old god devouring information continuously and delivering oracles concerning the future and the prediction of abnormal human behaviours to come. The database network reframes both the identity of the population under surveillance and that of its supervisors. For the former the identity of the individuals is reconfigured through their “data doubles”, by connecting the traces left by individual bodies in space and time with the biometric identifiers registered in the database network, while ignoring the human language self-definition of identity and, perhaps very soon, the previously authorised paper documentations given by the state representatives. For the latter, the feeling of being in charge, in control, responsible and sovereign disappears, and they consider themselves to be “pieces of machinery”, the “wheels”, or the arms and legs of a complex organisation whose brain is the technology of the





computer system itself. Leviathan is no longer an artificial man, it is a computer network made of human-machine connections, a sort of cyborg. Sovereignty is at stake when human decision becomes illusory. Who is in control becomes a more complex question.

This question of the decision-making process of a computerised exchange of information, where nobody is in charge of the overall exchange, is linked with a theological aspect of a strong belief in the solutions provided by technologies concerning prevention and prediction of human behaviour. As we have explained, the myth and its sacrificial and astrological dimensions are dense, and reflect the certainty, truth and knowledge provided by technologies when it concerns the future of human action. Technology and risk management do not provide solutions, but instead provide the belief that technological solutions permit an avoidance of difficult political decisions.

Conclusion

In conclusion, information exchange, cooperation between institutions and a feeling of belonging to a common professional field specialised in internal security threats, grew out of the network of police officers, magistrates, customs officials, border guards and even intelligence departments. They were joined by the military intelligence services, and the context of the “war on terror” blurred the traditional separation between internal and external security activities. This cross-border cooperation tended to make this field less dependent on political officials at the national as well as at the European scale. The new field has “de-nationalised” and “de-governmentalised” European policy and strengthened the common vision shared by the Ministries of Interior, with their specific interests in migration policy, border crossing and acceptance of American anti-terrorism standards; and their common distaste for legislative activities and procedural discussions, as well as the constraints on speed due to privacy requirements. These points were hotly debated, but the fact that they were dealt with by this group of interior ministers was accepted as legitimate, even when they were speaking of human rights, travels, mobility and freedom. In addition, the “European” field of professionals of security underwent a change of focus due to the United States’ involvement in European affairs and the role attributed to intelligence departments and border controls (to the detriment of judicial police and magistrates because of a supposed link between terrorism and the presence of foreign citizens in the EU). But the activity of intelligence services trans-nationally was, however, offset by the signing of the Treaty of Lisbon, the implementing of joint decision-making processes and the transparency and legal value granted to the EU Charter of Fundamental Rights, with a sudden U-turn or break that many professionals of security have not understood because they were not paying attention to legislation. And it is within this specific situation that we currently live.





1 The transnational guilds of (in)security professionals have emerged
2 from the development of this social space in expansion everywhere in
3 Western societies, and they are tied with the expansion of discourses con-
4 cerning risk managements. From very modest beginnings in police activi-
5 ties, they have gathered around them more and more actors coming from
6 very different professions, but all attracted by the (in)securitisation process
7 of their own domain (environment, development, health care, etc.). These
8 transnational guilds are now powerful actors competing for security issues
9 and challenging national choices of the professionals of politics. The col-
10 laboration between these different forces has been encouraged under
11 various forms, from the Prüm Treaty, attaching national sovereignty to the
12 existence of European internal security agencies (with reinforced powers
13 and a principle of availability permitting access to other trusted agencies)
14 even the to idea of automated Entry and Exit Systems, and the control of
15 money transactions and fusion centres of information that Europe wanted
16 to develop with or against their American partners in a mimetic move gen-
17 erating rivalry. The transatlantic dimension of some of the guilds, espe-
18 cially the intelligence ones, and technical arrangements for Entry and Exit
19 Systems, have succeeded (in different cases) in imposing their views onto
20 the professionals of politics, either the EU Commission, the European Par-
21 liament, some key member states, or even the Obama administration. Par-
22 allel to the rise of economic guilds in the Euro crisis, it seems that
23 non-elected politicians presenting themselves as experts are, more and
24 more, challenging the elected politicians because they are trusted to a
25 greater degree when the discourse concerns emergency and security.

26 So, finally, the political imagination of the worst-case scenario and its
27 preventive argument has reframed the traditional relations between the
28 EU and the US, the relations between public and private and the relations
29 between men and machine in terms of intelligence making and surveil-
30 lance logics. This is related to the de-differentiation of internal and exter-
31 nal dimensions of European policing and has created a nexus of what has
32 lately been called an external dimension of internal security, affecting
33 neighbourhood policies, relations with powerful “third parties” like the
34 US, Russia or China, external action and diplomacy, as well as develop-
35 ment and even the current economic crisis.

36 These guilds of professionals of (in)security management have extended
37 over all Western societies by informal and institutional networking, and they
38 are both public and private. They are structured along the computerised
39 exchange of information concerning police and intelligence, border man-
40 agement and surveillance of minorities, and they are connected with the
41 technologies of everyday surveillance of active citizens in city areas and in
42 banking activities, sometimes with the remote military capacity of surveil-
43 lance of large areas. They are the result and the drivers of “platforms”, inte-
44 grating systems within a system: raw data, information gathering, information
45 retention, information filtering, data mining, elaboration of algorithms,





profiling by software and expert groups, intelligence evaluation, creation of patterns of population reduced to very small groups through multi-criteria refined searches, construction of patterns of future human behaviours and acts considered as dangerous or simply unwanted, simulation and anticipation of worst case scenarios to avoid, elaboration of watch lists and exchange of categories of unwanted populations to put under in-depth surveillance and checks, construction of categories of normalised “personas” under light surveillance and assessment of truths concerning threats, catastrophes and risks.

They are always multinational and sometimes multi-professional. Their scope varies depending on the degree of formalisation and the operational powers they have in addition to the exchange of information. In most of the cases, their narrative is full of pride concerning their own nationalism and statehood. They insist, in their discourse, on the importance of sovereignty and the necessity of strong decisions by the professionals of politics, while complaining about the present politicians. They are not only public agents and bureaucrats, but also private actors coming from security and surveillance industries, software providers on profiling, and insurance and banking; compliers intervene more and more in these choices concerning the priorities and solutions against the threats and risks that are construed as most dangerous. They form a “dual core”. To belong to these guilds and to play a role on the European scale, it seems that it is essential to be part of a computerised network of exchange of information, and to provide arguments and instruments concerning the categorisation of populations as risky or at risk. But it is not necessary to “feel” European. Only a tiny minority of all of these professionals will consider themselves as European, or cosmopolitan, even if their lifestyle is centrally related to these practices of exchange, travel, and denationalisation of values (Georgakakis and de Lassalle 2010). Their everyday routines are about the exchange of information involving their views and priorities concerning security; and from time to time, but more and more often, about personal data concerning certain categories of population seen as undesirable or unwanted.

These transnational agents, connected through information management, share a doxa related to the fact that policing now involves a logic of intelligence plugged into everyday surveillance, and a global cooperation through the exchange of information. They challenge the authority of the national professionals of politics in their pretence to have the last word about what is the enemy, what is its current form, and what are the most appropriate techniques to counter it. They extend their claims of knowledge concerning the enemy to knowledge of any form of catastrophic risk that can happen (in the name of their capacity in terms of protection against vulnerabilities) but also, and mainly in terms of, knowledge relating to prevention, profiling and prediction. They consider themselves as the experts of the future, and as better equipped than the professionals of





1 politics; it is not rare that they officially contradict the narrative of the
2 highest authorities of the government when it comes to assessing the
3 future of the nation in matters of security. But it is difficult to say that they
4 consider themselves, or that they can be considered as, part of a global
5 elite. If they are seen as experts, it is rare that they can impose their view
6 beyond their field, and judges or diplomats will try to block them, espe-
7 cially if they are part of the private bureaucracies. If they are transnational
8 by the very logic of these activities, the agents are also simultaneously inti-
9 mately local(ist) and national(ist) in that sense they are always “double
10 agents” (Dezalay and Garth 2011). Moreover, they all have a specific nar-
11 rative concerning the threats they have to combat, the origin of these
12 threats and the national importance of their own country. But even if they
13 are strongly nationalist, the majority of them now consider that the danger
14 of the rise of a global insecurity obliges them to curb national interests,
15 the latter being seen in this worldview not as an expression of sovereignty,
16 but as a form of state egoism, which is inefficient against major threats.

17 Therefore, national(istic) sovereignty is at stake. Most often the profes-
18 sionals of (in)security consider it necessary for global security to trump
19 national sovereignty in order to face global insecurity. They use and even
20 fight against their own politicians for this argument. And, even if they
21 deny it, they are involved in politics, but their politics is to deny that they
22 have a politics and they pretend to be technicians, neutrally oriented, and
23 refusing “ideology”. In sum, they are dissatisfied with national solidarities,
24 other ministries and their own professionals of politics, but they rarely
25 challenge their allegiances, except when the politicians want to impose
26 reforms dismantling their strong computerised networks and their
27 “liaisons”. It is important to stress that success or failures in the struggle
28 against terrorism or illegal migration have ended up with the same result:
29 more resources, more power for the network, and less control by other
30 authorities of their own work. It has also ended up with a reticular organ-
31 isation of internal and external forms of surveillance and their hybridisa-
32 tion, but this move has not been seen as totalitarian because the number
33 of people effectively controlled has been de facto limited. Most of the pop-
34 ulation under watch have been normalised (free to act as long as they
35 respect the preliminary frames and limits posed to these forms of
36 freedom) but the trend is to accumulate more information about private
37 data worldwide concerning travellers and even people who do not move
38 but want to be without frontiers (through internet communication).

39 This double move of normalisation of majorities to secure and antici-
40 pate people in order to prevent danger is what we have called a ban-
41 opticon, a form of governmentality of unease developed by the practices
42 of these professional guilds and the way they interact with the public and
43 the professionals of politics (Bigo 2007). It certainly addresses the ques-
44 tion of the relationship between expertise and democratic practices, as
45 well as the question of the relations between national sovereignty, markets





and global security. It also sheds light on the complex relation between the concentration of power in the hands of “globalisers”, the making of a global elite and the participation of the same agents in national politics by refuting the idea of a neo-liberal “empire” in the making; having a specific globalised elite and insisting on the emergence of transnational guilds of experts whose interests and doxa may differ from those of professionals of politics.

Notes

- 1 The term bureaucracy is used in its Weberian sense. Bureaucracy is a process of rationalisation used by public and private firms.
- 2 European projects are known by acronyms. For the most important ones concerning this topic, readers can consult ELISE, CHALLENGE, IN-EX, DETECTER and SAPIENT.
- 3 Readers interested can find specialised bibliographies by topics, regions and agents in the following websites and CD Roms: www.libertysecurity.org, www.inexproject.eu/, CD Rom Elise (European liberty and security), DVD Rom Challenge, available at: www.libertysecurity.org/module/. For documentation and critical analysis, see also: www.statewatch.org.
- 4 See http://jiminy.medialab.sciences-po.fr/anta_dev/documents/list/user/3by.
- 5 See graph at <http://jiminy.medialab.sciencespo.fr/deviss/timeline>.
- 6 The individuals recruited in these European groups possess at least two or three of these criteria, and they are more and more autonomous from their hierarchical superior in their national states, as they show that dealing in this arena supposes a specific knowledge that those who are simply going back and forth between the national capital and the Brussels meetings do not have.

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Transnational Power Elites

This book argues that European Union institutional mechanics and the EU as a political unit cannot be properly understood without taking into account the transnational elites that are increasingly becoming decisive actors in the international decision-making processes.

Spurred by globalisation, technological and economic development has provided the backbone for social and political transformations that have changed the social structures that unite and differentiate individuals and groups in Europe and their interface with extra-European actors at the global level. These developments are not only exemplified by the rise of the EU, but also by the rise of a set of transnational European power elites evolving in and around the European construction.

This book maps out these EU and international interdependencies and provides a more comprehensive picture of the European transnational power elites in a new world order. Moving away from the majority of literature on European integration dominated by economics, law, IR and political science, the volume is written from a sociological perspective that takes into account the individuals that make the policy decisions, the formal and informal groups in which s/he is included, as well as the social conventions that regulate political and administrative activities in the EU.

This book will be of much interest to students of EU and global studies, sociology, critical security studies, and politics and international relations in general.

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Transnational Power Elites

The new professionals of governance,
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Edited by Niilo Kauppi
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After the Copenhagen conference, leading publishers came out with several volumes in the political sociology of the EU and European integration. This encouraged us to reformat our original idea of new approaches in European studies, and to expand our point of view to tackle issues having to do with political and administrative elites in broader contexts, which at that time included intellectually less explored political and social developments at transnational levels. This reformatting was influenced not only by our research interests but also our teaching and administrative responsibilities. Both of us have taught and teach in several European countries to students who specialize in European issues and end up working in the public sector and NGOs at European and national levels. Our challenge has been to demonstrate to them the plus-value of sociological approaches, in terms of new objects, questions and modes of thinking. In our minds better than other approaches, sociological approaches provide an access point to analysis of both formal and informal power politics and of the evolving interdependencies between national and transnational levels. For scholars and practitioners in politics and law, the





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importance of these social, political and economical interdependencies is only increasing. A clearer understanding of these dynamics is urgently needed, and not just from economical or institutional political points of view.

To some extent, these personal and collective recent histories explain the form and content of the current volume. During all these years we received challenging comments from a variety of scholars in different intellectual contexts, ranging from informal workshops to international conferences on both sides of the Atlantic. We would like to thank especially Margareta Bertilsson, Delphine Dulong, Tero Erkkilä, Adrian Favell, Morten Kelstrup, Michael Kull, Henrik Stampe Lund, Ian Manners, Morten Rasmussen, Jay Rowell, Ramona Samson, Dennis Smith, Gert Tinggaard Svendsen, David Swartz and Antoine Vauchez for their support and insights.

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Niilo Kauppi and Mikael Rask Madsen
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1 Transnational power elites

The new professionals of governance, law and security

Niilo Kauppi and Mikael Rask Madsen

For many observers, European integration constitutes a new phase in the continuous dynamic of a global transformation of state and society (Lipset and Rokkan 1967, Elias 1991, Braudel 1993, Tilly 1993, Charle 2001, Bartolini 2005). Spurred by globalisation, technological and economic development has provided the backbone for social and political transformations that have changed the social structures that unite and differentiate individuals and groups in Europe and their interface with extra-European actors. These developments are not only exemplified by the rise of the EU, but also, and perhaps particularly, by the rise of a set of transnational European power elites evolving in and around the European construction. The clout of Brussels-centred Europe today influences a plethora of policy-issues of global reach which is producing new forms of power, including international trends in terms of institution-building, human rights, academic excellence, security politics and many others, challenging both nation-state institutions and international institutions. While these changes originally concerned the build-up of internal common markets and institutions, they have developed into a social figuration with considerable implications for even the most fundamental questions related to governance, law and security. These fields, as this book seeks to demonstrate, are in practice interdependent with a series of other fields of transnational power elites evolving in and around Brussels. It is the goal of this publication to map out these European and international interdependencies and provide a more comprehensive picture of the transnational power elites of Europe, in whose hands the essential questions of any liberal society are (to a large extent) left.

It is the claim of this book that behind these developments we find a neglected but crucial phenomenon, namely the development of the social division of labour in globalising European societies and more specifically in the fields of politics, law and economics, which is central to explaining more generally the transformation of power in both Europe and the world. In order to get to this, we have to examine individuals and groups rooted in evolving national and transnational societies. It is, further, our claim that European integration and the construction of the EU provides





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a case study of a broader phenomenon: the rise of new forms of power, which we (in this book) approach in terms of transnational power elites. Transnational power elites, as exemplified by the European case, thus constitute an object of study that is both sufficiently specific and broad enough for dwelling on questions related to global transformations of power. Borrowing from Eisenhower's famous 1961 speech on the 'military-industrial complex', this book can be described as an account of the transnational complex of the power elites of the European construction. This, however, should not be confused with simply an analysis of the rise of European bureaucracy. As pointed out long ago by Max Weber, bureaucracy is just a particular way of rationalizing power and authority (Weber 1992). If one is to understand European power in the world of today, investigating power and authority in the European construction in terms of transnational power elites seems a highly relevant starting point. Following the Weberian logic of inquiry, it is precisely from the point of departure of this ideal type that one can also understand the corresponding global issues.

Our objective is not to understand European power elites as European, but to understand precisely how they are transnationally constructed, partly as a product of their national origins and partly as a reaction to new global structures. Using such a transnational approach to European power elites, we are ultimately interested in exploring how the European construction offers an emblematic case study for understanding the restructuring of fields of power, which is currently taking place as a result of globalisation. Our focus on transnational elites is due to an underlying sociological argument concerning European integration as both an international and societal construction, which we outline in the second part of this introduction and in the postscript. We argue that one way of exploring these complex interrelations is to study European power elites, their trajectories, positions and interdependencies. We basically suggest a rethinking of the transformation of power in Europe from the starting-point of a set of sociological questions related to power, class and identity and by making the rise of a set of powerful social groups – transnational power elites – our direct object of inquiry. Our interest in transnational power elites is thus not limited to a sociological analysis of professions (Abbott 1988) or professionals. Instead, we are interested in these elites with respect to the political consequences of their rise to dominance for the broader space of the EU in terms of a particular social and political figuration. Thus our claim is that European power elites cannot solely be understood as European, but also have to be considered as part of the growing phenomenon of transnational elites. This, as we will argue, is due to the ways in which power in Europe necessarily has to be understood not only as a long-term European societal development, but also an international political one.

In the following, we first analyse the notion of transnational power elites by discussing theories of elites in respect to the other basic social





issues of power, class and identity. We then briefly outline the background argument for developing this particular object of study of transnational elites; that is, how Europe, in our view, has to be understood as both a societal and an international phenomenon. Finally, we outline the different chapters' contribution to the objective of a more sociological approach to the transformation of power in Europe in which the question of transnational elites takes centre stage.

Transnational power elites

This question of transnational power elites (and the transformation of power, internationally and nationally) has only been indirectly addressed in existing literature. However, by focusing on the players of new forms of power not only as agents of change, but also as the agents of new post-national constellations, we seek to provide a corrective to previous studies which have primarily described global elites by emphasising how they are denationalising themselves. Samuel Huntington's 'Davos Man' is one example of the latter. In his account, global elites are, above all, posing a threat to the coherence of the state, in his case the 'American creed' (Huntington 2004 and 2005). More recently, David Rothkopf has gone further and analysed what he terms the global 'superclass' (Rothkopf 2008). The new power elite, he estimates, has some 6,000 members who are all defined by the fact that their connections to one another are more important than their connections to their home countries. Using this definition, the Pope and leading global terrorists, as well as Jimmy Carter and Bono, are all members of the same global 'superclass'. Using a less glossy vocabulary and drawing on more substantiated theory, in this case global system theory and Marxism, Leslie Sklair's *The Transnational Capitalist Class* provides a striking account of a social group and structure which seeks to further the interest of global capital in ways no nation-state – or other social group – does, or could possibly imagine doing (Sklair 2001: 295). Sklair insists on the fact that this transnational social group is a class when defined with respect to the means of production and distribution. It is capitalist because it owns or controls – individually or collectively – the means of production. Thus, a transnational capitalist class is sustained by its interlocked agencies, ranking from businesses, bureaucracy and professions – or, as we will suggest by drawing on Mills, by a complex of interrelated transnational power elites.

Although dealing with a different object, a related sociological study is found in an analysis of development workers in a recent book entitled *The Globalizers* (Jackson 2005). In his analysis of three decades of nation-building in Honduras, Jeffrey T. Jackson shows how the development community functions as a close-knit network of state-building assistants, who themselves have become policy makers. Like Huntington, Rothkopf and Sklair, Jackson is critical of the way development work has become a





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development industry, where the members circulate between different development projects and different NGOs (non-governmental organisations) or state agencies. This has the consequence that the original altruistic (and often progressive) credo has been effectively substituted with a new form of international professionalism, where 'doing well by doing good' might very well be described as the prevailing ethos of the development community. They clearly have in common with the 'Davos Men', the global 'superclass' and the 'transnational capitalist class', some traits of an epistemic community – they share international beliefs and goals within their community. Such a view ultimately draws on Peter M. Haas' seminal work on epistemic communities. Haas introduces what can be described as new transnational constellation of actors and analyses how these are emerging as a result of a set of macro-social and geopolitical transformations (Haas 1992). Conceptually, Haas defines an epistemic community as 'a network of professionals with recognised expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue-area' (Haas 1992: 3). What makes the group particular is its episteme, that is, its adherence to a certain set of values and modes of validity. One might question whether the transnational capitalist superclass of 'Davos Men' is as much an epistemic community as that of development workers. What is certain, however, is that they are all globalisers.

Although the terminology of all these approaches is both appealing and revealing, the question is whether transnational elites can simply be understood in terms of denationalised globalisers, as suggested by Huntington and Rothkopf. In a way, these approaches seem to primarily add an elite component to existing theories and ideas of global civil society (Meyer *et al.* 1997) or cosmopolitanism (Beck and Grande 2007). The approach we are advocating here has more in common with Sklair's approach. However, we reject the strong global system perspective and moderate the Marxist metaphors. In practice, our approach is closer to the work of Yves Dezalay and Bryant Garth (Dezalay and Garth 2002). We are in particularly in accordance with their emphasis on understanding elites more socially, that is, as being rooted in society, both national and international. Whereas Dezalay and Garth might at first glance be seen, themselves, as protagonists of the view of global elites being denationalizing elites, at closer examination, the 'legal cosmocrats' they have studied in diverse settings and subject areas – politics, economics and human rights – are (at the end of the day) closely connected to national structures. Pierre Bourdieu, when commenting on the earlier work of Dezalay and Garth on international commercial arbitration, wrapped it up in the following fashion:

Since lawyers and others are trained nationally, and for the most part they make their careers nationally, it is not surprising that they seek as





a matter of course to deploy their ways of thinking and practicing in the construction of international institutions.

(Bourdieu 1996)

In a similar fashion, European power elites, like their international counterparts, are neither entirely European nor national, but rather transnational and reliant, to varying degrees, on both national and international resources and capitals (see also Kauppi 2012).

Taking the lead from Dezalay and Garth on the notion of the transnational, as well as from Bourdieu on the notion of social groups, our objective is, precisely, to examine how new European elites are transnationally constructed, due partly to their national professional and social origins and partly to their positioning in new global structures. The constellations of elites we focus on are socially and institutionally constructed professional groups such as European Commissioners, Parliamentarians, lawyers, central bankers and security professionals. These have undoubtedly become key political players not only in the European nation-states, but also globally. Around them, an ever-expanding group of legal and political professionals acts and influences the European process, both within (Europeanisation) and outside (globalisation) Europe. These groups are involved in a constant political struggle to defend and promote their professional interests and social power, thereby also influencing the broader structuring of European and global politics and law. The complex of power elites in focus does overlap somewhat with the four fractions of the transnational global class identified by Sklair – he distinguishes between the corporate fraction (mainly transnational corporations or TNC executives and their local affiliates), the state fraction such as globalising politicians and bureaucrats, the technical fraction which covers a variety of globalising professionals, and finally the consumer fraction which covers business and media. Sklair then argues that these work together in furthering the interests of global capitalism.

As noted, our approach is both less Marxist and less system theory oriented than that of Sklair. Rather than arguing for a structural convergence of interests in terms of a transnational capitalist class we are, on the contrary, interested in how transnational power elites compete within certain social fields and how this competition influences the broader constellation (Weber 1992). Moreover, we are interested in a more sociologically-based description, which also considers how the very idea of Europe – politically, morally and even economically – provides a clue to understanding transnational power elites within Europe. Being European has, particularly for many middle-class and upper-middle-class Europeans, become a positive attribute linked with values such as human rights and environmentally friendly economic development (Fligstein 2008). For these professionals, European integration has certainly also come to mean job opportunities in other European Union member states, especially in, or in the vicinity





of, European supranational institutions. At the same time, for a significant group of other Europeans, this very figuration is hardly as appealing and is the source of bewilderment and even alienation. Surely what is at stake is a transformation of power in Europe with clear links to processes of globalisation. That being said, we insist that a nexus of power, class and identity underlines the multiple structural effects of the process of European integration as part of a global restructuring of power. Considering the origins of European integration in the radically reconfigured international space of the post-war period, this nexus is absolutely central not only to European integration, but also to the rise of European power elites.

Elites and power

As suggested above, we are not just interested in transnational elites, but transnational power elites. In this volume, power is conceptualised in terms of expert power, cultural power and network power. Power is not the property of any one individual, but following Weber, a relational social resource (Dahl 1961) that some individuals and groups have access to, or that some groups and individuals have the right to use in specific ways, following often implicit and informal conventions and rules (see, for instance, Searle 1987; see also Bourdieu 1989). These resources are all linked to mechanisms of recognition of their value. They consist of a variety of different types: from the most codified, such as collective organisational assets tied to organisational structures and division of labour or of financial means, to more nebulous varieties of symbolic power (charisma for instance) (for a discussion, see Kauppi 2005). Expert power refers to the technical and political role of individuals and groups involved in the formulation and implementation of European public policies. Cultural power refers to the models of organisation that shape institution building. Following works in the world polity tradition, similar kinds of political institutions have spread all over the world (Meyer *et al.* 1997). Through institutional isomorphism, the same institutional patterns and modes of decision making have been adopted and adapted in very different social and economic contexts. A striking example is the diffusion of supranational European judicial models (Alter 2012). Network power, for its part, refers to the global networks of individuals and organisations in which resources are embedded. These include family networks (Dezalay 2004) as well as epistemic cultures that unite professional groups sharing a common interest (Haas 1992). Power evolves in networks and spaces where different types of agents operate. For this reason, it is important to briefly examine here the social scientific theories that seek to define more generally what kinds of groups power elites are and what kinds of social resources they can access and deploy.

While scholars agree that it is of importance to study elites, they disagree on who/what elites are. Several competing theories attempt to





1 define elites. According to the pluralist theory expounded by, for instance,
2 Talcott Parsons (1985) and Robert Dahl (1961), social power (polyarchy)
3 is dispersed and divided. The development of society is determined by
4 democratic competition between a variety of elites: economic elites, trade
5 unions, churches and so on. The outcome of this competition will be an
6 equilibrium between these different interests that share a certain concep-
7 tion of the political game and its values and procedures. In this perspec-
8 tive, the state acts as a mediator between these different interests. The
9 state represents institutionalised authority and guarantees that a relatively
10 harmonious relationship between these interests is kept intact. The indi-
11 vidual citizen can influence political decisions by taking part in collective
12 action in, for instance, political parties or voluntary associations (see
13 Putnam 2000). While this perspective takes into account the variety of
14 interests, it paints too harmonious a picture of political life. Joseph Schum-
15 peter's concept of democratic elitism seeks to unite the analysis of power
16 with that of democratic principles (Schumpeter 1950). Democracy has
17 evolved from a system of direct popular government into a system of com-
18 petition between elites for the control of the state. As in the pluralist per-
19 spective, this theory reflects the situation in the United States, excluding
20 from analysis the private sector and legitimising the status quo. But in con-
21 trast to the polyarchy perspective, it introduces classes and inequality into
22 the analysis of politics and (ultimately) of law.

23 The dimension of class is even more present in elite theories, which
24 underline the concentration of power and social resources in the hands of
25 a few, who are then independent of ordinary citizens. In the classical elite
26 theories of Pareto, Mosca and Michels, psychological differences distin-
27 guish the elites from the masses: the elites are, so to speak, more intelli-
28 gent. Elite formation is a functional necessity. Organisational complexity
29 requires a leader. Power is situated in the key political and economic insti-
30 tutions of a given society. Following Michels, every organisation is by defi-
31 nition elitist: it requires specialised personnel, usage of specialised
32 structures by the leaders and specific psychological attributes (such as cha-
33 risma). In Max Weber's theory of bureaucracy, the state has a quasi-
34 autonomous role in society. Weber understands power as the capacity to
35 realise one's will even if others oppose it. The state has the monopoly of
36 expertise, but contrary to Michels and his iron law of oligarchy, the state is
37 not totally autonomous. Rather, the state is tied in a multitude of ways to
38 society's socio-economic structures. More recent elite theories include that
39 of C. Wright Mills, particularly his landmark study on the American power
40 elite in the 1940s and 1950s, which we have partly borrowed our title from.
41 In contrast to Weber's individualistic conception of power, for Mills, power
42 was essentially institutional, for instance military, political or economical
43 (Mills 1956). C. Wright Mills defined the elites as being composed of
44 upper-middle-class individuals; powerless, the masses are manipulated and
45 exploited. Another American sociologist, William Domhoff, developed the





socio-psychological model of the governing class. He sought to fuse theories of class together with theories of power elites. A superior class, that controlled the large enterprises, governed the United States. The governing class was an American business aristocracy. French sociologist Pierre Bourdieu has developed this idea of dominant elites in his numerous works on French society (see, for instance, Bourdieu 1989).

While these studies show very well the mechanisms by which some groups of individuals succeed in staying in power, they all tend to minimise the importance of electoral politics and public opinion. The complexity of society is further simplified to an extreme, as being composed of dominant or dominated classes. In revealing the mechanisms of institutional power, these approaches create an impression of inevitability: the elites are unified and the relationships they entertain with the masses are unchanging. Compared to pluralist and power elite theories of elites, Marxist theories, however, underline the links between the economic system and the political system. Those who control the means of production govern society. According to Ralph Miliband, economic dominance tends to instrumentalise political power to further its own ends. Political conflicts are conceptualised in terms of class conflict. Antonio Gramsci, for his part, launched the term ideological hegemony to describe the functioning of the capitalist state. The dominant classes form the ideas that make up the conscience of the masses. The capitalist state perpetuates the system of social classes and guarantees the conditions for the production and accumulation of capital. More recently, French philosopher Louis Althusser and his student Nicos Poulantzas differentiated ideology in the traditional sense of the term (false consciousness) from ideology understood through the lens provided by psychoanalysis, as a structural phenomenon present in all societies. Class struggle took place at three levels: economical, political and ideological. In Claus Offe's neo-Marxist approach, the survival of the capitalist state depends on its capacity to guarantee the accumulation of capital and the reproduction of capitalist relationships. Several mechanisms of selection were devised to guarantee these functions. Negative selection aims at excluding anti-capitalist interests from the activities of the state. Positive selection corresponds to policies that are in the interest of capital in general. These will be given priority over more specific interests. Disguising selection refers to the fact that the capitalist state has to create the appearance of neutrality and, at the same time, exclude anti-capitalist alternatives (see Offe 1984).

Transnational power elites as research object

All these theories of elites attempt to answer a major question: how does the unequal distribution of resources between types of elites and elites and masses affect democracy – and society? Except for some forms of Marxist theorising, answers have been sought at the level of the nation-state. The





challenge today is to further develop (both theoretically and empirically) approaches that concentrate on political power but this time in a broader, European and global, context. Inequalities are produced at the global level and competition for institutional political power cannot be confined to the European nation-state. This is especially clear in the case of the European Union, where new groups and institutional structures have been formed, as the texts in this volume very well demonstrate. These include both executive and legislative political elites, transnational networks and associations, and Europe-wide concentrations of economic power (European Round Table and European trade union organisations for instance). Transnational political elites are by definition culturally diverse, but perhaps not socially more diverse than national elites. To what extent are we talking about global elites and not European elites? What are the mechanisms of formation of these elites? What kinds of patterns of mobility can be detected between economic and political European elites? In different ways, these questions are addressed in the texts of this volume.

While analysis in terms of class provides some clues to the objective relationships that tie together political and administrative elites in the European Union, political action cannot be understood without taking into account political and professional identity as one of the 'internal' driving mechanisms of integration. Identity politics has become a key political issue as a consequence of the transformation of the European nation-state and the changing forms of interdependence between individuals and groups (Elias 1991). From a sociological viewpoint, identity – and habitus – cannot be separated from interests, the traditional object of international relations. Identities shape the subjective relationships individuals have with institutions and nation-states. Long neglected in European and international studies, identity does not only deal with the subjective dimension as a sense of, for instance, belonging. It also encompasses more collective and objective aspects such as participating in the life of the polity by casting a ballot, participating in the activities of a neighbourhood association, demonstrating for a cause, pursuing professional interests, and, perhaps most importantly in this respect, defining Europe in a globalising world. The functioning of political institutions is dependent on both subjective and objective dimensions. The lack of legitimacy of political institutions, which includes psychological as well as sociological dimensions, directly affects the modes of existence of these same institutions. This is quite clear in the case of the European Parliament, considered for a long time a second order institution unknown to European citizens. The Parliament can present itself as a representative of European citizens but only to a certain extent, as it lacks real anchoring in their everyday lives.

As evident from the above, the basic facets of the social structures of European integration – power, class and identity – have necessarily to be seen as intertwined and as part of the study of transnational elites. The most effective form of power is provided by identity and civic culture





(*paideia*) (Jaeger 1986). Citizens are socialised to sacrifice themselves if necessary for the greater good of the community. Class identity, for its part, provides some of the clues that explain why certain individuals have succeeded in appropriating the European Union for themselves, while others have not. The degree of belonging to Europe clearly differentiates these two groups: the political, administrative, economic and legal elites and the masses. More importantly, while European power elites have mainly involved politicians and bureaucrats, socio-professional groups have played a crucial role in European institution-building. For instance, the key role of lawyers (Cohen and Madsen 2007 and Madsen and Vauchez 2005) and some other professions and semi-professions such as diplomats, has clearly been documented in recent scholarship (Adler-Nissen 2008). The same has more recently been the case for security professionals (see Bigo in this volume).

The described nexus of power, class and identity is nowhere clearer than in the socio-professional structures that have had, and continue to have, an important but neglected role in the structuring of European institutions and the development of the EU more broadly. Professional turf wars have often had a decisive impact on framing the direction and form of institution and policy building as several chapters in this volume demonstrate (Dezalay and Cohen). Expert knowledge (and its definition) has been one of main objects of contention of professional struggles, defining legitimate concerns, relationships with other professions and the broader institutional context (Dezalay and Garth 1996). The constraints that institutional positions impose on their occupants can also explain why certain visions of the EU, such as those having to do with a 'normative power Europe' (Manners 2002), have become increasingly legitimate, influencing the EU's self-perception – and the perception of the EU from the outside. Analysis of socio-professional structures sheds light on political power struggles in the EU in a variety of ways, as the chapters in this volume demonstrate. But above all, it is our claim that analysis of European transnational power elites provides an empirically precise account of the transformation of power in the world of today.

The new professionals of the global field of power

This book thus has a different point of view than the majority of literature on European integration, which is dominated by economics, law, IR (international relations) and political science. It is one of the basic contentions of this book that European institutional mechanisms, and the EU as a political unit, cannot be properly understood without a sociological perspective that takes into account the individuals that make the policy decisions, the formal and informal groups in which they are included and the social conventions that regulate political and administrative activities in the European Union. These actors and conventions, we further argue,





necessarily have to be understood as part of the broader structures of European integration, which link to Europe's place with respect to both the international and the national. To better untangle these complex interrelationships of power, social resources and identity, we focus on the transnational power elites of European integration as these (in terms of an object of study) enable a more transnational analysis.

Borrowing from classical sociology, we have opted for examining three elemental sociological issues – power, class and identity – in relation to the more specific question of the power elites of the EU. This is by no means an exhaustive list of relevant sociological points of inquiry, but rather a list of interconnected, elemental sociological categories, which are of particular interest in this respect. Posing exactly these questions also allows for a connection with mainstream European and international studies, which have shown considerable interest in issues of power and identity. Furthermore, using this form of inquiry allows us to connect the European construction to the construction of society more generally and to how globalisation affects it. In our questioning, we therefore base our starting-point on classic sociological formulations of power, class and identity as central drivers of any society and not as issues particular to the EU. This is also the case with the notion of power elites that we develop. These new elites are not specifically European but, rather, central to understanding broader questions of globalisation and the transformation of power.

We concentrate our inquiry on the new European power elites and the battles over the identity of European integration, as well as on how the two interrelate in terms of socio-professional structures and political and social identities. This specification of the object of study is linked to the notion of social structure that underpins most of the chapters of this book. Rather than simply continuing the existing comparative research agenda on social stratification in Europe (Archer and Giner 1978) by adding a new layer of European integration and its institutions, we seek to identify major social spaces of European integration with a starting-point in elemental social categories of power, class and identity. Inspired by Pierre Bourdieu in particular, but also by Norbert Elias, C. Wright Mills and Max Weber, we pursue a structural constructivist approach to the social structures of European integration; one which examines structures in the context of the agents – in our case a series of key agents of the EU – and the major issues of European integration, including questions of identity in a globalising world. In other words, by social structures is not simply meant the usual set of issues concerning relationships between different entities or groups and how these are made stable and durable over time, but the social spaces in which social groupings emerge as an outcome of on-going struggles over determining the meaning of a particular sphere of action. Using this perspective on social structures allows us to reconsider how class, power and identity are ultimately interconnected – that is, how the struggle for political, cultural and economic resources produces European





integration as part of a broader, global restructuring of power. Moreover, this way of understanding social structures allows for a dynamic approach to the rise of the EU as a structuring process in which a series of power elites played – and still plays – a particularly central role. Following Tocqueville’s observation of the pivotal role of elites in the foundation of modern Western society (Tocqueville 2003), we claim that transnational elites are pivotal to the societal construction of the EU as a broader international framework.

Outline of the book

The book seeks to map out a series of particularly influential power elites of the EU. Many of the chapters rely on contemporary European political sociology approaches in combination with historical narratives, showing how European institutional spaces have become inhabited with individuals and groups that develop specific kinds of political and institutional resources linked with socio-professional identities and global power games. Generally, power elites are understood in two ways: as occupations that have some of the characteristics of institutional positions (central bankers, Commissioners, security professionals) and as more traditional, full-time and lifelong professional activities (lawyers, diplomats). We have, moreover, opted for concentrating on only three particular areas of transnational power elite practice, and this is reflected in the structure of the book by its division into three parts: governance, law and security. It is then concluded by a brief postscript, which relates the insights of the book’s analysis of transnational power elites to broader questions of understanding Europe in the new world order.

The book’s first part, on *governance*, is the longest and contains chapters on central bankers, civil servants, diplomats and politicians. The first article, by Martin Marcussen, is centred on the international phenomenon of central banking and how it has only recently faced serious challenges in the context of the on-going financial crises. He briefly tracks the evolution of central banking and analyses the specific small transnational elite it has generated. In his chapter, Didier Georgakakis emphasises the role of protest from the growing group of European civil servants and its effects on this corps in terms of an increasingly supranational elite. He demonstrates how the European Commission has increasingly become a European institution that requires from its personnel a variety of European resources. In the subsequent chapter, Rebecca Adler-Nissen addresses one of the most recent elites of European integration: the new diplomatic corps of the EU. While diplomacy has for centuries been the playground of a particularly privileged elite of international affairs, the establishment of an EU diplomatic corps has been seen by some as a challenge to national diplomats. Adler-Nissen’s analysis, however, argues that a growing convergence of national diplomatic corps has already occurred as a result





1 of European integration and that the new EU diplomats, in fact, remain
2 largely dependent on national diplomacies for gaining status as members
3 of a real diplomatic corps. Karen Gram-Skjoldager and Ann-Christina
4 Lauring Knudsen compare the Europeanisation of two key groups of
5 European supranational integration – diplomats and politicians. Using the
6 case of Danish parliamentarians and diplomats, they track politicians and
7 diplomats who have become professionally involved with the EU since
8 Denmark joined the European Community in the early 1970s. Tracing the
9 long-term development of these actors over recent decades, they identify
10 how they began absorbing and integrating ‘Europe’ into their professional
11 lives; how they built up political capital through their European activities
12 and how they began to show certain distinct characteristics compared to
13 their peers in the foreign ministry and parliament.

14 The book’s second part, on *law*, is specifically concerned with lawyers as
15 transnational power elites and how this links to both the transformation of
16 national legal fields and emerging transnational fields of power such as
17 the EU. It opens with a chapter by Antonin Cohen, who demonstrates how
18 the power of expert networks greatly influenced the political and legal
19 codification of the idea of Europe in the aftermath of the Second World
20 War. He emphasises the original constellation of elites that, to a large
21 extent, defined the playing field of European processes and how many of
22 these had clear trans-Atlantic connections. A key finding of the chapter is
23 how these elite struggles over domination produced a set of oppositions
24 which, to this day, still structure the European space of law and politics.
25 Following the same line of inquiry, Yves Dezalay and Bryant Garth’s
26 chapter underlines the networks and social capital that structure power
27 around the European institutions, linking these with global, especially
28 trans-Atlantic, processes and networks. The chapter is particularly focused
29 on the opportunities produced for the law and lawyers by the creation of
30 the Common Market. Yet what was assumed by many to be a new Golden
31 Age for law has yet to materialise for lawyers, according to Dezalay and
32 Garth.

33 The book’s third part, on *security*, explores both the internal and external
34 dimensions of the construction of transnational power elites in the
35 area of security. In the first chapter, Didier Bigo is interested in the colon-
36 isation of the supranational level by security professionals through concept
37 and policy transfers. The focus is on the emergence of a specific group of
38 powerful transnational agents who now (increasingly) have the power to
39 decide, define and frame what security and insecurity are through their
40 control of information in policing matters. Bigo particularly highlights
41 how they have developed into a ‘guild of professionals’, mastering insecurity
42 management. Moreover, he argues that, in practice, they challenge the
43 power of national professionals of politics, even if they formally present
44 themselves as being dependent on national political processes. In the sub-
45 sequent chapter, Frédéric Mérand and Patrick Barrette reach a different





conclusion with regard to transnational power elites. They analyse the development of the European military and its personnel, together with its trans-Atlantic connections, and argue that the military today is probably one of the most transnationalised fields of state power. Yet, because of the ways in which organisational, social and political resources acquired at the national level remain central to military careers, the military has not entirely globalised. What can be observed, however, is a new form of transnational capital in terms of being an 'interoperable professional soldier', which has significant impact on the development of military careers and, thus, is a manifestation of the growing transnationalisation of the European military. Following this chapter, a brief postscript by the editors relates the overall findings of the book to questions of understanding Europe in a changing world order.

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Part I

Governance

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2 The triumph and despair of central banking

Martin Marcussen

Each year for more than three decades, senior Federal Reserve officials and central bank governors from around the world have gathered in Jackson Hole, Wyoming to discuss the challenges facing the global economy. In 2009, it was Fed Chairman Ben Bernanke who had the task of laying the foundation for a couple of days of high-level socialization. Looking back at the past two years of financial crisis, he gave a speech underlining that the outcome of the crisis could have been much worse had it not been for “aggressive and complementary” cooperation and intervention by central bankers around the world. Without “speedy and forceful action”, he stated, “the entire global financial system would have been at serious risk” (Bernanke 2009).

The annual Jackson Hole meeting is interesting for several reasons. First, it is interesting because Jackson Hole is a prime example of a meeting point that attracts central bankers from around the world. There are a *multitude of meeting points* like this, some of which are institutionalized around committees and groups in international financial institutions and others that are organized by central bankers themselves. An archetypical central banker is a highly educated male economist that travels a lot and meets a lot of other central bankers. The world of central banking is quite small. It is constituted by a limited number of people who normally hold their positions for many years in a row and who know each other very well on a personal level. A certain kind of trust and understanding and a sense of shared fate and destiny typically develop as a result of that hectic meeting frequency (Marcussen 2006, 2007; Lebaron 2000).

Second, the Jackson Hole meeting is interesting because it indicates what the world of central banking is thinking for the time being. In contrast to many other professions, central bankers constitute one *global profession with shared ideas, norms and practices*. For more than a century, stability and institutional independence are values that have been shared around and among the world’s central bankers. This has widely been referred to as the “Jackson Hole Consensus” (*The Economist* 2009a). The way in which central banking is defined, structured, and working, the main objectives pursued by central bankers, and their relations to elected politicians





converge to a very considerable extent across the world. Central bankers apply a very specific economic discourse in their communication, they converge about what they want to talk about and with whom they care to communicate. Central bankers constitute a global family and work almost as a clan (Marcussen 2009).

Third, the interesting thing about Jackson Hole is that it attracts considerable attention. Before, during and after a central bank meeting journalists from the most prestigious financial media as well as politicians, university professors and non-governmental organizations do their best to decipher central bank speeches with a view to detecting a signal or a sign indicating how to understand the past and what to do in future. During the Cold War, an army of Kremlinologists scrutinized Russian leaders' every word. Today, pronouncements of the world's central bankers are studied by rows of financial analysts. Central bankers are considered to be *a major source of power* in world politics. And power attracts attention. Central banker power, however, is very complex. It contains material as well as immaterial elements. The material element is related to the kind of financial resources that independent central bankers can mobilize as fire-fighters. A speech at Jackson Hole can have direct consequences for investment decisions and capital movements on the financial markets. The immaterial element of central bank power is just as important. It relates to the ideas shared by central bankers and the ways in which central bankers set the ideational agenda around the world. They can define what is right and wrong, and they always attract attention when they do so. Never before, it seems, have central banks wielded so much power (*The Economist* 2001).

Finally, the speech by Ben Bernanke is interesting in its own right. It is a tour de force description of all stages of the complex worldwide financial and economic crisis. But it is more than that. It also frees central bankers from any kind of responsibility for what happened. There was no reference in the speech to the ways in which central bankers themselves may have had complicity in all this by allowing credit growth to accelerate unabated and by allowing the financial actors to do whatever they wanted to do as long as they called their creative financial instruments "financial innovations". In this way, Ben Bernanke freed his colleagues from any kind of responsibility. In short, he *constructed a storyline* helping central bankers, as well as the outside world, to make sense of what "really" happened: central bankers courageously and in a timely and measured manner cooperated and intervened to prevent the collapse of the global financial system. Without central bankers, things would have been much worse than they are.

In this chapter, it is argued that central bankers have lived through at least two golden ages. One golden age in the three decades prior to the First World War, and a second golden age from 1982 onwards. A golden age of central banking is characterized by the fact that central banks have





1 obtained an autonomous status in the political decision-making process,
2 freeing central bankers from political intervention and supervision. It is
3 also an essential feature that central bank ideas such as “stability” and
4 “autonomy” have obtained an almost hegemonic status in the sense that
5 they are mainstream and largely uncontested. Finally, a golden age is char-
6 acterized by the fact that the transnational community of central bankers
7 can be studied as one group. Close and dense worldwide relations among
8 central bankers help to foster a transnational central bank identity, linking
9 transnational bankers to other, developing transnational elite groups.

10 The most substantial part of the chapter, however, will be dedicated to
11 a discussion about the consequences for central banking of the financial
12 crisis in 2008 and 2009. The question is whether the crisis somehow indi-
13 cates that the present golden age of central banking has come to an end?
14 An indicator to that effect is that central bankers, best illustrated by Ben
15 Bernanke’s speech above, are out of touch with public and political senti-
16 ments. Irrespective of their autonomous status within the government
17 system, central banks have a clear interest in working actively with, rather
18 than against, the population and the government. No organization can
19 afford to work completely without allies in parliament, in government or
20 in society at large (Kettl 1986). In other words, “central banks, whatever
21 their statutory relationship with government, are unlikely to deviate far
22 from the domestic political consensus about appropriate action” (Good-
23 hart *et al.* 1994: 20). The chapter ends, however, by leaving the question
24 open. There are two reasons for that. The first is that it is too early to eval-
25 uate the consequences of the financial crisis on the status and powers of
26 central banking in national and global decision-making. It may take a
27 decade or more before we can conclude anything decisive about the role
28 of central banking ex-post the financial crisis. The second reason why it
29 may be too early to conclude that central banking is in demise is that
30 central bankers have managed legitimacy crises that are much worse than
31 the present crisis. They know how to reinvent themselves whenever
32 needed. This is a major reason why central banking may be strengthened
33 rather than weakened by the financial crisis.

The ups and downs of central banking

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35
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37 It is not the first time that central banking is in some sort of crisis. Seen in
38 a historical perspective, central bankers have been through crises that
39 were much more serious than the present one. The institutional standing
40 of central banks has oscillated between an ideal-typical situation of “formal
41 integration” in the state apparatus, and an ideal-typical situation of formal
42 de-coupling and “independence” from the rest of the state apparatus
43 (Figure 2.1). A more accurate picture of the standing of central bankers in
44 relation to elected politicians would require that we distinguish between
45 what can be called “legal independence” as enshrined in the formal



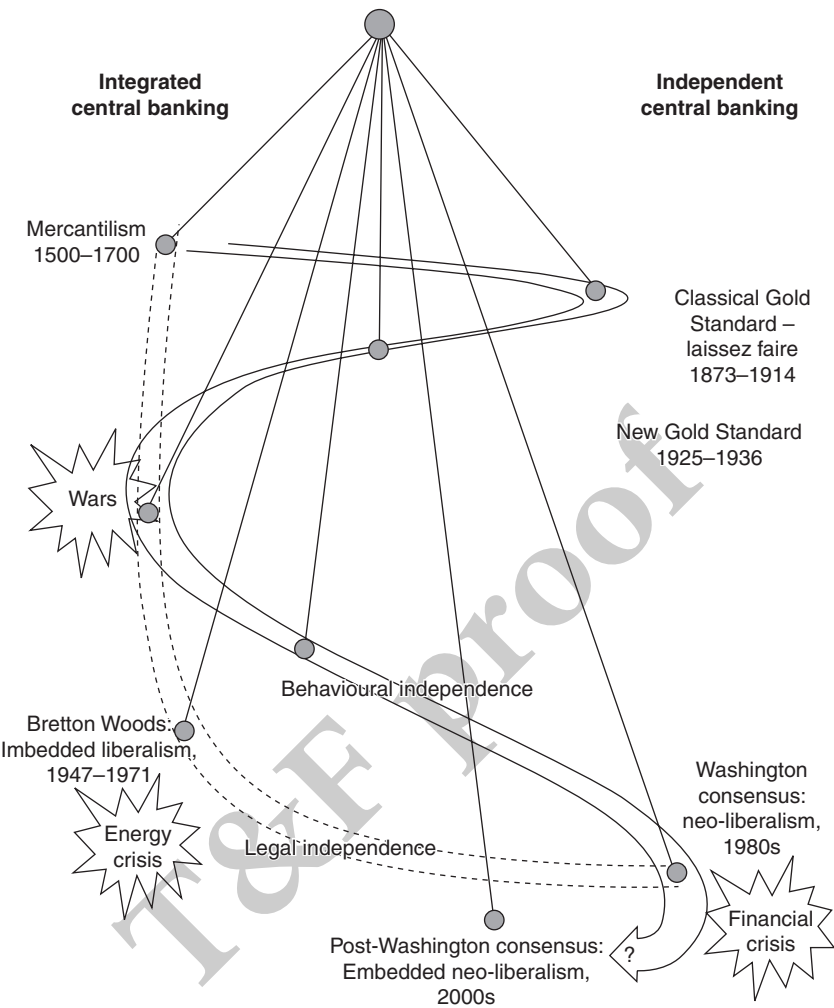


Figure 2.1 Pendulum swings of fashions and practices (source: adapted from: Marcussen 2007: 146).

statutes of the central bank and “behavioural independence”, which is the kind of de-facto freedom of manoeuvre at any point of time. Legal independence has traditionally been quite low. During the 1990s, however, a veritable tsunami of reforms hit the world of central banking sparking organizational reforms that enhanced legal independence. The historical development regarding behavioural independence is very different. The historical lesson is that legal and behavioural independence do *not* tend to coincide.



1 The first two central banks to be founded, the Swedish Riksbank (1668)
2 and the Bank of England (1694), were created by the state, for the state. It
3 was not until the era of the classical gold standard (1870–1914) that the
4 stability culture, which has been at the core of central banking activity
5 until the present day, involved a considerable degree of behavioural inde-
6 pendence on the part of the central banks concerned. This was the first
7 golden age of central banking. Not only were the most important func-
8 tions of the central banking metier invented, it was also a period in which
9 typically Conservative and Liberal governments pursued a laissez-faire
10 policy (Gallarotti 1995). The general idea was that economic equilibrium
11 should not be disrupted by untimely political intervention; hence central
12 bankers, on the whole, were left to themselves. With the tacit approval of
13 national politicians the central banks pursued an external stability objec-
14 tive, i.e. a relatively stable currency defined in relation to a certain amount
15 of gold. Internal stability, i.e. employment and growth, was a secondary
16 concern.

17 World War I definitively ended the first golden age of central banking.
18 Everywhere in Europe the working classes started to organize themselves
19 much more effectively than they had done hitherto. Through trade unions
20 and Social Democratic parties, they acquired political influence and
21 changed their view of political priorities. In fact, the previous consensus
22 that external stability should come first and internal stability second was
23 entirely reversed (Eichengreen 1992; Simmons 1994). During the First
24 World War, a large number of barriers to the free movement of capital
25 and goods had been introduced, and in many places these were retained
26 after the war. The so-called “first globalization” had come to an end
27 (James 2001). The stability culture, so dear to central bankers, faded into
28 the background even though the most prominent central bankers of the
29 time, Montagu Norman at the Bank of England and Benjamin Strong at
30 the Federal Reserve Bank of New York, travelled around the world to act
31 as “monetary missionaries” (Chandler 1958; Sayers 1976).

32 During the 1930s, the worldwide recession put a definitive end to
33 central bank independence. The central banks, and their stability culture,
34 were often accused of being the main sources of unemployment, social
35 unrest and extreme political ideologies. In the next section, we will see
36 that resistance to central bankers and their stability dogma may be about
37 to grow again as a result of the financial crisis of 2008 and 2009. Amid the
38 climate of depression the Second World War broke out, and as the war
39 drew to an end the consensus began to tip in favour of “embedded liberal-
40 ism” (Ruggie 1982). This doctrine holds that the focus on external stabil-
41 ity should not prevent states from promoting employment and growth in
42 their own territories. This represented a compromise between the focus
43 on internal stability espoused in particular by John Maynard Keynes
44 during the so-called Bretton Woods negotiations of 1944 and Harry Dexter
45 White’s focus on external stability and openness. With today’s perspective,





it remains to be seen whether the consecutive G20 meetings, like the Bretton Woods conference, will help to form a new consensus about the balance between internal and external stability.

After the war, many central banks were nationalized, and policy-makers, with the help of the most recent scientific advances, became keen to steer the societal machinery in a more active and much more detailed way than hitherto (Dezalay and Garth 2002). It was Keynesianism that was taught at universities, while neo-classical economics was removed from the curriculum for the time being. One of the founding principles of the Keynesian doctrine was that monetary policy was too important to be left only to the central bankers. In the world of central banking, however – in the Basel-based Bank for International Settlements, for instance – the governors remained faithful to the classical stability culture. Like the central bank governors present at the Jackson Hole meeting referred to above, central bankers in BIS gatherings were apparently not disturbed by the fact that the political majority spoke against their interests. They either failed to diagnose public and political sentiment or, more cynically, they would simply wait for the ideological pendulum to swing back in their own favour. They knew that, at some point, the world would realize that price stability was too important to be left to politicians.

And indeed, their moment eventually came. Towards the end of the 1970s a series of complicated factors – the adoption of the flawed sheltering strategy in the face of the oil crisis; a change in monetary doctrine by Federal Governor Paul Volcker; the accession to power of Ronald Reagan and Margaret Thatcher; Milton Freedman's intellectual diplomacy; and idea diffusion by the OECD (Organization for Economic Cooperation and Development), neo-liberal think tanks and the financial media – provided national policy-makers with a new paradigmatic framework for their economic policies (Hall 1992). Governments that came to power in the first half of the 1980s – whether Liberal, Conservative or Social Democratic – were offered a complete ideational set-up to replace old and discredited thinking. Some governments initially resisted this trend – François Mitterrand in France and Robert Hawke in Australia may be cases in point – but liberalized capital markets made such strategies increasingly difficult to uphold for longer periods of time. Everywhere national politicians became preoccupied with signalling credibility and stability to the financial markets. The “second globalization” became a reality and from the mid 1980s onwards a new golden age emerged for central bankers in which their legal independence now matched their behavioral independence. The so-called Great Moderation was a period of unusually stable macro-economic activity in advanced economies or, in British central bank governor Mervyn King's phrasing, a NICE economy (non-inflationary consistently expansionary). Towards the end of the 1990s, most central bankers worldwide were reformed with a view to depoliticizing monetary policy-making. In addition, in many places price inflation-targets were





introduced, giving central bankers a carte blanche to intervene with interest rate increases if price-inflation came close to the upper band of the target, and to lower rates if price-inflation came close to the lower band. Central banking had become an increasingly technical business, performed by leading monetary economists equipped with ever more sophisticated theories and statistical techniques (*The Economist* 2007a). The art of central banking had been turned into the science of central banking. Rules had replaced discretion (Marcussen 2009). One instrument was used to target one objective – a narrow measure of consumer-price inflation, which did not take account of prices of assets, such as equities and property (*The Economist* 1999a).

Now, some ten years later, the Great Moderation has ended with a Great Panic and a Great Contraction (Bean 2009). The question is whether the pendulum is swinging back in favour of national politicians. Will the crisis, just as the Great Depression of the 1930s and the Great Inflation of the 1970s have the same kind of transformative effects for central banking? The evidence seems to point in different directions.

Central bank authority in demise?

In both Europe and the US, interesting developments regarding the position of central bankers are taking place. Obviously, criticism of central banking was already there before the financial crisis. A decade ago, *The Economist* warned that central bankers systematically neglected symptoms of financial excess (*The Economist* 1999b). The journal admitted that the power of central bankers had reached its zenith. But it also warned that it would not last. The so-called post-Washington consensus had a softening impact on the more neo-liberal ideology, which supported unrestricted transactions across borders. Experiences of almost two decades of liberalization had had their effect, convincing a still larger minority of NGOs and policy-makers alike that the time had come to gradually bring politicians back into the political game, to partly redefine central banking. After all, questions about distribution and allocation were too important to leave to imperfect markets alone.

Although a certain level of contestation was already there before the financial crisis, populations across the world seemed to have considerable trust in central bankers. They consistently mistrusted their own politicians, but they trusted the autonomous experts in their central banks. They were islands of stability, detached from narrow-minded politicians (Hay 2007). After the financial crisis, however, trust in central bankers seems to have declined radically! For instance, there are various indicators pointing to the fact that trust in the European Central Bank has decreased in recent years (Figure 2.2). The gap between those who tend to trust the ECB and those who tend not to trust the ECB is narrowing. Yet, there are huge variations between EU member countries. High levels of trust can be identified



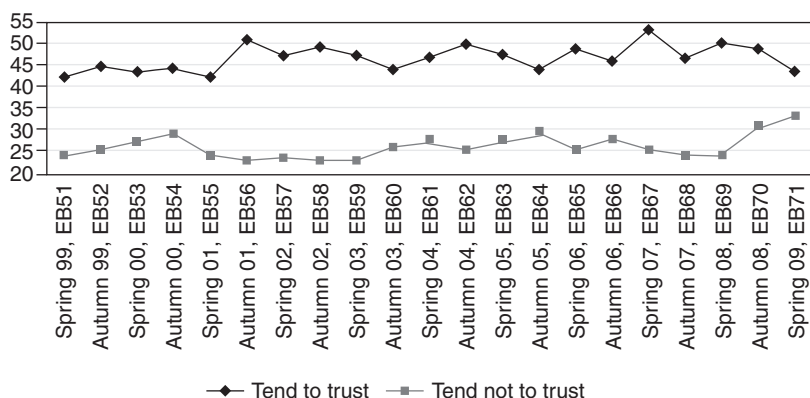


Figure 2.2 Trust in the ECB, all EU Member States, 1999–2009, percentages (source: European Commission (2009: 118)).

outside as well as inside the euro-area. The Finnish (72 per cent), the Danish (67 per cent), and the Dutch (67 per cent) populations seem primarily to trust the ECB, whereas the French (36 per cent), the Polish (36 per cent) and the British (21 per cent) populations lean towards trusting the ECB the least (European Commission 2009: 119). Whether such a relative increase in distrust in the ECB is temporary and only related to the financial crisis remains to be seen.

The ECB, however, is not the only central bank in the crossfire. Across the Western world there is widespread agreement that central banks carry responsibility for causing the financial crisis (Table 2.1). This appears to be in sharp contrast to Ben Bernanke's reconstruction of the chain of events as referred to in the introduction of this chapter. Very few people (4–8 per cent) tend to believe that central banks have no responsibility for the crisis at all. In contrast, a quite large group of people (13–32 per cent) believe that central banks carry complete responsibility for the crisis.

Table 2.1 "How much responsibility do you feel that central banks have in causing today's global financial market crisis?" (percentages)

	Great Britain	France	Italy	Spain	Germany	US
Complete responsibility	19	24	24	30	32	13
A lot of responsibility	52	42	49	36	38	52
Some responsibility	24	27	22	29	22	30
No responsibility at all	5	7	5	5	8	4

Source: FT/Harris Poll, October 2008, www.harrisinteractive.com/news/FTHarrisPoll/HI_FinancialTimes_HarrisPoll_October2008.pdf.





1 Another *Financial Times*/Harris Poll, from February 2009, reported that
2 74 per cent of Europeans believed central bankers were entirely or largely
3 responsible. Compared to earlier polls, this is an increase in the number
4 of people who blamed European central banks. The poll also suggested
5 that mistrust towards central bankers is evenly spread across continents.
6 The world's monetary authorities were generally seen as complicit in both
7 Europe and the US (Atkins 2009a).

8 In Europe, criticism of the European Central Bank is mounting up. On
9 average, the greatest source of criticism stems from France, where policy-
10 makers share the opinion that political institutions that can systematically
11 balance the powers of the ECB ought to be established. For the French,
12 the European system of economic governance is asymmetric. The money-
13 powers are being given independence while no strong economic govern-
14 ance mechanism has been established. The French, therefore, talk
15 about the need to create the right conditions for a veritable *gouvernement*
16 *économique*. They want to bring politics back into the field of monetary
17 policy (Howarth 2009). Some of that criticism is echoed in the European
18 Parliament (Jabko 2000). In contrast to France, German policy-makers
19 favour a so-called *stabilitätskultur* with direct focus on price inflation. This
20 can only be achieved by assuring that the monetary authorities have liberty
21 to pursue one and only one objective, a stable and low level of price infla-
22 tion. Consequently, the ECB has been given a uni-dimensional objective
23 and granted more autonomy than any other central bank in the world.

24 The new thing is that German top-politicians have broken an unwritten
25 rule about not criticizing the European monetary authorities. In Germany,
26 the *stabilitätskultur* demands that German politicians at no time publicly
27 discuss whether the central bank is pursuing the right objective with the
28 right instruments (Dyson 2009). But the crisis has clearly put an end to
29 that. The patience of German politicians has come to an end. Having
30 watched the ECB, the Bank of England and the Federal Reserve from the
31 sideline, the German Chancellor finally chose to break the ban on
32 German leaders commenting on monetary policy close at home (Benoit
33 and Atkins 2009a, 2009b, 2009c). Like her minister of finance, Peer Stein-
34 brück, and the German central bank's president, Axel Weber who also has
35 a seat in the ECB's Executive Council, she warned against pumping unlim-
36 ited liquidity into the European, British and American banking system for
37 increasingly long periods of time. Governments should rather think about
38 their budget deficits while central bankers should think about how to
39 reabsorb the liquidity they poured into markets. Otherwise, she warned, a
40 new bubble will appear in less than a decade.

41 While central bankers in Frankfurt are used to criticism from the Euro-
42 pean Parliament and from the French political elites, criticism from
43 Germany constitutes an entirely different ballgame. Criticism from
44 Germany really hurts. After all, central bank values such as stability and
45 independence are essentially values that most people associate with the





German political economy and culture. What Merkel was essentially doing here was to remind central bankers about their main objective of creating the conditions for sustained stability. The day after Angela Merkel's public worries, ECB Governor Jean-Claude Trichet is reported to have called her to assure that she and Germany in no way intend to undermine the independence of the ECB (Atkins 2009b).

In the US, criticism is much more explicit and acute (Altman 2009; Braithwaite 2009a, 2009b; Hubbard *et al.* 2009). A former central banker, William McChesney Martin, held that central bankers are the kinds of guys that take away the punchbowl just when the party gets going (Bremner 2004: 276). They are, in other words, supposed to be unpopular. However, The Fed is extremely vulnerable right now. A public debate between Fed-supporters and Fed-critics has erupted and it plays out in Congress as well as in the streets. A bill to audit the Fed has more than two-thirds of the House of Representatives backing it. Suggestions are to cut off some of the competences of the Fed, such as its responsibility for bank supervision, to enhance transparency and to create a system of checks and balances for the bank's use of emergency lending powers. For instance, a concrete suggestion is that the Secretary of the Treasury should approve if the Fed chooses to lend money to any sort of corporation in unusual and exigent circumstances. In effect, this will clearly reduce the independence of the Fed. Others suggest concentrating even more powers in the Fed. Presently, there are seven different federal regulators of the banking sector. The proposal is to designate the Fed as America's primary financial regulator. In short, the financial crisis has placed the Fed in a position that it dislikes: right in the centre of fierce political debate.

The increased interest in and, not least, critique of the Federal Reserve and its role during the crisis is not just a matter of technical debate between particularly interested members of the Banking Committee of the House of Representatives. The Fed has become a target of widespread public criticism as well. In 2009, the Fed's approval rating stood at just 30 per cent. This is lower than any other federal agency and 23 per cent down from 2003 (*The Economist* 2009b). In terms of an example of how widespread the critique is, Republican Congressman Ron Paul's book with the telling title "End the Fed" was immediately injected into the *New York Times*' non-fiction bestseller list and stayed there for weeks. Protest meetings, internet sites, t-shirts and slogans were organized and rallies against the Fed were reported in the media (Braithwaite 2009b). From being a question primarily about the role of the Fed before and during the financial crisis, the issue has turned into the more substantial one of how power is organized and executed in "the largest democracy in the world".

At first glance, the golden age of central banking seems to be over – at least temporarily. The question is whether this matters. The answer is probably that the financial crisis may change central banking more than many central bankers dare to admit (*The Economist* 2009a; Morgan 2009).





1 It seems to have changed both the tasks of central bankers as well as their
2 toolkit. In the golden age of central banking, the Jackson Hole Consensus
3 held that central banker's prime objective was to keep inflation low and
4 stable. Any speech at Jackson Hole from the last three decades can illus-
5 trate just how much central bankers are committed to price stability. It is
6 particularly interesting, however, that not even a historical moment such
7 as the 1989 end of the Cold War provoked any sort of reconsideration of
8 the basic ideas of central banking. That the world had fundamentally
9 changed did not mean that central bankers reassessed the kind of chal-
10 lenges it would now confront, nor that their own role in that changed
11 world would need thorough consideration. In the course of the autumn
12 1989 gathering at Jackson Hole, the then Bank of England governor
13 underlined the common concern of central banking without even refer-
14 ring to the end of the Cold War:

15
16 The first and overriding goal must, of course, be the establishment
17 and maintenance of price stability. This is one of the greatest services
18 that finance can render industry – or at any rate, instability is certainly
19 the greatest disservice.

20 (Leigh-Pemberton 1989: 176–77)

21
22 On behalf of all central bankers gathered at this particular event, the sym-
23 posium convener summarized the entire meeting and the sentiment:

24
25 Participants at The Federal Reserve Bank of Kansas City's 1989 sympo-
26 sium discussed a wide range of issues for monetary policy in the 1990s.
27 One issue, however, forced itself center stage: price stability. Virtually
28 all participants agreed that price stability should be the foremost goal
29 of monetary policy in the 1990s.

30 (Morgan 1989: xxvii)

31
32 It is this firm and deep-rooted consensus, which may be challenged by the
33 financial crisis of 2008–2009. The financial crisis may have done some-
34 thing that not even the end of the Cold War could do. This indicates
35 something about the magnitude of change that may be taking place in
36 central bank circles during these years. The crisis has presented central
37 banks with the greatest challenge since they won the battle against infla-
38 tion almost a generation ago (*The Economist* 2007b).

39 Up until then, no one focused much on central bankers' responsibility
40 for broader financial stability. Now, in the wake of the financial crisis, it is
41 commonplace to demand that central bankers must worry just as much
42 about the health of the financial system as about price stability (*The Econo-*
43 *mist* 2009c, 2009d). Even the IMF (International Monetary Fund), nor-
44 mally a bastion for central bank ideas, recommends and even urges that
45 central banks move beyond price stability (IMF Survey Online 2009). It is





not only the American President that considers giving the central bank responsibility for “macro-prudential regulation”. This happens all over the world. The line seems to be that central bankers must expand their responsibility, moving away from a narrow focus on a nominal target. In the European Union a so-called European Systemic Risk Council (ESRC) constituted by all EU national central banks has been established. Its purpose is to analyse all kinds of information that is relevant for financial stability and to issue warnings about up-coming risks. The direct role of the ECB in this is regard is to provide administrative support and expertise to the ESRC. This new Council of central bankers will receive its information from a European System of Financial Supervision (ESFS) which is a decentralized network relying on national supervisors (Dyson and Marcussen forthcoming). In other words, European central bankers have all been dragged into the business of financial supervision. From now on, they can be held directly responsible for detecting an upcoming crisis and for coordinating Europe-wide action in the course of a crisis.

At first glance, one would think that a public bureaucracy should be very happy to receive new competences. But it is not as simple as that. Whereas price stability can be measured quite easily by way of a price index, it is much harder to define and measure financial stability, not to mention achieving financial stability. The job of central bankers becomes much harder as a result of which it becomes much harder to achieve success and credibility. In the future, it will not suffice, as many central banks have previously done, to establish an inflation target. The difficulty of defining financial stability, and the multitude of tools that can be applied, means that central bankers will have to make open political decisions. The new supervisory powers will be dragging central bankers back towards the political turf from which they had been distancing themselves for decades (*The Economist* 2009c). In addition, when the objectives of price stability and financial stability are in contradiction to each other, they will have to prioritize. For central bankers this is an unfortunate situation. They will no longer be able to protect themselves behind a central bank law that only refers to one objective. Central bankers will constantly have to defend their policies and priorities. Financial stability has made its way onto the agenda like a Trojan Horse. This will make central bankers “normal” political institutions.

Central bankers know what this means. It means that they will be just as vulnerable as all other political institutions that are not only forced to make hard choices, but also to take full responsibility for these choices and to explain their choices in public. With their engagement in the new European Systemic Risk Council, there is no way that European central bankers and the ECB can hide behind a uni-dimensional goal of consumer price stability. The credibility and authority of central bankers is clearly under attack. More than before, citizens will require that the politicized central banks should be kept accountable for their actions. They should





be transparent and one could even envisage that central bankers ought to have a popular mandate of some kind. So far, the ECB has contended that it is a transparent and accountable institution (Issing 2008: 156). Instead of judging it according to process, it should be judged according to outcomes. In other words, if it keeps inflation at bay within the Eurozone, the ECB says it has fulfilled its mandate and the public need not know the specifics of how this was achieved. In future, this may not suffice (Jabko 2009).

Still the golden age of central banking

We know that it has taken a crisis to change the role of central banking in policy-making. World War I ended the first golden age of central banking, and after World War II several central banks were nationalized. Not until after the oil-price crises of the 1970s could central bankers start re-establishing themselves at centre stage. The foundations for a second golden age were then laid out. Like Ulysses, who asked to be roped to the mast so he would not succumb to the sirens' song, present-day politicians voluntarily removed themselves from monetary temptation. Central bank business was fundamentally depoliticized. The stock exchange crisis of 1987, the East-Asian Crisis of 1997–1998, and the dot.com bubble of 2000–2002 only strengthened the position of central bankers. Repoliticization never took place.

What we do not know is whether it will be entirely different this time. Is the financial crisis of 2008–2009 of a transformative nature? There are several indicators that central bankers may be able to not only get through the crisis as central players, but maybe even as stronger players. One first indication is that in the consensus coming out of the various international attempts at political coordination, central bankers are not seen as the problem but rather as a considerable part of the solution to the present situation. Central bankers have, in other words, been defined as major actors in international finance, for instance in relation to financial supervision. This stands in contrast to the Bretton Woods regime in which ministers of economics, not central bankers, had central competences.

A second indicator is that the basic objectives of central banking, preparing the ground for broadly defined stability, are more than ever being shared by policy-makers around the world. Today, no external or internal enemy is sufficiently dangerous to forge an elite consensus for regime change (Wade 2009). More stability rather than less stability is on the agenda. A third indicator of the enhanced role of central bankers in world politics is related to the science of monetary policy-making. It is becoming more, not less, complex to look through the intricacies of economic theories, methods and data that are being applied in monetary and financial governance. The more technical the metier of central banking becomes, the less likely it is that politicians will intervene in detailed governance in





the area. Central bankers, by way of their superior knowledge and education, will benefit from the kinds of power that can be attributed to expertise. A fourth indicator that central bank authority is likely to remain strong has to do with the central bank community itself. The strong and intimate links that have emerged between central bankers have not suffered from the crisis. In contrast, during the crisis we have seen that central bankers have engaged in cooperation and coordination. First, central bankers responded collectively through a series of incremental interest rate changes. Then central bankers moved on, again as a group, to provide increased liquidity. There is no split in the world of central banking that can be exploited by enemies. All attempts at establishing new governance structures in the wake of the financial crisis have contained a large role for central bankers. This kind of collective action by central bankers stands in sharp contrast to the lack of coordination between governments. The deep contraction seems to have stimulated more nationalism than multilateral cooperation (Wade 2009).

In short, central bankers show all the characteristics that need to be present for a golden age to exist. We should expect that central bankers, for a short while, will need to explain what they are doing and when. However, we should not expect them to take the blame for the financial crisis. Central bankers are like whipped cream – the more you beat it, the harder it becomes (*The Economist* 1998). Seen from the point of view of the transnational central bank community, we should not expect too much transformation: central bankers as a global transnational elite are here to stay.

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3 The institutionalisation of the European administrative corps as a transnational elite

Didier Georgakakis

On 14 December 2001, between 200 and 300 EU officials demonstrated close to the door of the Berlaymont, the main building of the European Commission in Brussels. For the occasion, the signs were out: 'Stop dismantling EU staff regulation' and 'Against the destruction of the European Public' co-existed with more general political mottoes such as 'Delors come back', 'A stronger commission for a better Europe' and 'No Europe, no future'.

Factually, this demonstration was aimed at mobilising against the new reform of the EU staff regulation, which was in discussion at the Council of Ministers and included position, budget and social advantage cuts in the general context of austerity measures for public services in Europe.¹ Taking place at noon and in the Brussels rain, this demonstration was not as successful as others had been. But it followed several general staff meetings called by the 'common front' of the EU civil servants unions in the autumn, which were supported by between 1,200 and 2,000 civil servants. A few months earlier, meetings between the unions and the European Commissioner for Administration led to the hope that a relative consensus would be achieved. However, since November, under pressure from the member states, the tensions had risen. After the Commissioner broke off the negotiations, the unions seriously considered taking strike action over the new reform; they mobilised several times, culminating in this demonstration.

What is the significance of such a demonstration, for those unfamiliar with EU politics as well as for many EU observers? Whereas EU scholars keep silent on this event, interpretations outside of academia are quite clear. Though the insider's blog 'Euractiv' explains quite neutrally that EU officials' unions demonstrate both to defend their regulations and 'to restore their image', most of the numerous outsider or Eurosceptic blogs claim this situation is nonsense, given the scandalous wages earned by 'European elites'. Many of those who belong to the European circles in Brussels (which includes journalists, people working for the private sector or for the member state's representation, and, broadly, all those who are concerned with European affairs) simply feel that EU officials are fighting





for their salaries or, when they belong to the private sectors, that they are defending their 'civil servant privileges'.

Beyond their normative status, these politically-oriented arguments, as well as the common 'rational' interpretation focusing on wages and material advantages, leave numerous questions and even some enigmas not only unanswered, but even in the dark. What makes such a group, which is seen as an elite that benefits from a very good salary and living conditions, stand up? How can these transnational elites (as they are perceived), especially in view of the general unpopularity of 'eurocrats' and the present 'euro-crisis', expect to be able to mobilise in a way that is similar to the working class, and have a real chance of success? How can these unions, whose origins are quite unknown even to most EU scholars, feel that their struggle is legitimate enough for publicly advocating their own political definition of the EU?

This chapter aims at giving some answers to these enigmas by pointing out that a demonstration such as this, prior to any other interpretation, is part of the process of the construction of EU officials as a 'social group', if not a transnational Stand (or status group, to borrow from Max Weber's elite theory). Beyond the salary issue, this demonstration reveals and reproduces the quite ignored socio-historical path through which European civil servants have mobilised themselves not only as a powerful collective force at the heart of the field of EU institutions, but also as the only one that has succeeded in defining itself as specifically 'European'. Established at the beginning of the process of European integration, the unions have historically played an important role in this process; in particular, defending the juridical, economical and social status of the European civil service as a new European administrative class, as well as its unusual permanent position within the field of Eurocracy (Georgakakis 2009, 2012).

Beyond shedding new light on the enigmas pointed out above, this simple assumption raises two broader points. In line with the general angle of this book (see the introduction to this volume), the first consists of a contribution towards answering the question of 'what are the mechanisms of formation of these (transnational) elites', which enables us 'to rethink relationally how class, power and identity ultimately are interconnected'. In this sense, the chapter reminds us that, far from being immanent groups, the so-called 'eurocrats' are built up as a collective force through social processes and mobilisations. In particular, understanding the social and political power of this elite can enlighten the more or less public collective struggles – including, for socio-historical reasons, means of mobilisations that are borrowed from the working class – by which their resources and position have been defined. It will also help us better understand the (relative and relational) social and political power of this European administrative elite and its specific capacity to embody the 'European (or community) interest'. To this extent, the chapter helps to shed new light on the conditions that enable transnational elites, in spite of their





national and social diversity, to exist as social groups and to define themselves as specifically 'European'.

The second point is related. It consists in refreshing the classical dispute between EU scholars about the more or less common identity of EU civil servants, as well as the position they occupy within transnational fields of power. The question of knowing if they form a group with a special identity is indeed highly disputed, opposing scholars on a continuum from diversity (Stevens and Stevens 2001) to a more univocal elite (Shore 2000), and passing through intermediary points of view (Cini 1996; Hooghe 2012). Although this debate has made the EU civil servant attitudes surveys more interesting and sophisticated over time (cf. Ellinas and Suleiman 2011, Hooghe 2012), all these studies analyse this group as a *modus operandi* related to an implicit (and from a sociological point of view often very perfectible) definition of what a group is and what 'belonging' to a group means. Instead, this chapter would like to study the building of a group as a process in itself, as a *modus operandi*, which functions as an engine of attitudes and practices that are highly dependent on what happens within this process. Epistemologically and methodologically distinct from other approaches, this socio-historical viewpoint will show how the forces and weaknesses of the group are dependant on its capacity to mobilise, and how (by comparison with the past) the building of this administrative elite as a collective force in the field of Eurocracy is nowadays contested.

Based on empirical research conducted over the past ten years,² the chapter will focus on one of these processes by asking how the EU civil servant unions contributed to the formation of the EU officials as a group and to its institutionalisation as a new administrative elite. Three parts will follow: after recalling some theoretical aspects about the construction of social groups, I will study the history of the unions' institutionalisation and then discuss how the field of representation has contributed to the construction of the material as well as symbolic frontiers of the EU civil service.

Some elements of the framework of analysis

Before proceeding to the empirical findings and developments, it is first necessary to specify the theoretical angle of the chapter. Although it is at the heart of this book, the socio-historical perspective is not particularly well developed within 'European studies'.

The literature on European civil servants often oscillates between two definitions of European officials. One interpretation is that they belong to a homogeneous group, with common sociological and political characteristics and a strongly rooted shared culture. This is the point of view of Cris Shore, for whom the European civil servants represent a fraction of the upper-middle class, which aims to monopolise the definition of Community interests and for which conceptions of its professional role are comparable





1 to the French model of elite administration. The opposing reading insists
2 on a highly fragmented group with strongly divergent political cultures and
3 aspirations (Cini 1996; Hooghe 2002). If, in the prolongation of research
4 by Abélès *et al.* (1993), Cram (1994) and Cini (1996) insist on the frag-
5 mented administrative cultures of the Commission, Liesbet Hooghe (2002)
6 goes even further and underlines the heterogeneity of perceptions, and
7 even of classifying the members of the group according to their percep-
8 tions. In this conception, and whatever the existing group attitudes, the
9 methodology implicitly constructs the group as the sum of individuals more
10 or less linked to one another by common values.

11 The general assumption of this chapter is that these competing inter-
12 pretations are not necessarily incompatible. Indeed, the sociology of social
13 groups or professions shows that most are the object of similar debates
14 concerning homogeneity and heterogeneity. These differences are, in
15 fact, in large part dependent on the 'scale of observation', and are espe-
16 cially sensitive to the place from which one observes groups. 'Close' or
17 'internal' observations tend to highlight internal cleavages, whereas
18 'outside' or 'external' points of observation tend to produce a greater
19 impression of homogeneity. This also holds true for the case at hand: the
20 focus changes according to whether one studies civil servants to highlight
21 the competition between the European Commission's Directorates
22 General in the policy process, or the relative specific of this group, com-
23 pared to all the others evolving in the 'field of eurocracy' (Georgakakis
24 2012). One could thus quote many sociologists who stress that internal
25 divisions are constitutive of social collectives and are even a necessary part
26 of the dynamics of the professions (to paraphrase a known work of inter-
27 actionist sociology on professions, Bucher and Strauss (1961)). The
28 chapter will be based on this sociology of social groups, which integrates
29 internal divisions as a dynamic element that helps, over time, to forge
30 common representations and a homogeneous collective vis-à-vis other
31 groups. This approach follows the theoretical perspectives of Pierre
32 Bourdieu, and has been applied to European studies by Niilo Kauppi
33 using the label of 'structural constructivism' (Kauppi 2005). This frame-
34 work makes it possible to take into consideration dynamics that are rarely
35 studied in the construction of European civil servants as a group and,
36 more particularly, the singular role that trade unions play in this process.
37 Some principles of this approach are discussed below.

38 First, social or professional groups are never a given. They are the
39 product of social and historical processes of construction. If at the begin-
40 ning some agents share common social positions – for example between
41 the 'anvil of employers' and 'the hammer of the working class' as Luc Bol-
42 tanski has stated in his seminal study on the invention of *cadres* in French
43 society – these agents are transformed into a group with a relatively
44 common 'identity' only after a long and complex process of mobilisation
45 and objectification.





Second, in these processes, mobilisation by spokesmen is extremely important. Contrary to widespread thought, the political sociology of Pierre Bourdieu recalls that spokesmen make the groups, not the opposite. In other words, the representatives are not the reflection of pre-existing groups, but they take part in their social definition. In the case at hand, members of the Commission have worked for the construction, the consolidation or the celebration of the European civil service. But there are also trade-union leaders who contribute to the definition of the collective interests of the group and institutionalise the defence of those interests in organisations, trade unions or associations.

Third, conflicts between rival spokesmen for the definition of interests and group identity should not lead one to conclude that the group has no consistency or boundaries. On the contrary, this competition is a sign of the vitality of the group. In his work on the French *cadres*, Luc Boltanski (Boltanski 1987) uses the concept of fields of representation to show that this competition tends to encourage the mobilisation of the group as a whole and to bring its evolution to to expression.

Lastly, the construction of the group is not only a question of discourse and mental representation. Discourse is, of course, important in its function of prescribing norms, but it is integrated into a broader process of objectification. In the Weberian tradition, this process of objectification means that the identity of the group materialises itself in organisations, a status, wages or material advantages, a lifestyle, social relations or a given type of social capital (understood in Bourdieu's sense).

There would undoubtedly be much to add to this, particularly as the constructed identity is then appropriated by individuals according to their family trajectories and their positions in this social space. But this goes beyond the scope of the chapter and would require further research. However, the elements briefly developed above outline the perspective of this chapter. The central hypothesis states that although their origins are multinational, euro-civil servants can be studied as a group in much the same way as any other social or professional group. If, like other social agents, they have several identities (related to their national habitus, to the Directorate General they belong to, and to other groups), their common identity as euro-civil servants is quite consistent as it goes beyond discourse and is rooted in the history of the collective action of the group in times of conflict with other groups, as well as the constant political work of representation, which is perpetuated by a whole series of agents.

Although it would undoubtedly be necessary to illustrate this process of construction in a broader way (see Georgakakis 1999a, 2008), the case of the euro-official trade unions will make it possible here to show three elements: the history of conflictual collective action, the formation of a field of representation of the group and, finally, the resulting process of objectification. The empirical developments that follow will be articulated around these three points.





The institutionalisation of the European civil servant representatives

Although they have not been studied much in the scholarly literature on Europe,³ the European civil servant unions are a good instrument with which to analyse the ‘process of symbolic unification which characterizes this group and (the) work of representation that comes with it’ (Boltanski 1987). They lead us to question the conditions of the osmosis that links (or used to link) civil servants with European institutions, and with the Commission in particular. This will be achieved not by postulating, in a speculative way, the existence of a community of beliefs which would unify the personnel and its leaders around supranational values,⁴ but by analysing the modalities of its construction through the historical structuring of these movements, the mobilisations and watchwords they have generated, and finally their integration into the environment of civil servants.

The creation of European trade unions

Today, the European civil servant unions (OSPs in the indigenous language of the institutions) are very mixed. There is no unitary trade union. The majority of the federations’ representatives consider this situation dangerous. Five federations exist: the *Confederal Alliance of Free Unions*, whose major component is *Renouveau & Démocratie* (R&D) and which received 40 per cent of the votes in the last staff committee elections in 2009, *The Union Syndicale* (US) with around 27 per cent of the votes, the *USHU-U4U* – consisting of the alliance between the US branch of external service (*Hors Union* in French) and the new *Union for Unity*, with around 13 per cent of the votes – the *SFE* (*Syndicat des fonctionnaires européens*) and the *FFPE* (*Fédération de la fonction publique européenne*) which both received around 10 per cent of the votes.

This competitive landscape is the fruit of two historical trends: first the fissures dating back twenty years (which we will come back to) between three different streams (or tendencies), which have been dominant for a long time: Social Democrat, Social Christian and liberal, and second, the divide created during the so-called Kinnock reform, that is to say, the set of administrative and managerial reforms implemented after the Santer Commission resignation in 1999.

The *European* structuring of the civil servant unions is, first and foremost, due to their particular history and the way in which they have fitted into the history of the progressive structuring of the European institutions. In the 1950s and 1960s, the first structure of the representation field was one of heterogeneous mobilisation of some civil servants on various sites of the European institutions, particularly in Luxembourg, around the ECSC (European Coal and Steel Community) and Euratom. These mobilisations dealt with defending salaried employees of the European institutions: for





instance, with regard to issues related to the working environment (such as creating a cafeteria for the personnel) or respecting a series of rights, which had not yet been codified (such as fixing a framework for maternity leave).

Agents who were already union activists before joining the European institutions were responsible for the first mobilisations. These individuals included Guido Fotr , leader of the the future US (Union Syndicale) and a former union leader of the steel industry in Lorraine, and Claude Brus, leader of the future SFE (Syndicat des Fonctionnaires Europ ens) and a former union activist of the French railways. Other representatives tried to impose themselves in a similar way, which leads us to speculate that Fotr 's and Brus' past in union activism in the steel industry offered them a chance to assert themselves. Apart from their know-how in terms of mobilisation, we must remember that the ninth post of ECSC high authority Commissioner was then reserved for a trade unionist (the other eight were effectively reserved for ECSC member states) and was negotiated with ICFTU and ICCTU (International Confederation of Free Trade Unions and International Confederation of Christian Trade Unions), organisations strongly associated with European integration (Condorelli-Braun 1972: 125–128).

In this context, European civil servant unionism was built by transposing the patterns of union action such as they existed in France, Italy and Belgium in particular.⁵ In contrast to the vision of a sole trade union, the first 'representatives' structured the movements around political-unionist sympathies inherited from their national loyalties and international networks (ICFTU, ETUC (European Trade Union Confederation)). The FFPE, in contrast, was more influenced by the model of the German civil servant union. Taking into account the small size of the concerned population and the practical need to attract members and mobilise around claims for the personnel, its representatives were led quickly to create a 'European' definition of their structure. Aiming at representing the personnel coming from all over Europe, it was not very profitable to favour the emergence of sectoral or national sub-components.

In contrast to international organisations, which are structured in a more clear-cut intergovernmental way, this representation of European personnel was closely in line with the supranational definition of personnel policy that existed within the ECSC and Euratom. Recalling the optimistic remarks in Jean Monnet's memoirs, these institutions were seen as the laboratory of 'a new type of man' that would generate the European spirit in, and through, common work. The structuring of these institutions in the form of *administrations de mission*, and the rather informal policy of seeking to integrate the personnel thereby, favoured a break from national references to the benefit of a spirit based on faith in the future of Europe. From this point of view, negotiations with political authorities and the human resource managers of these institutions (and in particular the





practical need to allay suspicions to obtain satisfaction on claims) contributed beyond the personal beliefs of those who were involved in Europe, towards the reinforcement of the trade unions' European 'vocation' and to the development of their function of integrating the 'good' civil servants. After 1956, the initial (Monnet) choice of personnel made up of contract employees coming from the member states for three years was replaced by a statutory personnel specifically commissioned by, and for, the European institutions. An institutionalised space of representation, with the first Personnel Committees of the ECSC, was created during these negotiations.

The creation of the EEC (European Economic Community) after the Treaty of Rome did not make a great difference, except for the fact that a Brussels site was added to the Luxembourg site, which would gain importance with the fusion of the ECSC, EEC Commissions and Euratom in 1967. The emphasis, indeed, is on this date. The creation of the Commission of the Communities led to a restructuring of trade-union representation. The change in the dimensions of the Commission, in every sense of the word, made the interpersonal relations between the representatives and the represented more difficult. The Community personnel increased from 280 agents in 1953 to 680 in 1957 and reached 11,000 by 1967 (Ferral 2000: 414). This restructuring of trade-union representation was not made in one day, but the changes led the European civil servant unions to reinforce little by little their presence on the sites, to structure their formal organisation and to carry out a much more intensive scheme of mobilisation. In this operation, these organisations' representatives were supported by international organisations of trade unions (ICFTU, ETUC, etc.), and even by the FGTB (*Fédération générale du travail belge*) which, at the same time, were losing their influence and, in particular, the seat they held in the ECSC High Authority.⁶

From this point, the trade unions developed a common structure close to the current one, apart from the scissions that would mark their history. They were thus led to equip themselves with federal (US or FFPE) or confederal structures that unified the representatives of various sites and various institutions. This grouping together was particularly clear on the left. The organisations merged into the *Syndicat Général du Personnel des Organisations Européennes* (SGPOE), which became the *Union Syndicale* (US) in 1973 and gave birth one year later to the *Union Syndicale fédérale*. The number of members grew quickly – from 300 in the SGPOE in 1970, to 2,000 in the US a few years later.⁷

Defence of salaries, group representation and Commission loyalty

One could speculate that the trade unions' anchoring and fusion-oriented relationship with the European institutions would deteriorate with these





structural changes. Yet on the contrary, the search for representativeness, and the work of agents to represent the group, actually strengthened them – at least until recently.

At the time, the representativeness of these trade unions in the formal sense was not in any doubt. The Commission consulted the representatives in a rather free and open way, similar to its relationship with lobbies in general (Mazey and Richardson 1993). It is only today, and as a result of the social movements that punctuated the Commission reform, that the OSPs negotiate formal agreements with the personnel management of the Commission. Moreover, the legal recognition of the OSP's was established very gradually. They were mentioned as a possible way of representing the personnel to the Committee of the same name at the time of the adoption of the statute in 1972. Their recognition also owed much to the Court of Justice. Rejected by the Council in 1974, the Court recognised the right to strike. The deduction issue, however, was not strictly codified until very recently;⁸ this means that since the 1970s, it has (above all) been through mobilisations that the OSPs have gained their position and representation in the Personnel Committee.

Although the history of the trade unions partly follows that of institutional reorganisations, their organisation did not happen smoothly. In their own way, the times of 'social crisis' helped them to deploy a range of actions in order to fix their European and integrating watchwords. The main strike movements were about salaries and the contestation of 'the method', i.e. the method of wage indexation. These struggles for the defence of salaries appeared in a ritualised form every ten years or so. The first movements took place in 1972, and were an opportunity to experience (at the same time) the limits of the listening capacity of the Council and the successes of a strike observed by nearly all the personnel. The 1981 movements reflected a hardening in the range of action of the Council's civil servants over a period of six months and included a ten-day strike by the Commission's civil servants. A picket line was organised in front of the Council and it contributed to the solidarity of the civil servants of the various organisations. The 1992 movement created a stir among journalists, with the civil servants marching through Brussels. The 2002 movement (to which we will return) fitted with a more general mobilisation on the reform of the Commission, as have all those that have taken place since. Each time, these movements were unitary and the representatives were well supported, as the general personnel meetings that gathered several thousand civil servants demonstrated.

At this moment of the construction of the group, the salary issue, which now looks quite surprising (if not scandalous) from the outside, had a specific social and political significance. What was at stake in the wage negotiations was not only maintaining the European civil servants' purchasing power, but also guaranteeing, with such an external indicator, their excellence and their capacity to keep the other agents of the field at a distance,





1 particularly the member states representatives at the Council and the lob-
2 byists⁹ (that is to say, the two groups with whom the civil servants are in
3 direct contact and from whom they, usually, fervently want to be
4 distinguished).

5 These movements enable us to better understand the anchoring of the
6 trade unions within the European institutions. First, they all contributed
7 to giving a strong recognition to the OSPs and their representatives. In
8 addition to the notoriety and charisma generated by speeches at the
9 general meetings, the negotiations on the wage adaptation method lent
10 special credibility to the representatives who took part in them. From this
11 point of view, it is rather significant that both US and SFIE emphasised
12 paternity over 'the method' as the saying goes in the trade-union reviews:
13 Ludwig Schubert for the US, Castermann for the SFIE.¹⁰ It is they who,
14 thanks to a list system that allowed cross voting, nominally obtained the
15 most votes at the Personnel Committees' elections. These recognition
16 effects were intensified because of the solidarities between the personnel
17 of the various institutions in these movements. In 1981, by taking part in
18 the organisation of the picket lines, the Commission civil servants backed
19 the long strike of the Council civil servants. These mobilisations, and the
20 negotiations that ensued, were seen as a *collective* achievement. The
21 imagery of the mobilisations, which one can recreate from the pictures
22 taken at the time, reaffirms this dimension of a corps that was united far
23 beyond its objective national, institutional, hierarchical or functional
24 diversity. Finally, the trade unions' watchwords were invented in these
25 demonstrations; especially the slogan unanimously shared today by the
26 various federations, of a 'competent, independent and permanent' civil
27 service. Taken together, these three words have a clear meaning: 'compe-
28 tence' is the asserted characteristic of the group; 'independence' is the
29 guarantee of competence, especially in relation to the member states and
30 the economic groups; and 'permanence' ensures independence, as
31 explained by the former chairwoman of the *Union Syndicale* who claims to
32 have invented them.¹¹

33 Within the same movement, it is necessary to study the specificities of
34 the work of representation and demonstrate how the embodiment of the
35 European and independent civil service was closely related to the various
36 types of relationships in which the trade-union representatives were
37 placed.

38 First of all, it is important to stress here that these conflicts involved the
39 Council and the member states' representatives, not the Commission. Testi-
40 monies of former and present actors are, on this point, unequivocal: 'Except
41 recently, the Commission has always cooperated with the personnel':

42
43 We never went on strike against the Commission. The Commission
44 always gave what is called in English a *helping hand* and always was the
45 one that made suggestions to the Council (...). Where the Council





holds things up, it is on the budgets, because people come from national administrations and there, the country representative can't say anything, he/she agrees to say nothing, and that's true with all the others, and the second is all that concerns the civil service administration. Well, here there are always the same ones, that is to say the budgetary ones (...), who only see the question under this angle, and as they are in a privileged situation, with the bonuses they don't have to declare in the higher levels of the administration.¹²

The images of the mobilisations demonstrate this quite well. As far as they can reveal representations of power, we can note that power is embodied by the Council, in the shape of a cigar with multiple heads, etc.

But trade-union representatives also depend equally on the people for whom they negotiate. It would be naive to think of the trade unions' European reference as a mechanical product of the civil servants' common expectations. These expectations are very diverse and there is a kind of equilibrium between national and European attachments (Hooze 1997). But one can think that the supranationalist values represent a 'Felicity's condition' in the exchange between the representatives and the group they represent (Goffman 1983). In this sense, the discourse of the representative always gives a unified social representation of the group, abolishing (at least in representation) its great variety in terms of hierarchy, national and cultural differences, and so on.

The institutionalisation of the unions

These mobilisations helped legitimate the OSPs' position as intermediaries and led to their institutionalisation. Soon imitated by other institutions, the framework agreements negotiated between the OSPs and the Commission in 1974 gave trade unions the opportunity to take part in a series of committees at the heart of the professional and, more largely, the social environment of the civil service. They also conferred on the OSPs a legitimacy that made them the preferred contact of the Commission's political and administrative human resources managers, and consequently gave them a field of action that was 'much wider than the statutes had planned' (Rogalla 2000).

This participation certainly owes much to the trade unions' connections with the Commissioners and General Directors in charge of human resources issues or, more directly, with the President of the Commission; all the more so when they had been union activists themselves, which was often the case. Many unionists see Jacques Delors' terms of office, and his first term in particular, as a kind of golden age of the relationship between the OSPs and the trade unions.¹³ The policy of 'social dialogue' and the possibilities it offered for union action legitimisation within the institutions, are revealed in a report of the SFE's magazine, which includes interviews between union leaders and the President of the Commission:





1 The trade-union organisations are expecting modern relationships
2 with the College of Commissioners. These relationships should rest on
3 a climate of respect and mutual trust. To this end, we must free our-
4 selves from rigid bureaucratic gears and show much mental and intel-
5 lectual flexibility. This common will must mainly help to create a real
6 *esprit de corps* among the civil servants, motivated to achieve the Com-
7 mission's objectives to build the Europe of the men and women who
8 work in it, in a spirit of openness and service to the problems faced by
9 the European civil society.¹⁴

10
11 It is within this framework that the increase in the number of trade
12 unions' permanent staff and the possibility of time reductions for their
13 representatives was negotiated. Philippe Alexandre's review of Jacques
14 Delors' book *En sortir ou pas* is very enthusiastic. The trade unionists
15 bestowed a great deal of confidence in Delors because of his past as a
16 union activist.¹⁵ In the 1987 negotiations, before backing their plan
17 through official procedures, Jacques Delors invited the trade-union repre-
18 sentatives to negotiate pay agreements directly with the Council's
19 representatives.

20 This recognition came with the formal institutionalisation of the role
21 and function of the European trade unions. If the trade unions did not
22 take part in a process of joint management, they nonetheless played an
23 active part in various committees. Within the Commission, the frame agree-
24 ments led to the creation of a series of institutions in which trade-union
25 representatives were present. First, there is the Personnel Committee,
26 which is competent, in particular, on all issues related to the application of
27 staff regulations to officials. But the representatives also sit in an advisory
28 capacity on a series of commissions that closely contribute to the social and
29 professional life of the European organisations. At the local level, there are
30 the Joint Welfare Committee (*Comité paritaire des actions sociales*, COPAS),
31 the Committee on Social Credits, the Committee on Health and Safety at
32 Work, the Local Committee on Training and the Joint Committee on Res-
33 taurants and the Staff Shop. At the central level, there are the Promotion
34 Committees, the Joint Committee, the Disciplinary Board, the Joint Com-
35 mittee of Evaluation, the Joint Committee on Staff Reports, the Joint Com-
36 mittee of Classification, and the Joint Building Loans Committee. These
37 committees admittedly do not have the same weight, nor do they represent
38 the same interests. Some are of greater importance and their image is, fur-
39 thermore, strongly enhanced in the views expressed by the OSPs' repre-
40 sentatives, particularly on issues related to promotion or discipline.

41 Last but not least, the institutionalisation of the trade unions is related
42 to the Personnel Committee elections that appoint the members of these
43 various committees. These elections are important in the life of the institu-
44 tions. They are an occasion for trade unions to evaluate their political
45 weight, to show their force to the institutions and to obtain material





resources for their activity. Moreover, the elections are frequent: they take place every three years, both within the various institutions and also on the various sites of the local Personnel Committees. This shows how much the mobilisations they induce are at the heart of the activity of federal structures. However that may be, these Personnel Committee elections help to better understand trade union influence. First of all, the turnout at the polls of two-thirds of personnel, reveals the anchoring of the trade unions as a whole. This rate of participation represents a statutorily fixed minimum, below which elections must be rerun; however, according to representatives interviewed, this has never occurred. Electoral mobilisation therefore does not appear to be a problem. With a list system, which allows cross voting, the elections favour the individuals that distinguish themselves and they seem to lead to the relative permanence of elected representatives. With regard to the balance of power, it can be noted that splits sometimes generate changes in this apparent stability. This is the case, in particular, with the R&D's breakthrough, which has mustered around 15 per cent of the votes in recent years. It is less so with TAO/AFI (The Association of Independent Officials for the Defence of the European Civil Service/ *Association des fonctionnaires indépendants pour la défense de la fonction publique européenne*) and SFIE, which remain minority players with around 5 per cent of the votes. The SFE and FFPE, which obtain between 10 and 15 per cent of the poll, are now fighting for third place behind the US, which is by far the majority union despite the scission (around 50 per cent of the votes).

This demonstrates that the trade unions do exist within the institutions: they have their organisations, their representatives, their important dates, their preferred authorities, their means of mobilisation, their activists and members, and, at the Commission and among the personnel as a whole, an emotional, technical and electoral legitimacy to intervene on issues that concern the civil service, its status and its role.

The representation field and the shaping of the group

By analysing the institutionalisation of the civil servant unions and their relative influence within the European institutions, we can better determine their contribution to the definition of the European civil service. This suggests that the OSPs' contribution is rooted in time and in the unions' continual presence in the environment of the civil servants, both at work and in their daily lives. The trade unions also form important transnational solidarity and friendship networks, built on the multicultural characteristics of the group. This participation is all the more appreciable since, for a long time, national networks had been constituted in a much more formal way. They were long characterised by weak national civil servant associations and a weak representation in the European civil service, except when the careers of their agents needed to be propelled to





the highest levels.¹⁶ At the same time, and for a long time, personnel policy avoided competition with trade unions.¹⁷ The first discussions on management and internal communication started in the 1990s. At that time trade-union mobilisations were used as a model. In particular, trade unionists took the responsibility for the production of the *Commission en direct*, the civil servants' weekly magazine created by DG X (now DG Administration) in the middle of the 1990s.¹⁸

The contribution of the OSPs to group definition and to the relative permanence of its identity appears even more clearly when we focus the analysis on the by-products of the 'space of representation' within which trade-union activity takes place. The OSPs' institutionalisation goes hand in hand with the production of resources that ensure that competition for representativeness, and elections of the representatives in the committees, stimulate constant involvement in group mobilisation. These resources include offices, the creation of permanent positions, room for political manoeuvre (brought by attendance at various committees), symbolic and material remunerations of the representatives, and so on.¹⁹ The dynamics generated by this competition allow for the adjustment of the trade unions' watchwords to the sociological transformations of the group and, in particular, to the regular integration of new personnel following successive EU enlargements. It is useful to look at the mobilisation of trade unions in order to analyse their contribution to the production of the group they represent, particularly from the angle of the construction of its symbolic frontiers, the homogenisation of its members into a common whole and the contribution to its legal objectification.

Mobilisation of the group and the unification process of its symbolic frontiers

Even if unions have gained acceptance, their position is not necessarily definitive. In issue number three of the *Panoptique* magazine, Michele (sic) Ottati, SFIE's Chairman at the Brussels Commission, points out that 'however much you sow, few plants grow,' and then asks: 'why do the majority of our colleagues adopt a passive attitude, while at the same time taking advantage of the trade unions' work and easily criticizing as soon as the results do not fit their expectations?'²⁰ This concern is not specific to this particular situation. The representatives are aware that 'mobilizing a high-ranked group is not easy,' to quote the words of a US representative.²¹ The more general processes of de-unionisation in Europe are often the subject of reports in trade union magazines, and the spectre of a breakdown of the legitimacy of group representation structures is regularly expressed in debates on the 'crisis of representation'.²²

In this respect, the OSPs' mobilisation instruments are good indicators of their contribution to the definition of the group they represent. Their participation in the definition of the symbolic contours can be observed





first in the trade unions' commitment to giving information to all personnel. The number of leaflets distributed, the diffusion among the members of a mailing list that competes with the Commission's Intranet, and the magazines, which activists prepare and that have, over time, adopted a more 'Newsmagazine' layout, show this commitment. Even if it is difficult to study precisely the conditions in which these magazines are read, evidence suggests that they enjoy 'fleeting attention' at the very least. These magazines are widely distributed, 20,000 copies for each of the US and the SFE magazines, in a field in which there are few equivalents in the 'Newsmagazine' press.

The very existence of these magazines is evidence of the trade unions' contribution to the creation of a collective body. Writing in issue number ten of the *Panoptique* magazine, a SFIE representative states:

As you know, we belong to the *Syndicat des fonctionnaires internationaux et européens*, the SFIE. Have we weighed up the exact consequences of our choice of trade union? Do we realize the importance of belonging to an 'international and European' trade union? Do we know that 'SFIE' does not mean Brussels or Luxembourg or Strasbourg or Paris or Geneva or Florence, but Brussels and Luxembourg and Strasbourg and, and...? Do we know that 'SFIE' does not mean Commission or Council or Court of Justice or CERN, but Commission and Council and, and,... because our trade union does not express a local and limited philosophy, but supports the fundamental interests of all the civil servants. The magazine you've got in your hands will be the instrument of this union: it will be a common source of information for every section of the SFIE and will lead to a better understanding of the life of each section and institution.²³

(translation by author)

But the content of these magazines is even more enlightening, particularly because it alternates between union leaders' editorials, reports on trade-union activity, reminders of the leaflets handed out during the elections, practical information given to personnel and information related to life outside the workplace.

Focusing the analysis on the SFE *Panoptique* magazine, we observe that group construction is based on the definition of its functions and historical mission:

There can be no real European construction without a strong, independent and competent European civil service. We never saw in history any successful political unification without a specific executive body to hold it. For about fifty years, the European civil servants have been the kingpin of this unification, through their competence and their exclusive dedication to the common interest.²⁴





1 These statements are recurrent, and all the more emphatic within
2 the backdrop of reform projects or campaigns against 'eurocracy' in the
3 national press.²⁵ This reassertion of values is coupled with a shaping of the
4 group's memory. The mention of the founding fathers, or more particu-
5 larly of those who worked towards the creation of a European civil service
6 is frequent and powerful, all the more so because it reminds European
7 leaders of the path to follow in tense situations; such as Hallstein, for
8 instance portraying the group as a '*corps de garde* which, animated by a cre-
9 ative will, dares to build the unity of Europe on the basis of reason and
10 law'.²⁶

11 These definitions of the group cannot be dissociated from work seeking
12 to draw group boundaries, in particular with regard to politicians or those
13 casual workers or external consultants who are the direct rivals of the civil
14 servants. Despite the good relations with Delors, the SFIE Chairman wrote
15 in the very first issue: 'Our civil service is becoming politicised. It still
16 remains a tendency, but it is dangerous for the citizens and for Europe.
17 The Article 11th of the civil servants' status seems to be ignored in the
18 highest levels of the Commission.'²⁷ He then added:

19
20 Too many policies and decisions are taken according to national inter-
21 ests, as evidenced by the geographical and political distribution of
22 some positions in the Directorates General. In addition to this, there
23 is the increasing use of privatisation for tasks attributed to the person-
24 nel of the Commission (...). All this leads us to state that the whole
25 personnel must be watchful and must cooperate with us to try and
26 generate a 'depoliticisation' process of the European civil service, to
27 gain more rigour, objectivity and non-national and partisan actions.²⁸
28

29 Several years later, the tone of an article entitled 'The Godfathers' was
30 even more vigorous in the denunciation of 'the contracts', 'the parachute
31 candidates' and the fact that political parties placed people within the EU
32 institutions.²⁹ The same references are in use today, including the sign
33 'Delors come back', seen in the demonstration of 2012.

34 The drawing of symbolic borders with regard to political engagement is
35 also tied to discourse focusing on the sociological contours of the group.
36 The magazines contain information related to trade-union activities,
37 reform projects and practical services for professional life, but most of
38 their pages are dedicated to travel, exhibitions, book or video releases, or
39 even to gastronomy, with the column entitled 'La bonne vie' offering a
40 monthly list of a half-dozen bars and restaurants in and around Brussels.³⁰
41 As the trade-union journals were turning into magazines at the end of the
42 1980s, advertisements were added to these pages. True instruments of the
43 civil servant's 'stylisation of life', these pages are above all about life in
44 Brussels. Several articles and interviews of district burgermasters are thus
45 dedicated to the town, its transportation system or its districts and are





directly linked with the district where civil servants live or could live, as suggested by the advertisements of financial companies. But they also deal with cultural life, which is often a way to renew the common culture of the group. The leisure selection (exhibitions, nightlife or readings) often favours European subjects or subjects which are likely to revive the memory of the group and its multicultural values.

To give some examples, one can cite the case of an 'exhibition not to be missed. The "Belle époque", time of universal exhibitions 1851–1913'. The article states that:

this exhibition is a perfect synthesis of the different sides of Europe's historic and cultural past from 1851 to 1913. It is chaired by *two personalities* involved in *European Union* construction, *Antoinette Spaak*, Minister without portfolio and daughter of Paul Henry Spaak, a key actor of European construction, and *Karel Van Miert*, former Vice-President of the European Commission, well known for his commitments on behalf of Europe [emphasis in original].³¹

This is also the case for less high cultural activities, for example restaurants and nightclubs in their promotion of multicultural dimensions to their activities.

Apart from these magazines, trade unions mobilise people in more personal ways by providing varying services to their members. These depend on the positions acquired in the committees, which are important tools to keep or integrate new members, such as those related to promotion, career assessment or discipline. Graded according to the degree of general interest of the cause to be defended, the legal assistance offered by the trade unions in case of appeal at the Court of First Instance, is 'an additional assurance'³² for them to keep their members. The services also include preparation for the open competition for civil servant union members, which concerns many contractual and temporary agents.

As one can see, if these services are a means for the OSPs to maintain their membership rate at around 30 per cent,³³ they are also a way to determine objective situations through which the values of the representatives can be diffused, whether through the content of training courses,³⁴ or through the learning of correct legal form and good behaviour from the disciplinary boards, to mention only a few examples.

Internal competition and the integration process of the group

Following these common forms of mobilisation, we must stress the specific impact of internal competition that structures the space of trade-union representation. Rivalries between trade unions lead them to widen their offer yet remain close to the claims of the very diverse segments of the





European civil service. Far from being abstract, the work of definition to which the trade unions contribute is accompanied by more sectional claims. These demands revolve around the defence of particular categories of personnel, such as the 'D' grades, who are threatened with disappearance because of the reform of statutes, or of specific jobs like drivers or restaurant staff. They focus on local and concrete issues such as the defence of the cafeterias and the preservation of standards regarding food quality or the reimbursement of transportation costs in Brussels. These are not trivial claims, as their importance in the trade-union propaganda material indicates. They are key elements in the mobilisation of the group, the search for coherence among its different members, the rallying under common banners, and the transformation of sectional issues into collective issues.

The integrative effect of internal competition can be seen in the splits that affected the field of representation at the turn of the 1990s. The SFIE went through two successive splits. At the end of the 1980s, a majority of SFIE representatives split to create the SFIE, which kept for itself most of the resources and the Christian reference. At the same time as the FFPE, SFIE was then affected by a second split. This contributed to the creation of TAO/FI. Within the US, a split occurred with the R&D (today the largest trade union within the European Commission). One might think that these splits would have caused rifts in union representation. In fact, they may have led to a dilution of mobilisation and broken the unity which had until then characterised most trade-union struggles. But they also led to a widening of the gamut of trade unions. The competition between trade unions enables them to better respond to various demands. This has allowed them to adapt to the rise of membership, the diversity of their functions, the decline of their profession and the threats and objective constraints (peer group, various assessments) brought by reform projects proposed by the Commission.

These splits have led to the widening of the objective and subjective range of political leanings represented by trade unions. The way trade unions politically qualify themselves is a good indicator of this widening. R&D is far left, US is centre left, SFE is between centre left and centre right, and the others are more right wing, to mention the more common designations. The effect of the broadening of what the trade unions offer is stronger the more closely they relate to inter-organisational struggles. The interviews with representatives and non-unionised civil servants confirm that these political designations are far from being established. There is also an opposition between professional organisations such as the FFPE and TAO/FI and trade-union organisations. Furthermore, there are distinctions between 'political' and 'independent', 'liberal', 'reformist' or 'protesting', 'majority' and 'minority', 'old' and 'new', 'populist' and 'serious', 'middle-class', 'weak' or 'dynamic' organisations. These categorisations contribute, in a positive or negative way, towards widening the





range of possible identifications. When representatives or informants try to describe the European civil servant unions, they produce similar effects. It is especially the case when they want to define their main leanings. While SFIE can be quite unanimously qualified as 'Social Christian', it is less clear for US, which can be defined as 'Social Communist', 'Social Democrat', 'Socialist', or 'left and centre wing.' It is even more difficult when it comes to relating these to national trade unions. For instance, US has been described as an equivalent to the French CFDT (*Confédération française démocratique du travail*) but also to the 'CGT (*Confédération générale du travail*) before the split with FO (*Force ouvrière*)', to the 'German DGB (*Der Deutsche Gewerkschaftsbund*) with or without the Christian leaning', and 'more or less' to the 'Belgian FGTB'. However, these political differences tend to be less salient today, as the battle between unions is also seen as a 'fight between chiefs'.

These vague categorisations, which are induced by the multicultural dimension of the institutions, infer that there are other forms of identification that can be more directly in line with the structure of the European institutions. This is the case for national categorisations, which mark the reputations of the trade unions: R&D is known to recruit Italians, Greeks and Belgians, and to be more generally an upholder of a Southern European ethos that is opposed to the neoliberal spirit of Northern Europe. Other forms of identification refer to other debates, which structure representations of cleavages in Europe, between the Europe of the founding member states, old or loyal to the European project, and the newcomers (who are 'dynamic' or betray Europe depending on the point of view). Similarly, TAO/FI is known for having been created under the influence of British civil servants who wanted to forge an independent trade unionism. It shares this characteristic with the FFPE, which used to be under a more German or Nordic influence. Sectional divisions are superimposed to national identities.

If these marks and stigmata play a role in the differentiation of trade-union representativeness, they are also significant in the reality of trade-union practices. It would take too long to go back to the leaders' identity and social characteristics presented in the electoral roll.³⁵ Suffice to say that they only partially reflect these cleavages. The search for representativeness pushes towards a subtle balance between nationalities, grades and even the DG (Directorates General) to which the leaders belong. On the other hand, we can see the effects of this positioning on the competition model that the trade unions put forward. It is again a good indicator of the impact of internal competition on the trade unions' differential credit and of their ability to mobilise different 'clienteles'.

In this respect, the opposition due to the split between R&D and the US is exemplary. A combative and moral posture is claimed by R&D, which plays on an opposition to what defines the US, known to be reformist and consequently 'inclined to dishonest compromises'. In their magazine, with





1 its suggestive name *Le Renard Déchaîné* (the Wild Fox) and in its leaflets,
2 R&D representatives denounce (with a kind of acid sense of humour
3 attractive to senior officials) the political appointments of the US, and
4 point out Romano Prodi's hypocrisy when he said he would depoliticize
5 recruitments. There are also strong denunciations of the redeployment of
6 senior officials in sectors directly linked with their activity, in opposition to
7 the commitments made by Neil Kinnock in the White Paper. The trans-
8 parency that is supposed to drive reform projects is, each time, returned
9 to reform initiators with biting irony. For example, an R&D leaflet entitled
10 'Reconversions fructueuses à la Commission' (Successful redeployments
11 in the Commission) stated:

12
13 After the Principal Private Secretary of M. Kinnock, who took off to
14 British Airways in 2000 after having helped his boss to manage the
15 transport sector in the Santer Commission, it is the turn of the former
16 General Director of the Environment to take up the direction of
17 British Nuclear Fuels.³⁶

18
19 This moral position is represented by the agents that have been recruited
20 by R&D. Its list includes names like Paul Van Buitenen, a civil servant
21 known for having divulged case files on fraud and nepotism scandals,
22 which led to the Commission's resignation in March 1999.³⁷

23 In contrast, the US emphasises competence and expertise. This is due
24 to its history, and more particularly to the success brought by its recog-
25 nised involvement in the definition of the 'wage adaptation method',
26 more often qualified by the single term of 'the method', a reference to
27 philosopher René Descartes. Reason, membership of the negotiation
28 group and the search for 'constructive' and 'technically viable' solutions
29 are part of what US representatives place emphasis on and constitute the
30 credit they receive – a credit that is acknowledged by rivals. Method and
31 creativity combined with technique and a sense of compromise – these are
32 values more generally attributed to European civil servants as a whole. The
33 content of the US magazine, *Agora*, is a good indicator of these principles,
34 as is the format of its interviews, which are often lengthy, detailed and sup-
35 ported by documents or diagrams, where union representatives outline
36 what has been negotiated in the focus groups that punctuate reforms.

37 Here we can also observe that these distinctive positionings have real
38 effects on relationships with their employer, the Commission, and in the
39 opening of different stances. Fissures between trade unions have hardened
40 the relationship and have widened the range of union postures. The
41 departure from the US of Franco Ianello, the R&D founder, was said to be
42 due to the 'temporary contribution', which resulted from the compromise
43 on the revision of the adaptation method in 1992. A similar mechanism
44 can be observed for the 'reform package' presented in spring 2001 to the
45 Council. Only the US and the SFE, following the negotiation tradition





they wanted to preserve, signed the agreements. This position had clear consequences. After the reform was adopted in 2004, the US became the minority partner. Several factors were crucial to the unexpected success of the (very new) U4U in 2009: the focus put on the European civil service as an engine of Europe, its status of an 'elite corps' or avant-garde for European construction and its contribution to deliberative democracy. All of these political stances contributed to the salience of the stakes, which formed the basis of the relationship between the group and its representatives.

From mobilisations over staff regulations to the objectification of the group

Mobilisation in defence of the group and its status is not an immanent function of trade unions. It is a challenge that forces the organisations to size each other up, to test their mobilisation capacity and to put their credibility on the line in the prospect of future elections. From this point of view, the intensification of the competition between trade unions, which resulted from the scissions, highlights the fact that social crises have not lost their vivacity, at the risk of appearing (in some instances) more turned towards the Commission than the Council. Are trade unions and their values giving way to a strengthened personnel policy? Evidence points to the contrary. Mobilisation is increasing and has led to the reaffirmation of defended values and working methods during the social conflicts and the processes of 'dramaturgic accentuation' they have generated (Georgakakis 2002), and therefore to the statutory objectification of the group. This aspect will be emphasised here.

Beyond the physical groupings (general assemblies, demonstrations, etc.) and the creative stirring effects that qualify them, strike movements also strengthen, to use a famous expression, 'de facto solidarities' between various categories of personnel. When she recalls one of her best memories, a former trade union representative tells us:

We must deliver the services for which we are here, including helping people to get better positions, but as the training was never financed, we did everything ourselves. I remember that we established a reimbursement per day of strike. The Belgian model was aligned with the reimbursement of the FGTB, but for our personnel we did not want to make any difference between high grades and others. With the occasional exception, well paid people asked to have their share transferred to the training budget. This is what was done. I find this important from a collective point of view, from the point of view of citizen trust.³⁸

The reform process of the European Commission, successively initiated by Erkki Liikanen in the late 1990's and Neil Kinnock between 2000 and





2004, gives us an idea of the trade unions' role in the objectification of the group.³⁹ The trade unions' contribution to the definition of the group's objective frontiers can be observed in the pressures they applied in these processes of reform. Whether it was the Erkki Liikanen or Neil Kinnock project, everything points to the fact that negotiation on status would have been extremely different without the trade unions' intervention. The Commission's attempts to circumvent the OSPs generated their mobilisation even before the fundamental questions had been addressed. According to the OSPs, the Caston-Smidt report was produced 'in secrecy' and Liikanen 'lied'⁴⁰ when he claimed he was unaware of the report. The part played by the consultants, or the use of the Intranet for direct consultations, broke the relationship of trust between the Commission and the OSPs. From this point of view, the success of OSPs' collective mobilisations reinforced their role. The trade unions succeeded twice in thwarting the reform projects spurred by the Commissioners in charge of the issue. In the spring of 1998, the massive strike against the Liikanen project mobilised 90 per cent of the personnel. The college of Commissioners was then forced to step back and to appoint the Williamson consultative group before the negotiations were temporarily suspended because of the resignation of the Commission. The Kinnock reform was punctuated by several strike notices. These occurred, in particular, at the beginning of the process (and before the unions became divided) in order to initiate a reaction to the 'Kinnock White Paper', *Reforming the Commission*. These led Kinnock to change his method. The Commission reform became such a significant political stake that it was one of the key aspects of the Prodi Commission's programme. Neil Kinnock first picked up the issue in a rather personal and media-friendly way and this was, at the risk of 'verging on propaganda', denounced by the trade unions.⁴¹ The consulting firms took a more important part in the production of the White Paper than the trade unions, even if the latter were finally consulted after the first version.⁴² But the strike notices, the threat of freezing the participation in the various committees which administrate the life of the institutions and the relationship with other partners (like the Cabinet of the President of the Commission or of the President of the Council) made it possible for the trade unions to re-enter a game from which they had been temporarily excluded. Lastly, since 2010, member state pressure to reform the European civil service has been to some extent counterbalanced by internal mobilisation, which has led the Commission to go to the European Court against the Council, concerning the implementation of the 'method' for salaries.

Negotiations are another indicator of the trade unions' contribution to the objectification of the group. Let's once again look at the example of the Liikanen reform in 1997. Following the mobilisations, the trade unions negotiated the last renewal of the staff regulation in two stages. First of all, they helped to draw up the document which is regarded by many as the





'bible' of the reform and, beyond that, as the best possible compromise regarding personnel policy: the Williamson report, named after the former secretary-general of the Commission under Delors and chairman of the 'think tank' appointed after the strike of spring 1998. As a good indicator of the trade unions' weight, the mandate of this group consisted of thinking about the conditions of a 'permanent and competent independent civil service'. To put it differently, the definition of the situation was a direct product of the slogan invented by the trade unions a few years earlier. One could think that this reference would be without effect and that the appointment of this group would serve to calm the social game more than to introduce a real dialogue with the trade unions. Was this a product of the legendary compromise culture? It does not seem so. The Williamson report was thus the product of twenty days of negotiation between the end of June and the beginning of November 1998. The trade unions seemed to have sent their best negotiators, a majority of them being high senior officials (including A1 grades like Ludwig Schubert) who were well versed in this type of exercise. The eighty-six-page document that resulted from these discussions covered a variety of questions. Among the recommendations, one can remark the safeguarding of the unity of civil service status, the preservation of the examination system, the will to limit the recourse to external employees, the intensification of training, the refusal to introduce financial incentives (*merit-pay*), the framing of the concept of inadequacy, and a whole series of measures related to the calculation of pensions or the reimbursement of expenses.

This report could have gone unheeded. The White Paper on the reform, it has been said, had been written on very different grounds. Nonetheless, the Williamson report was again put on the agenda of the second group, the Ersboell group, named after the former secretary-general of the Council who chaired it. Again, the discussions took place in conditions close to the ones that prevailed during the preparations of the Williamson report: a long and thorough dialogue with the representatives of the OSPs. From this group emerged the transformation of the grades into two bodies (administrator and assistant), the tidying up of the statutes, and the determination of the career progression procedure. Before the Council final decision (the 'second round', according to the expression taken from a union leaflet),⁴³ the compromise signed by the majority OSPs (US and SFE) implies – and this has been an opportunity to recreate this interlinked relationship between the Commission and its personnel – that the Commission must withdraw the project if it departs too much from the negotiated agreements. Although highly disputed, the 'staff regulation' continues to exist and conserves its main foundations and spirit, even if changes have occurred on many technical points. This is also the case for the mobilisations against the reform of 2012, which so far have succeeded in maintaining the secretary positions. Through the staff regulation – the *statut* in French – the permanency of the corps in the field and





its social status as ‘a status group’ (to use Talcott Parsons’ translation of Weber’s concept of *Stand*) has also been saved ... at least until the next battle.

Conclusion

We can better understand the European civil service’s central position within the field of eurocracy by analysing the social aspects of group definition and the search for coherence and objectification to which the trade unions contribute. Politically speaking, their position is not the most powerful one compared to political elites such as heads of governments (especially of the ‘large member-states’), the president of the Commission, the big portfolios of the College, the first circle of the European Parliament (Beauvallet and Michon 2010) or even central bankers (Lebaron 2008, 2010). But compared to all of these, the euro-civil servants benefit from three resources that stabilise their position as members of a pivotal group within EU institutions. First, if all the others owe their positions to a variety of national and international fields, EU civil servants have become the most unified group despite their diverse origins. One can even say that they are ‘united in diversity’, to borrow both the EU motto and elite theory (Higley and Dogan 1991). Second, whereas the others often pass through EU institutions, EU civil servants are the only ones to benefit from a permanent position in these institutions. This position is not only juridically guaranteed by staff regulations, but also socially claimed and accomplished – often as a *Lebensplan* (to use Mannheim’s expression about bureaucrats). This permanency makes them the only ones to control the EU engine from a mid- and long-term perspective. Third, their ‘Europeaness’ (which is not taken for granted and is an attribute of their social origins), is constructed, redefined, and embodied as a specific authority to speak and act in the name of Europe, at least when the political juncture is defined by the search for a European common interest (on these aspects, see also Georgakakis and de Lassalle 2010).

This central position is not only the product of trade unions’ activities. As I have shown in this chapter, the mobilisation on which it is based indisputably gives it reality and force. This occurs through the definition of the civil service’s legal contours and the various resources linked to it, together with the self-image of the civil servants, of the collective body they represent beyond institutional and sectional cleavages and, consequently, the possibilities they share. But it is also the case with the social representatives with whom the people who are in relation with them, and who depend partly on them, must reckon with. These include other European professionals or experts (Robert 2010) with whom they collaborate in public policy processes and, more generally, European political leaders, whether members of the College (and permanently in relation with them) or more occasional members of the Council.





Notes

- 1 <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/1532>.
- 2 This chapter is part of a broader enquiry into the socio-genesis of the European civil service. The fieldwork regarding the unions has been conducted in several phases. Two phases of interviews were conducted in 2002 and 2011, including interviews of several leaders (past or present) of the Union Syndicale (4), the Renouveau and Democracy (2), the SFIE (1) and, more recently, U4U (2). The 1998 mobilisation has been studied previously (Georgakakis 2002), whilst the one of 2011 has been followed, in addition to the usual documents, through direct and ethnographic observations, which also cover other events in the unionists' life (meetings, informal get-togethers, demonstrations). The publications of the different federations have been systematically studied since 2002 (in paper as well as through their websites) and the Union Syndicale has kindly opened its personal archives for the previous period, whilst U4U did so for the more recent period. I would like to thank both here. Some complements in the EU archives in Florence (European University Institute) have been reviewed for the early period, but are not used in this chapter. Finally, complementary interviews have been carried out with people who are close to the members of staff in charge of staff policy and social dialogue.
- 3 Two pages of presentation are devoted to them in the chapter on personnel policy in the, undoubtedly, most complete book on the administration of Europe to date (Stevens and Stevens 2001: 58–60). One allusion only can be found in Spence 1997 and in its successive editions.
- 4 See the criticism of an idealistic drift of some constructivist or neo-institutionalist works, Moravcsik (1999).
- 5 The Germans were present among the first unionists, but their trade-union model appears more specific compared to the possible convergence of others.
- 6 On the trade unions' pressure at the time of the merger of the executives and their failure to obtain the appointment of a Commissioner, cf. 'Le syndicalisme en Europe', *Les dossiers de l'institut de la FSU*, 1, February 1998.
- 7 Interviews, August 2002.
- 8 It is on the basis of archival research on the precedents in this matter that the deductions were decided.
- 9 The high wages date from the ECSC at a time when it was necessary to draw civil servants to this uncertain institution and to keep the salaries at the level of those paid by the large coal and steel companies.
- 10 In addition, both were economists in DG II.
- 11 Interview, July 2002.
- 12 The SFE Chairman and the former US chairwoman successively. Interviews, July 2002; translation by author.
- 13 One can surmise that these relations had something to do with the effects of charisma, from which Jacques Delors benefited within the institutions. On this charisma and other elements that compose it see Drake (2000).
- 14 *Panoptique* 1: 5.
- 15 If the extracts come from *Panoptique* the magazine of the Christian social trade union, the interviews with the US representatives are, in substance, congruent.
- 16 Is it possible to deduce that trade unions have a weak interest in this issue, compared with the national networks, as David Spence (1997) has suggested?
- 17 On this point, cf. the work of the former General Director of the DG IX, Richard Hay (1989).
- 18 On this point, cf. Georgakakis (1999a).
- 19 In addition to the recognition effects, the promotion of representatives and the





- accelerating effect of political activism are thus the subject of heated discussions between the trade unions.
- 20 *Panoptique* 3 (1986).
- 21 Interview, July 2002.
- 22 For instance, cf. CAHIER (10) June 2007 . For the «Groupe de réflexion sur l'avenir du service public européen (GRASPE)», see online at: www.graspe.eu/.
- 23 Translation by author.
- 24 *Panoptique* 60: 19. Translation by author.
- 25 This is particularly the case in 1990, when the extremist Flemish committee organised a poster campaign on the Rond Point Schuman. On this point cf. Shore (2000: 169). On the, often, paradoxical aspects of the figure of the eurocrat, cf. also Georgakakis (1999b: 109–128).
- 26 *Panoptique* 27 (1991).
- 27 For this reference and the next one, Ibid. (5) 1987.
- 28 Translation by author.
- 29 *Panoptique* 32 (1992).
- 30 This is less the case for *Agora*, the US magazine, but it also publishes a special guide on good places to go and on cultural and social life in Brussels.
- 31 Translation by author.
- 32 The expression is from Michel Ottati, *Panoptique* 3, op. cit. We heard it again in several interviews.
- 33 Because of the double effect of the processes aimed at representing the whole group and the current negotiations on trade-union representativeness, I have been unable to obtain figures containing a breakdown by grade or nationality.
- 34 All this is nevertheless not automatic. On the various definitions of educational transactions, see Offerlé (1991).
- 35 The personality of Franco Ianello, a former member of US; an A grade civil servant and Italian communist, 'charismatic' for some and 'populist' for others, seems to be one of the causes of the split with the US and of the relative success of R&D.
- 36 31 May 2002.
- 37 Even though Paul Van Buitenen calls himself a Christian, this is not the predominant leaning in R&D (Van Buitenen 2000). On Paul Van Buitenen and the fight against corruption, see Georgakakis (2000, 2001 and 2004).
- 38 Translation by author.
- 39 We could also use other consultations, like the one on the code of good administrative behaviour.
- 40 Interviews, June 2002. On this point, cf. more generally our presentation at the above mentioned round table, 'De Liikanen à Kinnock: réforme de la Commission, nouveau management public, et construction des identités politiques européennes', paper presented at the conference *Rôles et pouvoirs des hauts fonctionnaires dans les réformes néo-managériales en Europe Acteurs et/ou enjeux des réformes*, Maison des Sciences de l'Homme de Paris, 14 juin 2002.
- 41 Union Syndicale, *Document de travail sur le document consultatif du 18 janvier*, Bruxelles, 7 March 2000.
- 42 *Agora*, March 2001.
- 43 'Conseil: second round', US leaflet, 31 May 2002.

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4 European diplomats

State nobility and the invention of a new social group

Rebecca Adler-Nissen

No profession lends itself more readily to charges of elitism than that of diplomacy. Protected and undemocratic, the art of diplomacy in Europe has historically been reserved for the privileged classes and high nobility and has, as such, endured more criticism than most other occupations. Writing in 1930, British scholar Robert T. Nightingale concluded his detailed study and critique of the composition of the personnel of the British foreign service as follows: 'The bureaucracy in foreign affairs has been one of the last strongholds in which the aristocratic principle has withstood the advance of democracy' (Nightingale 1930: 329). The aristocratic aspect of diplomacy has, however, also been celebrated as decisive for the stability of international society, as a transnational elite of diplomats has been seen as necessary to prevent wars and misunderstandings. According to Hans Morgenthau, the so-called 'Aristocratic International' of the seventeenth and eighteenth centuries was:

[...] a relatively small, cohesive and homogenous group of aristocratic rulers [...] in constant, intimate contact with the princes and aristocratic rulers of other nations [...] joined together by family ties, a common language (French), common cultural values, a common style of life and common moral convictions about what a gentleman was and was not allowed to do in his relations with another gentleman, whether of his own or of another nation.

(Morgenthau, quoted by Modelski 1970: 136)

Diplomatic culture continues to carry a mysterious air of elevated circles, champagne and the discrete exercise of influence. Notwithstanding the general fascination with diplomacy, there exist surprisingly few sociological or anthropologically oriented studies that investigate the careers, aspirations, moves and power resources of those that enter the diplomatic field (for important and valuable exceptions, see Galtung and Ruge 1965; Neumann 2007; Jackson 2008; Neumann and Leira 2005).¹ As such, diplomacy has remained largely understudied from a sociological perspective. This is particularly true for diplomacy in inter- and supranational organisations such as





the EU. This chapter seeks to open up the black box of diplomacy by exploring the emergence of a possible new transnational power elite: the diplomatic service of the EU, currently under the leadership of Baroness Catherine Ashton of Upholl, the High Representative of the Union for Foreign Affairs and Security Policy. More specifically, the chapter addresses the construction of the European External Action Service (EEAS), formally created with the EU's Lisbon Treaty in December 2009. The function of the EEAS is to serve the EU's common foreign policy, represent it around the world and develop common strategies on everything from EU's peacekeeping missions to development aid and consular affairs for EU citizens abroad. This new diplomatic body will bring together – for the first time – national diplomats, civil servants from the Commission and officials from the Council secretariat under the same roof. The chapter looks at the struggles to define this entity, identifying an identity crisis within traditional national diplomacy, which involves what Pierre Bourdieu called the *meta-capital* of the state.

Bourdieu's *State Nobility* (1989) opens with an analysis of the practical taxonomies and activities through which teachers and students collectively produce the French elite schools' everyday reality as a meaningful '*Lebenswelt*'. Following a similar approach, which far from does justice to Bourdieu's refinement and detailed study, this chapter asks: What is the *life world* of European diplomats today? It will argue that the struggle over EEAS is revealing a potential rupture in the European diplomatic *field* and thus of larger transformations of European statehood.

It remains to be seen how national diplomacy will handle the identity crisis and how the EEAS will attempt to borrow 'symbolic power' from the nation-state. Europe is, however, not likely to gain common diplomatic power, recognised as such by China, the US, Brazil and India, until the EU gains the upper hand vis-à-vis the state in excising symbolic power, i.e. when the categories and distinctions established by High Representative are recognised as both valid and valuable by the national foreign services. On the one hand, this requires that the symbolic power of the state is mobilised and instrumentalised strategically to the benefit of the Brussels bureaucratic machinery. On the other hand, the EU must also acknowledge the capital and resources of the 27 diplomatic 'state nobilities' so that they can be exchanged into power in Brussels: i.e. a clear exchange rate must be established, thereby guaranteeing both national diplomatic elites and Commission civil servants that they will not lose 'market value' but keep their distinctions and privileges when they participate in the European diplomatic experiment.

Two caveats are necessary. First, as the EEAS is very much an object in movement, an elite 'under construction', this chapter cannot claim with certainty how the EEAS will end up looking. Negotiations are still ongoing at the time of writing, and the chapter will not attempt to predict the future foreign policy carried out by the new diplomatic body. Second, the chapter does not claim to cover all aspects of the EU's diplomatic service –





1 most importantly, it does not look into the role of the European Parlia-
2 ment and its attempt to gain influence over, and insight into, the EU's
3 foreign policy.

4 The chapter is organised as follows. The first section briefly presents
5 the events, which – while they are evolutionary and gradual – have led to a
6 quiet revolution in the world of diplomacy. I will also look closer at the
7 myriad of fears and anxieties among national political and diplomatic
8 elites related to the establishment of the EEAS. The chapter then moves
9 on to examine how the state's meta-capital is implied in the construction
10 of the EEAS and how the very definitions of representation and national
11 interests are at stake in this struggle. The third section looks in more detail
12 at the clashes and possible convergences between two sub-groups, which
13 will drive EU diplomacy: seconded national diplomats and civil servants
14 from the European Commission. The chapter concludes that while inter-
15 state diplomacy within the EU has increasingly become oriented towards
16 Brussels, Europe-level diplomacy will increasingly – particularly after the
17 Lisbon Treaty – be focused on national state elites.

20 **A threat to national diplomacy?**

21 A lot has been written about the relative decline of the foreign services vis-
22 à-vis other parts of the state apparatus (e.g. Spence 2005; Allen 2005). Less
23 has been written on the effect on traditional diplomacy of the emergence
24 of supranational or regional diplomacy. Is the emergence of the Union's
25 diplomatic service yet another example of how national diplomacy is
26 eroding?

27 The EEAS has been interpreted as a veritable ticking bomb under
28 national diplomacy. As Jan Gaspers writes in a research note with the
29 telling title 'Putting Europe first':

31 [...] this Service not only has the potential largely to determine the
32 EU foreign policy agenda and shape the Union's external appearance,
33 but it will also increasingly pose a threat to member states' national
34 diplomacy.

(Gaspers 2010: 20)

37 Many observers in the domestic constituencies are worried about the
38 EEAS. During a debate on January 25th, 2010 in the UK House of Lords,
39 an anxious Lord Pearson of Rannoch asked 'Can the noble Lord give us a
40 clear assurance that there will be any British embassies left in 10 years'
41 time?' His question was backed by another member of the House, Baron-
42 ess Park of Monmouth, who stated:

44 However excellent the EU may be, it is not reasonable to expect a mixed
45 EU representation to look after our national commercial interests and





our national defence interests or indeed to handle the issue of passports and entry into this country. We shall need our own missions. I want to be assured that we shall not lose them in a splendid cost-cutting exercise by the Treasury.

(House of Lords 2010)

In short, both academics and politicians have seen the emergence of the EEAS as the end of national diplomacy. While these worries might appear far-fetched, they are not without foundation. Introducing her proposal for the EEAS on 25 March 2010, Catherine Ashton stated: 'The Lisbon Treaty offers precisely the opportunity to build modern policy for the modern world – moving beyond traditional "diplomacy"' (Ashton 2010). This framing of traditional 'diplomacy' (in quotation marks) depicts national diplomacy as anachronistic, something that needs to be surpassed because it does not fit a modern world.

Yet if we look at the way the EEAS is conceived in practice, it becomes clear that the reference point in many respects is that of a *national* foreign service. Thus, according to Ashton, one of the biggest challenges is to work out what the EEAS can do to become just as recognisable and recognised as a national embassy:

When you go into an embassy of a member state anywhere in the world, you know which country you are in. How will it be that when you go in to look up the External Action Service somewhere in the world, you'll know that you are with Europe? It's that feeling of 'this is what we do and this is what we do well'.

(Ashton, quoted in O'Connor 2010: 14)

Being recognised as a 'true' diplomacy and having the symbolic power of a state-like construction is thus crucial (in the view of the High Representative) to the success of the EEAS. Indeed, from the very beginning of the negotiations on the common foreign policy and diplomatic service, at the Convention on the Future of Europe (2002–2003) preparing the draft Constitutional Treaty and the subsequent intergovernmental conference (2003–2004), the flirting with state symbols was evident. Thus, the drafters of the Constitutional Treaty wanted the EU to borrow the symbolic force of a foreign minister as a means to strengthen the EU's common foreign policy. In the original draft for the Constitutional Treaty, the High Representative was called Union Minister for Foreign Affairs (Article I-27). I would thus argue that the negotiations over the diplomatic service of the EU should also be seen as a cognitive struggle (practical and theoretical) for the power to impose the legitimate vision of the social world – that is, the power to make reality by preserving or altering the categories through which agents comprehend and construct that world. Hence, the title used to describe the head of the foreign policy structure within the Union is





important. Following the French ‘*non*’ and Dutch ‘*nee*’ to the Constitutional Treaty in 2005, the document was reopened and a number of ‘red lines’ were suggested by the British government, underlining that foreign policy decisions require unanimity and that the EU’s foreign policy ‘does not affect the responsibilities of the Member States [...] for the formulation and conduct of their foreign policy nor of their national representation in third countries and international organisations’ (Declaration 13). These red lines led to what some observers saw as cosmetic changes, including renaming the Union Minister ‘High Representative’.² Yet, as Bourdieu would remind us, symbols matter. And the state is a master of symbolism.

Minds of state, minds of union

The state has a special status in Bourdieu’s work. It does not (at least according to Bourdieu’s account) compete for the definitions of e.g. legal and educational status, because it already has pre-eminence over these areas; it has *meta-capital* (Chopra 2003: 429). The influence of the state as a reference point in social life works not in one field only, but across all fields. As Chopra notes: just as the habitus is embodied within the inhabitants of that habitus in the form of dispositions, so is the state incorporated in its citizens. The state, in this manner, shapes structures of perception and cognition across the society that the state governs. This is what Bourdieu means by the phrase ‘Minds of State’, suggesting that the state exists as much as an entity ‘outside’ of its citizens as it exists ‘of’ the citizens (Chopra 2003: 430). As will become apparent throughout the following pages, the state’s meta-capital is crucial to understanding the struggle over the EEAS. This is because the EEAS cannot be understood without the state or, more precisely, without the symbolic power linked to the diplomatic profession and its relations to the upper classes. To understand this power, it suffices to read the brilliant passages from Iver B. Neumann’s enquiry into the everyday life of Norwegian diplomacy, which takes us into the self-understanding of a traditional national diplomat so that we may learn to think, feel and judge like one and thus understand (from the inside) the taken-for-granted connection between class distinction, diplomatic professionalism and excellence:

With the coming of a social democratic government in the 1930s and the nation-building experience of World War II, this wave finally reached the apex of the state structure, as a handful of men with a rural or working-class background were accepted by the diplomatic academy. They embarked on a class journey, but their habitus often continued to mark them as hierarchically subordinate, of which some were self-reflective.

(Neumann 2008: 682–683)





Diplomacy also involves great responsibility. By representing France to a foreign state or an international organisation, a French diplomat *is* France. Person and state become one. This explains the merging between the diplomatic 'self' and the state 'self' or identity. When diplomats talk, they instantiate the conduct of the 'state'; they produce 'praxiological' instantiations of 'macro-social' phenomena' (Coulter 2001: 36). To Bourdieu, the particularity of the state as an organisation, born by and geared for power concentration, is not material. According to Bourdieu, the specificity of the state is not the accumulation of legitimate physical violence (as Weber would have it), but the monopolisation of legitimate symbolic violence. The state is first and foremost 'a central bank for symbolic credit', which makes social division, privileges and domination universally valid within a given territory and for a given population.

This argument proves particularly intriguing in light of the EU's new diplomatic corps, as it is envisaged that EU diplomats will not only be concerned with high politics but also everyday consular service, i.e. 'diplomacy for people'. The EEAS proposal reads:

The Union delegations shall have the capacity to, upon request by Member States, support the Member States in their diplomatic relations and in their role of providing consular protection to Union citizens in third countries.

(Article 5–10)

Consular affairs has traditionally been regarded as related to the protection of the persons and interests of individuals when in a foreign country, but as the EU has developed a European citizenship granting certain rights to EU citizens when they move abroad, this monopoly of service has vanished. The EU has gained competence in visa policy and all European citizens, when in third countries in which their own state is not represented, have the right to be offered diplomatic and consular protection by other member states and to be treated in the same way as the nationals of such states (Article 20, TEC). The European Commission has attempted, over a long period of time, to convince the member states to hand over competences in consular affairs to the Commission's overseas delegations (Fernández 2008: 27).³ With the entry into force of the Lisbon Treaty, the state monopoly on providing consular services to nationals abroad is likely to gradually disappear. As a consequence, once the EEAS is up and running, only export and investment promotion will remain solely within the national embassies. Thus, while the EU's diplomatic corps is not a direct rival to national diplomacy, it certainly challenges its monopoly on promoting interests and helping citizens abroad.





A common diplomatic habitus?

The EU's diplomatic service is to be operational by 2012. By this time, the EEAS will have an operational headquarters in Brussels organised into thematic and geographic desks. The majority of the staff in the EEAS will come from the European Commission. Besides EU officials, the EEAS will also comprise staff seconded from the diplomatic service of member states (the proposal states that one-third of all of the staff should come from the member states). This represents an attempt to reduce the rivalry and diffidence between EU officials and national diplomats, eventually strengthening cooperation and creating an added value. Indeed, the EEAS does not constitute a supranational bureaucracy as such, but should rather be seen as a unique merger of national diplomats and EU civil servants – a meeting between hitherto relatively distinct politico-administrative elites – who will become mutually dependent on each other's resources and capital.

Notwithstanding these intentions, in the first months after the entry into force of the Lisbon Treaty, the rivalry between the two sub-groups had already attracted media attention. High Representative Ashton appeared to ignore the degree to which national power elites are still reluctant to relinquish their powers to EU officials and want their national diplomats to take the lead in the EU's foreign policy. On 1 January 2010, all 136 of the Commission's outposts around the world were renamed 'EU delegations' – 54 of these 'EU delegations' have so far been given the fresh powers provisioned in the Treaty. One of the most important delegations is obviously the one in Washington DC. Hence, it created great surprise and anger among the member states when Baroness Ashton nominated João Vale de Almeida, a former head of the private office of Commission president José Manuel Barroso, as the new EU envoy – head of delegation – to the US on 17 February 2010. Carl Bildt, Sweden's foreign minister, immediately wrote to Catherine Ashton, complaining that member states were not consulted on the appointment of Almeida (Vogel 2010). In his letter, Bildt also recalled an 'understanding', reached in 2004, that the Washington job should go to 'a person with experience from a high political post'. In 2004, the Commission named John Bruton, a former Irish prime minister, as its envoy to the US. In other words, Bildt was not only also defending member state interests, he was also saying that Almeida lacked the (diplomatic) capital that comes with being a former state leader or senior diplomat (a capital that a civil servant from the Commission does not possess). Interestingly, the Almeida incident reflects an observation made by Iver B. Neumann (2005) of a hierarchy of status between the 'hero script' and the 'bureaucratic script' in diplomacy; the hero is the active diplomat, making a difference abroad, while the bureaucrat is a dusty civil servant 'back home'. The criticism of Ashton was not just about the need to take the view of the member states into account; it had to do with the very definition of what makes a good diplomat. In this sense, turf





wars are important, but they cannot be understood in isolation from the broader struggles over accumulated knowledge that confers power and status.

Consequently, if Ashton wants the symbolic power of the state to work to her advantage, she will have to appoint (more) national diplomats to the top positions – head of delegation, deputy, etc. – strengthening the intergovernmental dimension of EU foreign policy in its representation with third party countries.⁴ Thus, the EEAS cannot be said to simply threaten national diplomacy, but rather, EU diplomacy might signify a recurrence of national diplomacy.

As a consequence, the Commission currently performs the role as ‘common enemy’ for member states when they negotiate with the EEAS. This might be because the construction of an EU diplomatic corps makes them aware of their shared distinctiveness as *national* representatives, sharing an old and particular diplomatic tradition. This is where Iver Neumann’s remarks about a common diplomatic habitus become pertinent:

[...] writing in the tradition from Marcel Mauss, Norbert Elias and Pierre Bourdieu, one could build on Bull’s idea of a diplomatic culture and analyse to what extent there exists a certain diplomatic habitus, that is, a set of regular traits which dispose its bearers to act in a certain way. In this way, one may specify what a diplomatic culture actually entails, to what extent it is present in a similar degree in different foreign ministries, and to what extent it has spread beyond foreign ministries.

(Neumann 2003: 364)

The European diplomatic field is transnational, it draws on 27 different diplomatic traditions and recruitment structures, which means that it consists of people whose initial understanding of ‘the model diplomat’ is not necessarily the same. A Spanish diplomat has one kind of training, while his Finish colleague has another. Within each national diplomatic field – which are part of the power field generated by each member state – a relative distribution of capital has been established. Certain categories are rewarded (i.e. upper class background and male) while others are severely punished (i.e. working class background and female) (cf. Neumann 2008). These categories and silent hierarchies exist somewhat independently from other national diplomatic fields. Yet the national fields are relatively – but only relatively – self-referring. As Mai’a Cross rightly notes with regard to intra-EU diplomacy:

Internal diplomacy has worked well in large part because of the similarities in the ways member-states select and train their diplomats. Diplomats typically come from the same top universities, they tend to





share a similar social background, and they undergo the same type of formal and on-the-job-training.

(Cross 2011: 11)

Within the EU, the member states have developed common norms about what constitutes a diplomat, which capital is most prestigious for an outpost, etc. Thus, for instance, a posting in the Permanent Representation has always been regarded as a high-status position. To be ambassador and member of COREPER (the Committee of Permanent Representatives in the European Union) provides one with much influence and expertise, it has even superseded the position as ambassador to the US. Yet, even if one might talk of a shared diplomatic habitus among the diplomatic elites in the member states (e.g. Adler-Nissen 2008), this habitus does not cover the civil servants from the Commission as they have different dispositions, loyalties and experiences. They have entered the EU institutions through the French inspired *concours* system and have given their oath to serve the interests of the Union. Their resources have been validated differently and they are used to competing for top positions within the Commission DGs (Directorates General) in ways that are different from the ways in which national diplomats traditionally compete to be posted at the 'best' capitals. It is to the differences and struggles between the potential new European diplomats in the EEAS that we will now turn.

Constructing the EU diplomat

Much of Bourdieu's work concerns the establishment and reproduction of inequalities and how inequality is reproduced without any apparent violence, i.e. through symbolic power. Symbolic power is the imposition of particular perceptions upon social agents who then take the social order to be just. It is the incorporation of unthought-of structures that tends to perpetuate the framework of the actions of dominated individuals or institutions. The dominated then take their position to be 'right'. In some senses, symbolic power is much more powerful than physical power in that it is embedded in the very modes of action and structures of cognition of individuals and imposes a sense of the legitimacy of the social order. For diplomatic relations between states, this reflection proves particularly interesting. What are the perceptions and categories that will count as valid for the EU's new diplomacy?

First, the new EU diplomat will have to think in terms of EU interests rather than national interests. Traditionally, diplomats see themselves as responsible for promoting Sweden, France, Italy, and Poland. This is not likely to change. Yet with the establishment of the EEAS, Sweden, France, Italy and Poland have to recruit personnel from their own ranks to promote European interests. Article 6(2) in the proposal for the EEAS reads:





The staff members of the EEAS shall carry out their duties and conduct themselves solely with the interest of the Union in mind. Without prejudice to Articles 2(1), third subparagraph, 2(2) and 5(3), they shall neither seek nor take instructions from any Government, authority, organisation or person outside the EEAS or any body or person other than the High Representative (*my Italics added*).

Second, there is the question of recruitment. The entry criteria are quite strict; one cannot participate in the new diplomatic body if one does not accept the rules of the field or if the other players do not accept one's capital as valid. The EEAS is reserved for official representatives from the member states and EU institutions. Here, it may be useful to recall that the transnational field of EU diplomacy is an arena where possessors of different types of capital compete over different principles for recognition of privilege. At stake (in these struggles between those that dominate) is the relative value and strength of the capital possessed by the rival groups, which is settled by the exchange rate for the capital. In this sense, the state cannot be understood in the same way as in the 'domestic' analysis of, e.g. French culture production or educational systems.

The drafters of the EEAS proposal found it necessary to write that 'the broadest geographical basis' for the recruitment of the staff of the EEAS should be ensured. Article 6(6), a classic EU compromise paragraph, reads, 'All appointments in the EEAS shall be based on merit and on the broadest possible geographical basis. The staff of the EEAS shall comprise a meaningful presence of nationals from all the Member States'. As the British Foreign Secretary acknowledged indirectly, when asked whether the recruitment would be based on merit or national quota, the question of recruitment and the definition of the 'good EU diplomat' remains open:

It is very important indeed that appointments should be made through a transparent procedure and be based on merit, not nationality. The high representative will oversee the setting up of recruitment processes for EAS. We expect this to be unique. We will not want this to be on a traditional *concours* system. We do not want to see a long lead time or a long list; nor do we want to have mandatory requirements for candidates to have X number of languages. We need the right skills and experience for the job. For example, the Chinese may need to have an EU head of delegation who has a strong knowledge of the region and even speaks Mandarin if he wants to have the maximum impact. That is what we will seek to have in the appointments that we will be part of making and no doubt Cathy Ashton will seek to ensure that we have such representation.

(House of Lords 2010)





Referring indirectly to the British recruitment procedures, the British Foreign Secretary clearly distances himself from the types of merits that count in the Commission system.

Seen from the perspective of the national career diplomat, the EEAS poses a number of difficult questions relating to the symbolic power of the state. Would a career in the EEAS enhance your status? Since it is untested and its future success is unknown, diplomats may hesitate to take the EEAS path, as it may prove detrimental to their future career goals. The European diplomatic field is an area where holders of various kinds of capital compete over which of them will prevail. If capital here is taken as personal diplomatic experience and background, one can study the struggles determining the relative value and potency of rival kinds of capital (e.g. traditional embassy work vs. experience from the EEAS). Would a national diplomat serving the EEAS in Brussels for a couple of years return to his or her capital with more or less diplomatic capital? While serving at the Permanent Representations in Brussels is generally regarded as a stepping stone (and a lot of hard work) for ambitious and striving diplomats, it is less certain that EEAS will attract the same kind of recognition. The inventors of the new elite are very well aware of this *problématique*, as Baroness Ashton said at the launch of the formal proposal:

Ultimately this is all about people. Our staff is our most precious resource. We must make sure that they feel confident with the new structures. I will also see to it that colleagues from Member-States can find their place quickly in the EEAS and enrich it with their experience.

(Ashton 2010)

With these words, Ashton articulated the symbolic power of the state. She recognised from the beginning that serving at the EEAS is not as safe a bet as serving at the embassy in, say, China. What the EEAS will do to one's diplomatic capital and possibilities of advancement is, simply, uncertain.

Interestingly, from a Commission perspective, a similar dynamic is at work. Hitherto, the Commission's system of representations (130 representatives abroad) were recruited from EU functionaries, who were certain to get a job afterwards and who could finally advance to become Head of Delegation or – even more prestigiously – Area Boss. With the EEAS, however, the calculation is more difficult. Will the Commission official be able to continue his or her career – returning to the Commission (perhaps in another DG) after having served in the EEAS? This has been one of the crucial questions for EU civil servants wondering what will happen to them if they are to remain within the system. Hence, the three groups – Commission officials, Council officials and national diplomats – share one concern: how can I keep my status and prestige when I return to the capital/system? The question of mobility has already been addressed in





the 'Presidency report to the European Council on the European External Action Service':

Appropriate arrangements should be made to ensure staff mobility. The EEAS will need to implement a policy in this respect in order to ensure equal treatment between all members of the service. This policy would include:

- a rotation inside the service, i.e. between headquarters and delegations and between services at the headquarters.
- a rotation between the EEAS and national diplomatic services.
- and, to the extent possible, mobility between the EEAS and Commission and the GSC for staff coming from these institutions.

(Presidency 2009)

The creators of the new diplomatic power elite are conscious of the importance of status and struggle in ensuring that the different types of diplomats within the EEAS have the same rights – this is also to ensure 'a common diplomatic culture'.⁵ Thus, the Council writes,

All three categories of personnel should be equally treated, including as concerns eligibility to assume all positions under equivalent conditions. Staff from Member States should therefore have the status of temporary agents which, on the basis of Conditions of employment for other servants ('CEOS'), grants them the same opportunities, rights and obligations (including functions, responsibilities, promotion, pay, leave and social benefits) as those of staff coming from the two other sources of origin.

(Presidency 2009)

Pursuing a career in the EEAS is only attractive if the EEAS proves to be capable of generating its own prestige or capital. Thus, it is crucial that *both* the Commission and the member state foreign services can guarantee their employees that EEAS is not contaminating or problematic; that it is at least neutral, or perhaps even positive, for future career steps. One will not be forgotten in Ashton's army. Without these guarantees in place, EEAS will only be able to recruit the less promising diplomats who would never make it to the top 'at home' or within the EU institutions.

Conclusion: moving 'state nobility' to Brussels

Over the last decades, national diplomats in the 27 member states have come to merge the construction and representation of national interests with those of the Union (see Adler-Nissen 2009). This is what could be called the Europeanisation of national diplomacy. In contrast, when it





comes to the new EU diplomatic service, this chapter has argued that it will have to 'nationalise' if it is to thrive as a new power elite. This is because national diplomats must have incentives to go to Brussels, take up positions and work closely with *fonctionnaires* from the European Commission (Bátora 2005). This argument builds on the assumption that the battle for categorisation and recognition over what counts as status and capital in the diplomatic field in Europe is crucial to the EU's attempt to build a common foreign policy.

Critics would argue that the above analysis is biased towards internal, trivial or individualist questions of personnel management and training. Accordingly, the fate of the EU's diplomacy will not be determined by whether Brussels is able to provide attractive pensions, professional privileges and prestige. Instead, structural changes such as the shift towards a multipolar international system, or major world events such as wars, economic turbulence and big power rivalry will drive its development (for a neorealist argument along these lines, see Hyde-Price 2006). This chapter, however, claims that a fundamental prerequisite for the getting the EEAS moving is that it controls the symbolic production forces. Hence, while formal rules, professional rights and privileges of diplomats at the EEAS may be established with a remarkable speed, there is no guarantee that the symbolic power of national diplomacy is transferred easily to Brussels.

Let us return to Nightingale's criticism that the British Foreign Service was still a highly exclusive profession reserved for the upper classes in the 1930s. Reflecting on the prospects for a more 'democratic' and representative foreign service, serving all the people of the UK, Nightingale noted that this is not just about institutional changes and better access, it also has to do with cultural codes and symbolic power:

Complete emancipation from considerations of social status must, of course, be a slow process. Even when the sons of the lower middle and working classes gain admission to diplomacy, there is likely to be a bias against their preferment so long as the permanent under-secretaries and the ambassadors of the old regime remain in control. In the meantime, a foreign service manned by persons drawn from the privileged classes will remain antipathetic to the new internationalist ideals.

(Nightingale 1930: 331)

Drawing on Bourdieu's political sociology, I have argued that the meta-capital of the EU state is at stake, as the EU is moving towards becoming the first genuine transnational diplomatic body. Indeed, history has shown that symbolic power and prestige are keys to understanding not just face-to-face interactions, but the entire evolution of a foreign service.

The construction of an EU diplomatic power elite challenges the meta-capital of the state and the idea that it has a monopoly not only on





violence, but also on symbolic violence. For the EEAS to succeed, national ambassadors need to recognize the diplomatic capital of an EU diplomat. This is the fundamental paradox of the new transnational power elite in Brussels; if the 3,000–5,000 diplomats working for High Representative end up producing more than red tape and compromise declarations, it will be because of a reinforced national logic in the European field. Creating a common diplomatic culture and establishing an exchange rate that allows diplomats to commute easily between the national and the EU field requires a battle. This is, not least, because the EU's diplomatic experiment may, in the long-term perspective, endanger the very stakes that define the superiority of national diplomacy.

Notes

- 1 For a historical-sociological approach to diplomacy see Jönsson and Hall (2005). For a particular attempt at a macro-anthropological take on diplomacy, see Feldman (2005). A recently published autobiography from a former Ambassador to the EU, which engages the sociological component of diplomacy, also deserves mentioning (Wall 2008).
- 2 This new post is distinctive, as it encompasses both the duties of the former Commissioner for External Relations and those of the High Representative for Common Foreign and Security Policy. In taking the significant step of combining the posts, the EU now has a leader with authority over all foreign policy, whether it is first (supranational) or second (intergovernmental) pillar in nature.
- 3 According to the Vienna Convention on consular relations of 1963, to which the Commission is not a signatory, the functions of consular protection and assistance are the exclusive responsibility of states, and as such, the exercise of such functions comes under their discretionary power.
- 4 In this respect, the nominees will also be characterised by *realpolitik* considerations – with member states competing on posts that are strategically relevant for their national interest.
- 5 Interview, Danish Ministry for Foreign Affairs, Copenhagen, 14 April 2010.

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5 Elite transformations and diffusion in foreign policy

A socio-historical approach to the emergence of European power elites

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The overall aim of this chapter is to study the emergence of power elites. Scholars widely agree that there is a temporal dimension to processes of Europeanisation and globalisation, yet there is still a considerable research and knowledge gap between the 'contemporary reality' (Featherstone 2003: 19) in focus among social scientists and the foundational processes captured by historians of European integration (Milward 1992). Bridging this gap, we argue, requires more than merely filling in a cavity with new empirical knowledge. The first aim of this chapter is, therefore, to demonstrate how a reflexive historical sociology approach to the study of power elites can help identify new sides of the subtle processes of power and institutional transformation that have taken place (Dezalay and Garth 2012; Bigo and Madsen 2011; Cohen and Knudsen 2012).

Second, the chapter aims to examine the national genesis and grounding of transnational power elites. This article turns its attention to the groups of civil servants and politicians who became professionally involved with European Community (EC) membership, who continued to have their member state as their home basis and who, in various ways, became representatives of the national political system, namely diplomats and parliamentarians. These groups represent the increased diffusion of foreign policy practitioners. Diplomats have always been practitioners in foreign policy, but with Community membership, the diplomats not only got a number of bureaucratic competitors in the field, but parliamentarians also crossed the nexus of the national and European-level bureaucratic and political organisations through membership of the European Parliament (EP). The third aim of the article is to examine what characterised the groups who were engaged with executing 'Europe', particularly focusing on how their professional roles and career trajectories developed. By comparing and contrasting the positions of these elites over a given period of time, the chapter shows how they began to absorb and integrate 'Europe'





into their professional lives; how they built up political capital through their European activities and began to show certain distinct characteristics compared to their peers in the Foreign Ministry and parliament. In sum, the chapter demonstrates how a reflexive historical sociological approach provides a new entry into identifying and characterising subtle processes of European and transnational power elites.

Elites, diplomats and parliamentarians

There are varying conceptions of what constitutes an elite. This chapter draws on and combines two different elite conceptions; for further discussion of elite concepts see the introduction to this volume. First, elites have been defined by their organisational positions and primary professional functions, say, as diplomats or parliamentarians, and they have typically been studied (sometimes comparatively) within the confinement of the state. Studies have focused on identifying their characteristics through explorations of social profiles, patterns of recruitment, circulation, professionalisation and the development and employment of expertise (Best and Cotta 2000).

Second, as this volume also demonstrates, an interest has emerged in new forms of transnational elites, defined in positional-educational terms. This elite conception has been applied to capture the nature of the transnational social spaces that emerge where well-educated professional groups, such as lawyers or economists, hold multiple positions. This literature has focused on the:

middle-term social strategies they [the agents] develop to achieve positions in different social and political fields and the type of sociological capital they own or not: for instance, the resources, skills, networks or credibility that they have accumulated during their national or European careers.

(Georgakakis 2010: 118)

The agents in focus in this literature are not necessarily the ones permanently situated in the EC/EU's institutions, but they may also be temporary agents who have their primary basis in national, political and administrative contexts. These groups have, in fact, rarely been made the object of historical or sociological study.

This chapter combines these two conceptions, as the diplomats and parliamentarians that we have chosen are embedded in long-standing national organisations, yet their professional assignments and career paths make their professional horizons transnational. This can also be understood in terms of expert power, as elaborated on by Niilo Kauppi and Mikael Rask Madsen in this book's opening chapter. The choice of diplomats and parliamentarians is a conscious one, as it allows for an analysis





that is at the same time comparative and contrastive. On the one hand, foreign offices and parliaments are both national forms of organisations, with strongly embedded systems of formalised role structures in the form of norms and rules that define actors' patterns of action (Trondal 2004). On the other hand, the conditions for politicians' and diplomats' professional lives are principally different as the diplomat is employed for life while the parliamentarian depends upon local and internal party political conditions for re-election. In relation to the international realm, the positioning of the two groups is also diametrically opposite in the sense that the diplomat represents the face of the state towards the exterior, while the parliamentarian is the symbolic face of the national political system. As a consequence, we should expect different patterns of reorientation towards, interaction with, and possible integration into, European power elites.

By employing a reflexive historical sociological approach centred on this elite conception, the analysis also stands in contrast to the national institutionalist academic approach, which has characterised research on foreign services and parliaments. In studies of diplomacy in the context of European integration, the primary focus has been on formal organisational adaptations relating to 'dealing with' the EU in the form (for instance) of new cooperative structures between foreign ministries and other governmental agencies (Hocking and Spence 2002; alternatively Adler-Nissen 2008). Likewise, studies on the Europeanisation of parliaments have either focused on the external pressures to adapt EU legislation that circumvents or demotes national parliaments in the legislative process, or on the particular status of the European Affairs committees (Raunio 1999; Auel and Benz 2005).

In taking this alternative perspective, the article picks up on a trend in recent international and European historiography where historians, informed by transnational and global governance approaches, have shown how international organisations and European integration processes have created opportunity structures for social action for certain groups (Clavin 2005; Kaiser 2007). However, in mainstream international and European integration history, the focus has stayed on the leading statesmen and diplomats, the networks they were part of, and their presumed impact on political decisions, while not much attention has been devoted to the implications for the broader population of bureaucratic and political elites. In addition, the sociological approaches that have drawn attention to these new groups of agents rarely look for points of their emergence (for exceptions, see e.g. Vauchez 2008).

Illustrating transformations

Accession to the EU has transformative effects on the administrations and politics in the joining member state during the often long-drawn-out





negotiations over enlargement (e.g. Ludlow 1997; Schimmelfennig and Sedelmeier 2005). Britain, Denmark and Ireland became EC members in 1973, more than a decade after their first applications. Arguably, the administrative and political elites in these latecomer Community member states demonstrate a particular, gradual and protracted pattern of reorientation towards 'core Europe' that may also be seen in other member states. This, we expect, makes it particularly relevant to study (elite) transformations of these states. The chapter's empirical focus is on Danish diplomats and parliamentarians from the late 1940s to the late 1970s; a policy environment that, due to the small size of the country, was relatively intimate. It is characteristic that the social structure in Denmark is conceived as relatively egalitarian compared to other European countries. Denmark, for instance, does not have specific elite or a system of private schools from which the political elite is traditionally recruited, as is customary for instance in France. In this way, forwarding new empirical evidence from the Danish context counterbalances the disproportionate representation of empirical studies on major language countries in history as well as in the social sciences.

The diplomats in focus are a group of economic experts that gained prominence in relation to Denmark's integration into the post-war, multi-lateral economic regimes and in connection to the country's accession to the EC. Their 'golden period' was the 1950s and 1960s, when they pioneered new avenues for the conduct of foreign policy and diplomacy. One result of their work was that Danish parliamentarians could take seats in the European Parliament (EP). The parliamentarians are the members of the Danish *Folketinget*, who held dual mandates in the EP from accession in January 1973 to the first direct elections to the EP in June 1979. With the dual mandate, membership of the EP (MEP) became part of the range of professional assignments that Danish parliamentarians could now opt for, and a transnational parliamentary space (overlapping with the national parliamentary space) thus emerged. Paradoxically, and with the introduction of direct elections to the EP in June 1979, this social and institutional link was to some extent discontinued.

The analysis is based on two datasets that include standard social profiling information relating first to age, gender and education, and second, to the nature of the work assignments and professional career trajectories for the diplomats and parliamentarians in question. The latter set of information differs slightly between the two groups. The changes that we can observe in the professional diplomat occurred mainly in relation to the working life and contents of professional assignments within the Foreign Service, and it is therefore also necessary to include and explore a range of qualitative materials. To the parliamentarians in question, the dual mandate in the EP can also be seen as a professional assignment, and it is possible to observe its position and integration into their political career trajectories. The datasets provide an overview of the two populations in





question and their assignments and positioning in each of their organisations. The analysis, moreover, builds on a conception of role categories for diplomats and parliamentarians that serve as a heuristic tool to clarify and explore the collective changes that have taken place in the work assignments and career trajectories of the two groups, and thereby demonstrate how the transformation of European power elites gradually creeps in. Finally, this chapter aims to demonstrate the relevance of a nuanced historical contextualisation of the emergence of European power elites. Seen from the perspective of contemporary history, it is important to realise that this form of gradual Europeanisation did not begin exclusively in relation to the EC, but rather with the emergence of post-war international organisations, where a reformatting of existing preconditions began. The historical contextualisation in a study like ours therefore not only serves to provide a temporal dimension, but, equally important, it decentres the analysis of 'Europeanisation' processes from the EC/EU exclusively.

The diplomat

Transnationalising the diplomatic space

For diplomats across Western Europe, the preconditions for conducting diplomacy changed after the Second World War, as international organisations mushroomed and began to deal with issues that had formerly been considered matters of national political concern. In Denmark, this development spurred a rapid expansion of diplomacy with staff in the Foreign Service doubling from the end of the war to the early 1960s (Kjølsten *et al.* 1970: 340). It also prompted a new functional specialisation within the service, with diplomats specialising in issues such as multilateral economic matters, UN- and NATO-related problems, legal questions or specific geographic regions (Kjølsten *et al.* 1970: 394). One group stood out and came to redefine key characteristics of the diplomatic role, namely those who handled the new agenda of international and European economic, social and technological cooperation. The most far-reaching manifestation of this new breed of diplomat was seen in relation to the EC and merged international politics, and domestic political strategies and priorities, to an unprecedented degree (Grønnegård Christensen 1981; Jørgensen 2002).

In understanding the transformative effects of these developments for diplomacy, it is helpful to view the Foreign Service as a system of formalised role structures in which the diplomatic role was defined by two principled dividing lines: the distinction between the national and the international and between bureaucracy and politics. Importantly, diplomats do not hold a monopoly over their key professional skills, such as gathering and analysing information and mediating and negotiating political deals (Sharp 1999: 41–2). What has made the diplomats' profession





unique since the Foreign Service was first set up is their position as gatekeepers in negotiating 'their' state's external relations with other states (Hocking 2002). This was also the case for Danish diplomats by the end of the war, as only a few other ministries dealt with international matters and the Foreign Service alone was competent to negotiate internationally (Kjølsten *et al.* 1970).

The diplomatic role was also, with a few exceptions, based on a clear dividing line between bureaucracy and politics. It had been a defining element of the diplomatic self-understanding in much of Europe during the inter-war years, that a distinction should be made between the setting up of foreign policy goals – a task for the politically responsible government – and the execution of this policy – a job that was seen as resting best in the hands of the professional diplomat (Sjøqvist 1966). As a consequence, by the end of the war, Danish diplomacy came close to qualifying for Weber's ideal type of bureaucracy: it was a hierarchical, rule-bound organisation, characterised by the distinction between bureaucracy and political leadership; the diplomats were predominantly legally trained and they were generally diplomats for the duration of their professional lives (Weber 1922 [2006]; Bundgaard-Nielsen *et al.* 1998). This was challenged, however, as international and national policies and priorities merged when European economic cooperation picked up pace and required new forms of expertise and political aptitude from the diplomats.

New diplomatic profiles

The changing preconditions for conducting diplomacy manifested themselves as a gradual realisation in the Foreign Ministry that the European multilateral economic diplomacy posed new, different and demanding challenges to the diplomat, both in terms of political activism and analytical and linguistic skills.¹ This realisation was reflected in the Foreign Service's recruitment and training practices from the 1950s. Candidates with an educational background in economics (the Danish term for their MA-level degrees was *cand.polit.*) were for the first time recruited in large numbers, and they came to be strongly represented in a new office for multilateral economic affairs (a sub-section of the political-economic section called ØP IV). The average age here was, by the mid- 1950s, 32 years compared to an average age of 36 years in the Ministry as a whole. None of the young diplomats had worked in the Ministry before or during the war, and they therefore represented an entirely new generation within the Foreign Service.

ØP IV also set itself apart from the rest of the Ministry in other ways.² There were twice as many economists as lawyers – 10 economists and five lawyers – and incrementally this office obtained a special status within the Ministry. In particular, the diplomats in ØP IV were exempted from the Ministry's two-year training programme, which required the candidate to





1 work in different ministerial sections and take up at least one posting
2 abroad. Rather than receiving this broad diplomatic training, diplomats
3 working on multilateral economic affairs were trained solely in interna-
4 tional economic matters, and they worked exclusively in the sections and
5 representations dealing with these issues. In 1959, an internal survey
6 showed that once a diplomat had taken up work in this area, he had an 87
7 per cent probability of continuing to work there.³

8 In 1966, the special status of the European economic diplomacy found
9 a formal expression when the office for multilateral economic affairs was
10 converted into an independent 'Market Secretariat' (*Markedssekretariatet*)
11 under the political leadership of the Minister for Trade (Grønnegård
12 Christensen 2003: 66). It was the diplomats working in this section who
13 came to challenge what had traditionally been the role of the Danish
14 diplomat.

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17 *New diplomatic practices – and the emergence of a new diplomatic*
18 *power elite*

19 *The boundary-spanner*

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21 A primary feature of the multilateral economic diplomats was their close
22 working relationships with interest groups and other bureaucratic units
23 across the central administration. Already, in the late 1940s, a system of
24 continuous policy coordination was set up in relation to Denmark's OEEC
25 (Organisation for European economic Cooperation) membership, where
26 '...all foreign economic matters of any significance were discussed in
27 meetings with the interested ministries and interest groups before the
28 Danish standpoint was established'.⁴ This new mode of foreign policy coordi-
29 nation, which included both major interest groups and central adminis-
30 trative units such as the Ministry of Economy, the Ministry of Trade, the
31 Economic Secretariat and the Directorate for Commodity Supplies, was
32 formalised and systematised in relation to the negotiations about Danish
33 EC membership in 1961 (Laursen 1994; Grønnegård Christensen 2003:
34 66). Similarly, the Danish EC representation developed into a 'mini-
35 version' of the central administration with representatives from various
36 ministries accredited to the mission (Bjøl 1983: 108).

37 Arguably, the relatively hierarchical and monistic system of coordina-
38 tion with the Foreign Ministry at the top meant that the loss of diplomatic
39 control in Denmark was of a comparatively limited nature (Hocking and
40 Spence 2002). The new structures for coordination are nevertheless inter-
41 esting in relation to the characteristics of the multilateral diplomats. Next
42 to forming a distinct group in the Foreign Ministry, they transgressed the
43 boundaries between diplomacy and bureaucracy and formed part of a
44 broader social and professional network of economic bureaucrats graduat-
45 ing from the University of Copenhagen during the war (Knudsen 2000:





176). Moreover, the engagement with these various other bureaucratic units and organisations is relevant, because it meant that they were qualitatively handling new work assignments, moving away from their traditional gatekeeper role between the national and the international political sphere and negotiating between various actors situated in both (or moving across) the two fields (Hocking 2002).

The diplomatic hero

The multilateral economic diplomats negotiating Danish entry into the EC also challenged the other defining dividing line in the traditional role of the diplomat: the distinction between the bureaucratic and the political sphere. It seems that within this group there was an overrepresentation of what Iver B. Neumann, has called 'the diplomatic hero'. In an investigation into the present day Norwegian Foreign Ministry, Neumann has argued that there is a repertoire of three roles available for a diplomat to play: that of a mediator, a bureaucrat and a hero. The heroic role is relevant here, and according to Neumann, it can be subdivided into two roles: one is 'the diplomat abroad', who operates internationally and creates results in particularly difficult circumstances – be it in the face of physical hardship and danger or by creating critical results in complicated international negotiations. The other is the advisor situated at home in the Foreign Ministry:

...the robust, prudent, and seemingly indefatigable analytical force who can muster a wide-ranging and high-powered network that guarantees access to as many sources of information and as high-placed decision makers as possible. [...] Advisers aim to be as close to the action as possible, which means that they thrive in secretariats and tend to complement their strictly diplomatic work with political work that may extend their interface with politicians. Indeed, the full-grown face of a diplomatic adviser is the face of a politician.

(Neumann 2005: 73–74)

These are also fairly precise characterisations of the work lives of key diplomats in the field of European multilateral economic representations. To people with an interest in the post-war foreign policy of Denmark, names like Erling Kristiansen, Jens Christensen, Finn Gundelach and Niels Ersbøll would be quite familiar. They all had steep careers⁵ and became key players in shaping Denmark's foreign economic policy through handling large and complex negotiations, or by serving as strategic advisors in the Foreign Ministry (Laursen 1994: 134–135). An illustrative example of this is the part played by the leader of the Market Secretariat, Jens Christensen, in convincing the Foreign Minister to pursue the plans for closer Nordic economic cooperation (NORDEK) in 1968 when no progress was





1 being made for Danish EC membership (Borring Olesen and Villaume
2 2006: 536–537).

3 This heavy and politically toned role of the new European economic
4 diplomats also had a public dimension. They were among the first to break
5 with the anonymity that had so far been a key feature of the diplomatic
6 trade. In relation to the negotiations on Danish EC membership, several
7 multilateral economic diplomats played an active part in public debates
8 through educational lectures and articles (Christensen 1995). When
9 appearing in these contexts, the diplomats acted precisely in their capacity
10 as experts and institutional representatives (and not as private citizens).
11 This new feature of the diplomatic profession reflected a broader transfor-
12 mation of the diplomatic environment in Denmark after the Second
13 World War, with NGOs (non-governmental organisations) and political
14 parties taking a growing interest in diplomatic decisions and priorities.

15 On a more fundamental level, the rising prominence of the economic
16 diplomats is illustrative of how the new forms of European economic coop-
17 eration, with their demands for new and specific forms of expertise,
18 boosted the standing of a particular segment within diplomacy and led to
19 a partial reconfiguration of the Danish diplomatic elite. However, these
20 dynamics were intertwined with another – social democratic – transfor-
21 mation of the central administration. Like the *cand.polit.*-bureaucrats in
22 general, the economic diplomats had a political leaning towards the Social
23 Democratic Party (Tabor 1995: 19–22), and they made their entry into the
24 central administration when social democratic politicians such as Viggo
25 Kampmann and Jens Otto Krag, both with a *cand.polit.*-background,
26 became Prime and Foreign Ministers respectively (Borring Olesen and Vil-
27 laume 2006: 522). Thus in the 1950s and 1960s, there was a new ideologi-
28 cal commonality and sympathy between diplomats and politicians which
29 helps explain the strong advisory role of the European diplomats as well as
30 the blurring of the bureaucratic-political divide.

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32 *The diplomat who ceased to be a diplomat*
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34 The last significant challenge to the classic diplomatic role presented by
35 the European economic diplomats is related to their personal career tra-
36 jectories and demonstrates (in a more direct and personal way) the trans-
37 national transformation of the diplomatic trade induced by European
38 integration. Some of the economic diplomatic ‘high-flyers’ did not stay in
39 the national diplomatic role their entire professional life. The interna-
40 tional networks and multilateral expertise generated through their
41 engagement with the EC was capital that could be converted into jobs and
42 careers in the new international, and particularly European, multilateral
43 arenas. The most prominent example of this was Finn Gundelach
44 (1923–1981).⁶ Gundelach had a background in economics and worked as
45 a Danish representative at the UN’s European headquarters in Geneva





from 1955 to 1959. After this posting, he put his national diplomatic career on hold and took a job with GATT (General Agreement on Tariffs and Trade), becoming Deputy Executive Secretary, and a central figure in the Kennedy round. In 1967, he returned to the Danish Foreign Service, now taking up one of the most important diplomatic postings at the time, as Denmark's ambassador to the EC. When Denmark joined the Community in 1973, Gundelach's experience as one of the primary interlocutors between the new member state and the EC was converted into an appointment as the first Danish EC Commissioner (Lidegaard 2004: 650), and eventually Gundelach became part of the informal 'inner cabinet' of the Commission gathered around president Roy Jenkins (Cini 1996: 61). In this way, Gundelach's career illustrates how new opportunity structures were opening up to national bureaucratic and political representatives engaged with the EC.

The parliamentary

The transnationalisation of the parliamentary space

The natural 'habitat' for parliamentarians is the national political scene, but part-time parliamentary assignments abroad are nothing new. The notion of parliamentary diplomacy – broadly understood as regularised inter-parliamentary activities – is a long-standing practice (Götz 2005), and the Inter-Parliamentary Union, as a global 'union' of parliaments, dates back to 1889 when it was founded by pioneers from the transnational peace movement. Many of the international organisations created after 1945 were not only *intergovernmental* in nature, but also *interparliamentary*. Parliamentary assemblies (PAs) were set up with the Council of Europe (called PACE) in 1949, the Western European Union's PA formed in 1954, and the PA of the North Atlantic Treaty Organisation in 1955. The Common Assembly of the ECSC (European Coal and Steel Community) was established in 1952, and continued as the European Parliamentary Assembly (EP) of the EC. The regional Nordic Council (from 1952) was also conceived as a PA for elected representatives in the five member states. The PAs had none of the legislative mandates that typically characterise parliaments, and so the decisive feature here is not whether they were 'real' parliaments from a legislative perspective, but that 'real' parliamentarians elected by universal suffrage in the member states populated them. The number of PA-seats to be filled in post-war Western Europe was considerable; in the EP alone, from 1952 to 1979, there were more than 700 MEPs from the six (later nine) member states. The PAs thus opened new opportunity structures for parliamentary elites from the member states, and became an item in thousands of political careers (see Critchley 1994; de Freitas and de Freitas 1985; Pfimlin 1989).

Contrary to the ideal-type diplomat who was employed for life, the career horizon for the professional politician was short-term. The struggle





1 for re-election was pitched well by Joseph A. Schlesinger in his study of
2 political careers as: 'A man in an office which may lead somewhere is more
3 likely to have office ambitions than a man in an office which leads
4 nowhere' (Schlesinger 1966: 8). This view of politicians as striving for
5 power and prestige has been fundamental to most studies of how political
6 job markets function: that they aim to obtain real and symbolic positions
7 of leadership. From that perspective, it is puzzling why parliamentarians
8 would bother at all with PA-membership – as PAs had no direct legislative
9 powers, and the job would in all likelihood remain invisible to their voters
10 – if they were convinced that it would lead nowhere in their political
11 careers.

12 The dual PA-mandate can be seen as an institution in democratic repre-
13 sentation that was legitimised by all major political parties in Western
14 Europe. Some opposition did exist, manifesting itself particularly in rela-
15 tion to the EP. The British Labour Party, for instance, refused to allocate
16 its MEPs until after the 1975 referendum on membership (Butler and Kitz-
17 inger 1976). Developments in the EP in the 1970s – such as the constitu-
18 tionalising measures introduced with the 1970 and 1975 budgetary
19 treaties, where the EP gained a degree of 'power of the purse' and
20 improved oversight authority over the Commission, and in 1976, with the
21 Council's acceptance of universal suffrage to the EP – meant that the EP
22 began to take a different path than other PAs. It therefore seems safe to
23 assume that the stakes related to being an MEP also gradually began to
24 change. In Danish politics, more specifically, the issue of EC membership
25 was a highly salient one, and the large Social Democratic Party, in particu-
26 lar, remained divided (Olesen and Villaume 2006: 472–480). In the follow-
27 ing, we examine what characterised the first Danish MEPs and what role
28 orientations they assumed across the transnational parliamentary space of
29 the *Folketinget* and the EP, from the start of membership until June 1979.⁷
30 During that period, there were no fixed terms of appointment for MEPs
31 and the parliamentary situation in Denmark was frequently changing as
32 general elections were called approximately every two years during the
33 1970s.

New parliamentarian profiles

34 The social characteristics of age, gender and education among parliamen-
35 tarians are very different from the diplomats analysed above. First, parlia-
36 mentarians are generally a motley crew recruited from many walks of life
37 and there are not necessarily clear generational or educational distinc-
38 tions to be made. Second, whereas diplomacy was still an all-male profes-
39 sion, there were a few women in the MEP-group. Out of 31 Danish MEPs,
40 three were women, which was still below the representation of women in
41 the *Folketinget* at the time (Pedersen 2000: 44). Compared to the represen-
42 tation of women in the EP, however, this was relatively high. By June 1979,
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there had only ever been 32 female MEPs (around 4 per cent of all MEPs over time).⁸ Third, all Danish MEPs had what today would be characterised as a BA-level university degree, and as many as 55 per cent had an MA-level degree. Moreover, there was a bias towards certain educational profiles, as the majority of the MEPs' degrees were either in the social sciences, the humanities or the educational sector, whereas only one MEP had a background in engineering. While this bias in higher education degrees was quite characteristic among Danish parliamentarians in this period – like the *cand.polit.*-profiles mentioned in the diplomats' section above – the high educational level among Danish MEPs nevertheless set them apart from their national peers, among whom only about a quarter had higher-level education (cf. Pedersen 2000: 40–42).

Fourth, the findings show that most Danish MEPs had earlier made personal choices towards engaging themselves with relations abroad through international or transnational associations or organisations, had been on previous short or longer-term study trips abroad or had previously had an international employer. In short, it appears that the typical Danish *Europapolitiker* – with reference to Weber's notion of political vocation – was still mostly male, highly educated, and had enjoyed the privilege of travelling abroad prior to a political career. Moreover, s/he in, all likelihood, spoke one or more non-Scandinavian foreign languages (it is safe to assume s/he also had a very good comprehension of Norwegian and Swedish). The MEP group can therefore be seen as an 'elite within the parliamentary elite', a finding that deviates from a later study of French MEPs after 1979 (Beauvallet 2007).

The Europeanisation of parliamentary practices

Ministers

Nearly half of the Danish MEPs – 15 out of 31 – had also been, or became, ministers in Danish governments. These were all men, and it is possible to distinguish between three types of minister-MEPs: the retiree, the careerist and the pendulums. The retiree group is probably the one who gave the EP a reputation as a 'cemetery for elephants' (Verzichelli 2010: 102). Of the 10 first Danish MEPs, four had previous ministerial experience and subsequently left politics in order to retire. Interestingly, all major Danish political parties chose persons with considerable ministerial experience relating to foreign relations or core welfare state portfolios. In this context, the Liberal, Per Federspiel (1905–1994), the Social Liberal, Kristen Helveg Petersen (1909–1997), the Social Democrat, Ove Henry Petersen (1903–1978) and the Conservative, Knud Thomsen (1908–1996) were perhaps 'elephants' and at the end of their splendid political careers, but they are not likely to have perceived their EP-assignment as a 'cemetery'.

The careerist was someone who became minister later in his political career, and who seemed to have integrated the expertise that he built up





1 across the transnational parliamentary space. The Social Democrat, Carl
2 Erik Holst (b. 1922) is an example. He was member of both the EP and
3 PACE in the second half of the 1970s. In 1978, he joined the EP's commit-
4 tee for energy and research, and shortly after – while the oil crisis was at its
5 peak – the national parliamentary committee for energy policy. In 1980,
6 he was appointed Minister for Environmental Affairs. The Conservative, Ib
7 Stetter (1917–1997) is another example. He had been an MEP and,
8 among others, deputy chair of the Conservative group in the EP before he
9 (in 1986) became Minister for Industrial Affairs. These examples suggest
10 that the political capitals gained in the EP were convertible in the national
11 political job market.

12 The combination of frequent Danish government reshuffles in this
13 period, and the lack of a fixed term for MEPs meant that a group of high-
14 flying parliamentarians created a pendulum career, moving directly
15 between the EP and national minister posts. This was illustrated vividly by
16 the Social Democrat, Ivar Nørgaard (b.1922–2011) and the Liberal, Ove
17 Guldberg (1918–2008), who both had ministerial experience from the
18 end of the 1960s. Nørgaard was Minister for Foreign Economic Affairs
19 when Denmark joined the EC, while Guldberg joined the EP in the first
20 Danish delegation. When the government changed, after the December
21 1973 general election, the Social Democrats lost their hold on government
22 and Guldberg now resumed the position as Foreign Minister. Nørgaard
23 subsequently headed straight for the EP, joined the leadership of the EP-
24 Socialist group and, in 1975, became vice-president of the EP. By March
25 1975, shortly after the next change of government in Denmark, Guldberg
26 returned to the EP and immediately took over Nørgaard's post as EP vice-
27 president, while Nørgaard returned to the domestic arena to once again
28 take up the position as Minister for Foreign Economic and Nordic Affairs.
29 It is thus worth noting that, from the outset of Danish participation in the
30 EC, a role orientation towards the EP was directly useful in a high-level,
31 domestic political career and the symbolic and political capital of these
32 actors was directly convertible across the transnational parliamentary
33 space.

Policy experts

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37 It is also possible to observe a transnational pattern of specific policy
38 expertise. The Social Democrat Ole Espersen (b. 1934), for instance, had
39 a parallel civil career as professor of law at Copenhagen University, spe-
40 cialising in international and constitutional law. From 1965 to 1971, Esper-
41 sen was member of the Council of Europe's expert committee for human
42 rights. Towards the end of 1974, he was an MEP who had also engaged
43 himself in the EP's legal affairs committee, becoming its vice-chairman in
44 early 1977. Espersen had, for several years, been member of the legal
45 affairs committee in the *Folketinget*, and when he later (in 1977) became





chairman of this key domestic committee, he chose to end his time in the EP. Espersen subsequently became Minister for Justice in Denmark in 1981, even if just for a short period of time, but continued his expert engagement in matters concerning international rights in the framework of the UN and the OSCE (Organisation for Security and Cooperation in Europe), and was also member of PACE from 1991 to 1998.

The EP was also an integral part of the political careers of two of Denmark's leading agricultural policy experts. The Liberal, Niels Anker Kofoed (b. 1929) was a farmer himself. He became Minister for Agriculture and Fisheries in the minority coalition government from December 1973 to January 1975, and when it fell, he became delegate(d) to the EP. In the EP, Kofoed practically only aimed for the agriculture committee, becoming its chairman in early 1978, but was called back to Denmark later that year to resume the position as Minister for Agriculture. In 1982, he took up this position for a third time but subsequently decided to return to the EP. Kofoed ran for the direct EP-elections in 1989 and 1994 and thus gained another decade as an MEP, while also remaining the party's primary spokesperson in agricultural policy matters. A slightly different trajectory was that of the Social Democrat, Poul Dalsager (1929–2001). Dalsager was from a farming family and developed a political interest in agriculture. He was chairman of the parliamentary Committee for Common Market (that is, Community) Affairs from 1971 to 1973, in the run-up to EC membership. Dalsager was member of PACE during 1971 to 1975, and the first Danish MEP to become vice-president of the EP. He also became a member of the EP agriculture committee, but in the second half of the 1970s he exchanged the position to one of Minister for Agriculture and Fisheries, maintaining it in several short-term governments. Dalsager ended his parliamentary career to become European Commissioner for agriculture in 1981, replacing Finn Gundelach – the economist-diplomat-turned-commissioner mentioned above – who had suddenly passed away. After leaving the Commission in 1985, he decided to return to local politics, as mayor of the small town where his political career had begun (Dagbladet Information 2001).

The transnational policy expert thus integrated national and EP committee memberships. The combined expertise could also lead to ministerial positions, and the overlap of the careerist-minister-category strengthens the argument's point about the need to also map political career practices beyond the realm of the national to get an adequate view of how elite patterns change.

Europaberufspolitiker

With the exception of the example of Kofoed above, being an MEP was not in itself a career goal for the group of parliamentarians in focus here, but when we look at the transnational professionalisation of political





careers, it is nevertheless possible to identify what could be called a *Europaberufspolitiker* to (paraphrase the weberian expression). To some, the MEP experience became an integral component of a political career, as exemplified by Dalsager and Kofoed, but the tendency is even more marked with the Social Democrat Erhard Jakobsen (1917–2002), who, just prior to the December 1973, election left that party to create his own Centre Democratic Party. Jakobsen's tenure in the EP ran from 1973 to 1994, interrupted only by a short period when he served as national Minister for Economic Cooperation from 1987 to 1988. He thus successfully ran for direct elections to the EP three times: in 1979, 1984 and 1989. For Jakobsen, participation in the transnational parliamentary space and in 'Europe' as a political cause became a part-time life choice and an exercise in political profiling. Among others, he was chairman for the Danish branch of the European Movement from 1964 to 1973 and a member of PACE from 1964 to 1971. Meanwhile, he also had a clear anchoring in local politics as mayor of a prosperous suburb of Copenhagen (Gladsaxe), where he (from 1958 to 1973) tried to develop an ideal model for how local authorities can be run (Carstensen 1970).

Other pioneering Danish MEPs subsequently chose to become *Europaberufspolitiker* as a full-time career and lifestyle. The Liberal, Jørgen Brøndlund Nielsen (b. 1939) had, since the 1960s, taken part in various international activities, including a period as president of the youth branch of the Nordic Association (*Foreningen Norden*) from 1965 to 1968. Elected to the *Folketinget* in 1971, he was (at the end of 1973) delegated to the EP, where he held his seat with only a minor interruption until June 1979. Brøndlund Nielsen decided to run for the EP in 1979 and 1984, and he succeeded in staying there for another decade. A similar political career trajectory was evident with Ib Christensen (b. 1930), from the small and Eurosceptic 'Georgian' party *Retsforbundet*. He appeared on the EP's 'Grey Lists' during two short periods in 1978 and 1979, and became member of PACE from 1979 to 1986. In 1984, Christensen decided to run for the EP election representing the People's Movement Against the EC, the first Danish party to gain seats in the EP without representation in the national parliament and with a single-issue policy of dismembering the country from the Community (Knudsen 2008). Christensen was successfully elected into the EP twice. Paradoxically, one of the first genuine Danish *Europaberufspolitiker* who moved completely out of the *Folketinget* made a career out of opposing the European elite establishment and professionalisation.

A broader Europeanisation (or internationalisation) had taken place among certain Danish parliamentarians well before the June 1979 elections to the EP, and in this process there seems to have been no clear relationship to the party's position on the question of Community membership. Moreover, out of the 31 Danish MEPs under scrutiny here, 11 had either been (or eventually became) delegates to PACE, and five of these had, by 1980, also been in NATO's PA (Charman and Williams 1981: 195–212).⁹ The





amount of double – and triple – mandates would increase if we counted Danish parliamentarians delegated to the Nordic Council and the UN's General Assembly. This tendency can also be found in other countries that joined the Community along with Denmark. The number of British MEPs in that period that had also been, or eventually became, members of PACE was as high as 51 per cent. Among the Irish parliamentarians, there was a 40 per cent overlap. These figures can be seen as an expression of a group of parliamentarians beginning to specialise in PA memberships, and integrating the new opportunity structures available into their political careers. Moreover, many of the parliamentarians who actually did involve themselves in transnational parliamentary work became generalists who covered different types of PAs. Others began, for the first time, to take their parliamentary careers beyond the *Folketinget* and to the EP.

Conclusion: the emergence of European and transnational power elites

This chapter has argued that a reflexive historical sociological approach can pick up on some of the subtle transformation processes that have taken place as European and national policy environments have begun to merge. Based on wide-ranging new empirical materials, the analysis has shown how the groups of multilateral economic diplomats and the dual mandated parliamentarians began to digress from their peer groups as Denmark went through a decade-long process of orienting itself towards Community membership. On the one hand, their social profiles have shown that they were better educated and had a more cosmopolitan outlook than diplomats and parliamentarians in general. On the other, they broke with existing role conceptions in terms of the types of work assignments they engaged in and their career patterns. In other words, by mapping the changing professional practices of these groups, the chapter has demonstrated central mechanisms of subtle power transformations in the post-war period.

At a more general level, the chapter has demonstrated that while the basic social structures from which these new kinds of diplomats and parliamentarians emerged were strongly nationalised bureaucratic and political organisations, the changing work assignments and career patterns also fed back into these structures and began to gradually reshape them. By virtue of these movements, we see subtle, group-driven processes of Europeanisation in both the Foreign Office and the *Folketinget* that do not become apparent unless a temporally aware, reflexive historical sociological focus on the new European power elites is applied. Moreover, the historical contextualisation has decentred the 'beginnings' of these transformation processes from the EC perspective and embedded them in the broader landscape of European institutional and organisational developments.

It is also pertinent to point to two limitations of the Danish example. First, Danish bureaucratic and political organisations were relatively small





and egalitarian; there were no elite schools or particular social strata that could claim a monopoly on supplying elites and there was, therefore, an absence of gatekeepers that could seriously delay transformations of this kind. Second, the time period under scrutiny may be seen as a pioneering one of first encounters with European and international organisations, and we would therefore be cautious in suggesting path-dependent trajectories into later periods. Nevertheless, while the broader conclusions to be drawn from the particular empirical work on the Danish case in this period do have certain limitations, the reflexive historical sociological approach, as an academic perspective, is apt in order to identify subtle processes of power constructions and developments that institutionalist approaches have been unable to detect.

Notes

- 1 'Bidrag fra Ø.P. til brug for udarbejdelse af administrationsafdelingens redegørelse til udenrigskommissionen' (K. Knuth Wintherfeldt) 15 January 1958, 3.E.191 d/1, National Archives, Copenhagen. Cf. Bailes, 2004, p. 192.
- 2 Numbers are based on *Udenrigsministeriets Kalender* 1946 and 1956.
- 3 Note from the administrative section, 1st office, September 1959, Danish Foreign Ministry Archive, 3.E.191.d/3, box 2, National Archives, Copenhagen.
- 4 Minutes from the first and second meeting in the commission on the reorganisation of the Foreign Service, January 27th and 28th, 1958 (the quote is a statement by H.C. Hansen on the meeting of 28 January 1958), Foreign Office Records 1946–1972, 3.E.191.E/1, I, National Archives, Copenhagen; Bjøl, 1983, pp. 107–108.
- 5 *Udenrigsministeriets Kalender* [Danish foreign Ministry Yearbook], Copenhagen: Danish ministry of Foreign Affairs (selected years).
- 6 Similar examples are Niels Ersbøll, Jørgen Ørstrøm-Møller and Poul Skytte Christoffersen.
- 7 The MEP database is established on the basis of entries in the 'Grey Lists' at the Centre archivistique et documentaire (CARDOC) in Luxembourg; Liste des délégués (avant 17 juillet 1979), CARDOC (excel-file generated in the EP's electronic database0; biographical entries in *Folketingets Håndbog* (Copenhagen, Schultz Grafisk, various years) and in *Dansk Biografisk Leksikon*, (Copenhagen, Gyldendal 1979–1984).
- 8 Liste des délégués (avant 17 juillet 1979), CARDOC.
- 9 The data in Charman and Williams (1981) is compared to personal entries, Council of Europe Parliamentary Assembly Members since 1949, http://assembly.coe.int/ASP/AssemblyList/AL_MPSearchAlphaArchivesE.asp.

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6 The genesis of Europe

Competing elites and the emergence of a European field of power

Antonin Cohen

There are powerful obstacles on the way to a sociological history of European integration. First and foremost is the scope of the configuration (involving States, organizations and institutions) that defies not so much the theoretical, but more so the empirical, ability for anyone to reconstruct the genesis of Europe beyond the usual generalizations or accumulation of details. This is particularly true if one intends to go beyond reified entities ("the State") to analyze the role of elites, networks and agents in the genesis of this configuration. Second, and not less important, is the scale of the process that runs through periods of history that seem worlds apart (if all defined by war), the Great War, the Interwar, World War II, and the Cold War. This is even more so when one wishes to understand how the course of events is not only the result of individual or even collective actions, but of *longue durée* processes of State formation and transformation in which warfare is precisely one central aspect. Third, and most paradoxically, is the impact that political, bureaucratic, juridical and academic discourses themselves have had on our implicit representations of these processes and configurations, which constitute what Gaston Bachelard termed "epistemological obstacles" (Bachelard 2001). A few intertwined assumptions are particularly implicit in most narratives of European integration. One first assumption is that some specific events are breakpoints in the process, the Declaration of 9 May 1950 being one of them, and (today) officially celebrated as the birthday of European construction. This storyline should, however, be understood for what it is, a teleological construction leading us to conceive of everything that happened *after* as a consequence (and a logical one) of that particular event – not only the Treaty of Paris, but also the Treaties of Rome, the Single European Act, the Treaty of Maastricht, and so forth. A second assumption, which derives from the first one, is that the process is centrally located within the limits of one organization, the European Economic Community (later, the European Union) its development being generally analyzed in isolation from the wider European construction. This focalization should, however, again be understood for what it is: A retrospective dissection leading us to conceive of everything that happened *outside* as





disconnected from that particular arena – not only the other European Communities, but also the Council of Europe, the North Atlantic Treaty Organization, the Western European Union and so forth. In other words, part of the object is to understand how the object was constructed and reconstructed by the actors themselves – including academics (Cohen 2007).

In this chapter, I argue that the theory of fields (of Pierre Bourdieu) is the most powerful tool to break away from these epistemological obstacles and to understand the role of elites in the genesis of what can be called the European field of power. Bourdieu characterized the field of power as the *locus* of the struggle for power between different types of power holders. The emergence of a field of power is part of the process of the differentiation of society that leads to the formation of relatively autonomous social fields. The present structure of the field of power of each society is therefore deeply path-dependent and embedded in the past structuration of that society's social fields. Contrary to the economic, bureaucratic or academic field (in which agents struggle to accumulate a certain type of specific capital in order to access and occupy dominant positions) the field of power is a field of struggle between agents already holding dominant positions in their respective social fields, in which the value of their initial capital is set and eventually converted in order to diversify their portfolio of capitals and occupy dominant positions in other social fields. As Pierre Bourdieu put it, this struggle over the “dominant principle of domination”, which determines the division of labor of domination in a society, is also a struggle over the “legitimate principle of legitimation”, which ultimately determines the reproduction of the elites (Bourdieu 1996, 1989: 376).

Although Pierre Bourdieu himself mainly focused on French society, each society can be characterized in terms of social fields and fields of power, in which respective geneses and structures nevertheless differ according to the specific historical path and pace of State formation, nation building, elite differentiation, property accumulation and cultural unification in a more general context of competition between units of survival, that ultimately appear as parliamentary nation states (Elias 1982, Tilly 1992). In other words, national societies differ and diverge from one another according to the degree of differentiation between dominant elites, as a result of the power struggles in their respective fields of power, in turn determining the ability of the inner core of the power elite to circulate from one position of power to another (Wright Mills 2000). National fields of power contrast and contend with one another according to the degree of competition between States, as a result of the power struggles for global or regional domination of each State, and within States as a result of the power struggles to set the goals of each State – the international and the national being, therefore, deeply intertwined (Charle 2001; Sassen 2006). These “palace wars” (Dezalay and Garth 2002) have historically shaped elites' multifaceted strategies of





internationalization (marriage, trade, colonization, warfare, etc.) and nationalization (borders, monopolies, professions, customs, etc.).

What we are witnessing today, however, might be slightly different: the emergence of transnational fields of power and in particular, as I contend in what follows, the formation of a specific European field of power.

Section I: The logics of structuration of the nascent European field of power

As aforementioned, to understand the structure of a field, and more so a field of power, necessarily implies getting back to its genesis (Bourdieu 1992). Inheriting from *longue durée* processes of national and imperial competition between States that culminated in the Great War, European integration took shape during the Interwar in the general context of a complete transformation of the balance of power between the United States, the Soviet Union and the European States –repeatedly expressed in terms of decline, decay or decadence. This situation became more and more pressing and depressing for European elites during World War II and the Cold War, leading to an unprecedented transnational elite mobilization towards a European federation that lasted from at least the mid 1940s until at least the mid 1960s. To be more accurate, the mobilization of European (and American) elites rapidly transformed into a generalized struggle over the type of institutions that should be created at the European level, opposing *various strategies to reproduce the specific capitals each of these elites held* at the national level.

This fascinating *mêlée* quickly focused on the creation of a European assembly broadly opposing professional politicians – who relentlessly had to reaffirm that political power should be based on parliamentary representation, that neither bureaucratic nor judicial power should be freed from parliamentary scrutiny, that no military power should ever exist without parliamentary control, and, in sum, that the source of legitimacy ultimately lay in universal suffrage *including* at the supranational level – whereas economic, bureaucratic, academic or military elites concurred in defending other types of representativeness or competence or function. The power of treaty making being, at the end of the day, in the hands of professional politicians, their revolutionary claim of a supranational parliament was quickly enforced along with intergovernmental structures, triggering in turn an extraordinary burgeoning of initiatives on the part of their competitors to create all sorts of supranational, non-parliamentary assemblies, non-political authorities or a-political courts, most of which actually failed – these failed initiatives being (nonetheless) crucial to understanding the dynamics of the field. In other words, this *initial clash over the dominant principle of domination and legitimate principle of legitimation* strongly oriented the institutionalization of Europe into one definite, yet unintended, direction.





One defining moment in this process was the Congress of Europe of May 1948 at The Hague. Gathering about 20 national delegations and 10 transnational movements under the presidency of Winston Churchill (Guieu and Le Dréau 2009), The Hague Congress soon became the stage for a struggle between relatively incompatible conceptions of sovereignty, then understood much more as parliamentary sovereignty than as national sovereignty. Contrary to retrospective narratives, indeed, the Congress did not so much oppose the participants along the national cleavage as along ideological cleavages, themselves determined by social cleavages. In other words, the ideological cleavage (between the unionists and the federalists) did not so much lie on a national cleavage (between the British and the Continentals) as on a social cleavage between the bulk of political elites (overrepresented among the British delegation and among unionist movements) generally in favor of a supranational parliamentary assembly exclusively composed of professionals of politics elected by direct or indirect universal suffrage; and the bulk of economic, intellectual or syndical elites (overrepresented among Continental delegations and federalists movements) generally in favor of a supranational assembly comprising of political leaders, of course, but also of economic, intellectual and social leaders: in a word, a corporative assembly including, in the terms of the final Message to Europeans that concluded the Congress, “the live forces of all our nations” (Council of Europe 1999: 422).¹

The Congress of Europe itself was comprised of such forces. Indeed, when analyzing, in some detail, the social structuration of the Congress, one can identify four dominant poles – political, intellectual, economic, and syndical – altogether representing 90 percent of the participants (Cohen 2009). On average, almost 45 percent of the participants belonged to the political pole (including parliamentarians and ministers), 26 percent to the intellectual pole (including writers and academics), 14 percent to the economic pole (including managing directors and business representatives), and 5 percent to the trade-union pole (including trade-union leaders and activists) – the remaining 10 percent included, for instance, diplomats, clergymen, soldiers or students. These figures alone, however, do not fully reflect the social structuration of the Congress. Among the five main national delegations, indeed, there are clear discrepancies between the British and the Continental delegations. Whereas political elites represented a majority of the British delegation (57 percent), they only represented a minority of the French (38 percent), Dutch (33 percent), Belgian (32 percent), and Italian (26 percent) delegations. If we narrow it down solely to the Members of Parliaments at the date of the Congress, they represented 47 percent of the British delegation, and only 16 percent of the Italian delegation.² In contrast, economic elites only represented a tiny minority of the British delegation (5 percent), while they represented a larger proportion of the French (16 percent), Italian (18 percent), Belgian (20 percent) or Dutch (27 percent) delegations –





1 including a massive proportion of managers of international big business
2 in the case of the local Dutch delegation (KLM, Shell, Philips, Unilever)
3 or of organized business representatives in the case of the Belgian delega-
4 tion (*Association des Patrons et Ingénieurs Catholiques de Belgique*, Chambers of
5 commerce, *Fédération des Industries Belges*). Whereas trade-union elites only
6 represented 1.5 percent of the British delegation, they represented 12
7 percent of the French delegation (mainly coming from the non-
8 communist *Confédération Générale du Travail-Force Ouvrière*, *Confédération*
9 *Française des Travailleurs Chrétiens* or *Confédération Générale des Cadres*).
10 Finally, whereas intellectual elites only represented 23 percent and 22
11 percent of the French and British delegations, they represented 30
12 percent of the Belgian delegation, and up to 44 percent of the Italian del-
13 egation, two-thirds of which were academics.

14 This social structuration clearly had an impact on the debates of the
15 political committee, where 80 percent of the speakers were politicians.
16 Actually, the debates of the political committee did not so much oppose
17 the British to the Continentals as divide the French between them, the
18 Members of Parliaments confronting their challengers on what they
19 clearly saw as an attempt to create a corporative assembly, not only com-
20 prising representatives of the peoples, but also representatives of eco-
21 nomic, social or cultural forces. One of the key issues of the debate soon
22 arose when the leaders of *La Fédération*, a federalist movement created in
23 the immediate post-war period by former supporters of the Vichy regime,
24 and backed by French organized business (Cohen 2006), suggested that
25 these non-parliamentarian delegates should not be elected by national
26 Parliaments, but directly by these organizations themselves; in sum, that
27 organized interests should designate their own delegates at the suprana-
28 tional assembly. If this was quite coherent with the communitarian,
29 corporatist and federalist ideology they advocated since the Interwar,
30 along with various other movements of the third way, it was clearly at odds
31 with the prevailing view among parliamentarians that power should ulti-
32 mately rest on universal suffrage. A Deputy of the Puy-de-Dôme, André
33 Noël, soon burst out that this type of representation was seriously hurting
34 democratic principles:

35
36 I am not well aware of federalist doctrines, but such a constitution –
37 we have unfortunately experimented it in France, and also have many
38 other countries – has always accompanied corporatist regimes. Among
39 parliamentarians who, until further notice, represent national sover-
40 eignty, none will accept such a doctrine.

41 (Council of Europe 1999: 98–99)³

42
43 As Deputy of Aveyron (and former Prime Minister) Paul Ramadier made
44 very clear during the closing session of the committee, it was not so much
45 to defend national sovereignty, as such, that parliamentarians opposed





federalist movements, but rather political sovereignty, parliamentary sovereignty, and (ultimately) popular sovereignty.

This cleavage over the type of representation that should prevail at the supranational level is critical in order to understand the subsequent dynamics of institutionalization of the European field of power. Exactly one year after the Congress of Europe (CoE), in May 1949, the Statute of the Council of Europe was signed in London. A revolution was on its way, but not exactly the one that federalists had envisioned. For the first time in history, indeed, a genuine parliamentary assembly was created at the supranational level, breaking away from the principle of strict equality between States. Although this path-breaking initiative would later be downplayed, the Consultative Assembly of the CoE actually introduced a significant innovation in international relations – the seats therein being distributed among States by indirect universal suffrage on the basis (very approximate, to be true) of their respective populations. Contrary to what was debated at The Hague and to the letter of the Statute, nevertheless, the Consultative Assembly was exclusively composed of members of national parliaments. This was obviously a source of disillusionment for federalists and for all the elites initially gathered at The Hague, who were now searching for another kind of representation at the supranational level. Indeed, shortly thereafter, many non-governmental organizations were created: The European Movement (EM), a transnational network of all the organizations represented at The Hague, the American Committee on United Europe (ACUE), which funded the EM, its member organizations and its transnational campaigns well into the 1950s, the Council of European Industrial Federations (CEIF) and the International Confederation of Free Trade Unions (ICFTU) or, in the academic realm, the College of Europe – the latter four having been created in a very short span of time in 1949. In sum, the creation of the Consultative Assembly triggered a series of initiatives that all had in common the ambition not to let Europe rest in the hands of politicians.

The Schuman Plan was among these initiatives. The Declaration of May 9th 1950 emerged as a reaction from a very specific segment of the French bureaucratic field, the *Commissariat Général au Plan*, of which Jean Monnet was Director-General. Actually, the Declaration was drafted by Monnet and his closest advisers: Etienne Hirsch, Paul Reuter and Pierre Uri, who all shared a common and complete distrust of parliamentarianism (Cohen 2012). None of them had any background in electoral or party politics. Like Jean Monnet, Etienne Hirsch, who had been an advisor to Monnet from as far back as 1940 in London and later Algiers, came from the private sector. As for Paul Reuter (a law professor) and Pierre Uri (an expert economist) they both came from the same milieus that had been promoting the idea of an organized economy in the framework of a federal Europe under the Vichy regime. Paul Reuter had been very active at the *École nationale des cadres d'Uriage*, which had been created to train the





1 leaders of the National Revolution. Pierre Uri had been working in one of
2 the *Comités d'organisation*, which had been created to administrate the
3 economy during the Occupation.⁴ Be that as it may, the Declaration of
4 May 9, 1950, which intended to set up a High Authority composed of
5 "independent persons", did not mention the creation of any sort of supra-
6 national parliament to control the High Authority, nor even less of any
7 sort of procedure for national parliaments to check on it. Such was the
8 original design of the European Community, "a supra-national Authority
9 controlled by supermen", as the then British Ambassador to France put it.⁵
10 Indeed, it is worth recalling that this was one of the reasons why the plan
11 was so severely criticized and finally rejected by the British: "We on this
12 side are not prepared to accept the principle that the most vital economic
13 forces of this country should be handed over to an authority that is utterly
14 undemocratic and is responsible to nobody."⁶ In view of mounting criti-
15 cism from part of the parliamentary personnel, of course, Monnet quickly
16 had to make concessions. The day after opening the negotiations in Paris
17 on June 21, 1950, he thus announced the creation of an "interparliamen-
18 tary common assembly" with very limited powers, but with the authority to
19 review the annual report of the High Authority once a year, so as to ensure
20 some sort of "democratic control"⁷ (Rittberger 2001, 2009; Boerger de
21 Smedt 1996).

22 Along with the Common Assembly, the Treaty of Paris (constituting the
23 European Coal and Steel Community (ECSC)) created a Consultative
24 Committee attached to the High Authority. It was comprised of represent-
25 atives of producers and workers designated by the Council of Ministers
26 and it originated from a list drawn up by business and labor organizations
27 themselves. The Court of Justice was soon to make very clear in its second
28 ruling that the consultation of this Committee was compulsory. Such was
29 the ultimate design of the European Community. The Schuman Plan,
30 however, was not the only initiative triggered by the institutionalization of
31 the Consultative Assembly, although most of these initiatives would later
32 be doomed to oblivion. One of these initiatives was the European Council
33 of Vigilance. Initiated in September 1950, by the leaders of *La Fédération*
34 with the support of the European Union of Federalists (EUF), the Social-
35 ist Movement for the United States of Europe (SMUSE) and the *Nouvelles*
36 *Équipes Internationales* (NEI), all part of the EM (and with a little help from
37 its usual friends, i.e. the ACUE and French business organizations), the
38 Council of Vigilance aspired to be the upper house of the Consultative
39 Assembly. It was to be comprised of the same number of delegates
40 "selected – in the terms in which it was presented to the executive commit-
41 tee of the ACUE – from prominent political, social, and economic leaders
42 outside the official delegates to the Council of Europe";⁸ in sum, a corpor-
43 ative assembly. Actually, when the Council of Vigilance held its first session
44 in November 1950, it was comprised of politicians representing 43 percent
45 of the total, predominantly Members of Parliaments and Mayors, but also





intellectuals and academics, representing 28 percent of the total, industrialists and business representatives making up 9 percent of the total, and trade-union representatives making up 8 percent of the total (Cohen 2009) – 21 percent of which had actually attended the Congress of Europe. In his speech, the President of the Council of Vigilance, Fernand Dehousse, lamented that the path toward the “novel conception of parliamentarianism” advocated by federalist movements at The Hague was not taken. Moreover, the Council of Vigilance itself quickly proved to be a failure. However, an analysis of the issue at stake in these failed initiatives is crucial in order to understand the subsequent institutionalization of Europe.

The struggle over the kind of representation that was to prevail at the supranational level is one of the key battles of the post-war period. It is deeply rooted in the long-term history of parliamentarianism. Universal suffrage had been contested ever since it had been established. To parliamentary representation were repeatedly opposed alternative forms of representation. Electoral legitimacy had been especially challenged by expert legitimacy since the Interwar crisis. And to party politics were persistently opposed alternative schemes of organized politics. In sum, professionals of politics had to constantly reaffirm the monopoly they had conquered over parliamentary power against the rival pretensions of economic, bureaucratic or academic elites to exert power. And this conflict did not vanish with the demise of corporatist regimes. It re-emerged in renewed forms right after the war, even at the supranational level. Early European integration is actually almost impossible to understand if one does not trace this process. This initial clash over the dominant principle of domination and the legitimate principle of legitimation is indeed vital in order to understand the general dynamic of institutionalization of the European field of power.

Section II: The dynamics of institutionalization of the emergent European field of power

Following this general dynamic of successes and failures, which are both key to understanding the path taken in the “genetic structuration” of the European field of power, a multiplicity of international organizations were created in the 1940s and 1950s – the Organization for European Economic Cooperation (OEEC), the Council of Europe (CoE), the North Atlantic Treaty Organization (NATO), the European Coal and Steel Community (ECSC), the Western European Union (WEU), the European Atomic Energy Community (EAEC) and the European Economic Community (EEC) – simultaneously with a myriad of transnational organizations—among which was the above mentioned Council of European Industrial Federations (CEIF), later rechristened Union of Industrial and Employers’ Confederations of Europe (UIECE), which soon represented





transnational organized business in all intergovernmental organizations from the OEEC to the EEC (Rollings and Kipping 2008). All these intergovernmental organizations comprised, as a minimum, a council of ministers and, eventually, (depending on the evolving state of power struggles among elites at each stage of the ten-year period of treaty negotiations lasting from 1948 to 1957) a parliamentary, bureaucratic and judicial institution, with as many associated departments, services, units and so forth – together with their changing names. *This expanding constellation of national and supranational institutions and agents formed the nascent European field of power.*

Albeit the dynamics of the emergence of the nascent European field of power led to an international division of labor between *de jure* separate intergovernmental organizations, these organizations were *de facto* intertwined in both their genesis and later institutionalization. To understand the logics of the emerging European field of power indeed implies analyzing the interactions and interdependencies between the numerous supranational institutions created within these organizations. For quite a long time, as I argue in what follows, a significant proportion of the same national parliamentary or governmental personnel actually sat in all supranational councils of ministers or parliamentary assemblies. In other words, the Pan-European institutional structure at the core of the European field of power should be thought of as a relational set of institutions, or, in the terms of Max Weber (1978) and Norbert Elias (1982), as an *institutional enterprise with a permanent, differentiated, and specialized interstate political directorate in charge of the indirect administration of State military and economic monopolies*. Not a State, but the institutional lineament of a State. Military, economic, and political issues were indeed profoundly intertwined in the early Cold War; and so were, actually, the supranational structures to deal with these issues.

To begin with, it is worth recalling that the rhythm of treaty making from the late 1940s to the late 1950s implies that the same ministers were, most of the time, signatories of all these treaties – whatever the terminology: Treaty, Convention, Statute, or Agreement. Paul-Henri Spaak would thus stay in office long enough to sign the Treaty of Brussels in 1948 and the Treaties of Rome in 1957. In 1949, for instance, he could sign with a stroke of the pen the two treaties creating, within one month, the Atlantic Alliance and the Council of Europe, in both of which he would later perform eminent functions. Among these repeat players are the well-known figures of Paul Van Zeeland for Belgium, Robert Schuman for France, Konrad Adenauer for Germany, Carlo Sforza for Italy, and Joseph Bech for Luxembourg. This also implies that the jurisconsults in charge of drawing up the treaties on behalf of the national ministries often drafted one text after the other in the same conditions. More importantly, once these organizations were created, the same ministers (most of the time) sat on the different councils of ministers created within these organizations.





Obviously, the schedule had to be arranged, over time, so that ministers from the core European countries could sit in a row on all the councils. In December 1959, for instance, the councils of ministers of the CoE, NATO, ECSC, EEC, and EAEC were organized within one week, from the 14 to the 18, right before the Christmas holidays (the “Atlantic Community” session being interposed between the “European Community” sessions): The Committee of Ministers of the CoE on Monday, the Special Council of Ministers of the ECSC on Tuesday, the North Atlantic Council of NATO from Tuesday to Thursday, and the Council of Ministers of the EEC and of the EAEC on Friday. Ministers of Foreign Affairs Pierre Wigny (Belgium), Maurice Couve de Murville (France), Eugène Schaus (Luxembourg), and Joseph Luns (Netherlands) thus sat continuously during the week – Giuseppe Pella (Italy) and Heinrich Von Brentano (Germany) being exceptionally excused and represented at the Committee of Ministers of the CoE on Monday – while Ministers of Economic Affairs sat on the Special Council of Ministers of the ECSC on Tuesday.

This intertwined institutional structure is critical in understanding the logics of institutionalization of supranational parliamentarianism. From the late 1940s to the late 1950s, indeed, four supranational parliamentary assemblies were created in Europe, all of them breaking away from the principle of strict equality between States. In the Consultative Assembly of the CoE, seats had been distributed as follows: 18 seats to France, Italy and the United Kingdom, seven to Belgium and the Netherlands, six to Sweden, five to Norway, four to Ireland and Luxembourg, and in August 1949, a further 10 to Turkey and seven to Greece. This distribution later served as a matrix for the Common Assembly of the ECSC and, therefore, for the Assembly of the three Communities, rechristened the European Parliamentary Assembly in 1958 and the European Parliament in 1962.⁹ It also served as a matrix for the two assemblies that no treaty ever created, but nevertheless sat within the framework (outside the framework to be more accurate) of the organizations they were designed to control: the Assembly of the WEU and NATO Parliamentary Conference, rechristened North Atlantic Assembly in 1966. As Paul Reuter specifies in the first edition of his handbook on European Organizations this unofficial assembly, gathering parliamentary delegations from NATO Member States “*on a ‘private’ capacity*”, is a pure product of practice: “Not being provided by the texts, it had to get organized semi-clandestinely” (Reuter 1965: 137, 145).¹⁰ To these four assemblies must be added a short-lived but very important Ad hoc Assembly, sitting parallel to the first sessions of the Common Assembly from September 1952 to January 1953, for the purpose of drafting a European Constitution.

In total, by 1957, right before the Treaties of Rome were signed, more than 400 seats were thus to be filled at the supranational level (429 to be precise), not taking into account the seats of the American and Canadian delegations to the NATO Parliamentary Conference. And by 1977, right





1 before the European Parliamentary Assembly was elected by direct universal
2 suffrage, the number of seats rose to almost 600 (582 following the same
3 calculation).¹¹ In all four assemblies, the seats were allocated according to
4 rules that were, most of the time, left to the discretion of national parlia-
5 ments and governments, which, of course, had an impact on the very com-
6 position of those assemblies. In 1957, to limit oneself to the one example of
7 the European Parliamentary Assembly, some delegations only comprised
8 members of the lower house: Members of the *Bundestag* in the case of
9 Germany and Members of the *Chambre des députés* in the case of Luxem-
10 bourg. Other delegations comprised members of both houses, albeit in dif-
11 ferent proportions: two-thirds coming from the *Assemblée nationale* and
12 one-third from the *Conseil de la République* in the case of France, three-fifths
13 from the *Tweede Kamer* and two-fifths from the *Eerste Kamer der Staten-Generaal*
14 in the case of the Netherlands, and half from the *Camera dei Deputati* and
15 half from the *Senato della Repubblica* in the case of Italy. In addition, the seats
16 were allocated according to contrasting voting rules, proportional represen-
17 tation of national parliamentary groups in the case of the Belgian, Dutch,
18 and German delegations, and majority vote in the case of the French,
19 Italian, and Luxembourg delegations (to explicitly exclude the possibility of
20 a communist delegation in the case of France and Italy). Last but not least,
21 the duration of the mandate was not the same from one delegation to
22 another (Ginestet 1959).¹² In sum, the European Parliamentary Assembly
23 remained hemmed in between the six, then nine, national parliaments for
24 quite a long time, but also in between the three other supranational parlia-
25 mentary assemblies. In spite of appearances, the four supranational assem-
26 blies of the CoE, EC, WEU and NATO were indeed deeply interdependent,
27 the institutional closure between supranational interstate organizations
28 being counterbalanced by a series of juridical and political factors.

29 In his seminal study, Ernst Haas pointed out that the role of the Con-
30 sultative Assembly of the CoE soon became understood (by the parliamen-
31 tarians themselves) as one of controlling the activities of the councils of
32 ministers, including those of OEEC and NATO, in what he calls a “Euro-
33 pean review” (Haas 1960: 7). This, however, is only one aspect of what
34 really emerged as a transnational parliamentary space that can better be
35 described as a supranational trans-parliamentarian space. A good propor-
36 tion of parliamentarians indeed sat in several of these assemblies simulta-
37 neously. The letter of the treaties encouraged this. Article 1 of the
38 Protocol concerning relations with the Council of Europe appended to
39 the Treaty of Paris specified that:

41 The governments of the member States are invited to recommend to
42 their respective Parliaments that the members of the Assembly, which
43 these Parliaments are called upon to designate, should preferably be
44 chosen from among the representatives in the Consultative Assembly
45 of the Council of Europe.





Thus, in 1952, when the Common Assembly of the ECSC held its constitutive session on the tenth of September followed by the ordinary session of the Consultative Assembly of the CoE on the fifteenth of September, 29 out of the 78 Members of the Common Assembly were full members of the Consultative Assembly (in which they effectively sat), six were full members of the Consultative Assembly (but were replaced there by substitute members who were themselves not members of the Common Assembly), two were substitute members of the Consultative Assembly (in which they effectively sat in replacement of full members who were themselves not members of the Common Assembly) – knowing that the latter eight parliamentarians were also members of the Ad hoc Assembly as representatives of the Consultative Assembly sitting with the members of the Common Assembly (see paragraph below) – and, finally, four were substitute members of the Consultative Assembly but did not actually sit therein.¹³ In sum, almost half (47.43 percent) of the parliamentarians sitting in the Common Assembly also sat in the Consultative Assembly. Among these, the French and Italians were slightly overrepresented (11 individuals) when compared to the Germans (five individuals). A few months later, in January 1953, and skipping the details,¹⁴ 36 out of 78 Members of the Common Assembly also happened to be Members of the Consultative Assembly (46.15 percent) – with the same overrepresentation of the French (11) and Italians (nine) when compared to the Germans (five).

During the first six months of the existence of the Common Assembly, furthermore, an Ad hoc Assembly was sitting in parallel to draft what would later be termed a Treaty embodying the Statute of the European Community – one of the first constitutional treaties ever drafted for Europe (Griffiths 2000). The Ad hoc Assembly comprised the 78 members of the Common Assembly, 16 observers and eight co-opted members. Among the latter, 21 were full members (14) or substitutes (seven) of the Consultative Assembly, including one delegate from Denmark, Ireland, Iceland, and Norway, two delegates from Greece, Sweden, and Turkey and three delegates from the United Kingdom (of course, none of these countries being members of the ECSC) – plus three delegates from France and Italy, and two from Germany – as well as Christian Calmes, secretary of the Special Council of Ministers, Max Kohnstamm, secretary of the High Authority, and Jean-Claude Paris, secretary of the Council of Europe, all three co-opted. During the initial phase of institutionalization of the ECSC, therefore, there was a very strong institutional and personal imbrication of the three assemblies, which transformed Strasbourg (where they all sat) into a trans-parliamentary city in which the speeches and acts of each participant responded to those of the others.

During the 1950s, imperceptibly, the proportion of parliamentarians sitting both in the Common Assembly and Consultative Assembly decreased in a linear way year after year, from close to half of the total to





less than a quarter of the total of 78 members: 47.43 percent in 1952 (37), 46.15 percent in 1953 (36), 37.17 percent in 1954 (29), 29.48 percent in 1955 (23), and 21.79 percent in 1956 (17). After 1957, this process of differentiation accelerated. In 1957, on the verge of the entry into force of the Treaties of Rome, 19 of the 78 Members of the Common Assembly were also Members of the Consultative Assembly, whereas in 1967 only three of the now 142 Members of the rechristened European Parliamentary Assembly were also Members of the Consultative Assembly. In other words, the proportion decreased from 24.35 percent to 2.11 percent. The following period only confirmed this tendency, since an identical number (three out of 198 Members of the European Parliamentary Assembly, which of course enlarged with the accession of Denmark, Ireland and the United Kingdom) were Members of what (again in the meantime) had been rechristened the Parliamentary Assembly of the Council of Europe (1974) – a tiny 1.51 per cent. In the multifaceted processes of dissociation of transnational parliamentary spaces that occurred during the 1950s and the 1960s, these figures illustrate the progressive autonomization of the “European Parliament” from the Consultative/Parliamentary Assembly of the CoE and, more generally, from the Pan-European space, thereby anticipating the subsequent autonomization of this same “European Parliament” from the national parliaments. The direct election suppressed the *de jure* dual mandate of the Members of the European Parliament, and led to the *de facto* dissociation of national and European mandates – the proportion of Members of the European Parliament simultaneously holding a national mandate decreasing from 31 percent in 1979 to 10 percent in 1999 (Beauvallet and Michon 2010) – until the European Council finally declared them incompatible in 2002.

The process of dissociation of supranational parliamentary assemblies is quite clear in the case of intra-Community and extra-Community spaces. It should, however, be added that Pan-European parliamentary assemblies remained strongly imbricated. Almost simultaneously, in 1955, two novel assemblies were indeed created; the Assembly of the WEU and NATO Parliamentary Conference, in which the respective personnel remained almost identical to the personnel of the Consultative/Parliamentary Assembly of the CoE from the 1950s to the 1970s. In 1957, for instance, 86 of the 89 Members of the Assembly of the WEU were also members of the Consultative Assembly of the CoE (96.62 percent), decreasing to 80.89 percent in 1967 (72 out of 89), and finally increasing to a maximum of 100 percent in 1977. The process of dissociation of intra-Community and extra-Community parliamentary spaces nevertheless went along with a series of initiatives to rationalize, in the opposite direction, the relations between the different supranational assemblies. From 1953 onwards, in conformity with Articles 2 and 3 of the aforementioned Protocol appended to the Treaty of Paris (which provided that the annual report of the Common Assembly, as well as the general report of the High Authority





would be forwarded to the Consultative Assembly), but more in accordance with a “gentlemen’s agreement” between Jean Monnet (President of the High Authority) and Lord Layton (First Vice-President of the Consultative Assembly), the Common Assembly and the Consultative Assembly held joint annual sessions in Strasbourg – this practice having been reproduced after 1958 until 1979. This was only the first of a series of initiatives that emerged throughout the 1950s and 1960s (Brumter 1986: 19 and following). In 1956, British Minister of Foreign Affairs Selwyn Lloyd voiced to the NATO Parliamentary Conference his “Grand Design” to substitute the four existing assemblies for a unique European Parliamentary Assembly. In 1959, the Belgian Minister of Foreign Affairs, Pierre Wigny, suggested a more pragmatic redistribution of powers between assemblies, formulating *en passant* the wish that the Consultative Assembly could review the proceedings of the OEEC – that did not have any parliamentary assembly. This initiative was later followed by several propositions of the same kind, among which was Pierre Pflimlin’s (then President of the Consultative Assembly) in 1963. However, only the initiatives internal to the European Communities succeeded. As a matter of fact, the signature of the Treaties of Rome entailed an internal differentiation of the Europe of the Six, with the creation of the two Commissions of the EEC and of the EAEC (to be added to the High Authority of the ECSC), and also two Councils of Ministers (to be distinct from the Special Council of Ministers of the ECSC). The European Parliamentary Assembly and the Court of Justice were the only two institutions that became at once “common” to the three Communities. It was, indeed, necessary to wait for the entry into force of the so-called Merger Treaty in 1967 for the Commission and Council to become “common” to the three Communities.

Conclusion: capitals and constraints in the circulation of transnational power elites

To see post-war European interstate organizations and institutions as clearly separate is profoundly misleading. Of course, all these organizations and institutions had different paths and paces of institutionalization. While the political groups were officially recognized as soon as 1953 within the Common Assembly (Article 33bis of the rules of procedure), these were only established in 1956 within the Consultative Assembly (Article 41 of the rules of procedure). While the Members of the European Parliamentary Assembly authoritatively decided to sit by political groups in 1958 in what Pierre-Olivier Lapie then called a “revolution of the seats”, the Members of the Consultative Assembly continued to sit by alphabetical order. However, the institutionalization of each of these assemblies is impossible to understand without analyzing how they interrelate with one another.

More importantly, this transnational structure of intertwined institutions actually explains the relative power some individuals could exert over





the whole process of European integration. There is virtually no position of power that Paul-Henri Spaak, for instance, did not occupy from the late 1940s to the early 1960s, from the Chairmanship of the Council of the OEEC (1948) to the Presidency of the Consultative Assembly of the CoE (1949–1951) and from the Presidency of the Common Assembly of the ECSC (1952–1954) to NATO Secretariat-General (1957–1961), not to forget that he sat in all the councils of ministers of these organizations as the Belgian Minister of Foreign Affairs (1947–1949, 1954–1957, 1961–1966) and that he eventually presided over the European Movement (1950–1953). This is particularly true of the small elite of professionals of politics/professionals of law that shaped the institutions of the Pan-European-Union. Not only did they sit in all the informal committees that designed early European institutions, they also had seats in all the institutional committees that shaped the institutionalization of Europe. Among these are the influential figures of Pierre-Henri Teitgen, Fernand Dehousse and the likes. Indeed, it is quite striking that the proportion of these jurists increases with the longevity as well as with the multipositionality of the transnational parliamentary assemblies of the 1950s and 1960s, in a process of (not so) “natural selection”.

In the light of this institutional structure and individual agency, therefore, it seems a bit artificial to oppose intergovernmental power and supranational entrepreneurship (Moravcsik 1999) when an elite of professionals of politics actually played a great variety of changing roles in the emergent European field of power across institutional boundaries and national borders. On the contrary, the analysis should move to the explicit and implicit representations of politics that blinds us to the plasticity of institutionalization processes, and from there to the actual processes that led to the formation of the European field of power (Cohen, *et al.* 2007). National models of State and State formation should not prevent us from thinking of European construction as a State-like structure in the making at the core of the European field of power, even when the national and the supranational paths and paces of institutionalization of these structures differ. Precisely because it helps us to go beyond reified entities (“the State”), the theory of fields of Pierre Bourdieu can, on the contrary, help us to conceive of new research directions and understand the intricacies of the transnational and national processes and configurations that ultimately appear as different.

Stretching over a social and geographical space that is neither limited to the European Community, nor even to Europe, the European field of power is embedded in a wider Euro-Atlantic world-economy (Braudel 1949), which is strongly interdependent with the American field of power as well as, of course, with the various European national fields of power. Partly autonomous, the European field of power is therefore profoundly heteronomous – the state of power struggles in the European field of power being highly dependent on the state of power struggles in national





fields of power in a complex structure of homologies between them. More so, the European field of power, which sits at the interstitial crossroads of national economic, legal, bureaucratic, academic or political fields (Madsen 2007; Vauchez 2008), may be impacted by each and every change in the balance of power within these fields. In the long run, however, the balance of power within the European field of power directly impacts on the value of capitals in national fields of power and therefore on national social fields. Indeed, more than ever, the European field of power is now the *locus* of a transnational struggle over the “dominant principle of domination” and “legitimate principle of legitimation”, where the value of all capitals is being set, enabling conversions of capitals, and ultimately determining the reproduction of national capitals – in particular, through the demise of traditional economic, professional, educational, and *political* monopolies of European national elites.

Notes

- 1 This document and many others cited below can be found at: www.ena.lu.
- 2 Italian MPs were to elect President Luigi Einaudi right after the Congress and many had decided not to come.
- 3 My translation from the French.
- 4 There is no room here to come back to the complex trajectories of Reuter (who joined the Resistance while he was still defending National Revolution at Uriage) and Uri (who was expelled from civil service as a Jew, but nevertheless wrote in Pétainist publications) which have been extensively detailed in my PhD and subsequent publications: Cohen (2012).
- 5 Sir Oliver Harvey to Mr. Younger, 6 June 1950: ‘French proposals for pooling Western European heavy industry: A Review of the Preliminary Discussions’ available online at: www.ena.lu.
- 6 Clement Attlee responding to Winston Churchill during the debate of June 27, 1950 at the House of Commons: Hansard, June 27, 1950, p. 2169, available online at: <http://hansard.millbanksystems.com/>.
- 7 Agence France-Presse, June 21, 1950: Compte-rendu de l’exposé de Jean Monnet à l’ouverture de la conférence sur le Plan Schuman: www.ena.lu.
- 8 Mudd Library (Princeton), Allen W. Dulles Papers, 1/4/1: ‘Minutes of the Meeting of the Executive Committee’, October 11, 1950, p. 2.
- 9 What was really the Assembly of the three European Communities was rechristened the European Parliamentary Assembly and, later, the European Parliament by the delegates themselves and only became the official denomination of the assembly after the Single European Act in 1986. I will therefore not use the anachronistic term European Parliament unless referring to the post-1979 period.
- 10 My translation from the French.
- 11 The Act concerning the election of the representatives of the Assembly by direct universal suffrage being the one most important leap in the total number of seats offered at the supranational level, the European Parliament then being increased from 198 to 410 seats.
- 12 All this, I must admit, being the source of serious difficulties in the calculations that follow.
- 13 The system of the substitute members specific to the Consultative Assembly making the whole calculation quite complicated.





14 To the substituted (four) and substitutes (one) should this time be added the
excused (11) who do not seem to have been effectively substituted...

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7 Elite European lawyers?

The Common Market as new golden age or missed opportunity

Yves Dezalay and Bryant Garth

Toward the end of the 1980s, a number of commentators celebrated the creation of the Common Market as the beginning of a new Golden Age for law and lawyers – a welcome result after the experience of decades of marginalization by the bureaucrats in charge of European welfare states. Two decades later, despite admitted gains especially for corporate lawyers, this Golden Age for law and lawyers in Europe has yet to arrive.

The position of new European legal elites is closely related to the question of the ultimate emergence of what can be termed a “European legal field.” That prospect remains quite uncertain, even when characterized as a “weak field” (Vauchez 2008). More generally, the current crisis of European state institutions, highlighted and aggravated by the Euro crisis, points to the need to re-examine critically the analyses celebrating the progress of European legal and judicial institutions. The hope that Europe would provide an example of the operation of a universal trend toward the Rule of Law – with, as a corollary, the restoration of lawyers to their former prominence in national fields of state power – must be scrutinized critically.

The two dimensions – legal and political – of the elite lawyer aspiration are strictly interconnected. One of the constants of national histories of legal professions is that Golden Ages result from successful strategic alliances in the field of state power. By putting their expertise in the service of the political ambitions of new leaders or interest groups, certain fractions of the professional world may succeed in becoming the privileged agents of state governance, whether in bureaucratic or parliamentary settings. They, in effect, institutionalize and legitimate the power of their protectors and allies. Examples abound in histories of the profession from the reinvention of Roman law in the service of Gregorian reformers and royal bureaucracies (Martines 1968; Berman 1983; Brundage 2008), through numerous “republics of lawyers,” including France as a prototype (Bell 1994; Karpik 2000; Charle 1997), through quite a number of places where notables of colonial law reconverted into founding fathers of independent states (Shamir 2000; Dezalay and Garth 2010), and including the development of the common law and the independence of the bar in





England through mobilization and investment in the “Long Parliament” – serving as champions of the gentry and the merchant bourgeoisie against those favoring the restoration of royal absolutism (Prest 1981, 1986; Berman 2003).

The relative prominence of legal elites is therefore a corollary of successful state strategies. Nevertheless, even though a similar story of investments in the state accounts for the creation of national legal fields generally, there are notable national differences. Differences emerge through the different possibilities opened by social and economic transformations in different settings – even, according to Berman’s interpretation (Berman 1983, 2003), by ideological and religious revolutions. These strategies are crystallized around institutions and a persistent habitus that determine the connection between law and politics and therefore the resources that jurists are able to mobilize to invest in the field of state power. The multiple paths toward the construction of European institutions have served to reactivate very specific models of discourse and practice inscribed in national historical configurations of state power. An examination of how those practices relate to the problematic emergence of European legal elites provides a new angle on the contradictions that account for the weakness of European legal institutions.

One of the central themes of political science analyses of the stakes involved in the construction of Europe is that Europe provides a terrain for battles between different conceptions of the state (Héritier *et al.* 1996). One of the merits of neo-Gramscian approaches to International Political Economy is that it goes beyond the simple reading of these battles as struggles for influence among state elites and national models. Instead, the approaches posit the need to develop theory concerning a new episode of the opposition between state capitalism (the “Rhineland model”) and a transnational capitalism dominated by the so-called “Transatlantic Ruling Class.” Nevertheless, this macro-analysis remains incomplete in the sense that it neglects the important role of professional milieux, in particular the legal professional elites constituted through investment of learned expertise and a social capital of relationships in the fields of state power. That missing component is the object of the following inquiry. Our object is to bring to light this black box in part through an historical approach that will highlight the effects of path dependency. It also will explain the co-existence of different groups of legal elites – each with a different habitus – that make difficult the construction of one model of European jurist.

This approach does not see European legal constructions as simply the product of a territorial competition between legal elites distinguished only by their national identities – and therefore able to converge at the core of a European legal field. Instead, consistent with the approach taken by Berman (Berman 1983, 2003) and a problematique from political sociology (Brundage 2008), we emphasize that the history of political and





religious battles in Europe has produced a strong differentiation of legal practices and expertise in relation to different political contexts leading fractions of legal elites to forge specific alliances in the field of state power. Successes through these strategies have produced both models of the state and conceptions of practice, knowledge, and legal legitimacy that are not only divergent, but even antagonistic. In addition, these models have spread to neighboring societies outside of the national spaces where they were concretized in the first place. Nevertheless, as with respect to all transplants, these borrowings remain partial and produce hybrids. Therefore, even if all the different figures of “jurist” are found in the different national fields, they are reshaped by the characteristic hierarchy of positions of the different settings. For example, there are professors of law in Great Britain, but they are by no means the equivalent of their German homologues. They lack the authority to “speak the law,” which in Great Britain continues to be the monopoly of elite practitioners among the bar. This structural opposition between a “professorenrecht” and a law of practitioners somewhat echoes, but differs greatly, from the situation in the United States. After British colonialism, the British model gave way to a new division of legal labor, built on the alliance formed late in the nineteenth century between an elite of Wall Street lawyers and professors of Ivy League law schools.

Accordingly, within the European space, there are very different conceptions of legal competence and excellence, and the models strongly condition the resources that different national legal elites can mobilize in the field of state power – whether at the national or European levels. The various episodes, avatars, and potential pathways toward the construction of European institutions offer new opportunities to these experts of the state to impose themselves into European debates and negotiations (Cohen 2012; Madsen 2012) by playing on the potentially available registers of jurisconsults, clerks of the state, politicians or diplomats. Nevertheless, and this is our central hypothesis, the importance of the professional, political, and economic stakes leads each of these fractions of jurists to reactivate their habitus, their legal expertise, and the mix of social, political, and ideological resources inscribed in each specific national history of the political construction of law. Therefore, far from being structured according to the logic of the European legal field, however weak, the space of European legal-politico practice reinforces logics of confrontation and strategies of double games that characterize international relations.

The analysis of these struggles for influence is made more difficult by the fact that it is not a matter of national opposition – precisely because the hybrid character of the national models favors alliances beyond frontiers. The dominated fractions of a national legal field have every interest in making common cause with homologues who are in a dominant position within other legal fields. This phenomenon is illustrated by the





European business lawyers, who have identified with US lawyers while occupying relatively marginal spaces in their national legal fields. In order to develop a first approach toward synthesis with respect to these political confrontations between different fractions of legal elites, we propose to group the jurists into the three great figures corresponding to strategies and positions in the field of state power: the counselor to the Prince – or clerk of the state – who provides legitimacy from learned expertise consecrated by academic diplomas; the courtier, who takes advantage of a network of social relations, whether inherited or acquired, in order to serve as an intermediary between different places and powers; and finally, the charismatic tribune, whose legitimacy comes from the role of spokesperson for social groups who seek the recognition of their interests in the field of state power. As we shall see, these three distinct figures, corresponding to specific episodes of the social history of law, can be combined with more or less success depending on the particular mix valorizing one or the other of these figures. In this respect, the confrontation within the European space is still unstable. One reason is that this confrontation is not limited to European borders. It is transatlantic, since US law firms play a dominant role. The worlds of European legal practice are therefore crossed by several lines of cleavage, with the principal one separating the entrepreneurs of transnational business law and an elite of high functionaries of state bureaucracies. This opposition parallels the opposition between Rhineland capitalism and transatlantic capitalism (Van der Pijl 2006).

Legal Europe therefore furnishes a kind of microcosm, where one can find the principle figures characteristic of legal elites, whether in national histories within Europe or in their extensions across the Atlantic. It is tempting to focus on the opposition between Rhineland capitalism and transatlantic capitalism. On one side, according to this dichotomy, are jurists serving the state as high functionaries or advisers to the Prince. This position aligns jurists perfectly with the German model, inscribed within a long history. The history includes the period when Martin Luther and Protestant princes redeployed a strategy of modernization invented initially by Gregorian reformers, and then extended it to the royal bureaucracies. It was reactivated two centuries later by the Prussian monarchy in order to construct the German empire. The model of the Wall Street Law Firm, conceived in order to provide elite legal services to the monopolies of the robber barons and the multinationals that have succeeded them, appears to be situated at the polar opposite from the Prussian hierarchy of law organized by the logic of the state. But, as already mentioned, the most prestigious of these law firms serve also as bases to periodically reinvest in the field of state power. This investment is not according to the German model of the clerk serving the state, but more according to a mixed formula involving investments of relatively short duration in public affairs leading to an accumulation of a capital in expertise and influence. All of





1 this investment leads to roles that can variously be termed Wise Men, Elder
2 Statesmen, or simply power brokers. These roles allow the lawyers to
3 insure that the interests of their multinational clients will be taken into
4 account in evolving political contexts.

5 Further, the opposition between different fractions of the European
6 legal elite – corporate law firms and lawyers in the service of the state –
7 must be qualified by the fact that the two modes of practice are more com-
8plementary than competing. Indeed, each group is situated in a space that
9 is relatively distinct with few pathways between them, at least until recently
10 (Vauchez 2012). In contrast to the situation in the United States, in
11 Europe the circulation of legal elites between state institutions and corpor-
12ate law firms remains quite limited. That path, moreover, tends to be the
13 traditional pantouflage of a small group of jurists who occupy leadership
14 positions in European institutions and then move into corporate law firms
15 to provide a kind of symbolic representation based on their capital of per-
16sonal relationships. These late career transfers, in short, only partially
17 fulfill the role of courtier between the institutions of the state and the
18 world of business that has long been the basis of the prosperity of legal
19 markets. The lack of mobility is also evident by the reluctance of lawyers in
20 the large corporate law firms to invest, even temporarily, in parliamentary
21 positions or stints in European institutions. This reluctance limits the
22 impact of the legal sector on European political and economic policies.
23 Examinations of the lobbying practices of multinational corporations in
24 Europe, in fact, reveal that such practices are based strongly on relatively
25 informal personal relations (Coen 1998).

26 The result is that the national legal elites of European countries have
27 only partially been successful in building, at the European level, the prac-
28tices of mediation between private interests and the state that have long
29 been the basis of their prosperity and influence at the national level. It is
30 also true that the prestige and capital of influence, as well as the political
31 legitimacy accumulated in the Golden Ages of republics of lawyers, has
32 eroded significantly by a relative marginalization within European welfare
33 states. Further, since the political capital accumulated in Washington, DC,
34 whether in the antechambers of power or within the networks of the
35 global NGOs, can only partially be deployed in Brussels, business lawyers
36 in Europe lack the capital to succeed in the role of intermediary and
37 courtier in the field of power in Europe. This set of structural weaknesses
38 provides an explanation for the weak emergence of European legal elites.

39 40 41 **The expanded European legal market: some partial** 42 **successes, ahead of the prophecies**

43 In a set of essays mainly published in the late 1980s, leading business
44 lawyer Laurent Cohen-Tanugi wrote of a “return to law” in the political
45 scene (Cohen-Tanugi 1985). The construction of Europe was to usher in a





new Golden Age for European jurists – at the European level, since European legal institutions were themselves legal constructions, but also at the national level. The creation of a single European market was to go with a dismantling of the bureaucratic regulations supporting the social and economic interventions that had led to the marginalization of jurists in the welfare states created after World War II. Therefore, the construction of a legal Europe, with a corresponding weakening of a statist conception of law as an instrument of public administration, could be celebrated as part of a more universal process toward the Rule of Law – which, following the US model, was gaining ground in national and international fields of state power.

This prophetic vision of jurists as the architects and engineers of a European state of law appeared more plausible in the context of the late 1980s. The different fraction of these professional milieux benefited from substantial strategic resources. Through their position at the intersection of community institutions, both parliamentary and judicial, a small elite group of European jurists was able to play the role of architect of European institutions (Coen 1998), and the diversity of this group facilitated activity as courtier with respect to their national spaces. The diversity gave them a greater freedom to operate, making them indispensable intermediaries to gain access to networks of agents and institutions jealous of and strictly connected to their specific local practices (Sacriste and Vauchez 2007). Furthermore, the creation of the single market, inscribed in a more general process of trade liberalization and financial deregulation, favored the transatlantic expansion of the US model of a law firm able to build on a well-established tradition of brokers between the world of business and the field of state power (Dezalay 1992; Dezalay and Garth 2004; Sacriste and Vauchez 2007). This way, playing on the complementarity of the two major categories of legal professionals, the world of jurists was able to look toward reconstituting a new space of intermediaries playing a double game between state institutions and private interests – which under diverse forms, has always been the key to the profession's prosperity and legitimacy.

A little more than two decades later, numerous indicators suggest that the hoped for success did not materialize. On one side, the position of jurists in the hierarchy of EC administration is relatively weak compared to other forms of expertise such as economics or management (Georgakakis 2012). On the other side, the growth and prosperity of European jurists has been spectacular in spite of coming from a relatively weak position. The relative weakness stems from the fact that the powerful Wall Street law firms continue to dominate the most prestigious and lucrative work of the international market of business law – including that involving Europe. The European effort to gain more of the market of big business was part of a strategy of growth seeking to reproduce and then overtake the US mega-law firms. The creation of a 'Magic Circle' of City Law Firms, able to





1 compete in all the major international legal markets, whether in Europe
2 or in the many spheres of former colonial influence, was part of this very
3 successful strategy.

4 A limit on this success, however, was the inability to gain a strong foot-
5 hold in US markets where the domination of the most prestigious Wall
6 Street law firms continues. That domination was built on a strong capital
7 of legal expertise and political influence, which led to powerful networks
8 of relational capital among leading multinationals, including especially
9 the leading entities of the financial sector, such as Goldman Sachs and
10 Lazard. The leading legal and financial firms of Wall Street therefore con-
11 tinue to dominate the major deals where the importance of the stakes –
12 often at the same time legal, political, and financial – militates toward the
13 mobilization of elite professionals bringing multiple and diversified com-
14 petences. The profits procured from these transactions in return brings
15 the learned and political investment that contributes to the legitimacy of
16 the elite law firms – and reproduces the model of excellence based on
17 recruiting the most ambitious and/or well-connected of the new genera-
18 tion of professionals.

21 **European strategies of a cosmopolitan entrepreneurial elite**

22 Karel Van der Pijl, in *Global Rivalries* (Van der Pijl 2006), proposes a
23 theory, based on historical and political study, of the international competi-
24 tion among state approaches to governance that explains the diversity of
25 models of the state according to the strategic interests of national bour-
26 geoisies. In contrast to the theoretical position of Negri, which posits the
27 dissolution and absorption of nation states into one imperial model which
28 various actors are in the process of creating, Van der Pijl insists on rivalries
29 contending within the space of the international field – rivalries that are
30 the product of long histories and political and economic competition
31 between national bourgeoisies.

32 The dominant model is that of the liberal and moderate state, struc-
33 tured by and for a landowning oligarchy, then diffused widely, although
34 contested, through British colonialism, before being taken up and pro-
35 moted by an economic and political alliance that this author refers to as
36 the “Transatlantic Ruling Class” (Van der Pijl 1984). The ascendancy of
37 this model in the international order comes from the prior domination of
38 the global economy by British capitalism, which paved the way for the new
39 model. In order to compensate for being behind in the competition,
40 potential “contender states” drew on the resources of strong states. The
41 model of the Prussian state, extended by Bismarck through the unification
42 of Germany, was in turn copied widely outside of Europe by partisans of
43 forced modernization imposed by the state: Samurai reformers of the
44 Meiji era in Japan, Leninist and Maoist leaders under the banner of com-
45 munism, and alliances between technocrats and the military in the





so-called developmental states that multiplied during the period of the Cold War. This model of state development is especially effective as a strategy of take-off. After the initial boost, it does not adapt so well to competition in international markets, where it faces the increasing hostility of financial actors and firms who are, according to the characterization of Polanyi, fundamentally nomadic.

Apart from these works on the construction of the “transatlantic alliance,” Pijl shows that the Anglo-American model of financial capitalism, which is both inscribed in the structures of the state while preserving the ability of businesses and professionals to circulate outside the state, has become the dominant model for structuring international economic and especially financial relations. And its hegemony is reinforced by a series of symbolic institutions – legal, cultural, educational – which function according to a similar logic related to their location at the border of public and private, market and state. These hybrid structures – professional networks, epistemic communities, NGOs, think tanks – share the feature of the autonomy from the state even though drawing on a good number of state resources – on the one hand homologizing the norms that they produce and diffuse, and on the other helping to mobilize pressure and even military force.

The strategic interest of these multiple producers of rules and regulatory approaches comes from facilitating a dialogue among elites from competing states and from convincing them of the advantages of these very open networks of power and influence. Gatherings, such as the Bilderberg Conference or the Davos Forum, contribute to the cooptation of the most cosmopolitan fractions of national bourgeoisies able to discern the advantages of an opening to the international. These individuals help to restructure interventionist and authoritarian states by promoting more investment in institutions, expertise, and politics according to international norms that open up to the practices of international governance (such as that of the Washington Consensus, cf. Dezalay and Garth 1998).

One of the principle heuristic strengths of this *problématique* is that it not only clarifies the geo-political stakes of the international confrontation between models and strategies of the state, but it also introduces an historical dimension into the discussion. And, even though the historical priority embedded in transatlantic financial and professional networks favors the hegemony of the model of the liberal state, that hegemony remains precarious. The economic crisis of 1929 and then World War II led to a kind of parenthesis, at least temporarily, for the ideology of the liberal state both at the national and international level. The New Deal and the emergence of welfare states favored the mobilization of the resources and the authority of the state around Keynesian politics and economics and a Social-Democratic political compromise. The major international institutions constructed at the end of World War II prolonged international support for state interventionism – justified by the context of the Cold War





1 and the imperatives of economic and social development. In opposition,
2 the growth of the neo-liberal counter-revolution in the 1980s called into
3 question not only national institutions favoring state interventionism, but
4 also international approaches to development entrusted to technocracies
5 such as the World Bank. The reorganization of these international organ-
6 izations took place along with the restructuring of state economies. This
7 general problematique sets the stage for the vicissitudes in the construc-
8 tion of European institutions around the logic of the market.

9 In one of the rare examples of empirical research focusing on the
10 genesis of the construction of a common European market, at the begin-
11 ning of the 1980s, Maria Green Cowles (Cowles 1994, 1995) describes how
12 it was done at the initiative of a small group of leading industrialists,
13 owners or CEOs of large multinational corporations. They formed a small
14 elite network, known as the “Group of Presidents,” which they institution-
15 alized a few years later under the name of the European Roundtable
16 (“ERT”), following the US model of the Roundtable of Industrialists. Most
17 of the mainstream political science literature dealing with the construc-
18 tion of the single market does not even mention this elitist genesis, as if it
19 had negligible effects on the economic agenda of the EC.

20 By contrast, researchers in international political economy associated
21 with the Amsterdam School are concerned with demonstrating the impor-
22 tance of this essential phase in European construction. In accordance with
23 their neo-Gramscian approach, they depict it as the competitive interac-
24 tion between several models of a process of jointly constructing both a
25 ruling class and a state. The relaunch of the process of constructing a
26 European market is presented as a new episode in the classic “catch up”
27 strategy of economic development. That model relies upon the mobiliza-
28 tion of state resources in order to compensate for a late arrival vis-à-vis the
29 dominant model of transnational capitalism, which developed earlier and
30 was able to be extended beyond national borders. The hegemonic posi-
31 tion of the “Atlantic ruling class” (Van der Pijl 1984) is the product of the
32 long imperial history within which it developed, first British and then
33 American, facilitating also an escape from the constraints imposed by
34 national regimes of regulation. Thus, the development of Euro-dollars and
35 the subsequent relaunch of the City as an offshore financial base enabled
36 the directors of Wall Street firms to circumvent the New Deal banking reg-
37 ulations imposed after the Great Recession of 1929. In order to continue
38 to exist when faced with this dominant model, national elites of less indus-
39 trially developed societies are obliged to rely on state support, as was the
40 case notably for Germany, Japan, and China.

41 According to Bastian Van Apeldoorn (Van Apeldoorn 2002), the 1980s
42 relaunch of the European project aligns itself only partly and in an ambiva-
43 lent manner with the model of a state policy of playing catch-up. In fact,
44 certain sponsors of this initiative sought to mobilize Community resources
45 to promote success in the global competition involving European industries





– particularly the automobile sector – that were losing market shares to Japanese companies. Others, by contrast, saw the opening of a large market as an opportunity for the multinationals they directed. Europe was therefore at once an instrument of defense for some and a new battleground for others.

The initial years of the ERT, as reported by Van Apeldoorn, were marked by struggles between large industrial corporations of continental Europe and Anglo-American multinationals, over the definition of how to construct the European relaunch. In sectors such as automobiles (Fiat, Volvo, Renault) or electronics, the business community wanted Brussels to take the baton from states in supporting a policy of “European Champions”; whereas the heads of the British conglomerates such as ICI, supported by their American counterparts, decried the risks of a “Fortress Europe.” After initially having to defer, leaving the ERT to be chaired for three years by the influential director of Volvo, Pehr Gyllenhamar, the internationalists (Shell, ICI, Unilever *et al.*) were able to impress their ideas upon the group before the end of the decade, and prior to the launch of the TABD (Trans-Atlantic Business Dialog), create a structure aimed to facilitate closer connections with the US business world.

How to explain this turnaround of positions in less than a decade? Certainly, we can see the reflection of a global transformation in the balance of power between these two models of relationships between the field of economic power and state structures. After the parenthesis of the Cold War, marked by a global extension of the state model – communist regimes, the elaboration of the New Deal in the United States, interventionism of the European welfare states and the Developmental States – the neo-liberal policies launched by Thatcher and Reagan signaled a counter-offensive, which accelerated toward the end of the 1980s with the liberalization and internationalization of the financial markets. The construction of a European economic zone was also threatened from the start by the presence and influence of the leaders of British and Dutch multinationals, whose strategies were to focus on a globalized market.

However plausible this explanation is from a macro-economic point of view, it remains too schematic to explain the details of the power plays, which served to remodel European institutions in the 1980s around particular economic projects, such as the Common Market and then the Euro. The neo-Gramscian research comes up short with respect to the sociological characteristics of the participant agents of this process. Conceptualized as “organic intellectuals of the bourgeois class,” they are considered, by definition, as spokespersons embodying the interests of their social class. There is, therefore, no place in these models for the interplay of institutional logics or competition within and among groups based on the social characteristics and resources of agents serving as intermediaries between corporations and state structures. Yet





1 it is precisely these sociological variables that best explain the genesis
2 and structural transformation of the field of power in Europe.

3 The opposition between the two models of the capitalist ruling class
4 works poorly if we look at the profile of the entrepreneurs behind the
5 ERT. In fact, even the directors of the automobile industry, who could be
6 considered emblematic of “Rhineland capitalism” strongly embroiled in
7 state power structures, are also the heirs apparent of the industrial dynas-
8 ties. As such, they are endowed with a large international capital especially
9 in terms of expertise, training, and relations. They belong to elitist circles,
10 which consider themselves to be the business establishment or the “nobil-
11 ity of the bourgeois class,” to use Bourdieu’s language; and that member-
12 ship has allowed them to mobilize these resources along with state
13 organizations in order to inscribe their strategic choices on the European
14 agenda.

15 One explanation is that the ERT was used by this group, temporarily
16 and tactically, as a means to facilitate the inscription of their economic
17 interests into the European Community program – even toward the formu-
18 lation of their agenda according to the most orthodox state-oriented
19 political discourse on the need for re-constructing Europe. The gathering
20 around the theme of “European Champions,” however, was short-lived,
21 and the wave of industrial and financial restructurings at the end of the
22 1980s rendered moot any inclination towards protectionism at the Euro-
23 pean level. An “Atlanticist” strategy once again rose to the fore, and the
24 ERT openly joined its American equivalent institution to create the Trans-
25 Atlantic Business Dialog (TABD). Thus, paradoxically, the international
26 capital of these national entrepreneurial elites militated strongly away
27 from investment in the construction of a European industrialists’ network.

28 Cowles provides numerous indicators of the importance of this social
29 capital, both state-focused and cosmopolitan, which has enabled the direc-
30 tors of the large corporations to impose their strategy for an economic
31 relaunch of the European project – the first report of the ERT was entitled
32 “Relaunching Europe.” The most influential of these businessmen were
33 heirs of the large industrial dynasties, such as the Von Siemens, Von
34 Geldern (Philips), Baron Boel (Solvay), Gyllenhamar (Wallenberg, Volvo),
35 Agnelli, Pirelli, and de Benedetti. They rub shoulders with state entrepre-
36 neurs such as de Vogué, Baumgartner, and Monod, all descendants of the
37 state nobility *à la française*. As the aristocracy of the bourgeois class
38 (Bourdieu 1998), they possess tremendous economic capital that they
39 combine with cultural and relational capital accumulated over several gen-
40 erations and very closely enmeshed in state networks. These links have
41 multiplied because large private enterprise is highly dependent upon state
42 policies and resources. The most influential of these businessmen were
43 also well introduced into elitist transatlantic networks, such as Bilderberg
44 or the Trilateral Commission, pillars of Cold War planning in the post-war
45 period.





Support through the personal and political resources of these multiple networks allowed this elitist strategy of economic relaunch to succeed in Europe. The first director of the ERT, Pehr Gyllenhamar, descended from the Swedish state nobility and was very close to the influential Wallenberg family. He successfully convinced President Mitterrand to support the relaunch project, using as intermediaries two emblematic figures from this close interconnection between the business world and state networks, Roger Faurous and Antoine Riboud. Thanks to their introductions, as influential as they were discreet, the priorities desired by the ERT – common market, single currency, enlargement towards Central Europe, large infrastructure programs and support for increased competitiveness – were incorporated into the European project. Meanwhile the follow-up of these strategic choices was assured by sub-groups issuing from the ERT, such as AUME (Association pour l'Union Monétaire de l'Europe) for the single currency (first presided by Visse Decker (Philips) then Jérôme Monod), the ECBS (European Committee for Banking Standards) for the infrastructure programs or the Competition Advisory Group for the competition policy decided at the Lisbon Summit. Moreover, a large number of these big business leaders were part of committees that informally advised the Commissioners charged with putting these projects into action.

The success of this network of influence is also due to the flexibility of its structure and its *modus operandi*, which allowed it to redefine its priorities according to the shifting politico-economic context. Gyllenhamar, for example, as first chair of the ERT, helped to initiate the European Champions promotion policy and persuade even socialist politicians such as Mitterrand and Delors to adopt it; but then he later recast himself as the spokesperson of financial capitalism – as President and founder of the European Roundtable of Finance (ERF). This shift of industry toward finance was accompanied by an overture towards the transatlantic market. The reorientation was officially recorded in the program of the ERT under the heading “New Transnational Business Agenda,” at the Madrid meeting, which led to the launch of the TransAtlantic Business Dialog (TABD) in 1995. Soon after, the Commission endorsed this new agenda under the framework of a “Transatlantic Free Trade Negotiation.” With the help of Commissioner Brittan, who advocated a progressive, “building blocks” approach, priority was given to the necessary homogenization of norms, indispensable for the establishment of this “New Transatlantic Marketplace.”

The relatively rigid schematic of logics of domination also leaves out the analysis of the position and specific strategies of professionals and experts. Reduced to the function of organic intellectual, these intermediaries serve only to express and implement the interests of the dominant class.¹ They are structurally apparent, but invisible. For example, in his sociology of globalization, Leslie Sklair insists on the importance of the ideological and managerial role of “globalizing professionals,” organized





1 in the multinational law firms and multinational accounting firms that
2 advise businesses (Sklair 2001: 17, 139). The importance is therefore sig-
3 naled, but the theoretical remarks are not developed, and these profes-
4 sionals hardly appear in the studies that he produces. Sklair thus makes
5 little use of sociological or historical works on these professional milieux.
6 This weakness in the theories of globalization provides the point of entry
7 for our historical approach to the political sociology of national legal
8 fields, where legal elites compete at the European level.

9 Our analyses are organized around three stages that begin with the devel-
10 opment of the general cadre of jurists, then we trace a diversification that
11 evolved into national models in Europe – and another important variation
12 across the Atlantic. These models coexisted and produced legal elites com-
13 peting at the European level while reactualizing resources and political strat-
14 egies inscribed in their national histories and nationally-formed habitus. It is
15 a matter of showing the very close connection between the construction of
16 legal institutions and those for the governance of the state. Aside from this
17 general point, it is necessary to show also that parallel strategies led to highly
18 differentiated results in relation to the particular opportunities offered in
19 specific historical and political contexts. That analysis depends on revealing
20 how various fractions of legal elites succeeded in imposing their own con-
21 ception of legal practice as the model of excellence thanks to alliances in
22 the field of state power. In this manner, we see that religious and political
23 battles contribute to the emergence of the three principle types of practi-
24 tioners – the learned jurist as agent of state power (counselor or clerk of
25 state), the legal practitioner (courtier) who draws on legal expertise and
26 social capital to play the role of defender, mediator, and arbiter between
27 different fields of power, and, finally, the tribune whose legitimacy comes
28 from the capacity to simultaneously mobilize legal arenas and media atten-
29 tion on behalf of new social groups seeking to gain recognition for their
30 interests in the field of political power. Finally, the last stage of the analysis
31 seeks to show that these different types are inscribed in the institutions of
32 national habitus, which in turn produce a lasting legacy of nationally differ-
33 entiated legal elites. In contrast, the weakly entrenched colonial model in
34 the United States led to the reinvention of a hybrid model in which an elite
35 of practitioners sought to reconstruct their credibility on the learned
36 authority of prestigious law schools combined with a reformist political strat-
37 egy built on antagonistic and complementary types – the grand notable of
38 law as power broker or elder statesman and the militant cause lawyer as legal
39 activist on behalf of the disadvantaged.

41 **The market of legal expertise as the product of investments** 42 **in knowledge and state politics** 43

44 Our approach, drawing on Bourdieu, looks beyond the category of profes-
45 sion as such to the social space in which professions are situated. The key





from our perspective is to examine both the social interests embedded in law and lawyers and the specific interests of learned professionals themselves. We examine relationships between three poles – knowledge, state politics, and power, whether economic or social – that contribute to shaping the legal profession. The focus of this kind of analysis, as discussed below, is accordingly on the role of knowledge, the construction of the autonomy of the profession, and the juridification of social and economic interests.

The legal field serves as a crossroads where different forms of capital meet, circulate, and exchange. The very concept of the European state, we shall see, emerges from feudal society in tandem with lawyers playing double strategies serving themselves and the emerging political powers. Legal expertise develops and is given value through investments in new institutions of state power. The processes of exchange and construction are characterized by double games of simultaneous investment in both politics and law, in oligarchic power and academic learning, and in local and international contexts.

Early genesis of law and state

The classic exposition of the emergence of law and state in Europe is Lauro Martines's book on *Lawyers and Statecraft in Renaissance Florence* (Martines 1968). The book examines the construction of the modern state through the development of city-states during the Italian Renaissance, and it therefore shows also the growth of legal markets through early state investment. Martines shows how different types of capital – including economic, learned, cosmopolitan, political, and religious capital – are combined at the core of the legal field. The legal field facilitates the circulation of capital between different social groups and the exchange of economic capital into learned capital placed in the service of key institutions of the state. The relational capital and notoriety that comes from the link to the state can then be turned into profits in the legal market and in the wider field of economic activity.

Martines therefore shows that the politics and markets of the law were strictly connected (Martines 1968: 107). The key to a great political career was the “relentless and able aggregation of clients, positions and offices” (Martines 1968: 112). Those from the newly ascending families, for example, sought a political sponsor as the best way to attract clients (Martines 1968: 393–394). The clients in turn sought a lawyer not only for legal expertise, but above all for the lawyer's ability to command authority in matters of importance in and around princely circles.

More particularly, Martines makes it clear that it is far too simple to assign lawyers the role of architects of the modern state. Their role was more modest and complex. Rather than building the state, they instead provided legitimacy to princes who drew on their military and commercial





1 power to conquer their political autonomy from the Pope and from eccle-
2 siastical authorities. They used their learned expertise to find ways to make
3 that rule more legitimate. Among other things, lawyers made themselves
4 useful in state construction by finding doctrinal ways to bolster the posi-
5 tion of princes, including reinterpreting the fundamentals of sovereignty
6 according to Roman law.

7 The complexity of the role stems in part from the fact that the legal
8 agents placing their expertise and social capital at the service of the new
9 states were themselves also the products of the developing new state (Mar-
10 tines 1968: 476). Multiple turf battles among different and overlapping
11 jurisdictions operating at the time, provided one of the major markets for
12 experts capable of interpreting texts to justify the claims of one or another
13 client – including the councils of the Signoria in Florence or even the
14 Papal courts. Legal knowledge was a useful weapon on both sides in these
15 battles (Martines 1968: 251).

16 The major lesson of these descriptions, once again, is that it is necessary
17 to go beyond the simple opposition between legal power and state power.
18 The Italian historical example provides a kind of formula for the repro-
19 duction of lawyers as merchants of peace that we see repeated in numer-
20 ous settings and with many local variations. According to this formula,
21 there is an initial mix of family social capital and financial capital, which
22 then provides the means to acquire – in effect, to convert some of those
23 resources into – internationalized academic capital. The resultant mix of
24 academic and social capital provides access to powerful rulers and thus the
25 further accumulation of political and relational capital, in demand as the
26 basis for a profitable monopoly in markets for legal expertise and dispute
27 resolution.

28 **Three models**

29 The complex intermingling of state and law contains the basis for at least
30 three models that tend to become paramount at certain times in particu-
31 lar sites. They contain emphases of one or another aspect of what we saw
32 in the Italian history of the emergence of lawyers with the city-states. The
33 models, as we have stated above, are the concrete products of opportuni-
34 ties and constraints of particular social contexts. Each model emerges
35 during one historical period, crystallizes into certain recurring patterns,
36 becomes central to the legitimacy and legitimating ideology of the legal
37 profession, and then provides the basis for the reproduction of the model
38 into subsequent generations. Three types can be specified as such and
39 then related to historical examples approximating the models.

40 The first figure is the lawyer as a clerk in the sense given by Kantorowicz
41 (Kantorowicz 1997). The clerk draws on learned capital to become a techni-
42 cian providing legitimacy to religious, royal, political or other power. Kan-
43 torowicz highlights the particular case of the French notaries providing
44
45





legitimacy to the crown. This first type is for the most part oriented externally, drawing on such activities as keeping books, providing statistics, serving bureaucratic functions, or even engaging in diplomacy or negotiation. The activities in the service of political power signal to the outside world that the power is being exercised according to legitimate criteria related to the expertise of the clerk.

The second figure or model is the mediator combining learned and relational capital to serve as intermediary or broker between different powers or as manager of social conflicts. The model develops in particular where the power is more fragmented rather than centralized in one leader. Thus lawyers in England served as agents and intermediaries between the Papacy and English royalty or different feudal interests (Prest 1986), and there is a general pattern that we have already seen of lawyers brokering among interests in trade, business, land, and state.

The third type is the lawyer serving as a tribune or spokesperson for emerging groups. The representation serves to help those interests gain recognition from dominant social groups directly or through legal arguments or media campaigns. The French lawyers for the Jansenists and later the philosophes (Bell 1994) exemplify this model, which prefigures the “cause lawyers” seen in the United States and elsewhere (Sarat and Scheingold 1998).

We have already seen key elements of the first model in our account of Renaissance Italy. It is similar also to what develops subsequently in Portuguese and Spanish colonies in Latin America. Wealthy and aristocratic families invest in legal knowledge such as that initially produced for the Italians at the University of Bologna, and later for the Latin Americans educated in Spain or Portugal. The legally-educated elites, put their legitimate expertise at the service of strong rulers such as the Italian condottieri – later the Latin American caudillos. In addition to providing the classic role of legitimating that rule, they also typically use their positions to mediate and provide diplomatic service both within and between city-states. They acquire considerable political capital and influence that can be converted into commensurate profits as they advise, negotiate, and handle disputes.

The second type – the legal notable as intermediary, courtier, and mediator – is even more well known. Here, as with respect to the lawyer as clerk of the state – the growth of this legal practice coincides with the parallel invention of law and the modern state in Italy in the Renaissance. For the social elite, who received diplomas from the new faculties of law led by the University of Bologna, the most prestigious and promising professional trajectories began with prominent diplomatic service, which permitted them to obtain the confidence of various holders of power – civil, religious, royal, aristocratic, or bourgeois – while serving as a link between different state mechanisms and legal institutions that operated in parallel – competitively and complementarily. As Martines shows, this social capital





1 of relations permitted them to valorize their legal learning, while defend-
2 ing the interests of a mixed public and private clientele, on the basis of a
3 double game of legal argument and experience and as mediators suffi-
4 ciently familiar with the ruling classes to be able to find compromises
5 acceptable to parties in conflict. Still, even if evident in Renaissance Italy,
6 where the market in social peace fueled conflicts related to relationships
7 between territorial sovereigns and ecclesiastical jurisdictions, whether civil
8 or feudal, it was the Civil War and the English Revolution that brought
9 real success to this strategy in relation to the autonomization of the bar.

10 The barristers from the fifteenth century onwards, were trained at the
11 Inns of Court through a process that could last ten years and could be
12 compared to education at a “finishing school” (Prest 1986). Those who
13 accumulated sufficient social and learned capital were predisposed to
14 serve as agents and intermediaries for the monarchy or for the landed aris-
15 tocracy, defending its independence against royal or religious power. They
16 provided advice and resolved disputes, serving also as Justices of the Peace.
17 The autonomy of the bar was therefore constructed on the basis of capital
18 and activities attuned not only to legitimation, but also to maintaining
19 equilibrium within the field of political power.

20 Since they were recruited from within the elite of the landed gentry –
21 and to some degree from the new merchant bourgeoisie – the barristers
22 were predisposed to become the representatives of these two social groups
23 to which they were well introduced within London social circles through
24 close connections in the Inns of Court. These learned gentlemen became
25 both the champions and the guardians of an equilibrium among the
26 powers that successfully supported bureaucrats and jurists of the state
27 against the absolutist claims of the monarchy. The parliamentary monar-
28 chy that emerged then favored the emergence of a new elite – the practi-
29 tioners of the common law – at the expense of the old elite of doctors of
30 Roman law, who had been the leaders of the royal bureaucracy. While
31 retaining their privileged relationships with the new ruling classes, whose
32 interests were now represented in Parliament, these legal practitioners
33 succeeded in legitimating their jurisdictional monopoly and affirming
34 their autonomy with respect to the holders of power. This strategy of
35 autonomization was facilitated by the fragmentation and decentralization
36 of the field of power in the context of a civil war, and religious battles
37 favoring the emancipation of cities and the growth in power of an alliance
38 between the gentry and the merchant bourgeoisie. The strategy also drew
39 on a mode of familial reproduction through cooptation and apprentice-
40 ship under the aegis of the Inns of Court, which reinforced the sociolo-
41 gical homogeneity of this professional guild dominated by a hierarchy of
42 barristers controlling the judicial power and the learned authority of the
43 law. This double control on the production of law and the reproduction
44 of lawyers allowed the barristers to thrive from the litigation market. Their
45 monopoly gained credibility because it rested on the affirmation of the





need for the law to be independent with respect to the holders of state power – whether central or local. At the same time, however, the guild structure kept the bar very closed and small in number and promoted the decline of the role of the Inns of Court. The intellectual activities diminished at the Inns and they lost their role of educating the inheritors of the elite of the gentry. This model, which continues to prosper today according to patterns that are virtually identical, is, then, at the opposite end of the pole both from the German model of high state functionary and the US model of Wall Street law firm.

France can be credited with the invention of the third model – public advocates serving as spokespersons or tribunals of emerging social groups (Bell 1994; Karpik 2000). In the case of the Parisian bar, the archetype of this kind of engagement, the initial embrace of the heretical Jansenist cause in the early eighteenth century, came from complex reasons. One cause was the monarchy's decision to raise money by selling legal offices, preventing all but the richest lawyers from acquiring public offices (Bell 1994: 70). The less prosperous members of the bar then had to find other strategies to valorize their competence. They increased their investment in professional, scholarly, and civic strategies. This was the period when disinterestedness was promoted, for example, by d'Aguesseau (who died in 1750).

The defense of the public and the citizen became new sources of prestige, especially as the printing presses began to multiply and publications proliferated, in part around the Jansenist divide: 'Young barristers saw participation in these causes célèbres as a quick way to make names for themselves.... God has put the church of Christ itself amongst your clients' (Bell 1994: 83). Lacking the power to gain the perquisites of the state, the lawyers reconverted into pamphleteers, first in the service of the Jansenist bourgeoisie, and later serving the educated bourgeoisie of the Enlightenment: "Thus the career of barrister suddenly began to seem attractive not only to upwardly-mobile bourgeois and would be Jansenist priests, but also to would be philosophers" (Bell 1994: 83). The new developments also led to recruitment to the bar of a more educated group. But contrary to their elders seeking to be "high priests of the law" valued for their technical facility and political wisdom, the new arrivals sought above all to gain access to public tribunals through rhetorical and theatrical abilities: "genius, a good voice and the art of touching hearts." Consequently, "barristers careers reached new peaks as a result of the public's endless taste for sensational causes celebres" (Bell 1994: 94). "Given that barristers could no longer aspire to high office, or hope to influence royal policy, the late seventeenth century also saw the publication of a flurry of works aimed at providing the bar with new professional ideals" (Bell 1994: 83). This led them to criticize their predecessors for "promoting a stultifying and unworthy style in oratory and legal writing and stifling the careers of most promising advocates" (Bell 1994: 94).





1 The success of the strategy led to its extension to new causes célèbres
2 emerging from Enlightenment thought, then against the authoritarian
3 regimes that came with the restoration of the empire. Even if the causes
4 changed, the emerging strategy was fundamentally the same. It involved
5 legal defense accompanied by a major investment in publicity, transform-
6 ing the court into a tribunal for public opinion. The repeated process pro-
7 moted both the lawyers and the tribunals into leaders of a public opinion
8 that they of course helped to craft. Strengthened by the resultant notori-
9 ety, they became central to the markets in political representation. The
10 long pedigree of this strategy and its application to new contexts and
11 themes made it appear natural and inevitable, as if the French bar had
12 progressively discovered its true social function as champions of liberalism
13 against arbitrary state power (Burrage 2006; Karpik 2000).

14 This role took root in a variety of institutions, expertise, moral norms,
15 and professional hierarchies, further making it appear natural. By defini-
16 tion – or at least because of the manner of the construction of the profes-
17 sion and its discourses – the vocation of lawyers in France was to give voice
18 to civil society against arbitrary acts of state power. This civic duty was seen
19 as a moral obligation collectively inscribed in an ethic of disinterestedness.
20 The pattern embedded in French professional hierarchies, in addition,
21 did slow investment in more commercial markets; but there were never-
22 theless very clear rewards – economic and otherwise – from this profes-
23 sional strategy.

24 Further, the fame of the French Revolution, fed by lawyers reconverted
25 into professional representatives of the public, favored the exportation of
26 this model in which legal expertise and 29 media campaigns reinforced
27 each other. The notoriety of arguments in the courts paid dividends for
28 launching political careers. Public recognition also translated into profes-
29 sional clients. The key point, however, is that the legal accumulation of
30 political capital served to infuse legal capital with a greater social value.
31 Put simply, lawyers succeeded in building their position as merchants of
32 social peace. They could demonstrate to potential clients that it was worth-
33 while to invest in lawyers and legal representation for particular causes or
34 conflicts. In this way legal markets and politics sustained and nourished
35 each other.

37 **Path dependencies in European legal fields vs. decline and** 38 **hybrid reinvention in post-colonial United States**

40 The success of these legal and political strategies contributed toward durably
41 shaping the habitus and the hierarchies that today make up the specificity
42 of national legal fields. As Karpik writes, with respect to the strategies of the
43 advocates who invented and championed the notion of publics, “such a
44 choice was not irreversible; it turned out to be too fortunate to be
45 renounced” (Karpik 2000: 116). Political circumstances continued to make





the strategy opportune. After the restoration of the monarchy, young republican advocates took up the defense of the opposition while transforming legal cases into causes célèbres, following a strategy put into play a century earlier. Coming out of the urban middle classes, the new generations of the French bar succeeded in this manner in building a double notoriety – within the media and in the courts – used to denounce abuses of state power.

To be sure, the credibility of this strategy of mobilization of legal resources within the political field imposed limits on investments in the market serving business interests, which therefore stayed at the margin of the legal field. The political profits, however, were quite substantial, even if it took some time to arrive at a “republic of lawyers” representing the consecration of this strategy of lawyer as champion of the political claims of excluded or marginalized groups in the institutions of state power. Nevertheless, the success of this strategy relying on social and political ascension had its limits. In the course of becoming political notables, the new legal elite tempered its activism. As Charle has shown, since the Dreyfus Affair, “the dominant political leaders, often the most established lawyers as well, have chosen conservatism or complicit abstention instead of engagement with positive action” (Charle 1994: 82). The paradoxical result was that the elite of the bar took a position against the few defenders of Dreyfus – even though their young colleagues were, by defending Dreyfus, “doing nothing more than reproducing the model initiated by the advocates with the republican opposition at the end of the second empire and like them were often provincial and on a path of social ascension” (ibid.: 64). From this fact, “in the course of the process, the men of law became less ‘stars’ and more experts, or intellectuals” (Charle 1994: 82). Charle concludes that this affair marks the “birth of intellectuals” and also “the first sign of the end of the hegemony of advocates in public life” (ibid.). In effect, this process of decline, which was set in motion over the course of the Third Republic, accelerated dramatically with the creation of the welfare state after World War II. The decline of the political influence of advocates became even more pronounced in the field of economic power. The domination exercised by politician jurists within the French bar translated into a rejection of practitioners who sought to put their expertise in the service of business. Such lawyers were even condemned to be excluded from the bar since the “*affairistes du droit*,” were thought to tarnish the ideology of disinterestedness that served to legitimate the political strategy privileged by the legal elite. The new legal markets that thrived after the World War II then developed instead around the activities of the legal and financial advisors – the “*conseil juridique et fiscal*” – who were not bound by the rules and control that the bar imposed on its members (Boigeol and Delazay 1997).

The dominant role of French advocates before and during the French Revolution gave rise to numerous imitators in neighboring countries.





1 Nevertheless, as is the case with all transplantations (Dezalay and Garth
2 2011), the efforts of the importers led to results that differed substantially
3 in relation to the resources that they were able to mobilize. In some cases,
4 such as Great Britain, the imitators were often the new arrivals, relatively
5 weak in social capital. In order to make their careers, they ran the risk of
6 relatively radical strategies that questioned the political position of the
7 existing hierarchy of the legal field. They were set back further by their
8 failure in the Industrial Revolution, particularly with respect to the devel-
9 opment of railroads (Kostal 1994), which paradoxically contributed to
10 revalorize the role of courtier played by the traditional legal elite,
11 descended from the oligarchy. A group of the legal elite, in fact, shook up
12 the internal hierarchy of the profession by creating the first large firms of
13 solicitors. This new breed of legal practitioners then became the privileged
14 intermediaries in the complex negotiations among landowners, financial
15 entrepreneurs, and politicians, building the legal, financial, and even
16 administrative infrastructure required for the construction of the large
17 network of railroad lines.

18 As Pue states:

19
20 Nineteenth century English Barristers frequently acted much like
21 their counterparts across the Channel ... framing their argument in
22 relation to issues of great national importance, translating individual
23 grievance into constitutional cause and employing the privileged
24 sanctum of the courtroom as a podium from which to address a wider
25 public.

(Pue 1997: 186)

26
27
28 As in France, this activism was one privileged route to legal and political
29 notoriety for new arrivals, who were predisposed to champion the interests
30 of the underprivileged because of their lack of the social capital essential
31 to a legal career. Similarly, "A high profile on circuit ... could provide an
32 excellent foundation from which to launch a political career of either an
33 establishment or a radical sort" (Pue 1997: 186).

34 As with respect to the lawyers supporting the Jansenists from the Paris
35 bar, their radical counterparts from the Inns of Court also encouraged
36 their political allies to invest in the judicial scene: "Radicals of this era
37 made the fullest use of law to advance their goals ... using the law pro-
38 actively in their own interests" (Pue 1997:187). But these strategies also
39 brought risks. Pue shows, for example, that the domination of the Inns of
40 Court by a hierarchy of very conservative notables put severe limits within
41 the bar on the strategy of radical politics:

42
43 "self-perpetuating oligarchy of elite lawyers (...) thoroughly enmeshed
44 in the formal and informal webs of political relationship, privilege and
45 office (...) dependent upon the solicitors of the rich and powerful for





their briefs, the Benchers had little incentive to take bold or controversial action” (Pue 1997: 190–192). “The organised legal profession could savagely punish barristers and would be barristers whose beliefs or practices fell without the political mainstream.”

(Pue 1997: 195)

Kostal (1994) demonstrates in a very nuanced fashion that “lawyers are an intrinsic part of railway capitalism” because they played multiple roles – consultants, confidants, and agents of the relevant interests at stake – not to mention acting on their own account as investors or leaders of the major railroad companies (Kostal 1994: 322). The complex arrangements brought different categories of professionals to the table in relation to the specific resources that each could mobilize. In Kostal’s words, the activity represented a “gold mine” (Kostal 1994: 134) for a professional elite of Queen’s Counsel, playing both Parliament and the courts. They intervened in parliamentary committees in order to obtain “private bills” giving the enterprises indispensable public support essential for investors to be able to set aside the land needed for the tracks and stations, then defending the interests of the major property owners with judicial procedures dealing with expropriation – extremely costly and quite profitable for small group of QCs able to garner exorbitant fees (two to ten times those of their brethren!). This “adversarial rise of industrialization,” in which the landowning oligarchy agreed to give up the absolute character of their right to property in exchange for extraordinary financial considerations – which permitted them to reinvest in the finances of the industry – represented a huge cost for the collectivity, notably with respect to the steep costs of litigation, even if representing a relatively small proportion (5 percent) of the total investment in these projects (Kostal 1994: 143).

This activity was also very profitable for an elite of solicitors. First, for those who had the confidence of the gentry – often because of ancient ties, even quasi-familial or familial, and often as required intermediaries for business transactions. Profits were even better for a second group – a new elite of legal entrepreneurs whose expertise became indispensable to the new industrial and financial promoters who often lacked experience. This new elite profited from the new market by constructing the first large law firms. Thus, Robert Baxter, a young son from the gentry, well-introduced among the mining companies, played a key role in launching the Northern Line, collecting exorbitant honoraria that he invested in one of the first large law firms, Norton Rose. The creation of these firms produced a double competitive advantage: first was the capability of responding to needs for legal services that were especially complex and multi-faceted; and second, was the possibility of diversifying the clientele in order to preserve some degree of independence with respect to the clients that were both very powerful and high risk. Indeed, the amateurism and fraudulent maneuvers of a good number of the promoters led to





1 bankruptcies and financial scandals in which solicitors were directly impli-
2 cated. The wave of bankruptcies also favored the emergence of a new
3 group of professionals, the auditors. In sum, the first great industrial
4 market in England reinforced the positions of the most traditional frac-
5 tions of the legal elite, at the same time favoring the emergence of new
6 modes of professional organization – law firms, audit firms, and legal serv-
7 ices for large enterprises – whose full success would nevertheless require
8 decades of further effort.

9 Italy represents an opposing example where the importers of the
10 French model belonged to the modernist fraction of the descendants of
11 legal notables, who, as part of their political strategy, invested in the
12 Resorgimento and Italian Unification. The success of that investment con-
13 tributed to a reactualization of the professional model around the tradi-
14 tional figure of the Italian legal elite – that of learned jurist who invests in
15 the field of state power in order to gain the role of legitimate courtier in
16 and between the fields of power.

17 Italy at the time of the Resorgimento, as Maria Malatesta has shown
18 (Malatesta 2002), saw considerable prominence go to the lawyer-politician
19 as a broker between private (family) capital and public institutions. Neo-
20 politan lawyers played a role as importers of the French/Napoleonic
21 model. Then they became re-exporters as part of a diaspora that took
22 place when the restoration of the Bourbon monarchy in Naples forced
23 them into exile. In exile many converted into political and ideological
24 agents of unification, to be led by the Piedmont monarchy. Lawyers served
25 as brokers between land owning families and the state in order to invest
26 in, and profit from, growing state intervention: public construction of
27 housing, roads, and railways on private land, for example – a process very
28 similar to the English situation analyzed above (Kostal 1994).

29 The brokering experience at both the local and central political levels
30 led to the accumulation of relational capital later valorized and consoli-
31 dated in political careers. Lawyer-politicians were in this manner able to
32 control state bureaucracies through clientelistic practices and then sell
33 this key resource of contacts to propertied clients – fueling the growth of a
34 profitable professional market for those able to gain the position of power
35 brokers.

36 In all these cases we see efforts by the elite of the bar to gain the posi-
37 tion as the state nobility or *noblesse d'État*, endowed with a double legiti-
38 macy – one as the agent for the rationalization of governmental practice,
39 the other as civilizer, mediator, and moderator of political struggles
40 around state power. Nevertheless, even if these models in practice con-
41 verge toward the same objective, the strategies and the paths followed vary
42 significantly. As we have shown, the variations can be traced to national
43 political histories and national variations in the ability to mobilize learned
44 capital combined with elitist social capital (UK), bureaucratic capital
45 (Germany) or political capital (France). And these path dependent effects





can still be observed amongst the various national legal professions that are in competition to shape the European legal markets.

In societies such as Italy or Spain, the most prominent lawyers, mainly the heirs of familial dynasties, have conserved their pre-eminent role as courtiers in the corridors of power between the economic, political and academic spheres (Malatesta 2006, 2011). This is far from being the case in the majority of the other European societies. In these countries, having previously dominated the political sphere, legal professionals have become marginalized due to their hostility towards policies such as the welfare state. Moreover, post-war economic reconstruction was planned and controlled by state technocrats, who profoundly restructured the space of big business. This state-centric policy continues to structure the different variants of Rhineland capitalism, which are dominated either by state entrepreneurs or a large corporate bourgeoisie, who can draw support from a large relational capital accumulated through their long experience in mobilizing public resources in the service of economic strategies. Thus, the weakening of the political capital of lawyers has been accompanied by a devaluing of their relational capital, short-circuited by this proximity or connivance between the economic and governmental elites.

The marginalization of legal professionals has affected, more or less permanently, the institutions that ensure the reproduction of legal expertise at the heart of the ruling elites. In France, this effect is increased by the expansion of the *grandes écoles*, such as Polytechnique and especially the ENA (the National School of Administration), which hold a de facto monopoly over the state networks of reproduction of economic decision-makers, within very elite status groups of high civil servants, such as the *Corps des Mines* or the *Inspection des finances*. What is more, the restructuring of large enterprises in favor of privatization and internationalization has, paradoxically, only served to enhance the positions controlled by those representatives most endowed with this “*Noblesse d’État*” (Bourdieu 1998), at the expense of the heirs to the established industrial or financial dynasties (Dudouet and Grémont 2007). This context explains the opinion, fairly widespread among leading legal commentators of the 1970s, of a “withering” or “decline” of the law, whereby the rule of law was deemed to have been replaced by a “rule of the state” (“*droit de l’État*”). This feeling of marginalization stemmed above all from a devaluing of the relational capital accumulated through legal education (Dahrendorf 1969).

By contrast, in Germany and Scandinavian countries, even if their social prestige has been weakened by the opening-up and “massification” of legal education, law faculties have remained the privileged institutional vectors of the reproduction of elites; particularly in relation to the public sector but also as regards to the dominant institutions of the economic sector, such as the Deutsche Bank (Hartman 1995). Legal expertise has thus maintained a key role – albeit reduced in the face of the competition of





1 other new modes of governmental expertise – in the reproduction of these
2 multiple forms of social capital which contribute to its authority in the
3 public space, and therefore also to its value in the business world. It con-
4 tinues to serve the reproduction of a habitus inherited from public sector
5 elites, while also facilitating lawyers' relations – or even their reconversion
6 – within the core circles of managers who control "Rhineland Capitalism,"
7 where this legal habitus remains valued. The law thus maintains the
8 essence of its legitimacy as an arena for mediation between the different
9 poles of power.

10 In Great Britain, things are rather different. The modality of recruit-
11 ment of legal elites through professional apprenticeships, as specialized as
12 their number is restricted, hardly lends itself to the accumulation of a
13 diversified relational capital. In effect, as Dahrendorf (1969) has observed,
14 by contrast with the German model of legal education, the accumulation
15 of social capital is achieved in the most precocious manner through the
16 networks of "public schools," which converge in the old prestigious univer-
17 sities of Oxford and Cambridge, veritable crucibles of the different fac-
18 tions of the British elites. This applies equally to the elite comprising the
19 QCs (Queen's Counsel) and the judiciary, which can also mobilize this
20 social capital in their professional practice. However, the weight which this
21 inherited capital represents barely favors the renewal of the legal elites
22 through the opening up to newcomers who simultaneously acquire legal
23 knowledge and relational capital, as is the case in Germany or Italy. Such a
24 strong sociological identification with the networks and ideology of the
25 conservative establishment has therefore contributed to the devaluing of
26 the political capital of these professionals. The creation of interventionist
27 institutions and policies by Labour governments has accelerated their
28 retreat towards the space of judicial procedure and the techniques of legal
29 formalization, at the expense of the larger conception of the legal profes-
30 sional as mediator and intermediary between the different poles of power.

Toward a new genesis: post-colonial reinvention and hybridization across the Atlantic

35 The transplantation of the British common law, and the leadership role of
36 lawyers in the colonies and in the move to independence, paved the way
37 for lawyers and legal legitimacy to become central to the US state. Despite
38 some challenges to their authority, as in the Jacksonian era, lawyers played
39 a very prominent role in the state and the economy in the United States.
40 By the late nineteenth century, in addition, the new breed of corporate
41 lawyers was assuming the position at the top of the legal hierarchy.

42 The history of law and the legal profession in the United States is
43 complex, but one obvious theme is that the colonial period saw consider-
44 able legal investment take place over a relatively long period of time. One
45 result, as Alexis de Tocqueville famously pointed out in the nineteenth





century, was that lawyers could be depicted as a kind of aristocracy in the United States. This strong position is relatively unique and obviously a key to subsequent developments.

To summarize briefly, the European colonization of North America brought a mix of social experiments. They included the Massachusetts Bay Colony and Pennsylvania, both with an early hostility to lawyers and the legal profession; a plantation economy equally hostile, exemplified by the Chesapeake region; and a Dutch-style trading colony represented by New York City (Konig 2008: 157, 162). As we have seen elsewhere, the colonists generally brought and replicated what they had known in England – the justice of the peace system. Writing about Virginia and Massachusetts, David Thomas Konig notes that:

The justices of the peace who controlled the colonial county courts were, like those who controlled the quarter session courts in England, the men of affairs of the county.... – [a] pattern of rule by a hierarchy of status and wealth.

(Konig 2008: 159)

Further, despite the initial hostility to lawyers in some places, “Legal practitioners abounded in the early colonies, both in number and in variety” (Bilder 2008: 93). Every colony in the British Atlantic Empire established common law courts. “The enforcement of debt agreements dominated the business of the courts” (Priest 2008: 412). Many were trained at the British Inns of Court, some served in governing positions, and others – many of whom may have been self-taught – occupied a variety of positions (Bilder 2008: 93–94).

The position of lawyers gained strength. Around 1700, according to Henretta, “a new legal regime staffed by lawyers was coming into existence in British North America. An important cause was the program of imperial administrative and legal reform undertaken by legal officials in the 1680s” (Henretta 2008: 564–565). By 1720, there was a “nascent system of common law courts” (Henretta 2008: 569) and a more English style of procedure and advocacy.

According to historians, the number of actual lawyers is not clear (Konefsky 2008:71), but, “The social power and influence of colonial lawyers far exceeded their numbers” (Konefsky 2008:71). Legal arguments were central to the War of Independence and in the making of the Constitution. Lawyers in the period after the war, not surprisingly, sought to be the “American aristocracy” that Tocqueville identified in the 1830s (see Konefsky 2008: 74).

Lawyers were not of course unchallenged. Their ties to England and the common law did occasion criticism, as did legal links through business and kinship to local elites. The Jacksonian era is usually presented as the high water period of those attacks (Konefsky 2008: 77). The bar began to





grow as restrictions on membership were lifted, but by 1860 there were still “only a few cracks in its façade of social class” (Konefsky 2008: 86). Stratification within the legal profession began, around that period, to be identified much more with clients as corporate wealth began to build. Railroad attorneys emerged as part of what Konefsky describes as “a segmented and stratified profession ... reinforced by social kinship and family networks” (Konefsky 2008: 89).

Lawyers began to concentrate in cities, to form partnerships, and to specialize in the representation of corporate interests. As the century came toward a close, US industry expanded; the emerging law firms that served it began to occupy a unique social position between business and the state.

The main appeal – and success – of the law firm model rests precisely on the fact that it has facilitated this concentration and circulation of resources. Its purpose from inception was to provide the “robber barons” with an indispensable instrument for realizing their projects of industrial restructuring and concentration of financial capital. In the meantime, it also enabled these entrepreneurs to reinvest the substantial profits gained from their activity in the education sector (notably by setting up and funding law schools) as well as in the state, by supporting reformist policies at home and exporting a combination of “moral imperialism” and “dollar diplomacy” (Dezalay and Garth 2010). It is on the basis of this double authority, both moral and political, that the law firms have been able to impose themselves in business circles, where they have contributed to consolidating industrial dynasties by inciting the robber barons to rebrand themselves as philanthropists and invest in the production of knowledge, in order to encourage and accompany political reform. This mode of production of legal expertise – and of reproduction of the legitimacy of the law – is also at the heart of a strategy of facilitating the exchange of resources and the mobility of elites between the different poles of power. By positioning themselves at the crossroads, lawyers with prominent access to state affairs could combine the directorship of a large firm, and the associated economic gains, with an authority acquired in Washington networks (as “wise men” or “elder Statesmen”), while maintaining a close connection with the most prestigious campuses (where their generous subsidies ensure that they maintain an overview and right of pre-emption in the recruitment of the new generation of elite lawyers).

The transplantation of this model to Europe has only been a partial one, as is often the case with such operations, where instances of “decoupling” (Meyer *et al.* 1997) can be observed. In order to make up for lost time, the City Law Firms have adopted a policy of rapid expansion, through mergers at the national level and European-wide alliances, coupled with geographical expansion, as much in Europe as in former colonial outposts. This policy of making up for lost time can be explained by the fact that they occupy the position of challenger in this new international market in corporate law, where they are caught in a pincer between





two formidable competitors. On the one hand, there are the large Wall Street firms who benefit from their anteriority and dominate the most profitable fields of practice, such as M&A (Mergers and Acquisitions) and more generally the high stakes or “Bet the Company” types of cases. The relaunch of the European project in the 1980s, at the instigation of a small elite of cosmopolitan entrepreneurs, gave them the possibility to export the entire palette of their legal and financial *savoir-faire* and to put this expertise at the service of the alliances and mergers which aimed at restructuring the landscape of European big business according to the logic of the Common Market.

The Europe of law furnishes in this manner a kind of microcosm, where one finds all the principle types and characteristics of the legal elites, both within the national European histories and in their extension across the Atlantic.

Note

- 1 While describing the role of the major cosmopolitan business leaders in the European Round Table in the re-launch of European construction around the expanded market, Bastiaan Van Apeldoorn revives a form of historical materialism. The social origins and individual trajectories of the members of this elite are of little heuristic interest since they are seen to act only as agents of transatlantic capitalism (Van Apeldoorn 2002).

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T&F proof





Part III

Security

T&F proof

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8 The transnational field of computerised exchange of information in police matters and its European guilds

Didier Bigo

This chapter will discuss the emergence of a specific group of powerful agents on the transnational scale, those who decide and frame what is called security, insecurity and fate in Western societies through the exchange of information in policing matters. They consist of a specific guild of professionals dealing with “internal security” and consider themselves experts in domains that the general public does not know about (and does not need to know about) for its own safety. This guild of professionals of (in)security management is a bureaucratic nobility or strata which has extended within and beyond Western societies, by its informal and institutional networking, and which is both public and private (Bigo 2011a).¹ They challenge de facto the authority of the national professionals of politics, even if formally they seem to be dependent on them. They shape the debates at stake concerning priorities of struggles against insecurity in a global world, described as being permanently on the verge of a forthcoming chaos, of a possible Armageddon (nuclear, viral or economic...), and requiring emergency measures. Similar to the Middle Age guilds, which were clusters of different crafts and professions, these professionals of (in)security have internal hierarchies (powerful and powerless agents and inner struggles which are sometimes ferocious) but they have, nevertheless, a sense of being part of a social universe, which differentiates the experts from the profanes (Isin 2002). Their transnational character is masked by the fact that they present themselves as the spokespersons of the national state in its most “regalian” activity, providing peace and security, assuring law and order. But this transnational character exists nevertheless and becomes visible through the exchange of information these professionals have in common, and through the specific enunciation of security problems they share, as well as the professional trajectories they follow, which sometimes merge and create a sense of being part of the same social universe. At their core, research will find networks regrouping intelligence services, policemen specialised in anti-terrorism and organised crime, border guards specialised in surveillance and controls concerning travellers and military specialised in low intensity conflicts and





anti-subversive activities (Amicelle *et al.* 2004; Bigo 2008), as well as private actors coming from the police security surveillance service complex. The scope of this guild is transnational but never global, despite the pretence of the actors. One can consider three entangled networks, whose collaboration is contingent upon the activities they have in common and their proximity to reason of state and historical links: a first, is an institutionalised European Union, which has set up its own institutions on policing and border controls, a second concerns US–UK “specific” relations on policing and intelligence matters, which often involve a wide “Anglo-Western” area, including Australia and New Zealand, and a third network is built on specific transatlantic relations between NATO countries and is mainly about defence and humanitarian military interventions. The three networks are not “concentric circles”, harmoniously dispatched geographically and functionally; they intermingle and struggle on overlapping subjects.

Empirically, the chapter’s central focus will be on the part of the guild, which is based in Europe and has originated from anti-terrorism policing. Following Niilo Kauppi and Mikael Madsen, who insist that:

these developments concerning the rise of a global elite are not only exemplified by the rise of the EU as such, but also, and perhaps particularly, by the rise of a set of transnational European power elites evolving in and around the European construction.

(Madsen and Kauppi, Introduction to this book)

I will agree with them for moving the focus from traditional European studies towards a political sociology of the international by discussing the emergence of transnational social universes, or fields of power, that can be traced through the historical trajectories of some central agents and their institutional configurations. I will consider here how European policing has to be analysed, not as a spill over in terms of European governance but as a product of the development of these guilds of professionals of (in) security. Taking into account that the professionals of (in)security are only one specific example of their larger inquiry addressing other professional groups (bankers, lawyers, etc.), three hypotheses concerning the constitution of a global elite may be discussed. First, are the professionals of (in) security dealing with European internal security matters acting as mere national civil servants working for their national state and not at all a part of the process of the constitution of a global elite? Second, do they form a class fraction of the “globalisers”, and if so, are they a coalition of diverse experts producing an epistemic community, an emergent bureaucracy, or an elite distant from the local and the national? Or, third, are they, as I claim, a transnational guild organised along solidarities which are dependent on the way they frame events as “security problems” by using a preventive police viewpoint, and through a computerisation of exchange of





1 information on a large scale, connecting them and constraining them?
2 And, if so, what are the consequences of the existence of this cluster of
3 professions organised around the idea of a global insecurity in terms of
4 suspicion, surveillance, proactive practices, preventive arguments and
5 belief in predictive technologies? The latter hypothesis supposes that the
6 agents of (in)security develop their own practices, codes of conducts and
7 political imagination, which frames their exercise of power in their partici-
8 pation in transnational fields of power. These fields of power are no
9 longer aligned with the national fields of state power represented by the
10 professional of politics, and the transnational agents contest the legitimacy
11 and capacity of the politicians as professionals of politics to have the last
12 word on what is (in)security (Bigo and Madsen 2011). As a result, national
13 security is part of global security, and may be challenged by the emergence
14 of the “new problem” of delivering security globally. As we will see, it does
15 not mean that these agents are not profoundly nationalists, but their prac-
16 tical activities shape them and create a “cleaved habitus” (Bigo 2011). If
17 this hypothesis is confirmed by the historical elements of European polic-
18 ing, then this aggregated guild is centrally tied to the idea of expertise, but
19 not necessarily to belonging to an emergent global elite.

20 Answering such a major question supposes a knowledge of the practices
21 of the different agents who recognise themselves as interested in the stakes
22 of internal security in their relation to justice and freedom. Moreover, it
23 considers whether the solutions always imply other agencies than the
24 national ones, because of the external dimension of exchange as the only
25 way to have a form of internal security. It is, then, important to begin with
26 the paradox or the oxymoron of an internal security at the European scale
27 to understand how European policing has been set up and transformed.
28 The situation of freedom of circulation has been read as a “European
29 security problem” inside and outside the European Union, with many pro-
30 fessions fearing that they were in danger if new forms of border manage-
31 ment were not immediately set up. The decoupling of state borders’ logics
32 of control from the territorial border in the name of freedom of move-
33 ment of persons – tempered by the fear of the rise in crime related to this
34 freedom – has exacerbated previous tensions concerning the narratives of
35 national sovereignty and global insecurity. It has also destabilised the idea
36 of what is internal and what is external to a national state inside the Euro-
37 pean Union. The internal security of a European space is the coalescence
38 of different national internal security spaces including, de facto, an external
39 dimension for each national state that the limited effect of European
40 citizenship has not succeeded in solving fully. It has therefore created
41 ambiguities, raising new questions about controls and surveillance in the
42 entire European zone and accepting the need to trust other police forces
43 and to share responsibilities between these forces, as well as accepting the
44 existence of some coordination points. The discourse of a security deficit
45 implied by freedom of movement of persons, of a “sieve” Europe, which is





in need of renewed controls that are more efficient (more upwards and downwards) in order to cope with the end of systematic control at the internal borders of the EU has been developed, first against Schengen and then between Schengen member states, by those who feared receiving immigrants that might overstay in their own country. This has reframed quite completely the rationale of the old habit of police cooperation and exchange of information (Bigo and Guild 2005)

Instead of discrete and informal relations between members of a small club privileging face to face information on a very small number of topics, the exchange of information between police organisations and (beyond them) between police, police with military status, customs, immigration officers and intelligence services, will become absolutely central in terms of policing “borders”. The practices of exchanging information on persons but also, and mainly, on strategic analysis about threats, past and future, will rise suddenly. This will create a kind of new job, a new occupation, with the officialisation of police liaison officers as specialised national police officers (sent abroad to understand the other police organisations); and, as we will see, the transformation of logic of actions will lead to the construction of what has been called a “pillar” of the European Union: the pillar of European “internal” affairs.

Mapping the trajectories of the agents in charge of internal security in Europe and their intertwined logics of actions

Many books have described what they call the emergence of the third pillar of the European Union and the development of an area of freedom security and justice (Chalk 1995; Den Boer 1998; Den Boer and Walker 1993; Lavenex 1999; Lodge 1993). They all agree that a specific group of individuals participating in informal meetings and clubs are the origins of the creation of specific institutions for “home affairs” at the European scale. These authors, most of whom have provided an analysis of the legal developments of these activities, are often surprised by their speed and intensity. Few, however, have carried out a sociology of the agents involved in the exchange of information in police matters and all associated activities (Anderson and den Boer 1994, Bigo 1996, Sheptycki 1995). They have, nevertheless, been permitted to embark upon European research projects concerning this topic which (during the last ten years), has been a constant source of preoccupation for researchers coming from countries across the EU and beyond, as well as from different disciplines.²

One of the results of these European projects has been the constitution of a visualisation of the different groups and institutions that have been part of the internal security of the European Union from the beginning (Bigo 2005; Bigo *et al.* 2008, 2010; Elise, European Liberty and Security 2006).³ Researchers have analysed the vocabulary and the way the professionals of security frame definitions and classifications of threats.⁴ They





1 have also analysed the trajectories, which provide an insight into the crea-
2 tion of some institutions, especially the internal security agencies at the
3 EU scale and their power relations in the context of changing treaties and
4 rules of the game. Recently, a specific study conducted for the European
5 Parliament has synthesised these previous results (Scherrer *et al.* 2011).

6 In a nutshell, the careful analysis of 40 years of European integration in
7 the domain of European policing can be represented as a rope woven
8 together by three interconnected strings.⁵

9 As shown in this visualisation, each “string” can be analysed as a series
10 of events, which make sense on their own, and each of them describes a
11 specific logic or dimension of European policing (practical, juridical and
12 technological). The aim of this full mapping is to connect the different
13 dimensions or strings in order to look at the key interconnections between
14 the dimensions and the different operators of translation, and also to
15 understand the overall logic (or the rope) connecting these three dimen-
16 sions and sustaining the social relations between them. This mapping, by
17 the collection of hundreds of documents and interviews concentrated in a
18 synthetic visualisation, gives grounds to the idea of a transnational field of
19 power concerning security, whose main agents are the different guilds of
20 managers of (in)security. These guilds are more aligned along profes-
21 sional solidarities than national ones, and compete for the priorities and
22 the definition of security. But they all recognise that these definitions, of
23 categories of unwanted people and risk for the future, have to be the sole
24 monopoly of experts and not a general public discussion or even a choice
25 by professionals of politics.

26 The first dimension we will investigate is the history of intelligence and
27 police cooperation and the informal meetings of the top ranking police-
28 men dealing with subversion, terrorism and drug trafficking. The second
29 dimension is better known than the first one and is sometimes confused
30 with the overall practices of European policing. This second dimension
31 looks at the legal side of European policing, and its official norms, as well
32 as debates between national sovereignty and pooling of sovereignties in
33 the name of the fight against threats beyond the reach of one single state’s
34 police forces. If academia has rarely connected the two dimensions
35 because of lack of interdisciplinary research, the practitioners have some-
36 times better seen the tensions between the practices involved in the pro-
37 fessions, their transnationalisation and the normative and juridical
38 frameworks, in European terms, which try to sum up all their aspects.
39 Using Bruno Latour terminology, the practical “jump” (or the operator of
40 this “translation between the two first strings”), has been to reconcile the
41 two different logics of policing into an internal European security with a
42 third one: the belief in technologies of surveillance and computerisation
43 of the exchange of information as a solution to preserve sovereign
44 national decision-making, the coherence of the European institution and
45 collaboration against global insecurities. This dimension is related to the





technologisation of policing through the extension of information networks available to police and intelligence services. It connects policing with computerisation and surveillance. It explains why the exchange of information, data gathering, profiling and prediction have become the key drivers of the competition between the different guilds and why it has been so important for each professional to have computerised information to exchange in order to stay credible for the others.

1 The strength of the informal networks and their transatlantic characteristics: an old tradition, a vivid present

Unlike judicial cooperation, police cooperation has always taken place behind the scenes through informal networks, and it has been recognised officially by the authorities only many years after their establishment. The origins of police cooperation between European states can be traced back to the 1880s and the inter-war period, with a strong influence from Austria and France. At that time, cooperation was mainly bilateral and shaped by that of informal intelligence services. The first case of multilateral cooperation dates back to the 1880s, with the exchange of information about the anarchist threat and efforts to institute cooperation among European police forces in order to combat crime by creating individual records that police transmitted to other police forces of a foreign country. This shows that, contrary to popular belief, police cooperation does in fact date back to the time when national police forces were established and had never been considered at the time as an attack against sovereignty (Fijnaut 1987). It is also a reminder to the jurists, who consider European police collaboration to have begun with Schengen and Maastricht, and who explain that police cooperation was late because the spill over did not function in sovereign matters. The first steps of police cooperation were bilateral, but they turned out to be worldwide as well. The ICPC (International Criminal Police Commission), which was the ancestor of Interpol, was founded immediately after the First World War. The ICPC created the first database system with colour codes – with pink for homosexual behaviour, and indications for Jews and Gypsies – which permitted a quick pick-up of main information. Situated in Austria, and later on taken over by the Nazis, the database was used to locate these peoples, with tragic consequences. After the Second World War, the ICPO-Interpol (International Criminal Police Organisation) made regulations to forbid some kinds of personal data (sexual behaviour, political opinion...) from its system, but also accelerated the process of data gathering, and it was one of the first organisations to systematically computerise its data and develop regional desks for exchange of information (between criminal police) on judicial evidence (Anderson 1989). However, we can consider that the modern police and intelligence networks have been more the by-product of strategic military alliances of the post-war era than the hubs of Interpol world





collaboration. Some networks, like the “stay behind” group, which would later be known as Gladio, have established direct connections between the US intelligence community and some police force and intelligence services, sometimes without the knowledge of the ministers in charge. The 1950s also saw the creation of informal, transnational intelligence networks that were often secret and which the founders of Europe were only partially aware of. Most of them were transatlantic in origin or created around the colonial organisation. Exchanges between police intelligence services were often transatlantic too, operating between Western Europeans, North Americans, Australians, New Zealanders and Israelis. Cooperation was based on “friendly relations” between departments, and gave rise to three distinct networks – first, a cooperation among police counter-espionage departments, second, among military departments within NATO and among English-speaking countries more or less independently from the other, (third) more continental European networks. Training of European policemen in (CIA and FBI) Quantico schools has been considered a sign of excellence and was officialised in 1979 with the opening of official foreign training sessions to encompass the latter. Apart from the French, most of the European intelligence services were strongly attached to the US agencies and the NATO organisation. The Berna Club was an annual meeting in a top class hotel or resort where top-level civil servants in charge of intelligence services met and exchanged viewpoints. The Star Group and the Kilowatt Group were more operational, and their existence and functioning were discovered when the Iranians took over the US embassy in Teheran in 1979. It was even later that some member states and the public knew about the Echelon system of surveillance, whose beginnings originated from the sixties and were rooted in both the Cold War and decolonisation. For a large part of the period, European policing and intelligence gathering was mainly the task of police intelligence services, shrouded in secrecy and based on face to face relations. In the mid seventies, informal meetings and club practices grounded in the English tradition increased in number and also began to focus on other topics. In Europe, specialised police teams dealing with terrorism organised meetings because they were unhappy with Interpol regulations of political opinion prohibition and they wanted an exception for terrorist activities. At the fountain of Trevi in Rome in December 1975, fearing red terrorist international activities inspired by Moscow, the heads of these newly constituted antiterrorist sections of national police (Germany, Italy, France and UK) decided to meet. TREVI was known only ten years later, when the European governments wanted to prove that they were active against their own internal terrorism and obliged the police services to semi-officialise their group as a meeting against terrorism, radicalism and violence in an international context (reconstruction of Trevi as acronym). They quickly labelled some different national far left groups who had some vague links as Euroterrorist, in order to justify the collaboration





publicly. Specialised teams that were dealing with drug trafficking and organised crime, as well as money laundering, also used informal meetings and club techniques for the exchange of information. Both the FBI and DEA sent liaison officers to different places in Europe to organise networks (Sterling 1981; Sablier 1983). Some were operational (the Marseille “French” connection disruption), but most of them were informational (the Pompidou Group, the TREVI 2 Group). These networks have been the place of exchange of techniques against not only terrorists and drug traffickers, but also hooligans or protesters in demonstrations. They have forged the sense of a “specific community”, of an “old boys” network, highly conscientious of its own importance and responsibility. All these first-generation policemen have been socialised through these meetings, and they have been at the head of the more formal organisations appearing in the eighties. If some groups like the GAM (Groupe d’assistance Mutuelle) on customs or Transcrim on transborder crime were far from this ethos of intelligence in policing matters, the anti-drug and anti-terrorism groups have been always split between their criminal justice and detective behaviour on one side and the strategic intelligence ethos they received on the other side.

These informal clubs have continued parallel to the development of the intelligence community, and some have melted together with them by transferring a large part of their traditional members into the personnel of the first EU and Schengen regular groups. But the idea that there was a pre-history of police cooperation, that it will disappear with the constitution of publicly recognised groups that are more openly transparent and exclusively European, has been part of a juridical illusion of both the EU Commission members and the academic community. These groups have continued to exist, sometimes with meetings a couple of days before important EU decisions, without some member-states (seen as non trustworthy) and with the traditional allies. The general secretary of the Council, more than the EU Commission and its new DJ JHA (Directorate Generale Justice and Home Affairs), was sometimes invited. Far from being an instrument of hegemony by the US, they have been often the arenas where Europeans have joined forces to offer their allies a different point of view. They have tried to limit the influence of the US on European policing, insisting on the fact that the US was a “third party” that could not assist during the first part of the meetings; the US had to wait for a common European position to emerge before coming in for a “drink”. Accordingly, even if they have used and overused the technologies of policing promoted by the US liaison police officers, they have also wanted to stress their autonomy as a centre of decision-making, independent from Washington, where Brussels could not be ignored in favour of London or Berne. At that time, the lack of interest of the US in any form of internal terrorism was a key element in the differentiation of positions, and some of the former TREVI members, not yet retired, have insisted on





1 their cleverness in light of the under reaction of the US in the eighties
2 and their overreaction after September 11, 2001. The disagreements about
3 the analysis of far-left terrorism and its links with Moscow, the Middle East,
4 and Palestine or Hezbollah were strong. This was also the case with drug
5 trafficking, military actions and the focus on cocaine only. However, apart
6 from these staunch discussions and divergences, it is evident that they
7 were sharing with their counterparts the same discursive frame on the
8 transnationalisation of threats and their global increase, which called for
9 counter actions starting with the maximisation of information exchange;
10 legal if possible, illegal if necessary. After September 11, 2001, this has
11 been pushed through, and we have again seen the capacity of influence of
12 some of these transnational groups of professionals. This was the case with
13 the Prüm Agreement, in which some articles were clearly opposed during
14 the discussions inside the EU forums concerning DNA collection and
15 private armed security guards in planes. It was also clear concerning the
16 freezing of assets of persons suspected of terrorism. A “non-existent clear-
17 ing house” was set up outside official meetings to permit bargaining
18 between the member states, and beyond them, about which persons to put
19 on the list. It seems that in other informal groups, retired policemen of
20 the clubs of the eighties sometimes participated in discussions concerning
21 the watch lists, their exchange, or even the Swift analysis of data; activities
22 considered as illegal by the EU Parliament. The US intelligence and police
23 services have long been active in the EU, and they have constituted their
24 own system with the department of Homeland Security, but they have also
25 learnt a lot from the EU databases and information networks which were
26 older than many of those in the US (in matters of policing) and which
27 were already applying the principle of interoperability.

28 This interest in informal relations between actors shows a social trans-
29 national space beyond the EU institutions. Key actors of European polic-
30 ing operate outside its official scope, and have a very important role in
31 intelligence services: the exchange of information. This was revealed only
32 after the Madrid and London bombings, and it has been considered too
33 quickly as an innovation. These actors have also been non-European, with
34 influential elements coming from the US directly or via Switzerland, if not
35 via the United Kingdom. They have generated a dynamic of mimetic
36 rivalry, where the first northern and transatlantic networks were consid-
37 ered to be playing against Europe and the European Union construction,
38 and were challenged by the ones previously excluded from the game when
39 they built more official networks and organisations in the 1980s. Indeed,
40 they wanted a system of EU policing that would bring in all the member
41 states, including the southern ones – even after the enlargement to the
42 East European countries – and they asked the US’ best friends and the
43 third party countries to wait for the EU to take a common position. By this
44 means, they tore apart the profound solidarities among NATO–Common-
45 wealth networks and they created a great deal of unease in the countries





that sought to be the sole mediators, for instance the UK and, later, Poland. If September 11, 2001 has been meaningful in terms of its impact on European policing, it is because it has destabilised this move of a purely EU-based policy and has strongly reactivated transatlantic networks of influence at the risk of exacerbating the internal divisions between European members. Ironically, the post-2005 situation is somehow related to the situation of the late fifties in terms of police cooperation, as if the eighties have been put aside. Although we may see a return of intelligence policing and anti-terrorism old trends, notably with the blurring of the boundaries of a European field and its merging into a transatlantic field characterised by informal relations with the priority given to intelligence, secrecy and illiberal practices, it is the opposite that will be seen in the communitarian developments with the strong impact of the Lisbon Treaty.

2 The “landmark” of the “third pillar” in community developments

Lawyers and Europeanists have a date for the origins of European policing. They begin their books and papers with the Maastricht Treaty and the creation of the “third pillar” (De Lobkowicz 1994; Den Boer and Walker 1993; Lodge 1993; Monar 1998; Moreau Desfarges 1993; Pauly 1996; Wallace 1994). This is logical, of course, when one looks at the legal effects of the Europeanisation of policing in terms of criminal justice. Nevertheless, the idea of a birth of internal security in the EU at the beginning of the 1980s is confused with its community development by law professors and European civil servants of the Commission. They forget to include what they do not want to see: the informal networks and their strong transatlantic dimension.

For most of these Europeanists, apart from some Euro-sceptics among them, the Maastricht Treaty is a success. It is the “landmark” of European policing and many texts refer to it, quite “religiously”, as a myth of origins. The narrative is almost always sequenced in the same manner, even if variations exist nationally. The preparation of the Maastricht Treaty created the impulse for organising an enlarged security based on mutual trust between member states, and a connection between policing and mobility by considering that the access to the freedom of movement of persons within the area of the European Union (as envisaged by the single European act of 1986, and the horizon of 1992) has to be regulated in terms of crime displacement, extension and globalisation.

The establishment of the European Internal Security Agencies has, in fact, been the product of political and juridical struggles between professionals of politics and the Euro-bureaucracy, but these agencies (which are now at the heart of European policing) are also (and in the main), involved in the making of a social field of “European” professionals, the exchange of





information in police and justice matters and the competition between the main actors in networks concerning police, justice, frontiers and surveillance by IT systems. In a couple of years, the landscape of European policing has changed radically in terms of institutions. European agencies have been created and they are the central part of this landscape (or field) that goes beyond the juridical discussions of the Treaties and the equilibrium between the different institutions of the EU (member states, Council, Commission, Parliament and courts). We have seen the multiplication of “agencies” and databases organising a dense network of exchange of information and a fierce struggle to control the access to these different and, still heterogeneous, channels of information. The creation of the European Police Office, (EUROPOL) in 1996, has been followed by the European Judicial Cooperation Unit (EUROJUST), decided in 1999 and established in 2002, and the institutionalisation of UCLAF (the coordination unit), into a European Anti-Fraud Office (OLAF) in 1999. In addition, we have also seen forms of institutionalisation of other groups and networks, with the development of a European Police College (CEPOL) dealing with formation and training of police, a specific agreement concerning the different police with military status called EUROGENDFOR and the development of permanent structures of intelligence and counter-terrorist services like the Situation Centre (or SITCEN) which, despite the efforts of the Counter Terrorist Coordinator, never became a European equivalent to an embryonic fusion centre. In parallel to the anti-terrorist and organised crime system of agencies, the discursive assemblage connecting terrorism with migration and border controls has led to the creation of the now, well-known, European Agency for the Management of Operational Cooperation at the External Borders (Frontex) in 2004, legally based on the first pillar, but acting de facto on third pillar contents, and influenced by second pillar matters through the action of different Navies. Another innovation, post 2001, dealt with the protection of network-based information and led to the constitution of a European Network Information Security Agency (ENISA), based in Heraklion in Greece, which has been running since 2004 with very little publicity and transparency about its activities. Recently, again away from the public view, an agency central to the organisation of the field was set up in 2011. Left for the moment with no final acronym, the agency for the operational management of large IT systems (OMLITS) will be in charge of the management of the main data bases concerning travel and border controls and their interoperability. If so, we will have soon a “system of systems”, permitting requests for exchange of information between EURODAC, the Visa Information System (VIS), the second generation of Schengen Information System (SIS II), the Eurosur and the European Entry-Exit Systems. This agency will be operationally launched in Tallin in the summer of 2012.

All these agencies, which we have detailed in a series of publications about their origins, legal bases, roles, functions and operational powers (Amicelle *et al.* 2004; Bigo 2008; Scherrer *et al.* 2011), are de facto organised





as a network and act as its central nodes by extracting information locally and nationally through local bureaus and by establishing database networks connecting the exchange of information of the different countries with their own intelligence analyses and development of profiles. The computerised network exchange of information and the connections between the agencies, are the “nerves” of this way of policing, which uses data elaborations of profiles, watch lists, categories of risk and dissemination of alerts to develop, store and retain mass gatherings of information.

Since the establishment of Europol in 1996, policing has become driven by anticipatory logics and preventive discourses insisting on proactivity. This development of European agencies has certainly been speeded up by the events of September 11, 2001 in the US, but it is also a product of a much broader development of a “governmentality of unease” that dates back to, at least, the 1990s. This has always privileged the mutual recognition method, typical of a limited pooling of sovereignty, and not a harmonisation towards a single space, with the consequence of intense inner struggles and harsh competitions behind the façade of a consensual discourse on trust and confidence in other groups and institutions. The years 1997–2000 were formative, due to the multiplication of specific arenas that integrated the individuals from previous informal networks into EU mechanisms (these professionals were not compelled to leave the parallel structures to enter into the new ones); meetings procedures and the size of the groups were rationalised, and traditional EU civil servants were included, disturbing the police socialisation of previous groups. Routines became central, and the objective of consolidating the groups as they were formed became the first goal of all these sub-groups. The competition for the best knowledge on specific threats, and their importance regarding other threats as well as their connectivity with them, became an everyday source of paper work. It led to the creation and reformulation of categories, statistics and, ultimately, management techniques about who has to be under discrete surveillance, who has to be arrested, who has to be banned and, beyond individuals, which groups to put on “additional” checks.

A few examples of these threats are the protesters against G7 and G8, the groups organising common demonstrations of trade unions in Brussels, the football supporters and all the groups preparing to cross a frontier en masse for a big sporting or political event and the additional visa requirements occurring when a country is subject to state violence to “prevent” people “fleeing” (i.e. asking for refugee status). In all that, September 2001 arrived as a “latecomer”, and not as an exceptional moment, reframing the whole organisation of the network of institutions and agents. It has, nevertheless, had the role of a formidable “accelerator” in favour of the existing connection between policing, intelligence, surveillance and border control by silencing the complaints of the specialists of data protection and privacy regarding the maximal use of techniques and the possibility for these networks to develop illiberal practices.





1 It is nearly impossible to draw up a complete summary of the cooperative
2 activities since 2001 among European countries, or between them and
3 third party countries, within the area of freedom, justice and security. By
4 March 2007, the EU Commission stated that 51 texts had been adopted
5 since September 2001, 33 were in the process of being adopted and 22
6 communiqués and 21 reports had been published, making the area of
7 freedom and security one of the most dynamic fields of legislative activity.
8 The “de-pillarisation” or “cross-pillarisation” of certain initiatives that
9 involved various groups from the Commission and Council, and even
10 some private players within specific partnerships, was by far one of the
11 most important effects of this increase in activities (Baldaccini and Guild
12 2007; Balzacq and Carrera 2006; Monar 2003). Some people perceived
13 this combination of internal and external security concerns as the third
14 pillar spilling over into the first pillar, others as a sort of “Americanisation”
15 of European policies (den Boer *et al.* 2008; Kantner and Liberatore 2006).
16 Both interpretations are only partly true.

17 Beginning in 2003, European police and intelligence services, along
18 with the services in charge of external borders and visas, made considerable
19 efforts to Europeanise themselves, provided that this move would
20 increase their discretionary power and not result in greater judiciary
21 control. These services were seeking an intelligence agency and a European
22 equivalent of the American Homeland Security department via a
23 system of border controls with biometric identification and travel author-
24 isations granted before travelling, or an inter-operable database that would
25 allow them to gather, store and compare data for investigations; this led to
26 the Treaty of Prüm and renewed agreements between the EU and the FBI.
27 For some, while these efforts were necessary to avoid risks, they were also a
28 way to avoid American hegemony in this field. These developments were,
29 then, not made simply to follow the American position; there was a real
30 push to create a European industry for databases and security technology
31 that could compete with the United States’ and at the same time guarantee
32 the control of information concerning European citizens and foreigners
33 living on EU territory. Unlike criminal investigation police, the
34 intelligence departments insisted on the danger posed by Al Qaeda within
35 Europe where there were large communities of Muslim origin, particularly
36 in France, Germany and the United Kingdom, which could serve as a
37 groundwork structure. Despite a difference of opinions about participation
38 in the war in Iraq, the different anti-terrorist services of the different
39 member states made a joint evaluation of the threat and were mostly in
40 agreement. Within Europe, anti-terrorist services shared more or less the
41 same opinions on the possible threats (although they would propose different
42 responses to the problem) and had for some time stressed the idea
43 of the infiltrated enemies within our own borders (Bonelli 2005). European
44 leaders did take the threat of Al Qaeda seriously, but many considered
45 anti-terrorist activities to be the concern of the police and judicial





fields, aided by intelligence services, rather than the business of the army or agencies such as the NSA and the CIA, the spearheads of American policy. So, the more European policing collaborated with the US, the more they were driven towards a trend obliging them to be subordinated to their own intelligence services and even to their own militaries, and their related private partners of the defence industry. The idea of integration of information, even nuanced by the EU commission in terms of availability of information, was never in favour of criminal justice but instead in favour of prevention and hence of fostering a certain kind of suspicion freeing the agencies from the judges' supervisions and giving the intelligence services the upper hand on the network. It is here that a transnational guild of professionals of intelligence has developed illiberal practices (Bigo *et al.* 2008a).

So, if we look at this institutionalisation by the European Union, of European policing in terms of the participants, it seems that during the period of the Hague Programme, the changes were profound. The strata of "diplomat policemen" became central, especially when traditional diplomats wanted either to stop the "progress" of this domain or to supervise it. With the enlargement, the number of people meeting in sub-specialised groups in the area of Justice and Home affairs exploded. Before the enlargement, the total size of these diplomat policemen was around a hundred individuals in groups of twelve to fourteen partners. After the enlargement, and the development of sub-specialised meetings, we are speaking of more than a thousand individuals in groups of twenty-five or more partners; this increase being related to the development of permanent jobs in new agencies and to the multiplication of arenas, including participation in the comitology of private actors. Most of them did not belong to the Commission as such, but were seconded there by national ministries, and often represented a specific service. From the nineties onward, the intimacy of the beginning was lost, but the sense that they are, nevertheless, all together in a world apart with its own rules continues to expand hugely. Policemen, police with military status, customs, immigration officers, border guards, judges, finance specialists and intelligence services meet in these sub-committees and in the meetings between them. On the European scale, they often meet more with these other professions than they have done in their careers at the national level. They have the feeling to be in diverse scenes with different cultural traditions, different nationalities and languages, with different professions or know-how and visions about the skills needed to do the job. How could they be all wrong? They nevertheless are oriented towards the idea of coping with security at all levels: individual safety, local community, national security and global security. National security is now one among many other preoccupations. Security is everywhere and has become unlimited. Freedom and Justice exist only to implement this "safer world" and not as a limit to security expansionism.





1 This cooperation between multi agencies has been seen as a necessity
2 because of the mobility of people over the world and because of the multi-
3 plicity of systems of values in cosmopolitan places. This mobility of persons
4 is considered a risky activity for the country as such, because if travellers
5 pass through, they may potentially be terrorists, drug traffickers, illegal
6 migrants or just unwanted people (refugees, minorities). And even if these
7 mobile people settle, they do not share central values, so even their chil-
8 dren are suspects. The model of suspicion initiated by the UK in Northern
9 Ireland reached a new world dimension when it was reproduced by their
10 European and American colleagues (Bigo and Guittet 2004). At the same
11 time, a geopolitical dimension, extending the networks of countries to be
12 contacted for information exchange, has been added to the traditional
13 policing between Western countries, with the argument that non-
14 democratic countries such as Russia, China, Pakistan or Libya have a lot of
15 information to exchange and that they are “useful” partners. Military ana-
16 lysts arrived massively in some forums, and sometimes reframed the initial
17 questions by integrating individual movements of migrants as if they were
18 a fifth column. At the same moment, in practice, they were de facto inte-
19 grated into the reframing of policing as the branching out of intelligence
20 and prevention into mass surveillance. Therefore, they were de facto the
21 adjuncts of the justification of a preventive policing attitude trying to
22 govern populations by small categories of suspects. But they were not
23 directly integrating policing into a war matrix generalised to the world, as
24 it has been stated. Policing has swallowed war. And the end of the war on
25 terror, it can be argued, has not diminished the practices of preventive
26 policing.

27 The Lisbon Treaty, by reframing the structure of the European Union
28 and the idea of three pillars created thirty years ago, has re-opened the
29 key questions of the seventies and eighties, and has partly rectified the
30 success of the neo-moderns to impose a more transatlantic military intelli-
31 gence and strategic approach to European internal security. It even can be
32 said that the Lisbon Treaty, has reorganised the EU on different bases (by
33 de-pillarising the spheres of activities of the EU), because some of its pro-
34 moters reacted partially to this excessive attention to security and its polic-
35 ing of military intelligence connections. So, even if (formally) the Lisbon
36 Treaty today has suppressed the different pillars since its entry into force
37 on the 1 December 2009, the so-called “third pillar” of the European
38 Union has materialised in symbolic terms (for so long), by being a profes-
39 sional and social space, which has its own specificities and its own special-
40 ists. Hence, it has forged its own “naturalness” and its de facto survival
41 after Lisbon with multiple interpretations and managerial organisations,
42 recreating de facto in 2011 the groups of the 1990s; for example COSI.

43 In a nutshell, to understand this second dimension of legal and norma-
44 tive elements of European policing, coined by EU institutions under the
45 label of “Justice and Home Affairs” with the Maastricht Treaty of 1992, and





later on, under the terminology of an “area of freedom, security and justice”, it is essential to analyse the trajectories and formation of the individuals recognised as experts; how they are organised in sub-groups, groups and institutions, how they become spokespersons and experts, rather than relying on general characteristics concerning their nationality or their culture, and to see them as pure representatives of a specific institution like the EU Commission or the Council. It is also important to understand whether the network they are immersed in is strictly European, just between some member states, or whether it is transatlantic; it varies along the professional lines and along the alliances the guilds constitute. The oppositions between border control and mobility control, criminal justice and preventive actions, are the key drivers for understanding the juridical evolutions of an “internal security dimension”, which goes beyond the borders of the EU *stricto sensu*, and contains a strong “external dimension”, validated by the Amsterdam and Nice Treaties and the different summits of Seville, The Hague and those that follow. This array of activities has been marked by a label, which is now fading away with difficulty, namely – the “third pillar”.

The institutionalisation of a “third pillar” from Maastricht to Lisbon has permitted the different actors engaged in the transnational exchange of information on police and intelligence matters in a broad sense, to recognise themselves immediately. For the participants of European policing, it is easy to describe their views on who is in, who is out, or who is just a newcomer and does not know the effective rules of the game. They explain in detail that no juridical rules or manuals can give, or help an actor to learn, the rules of the game of European policing; it is an “experience” and the longer you have been in it, the better you are. Such a third pillar “tradition” has given bones to the aggregation of multiple networks with various interests as long as they were dealing with border surveillance and control, with mobility of people, with migration and with crime and political violence. A strong effect of the polarisation can be observed at the same time through the movement of an increased aggregation of groups of different professions. To be central in this space of European policing of the 2000s, it is necessary not to be ultra-specialised in one domain as before. On the contrary, services that can claim that they can multitask and that they can cope with many threats with their know-how and technologies are privileged, especially when they have gathered information that they can exchange widely and quickly. It seems that four criteria become central in the formation of authority inside this social space: first, to have been part of the informal clubs of the beginning and to know already the history of the positions and their distinctive deviations; second, to have a good knowledge of English and of diplomacy in order to negotiate in this area, but to have sufficiently been “on the operational ground” to have intimate knowledge of practices; third, to have a good legal background, even if it is intended to justify ambiguities and lack of clarity in order to get further





leeway for the decision makers and eventually to have information to share; and fourth, to have invested in technologies of computerisation and high tech software.⁶

This latter point is crucial. The computerisation of exchange of information has been valued since the mid eighties as “the” solution to effective collaboration, while leaving the issue of the centralisation of data undecided. It has permitted a masking of the struggle opposing the Commission to the Council, the first one wanting to centralise and coordinate the overall organisation (and its distribution among its own agencies), the second one wanting a technique allowing it to pool sovereignties, which enables the different states or the Council and its General Secretariat (but not the Commission) to be at the core of policing. It is only by looking at this third dimension, or string, that we can understand in more depth the social field organising European policing beyond its institutional settings, as its sociality is not only built on personal networks and confidentiality or in juridical and normative elements, but is also constructed through the use of technology and belief in the monitoring of the future of human behaviour.

3 The third dimension: policing and belief in technology of surveillance, tracing mobility and anticipating virtualities

The computerisation of policing has been seen by specialised services working on cases necessitating the gathering of information from other parts of the world as a priority. As demonstrated by Ericson and Haggerty, policing in an insurance and consumerist society, structured by the idea of risk management, is mainly about asserting truth over damages and transmitting the information concerning the victims to other (often private) providers of security and protection. The police organisations are only a small part of the activities of policing, but by asserting truth, they form a central node. It is quite impossible to avoid national police. Nevertheless, everyday policing has been less effectual (except perhaps on stolen cars) than specialised policing when it comes to computerising and to gathering, detaining and disseminating information electronically. National and local police have different budgets and priorities, depending on their degree of centralisation, money available and the nature of their activities. Most of the informal clubs of the seventies in Europe and the US, however, have considered that computerisation was the solution to any police problem, with the possibility of gathering and treating information quickly. The dream of the Total Information Awareness of the general Pointdexter is born in these meetings of the late seventies. The different clubs on anti-terrorist activities, drug trafficking, anti-subversive activities and illegal migration began to meet when they realised that they had a common thread running “horizontally”: the necessity of exchanging information to have quick, reliable and secure interoperable databases. The US





and NATO were keen to offer their help. The US invested in Interpol, but European policing networks wanted to channel information between them first. TREVI 4, most well-known as TREVI 2 (for the preparation from 1986 to the Single Act of 1992), has been central in this idea of developing technology not only for efficiency, but also to build a specific European identity in policing matters by constructing a technology capable of answering to the fear of the removal of internal borders, with the implementation of the Single Act on 31 December 1992 (the so-called security deficit). And, in addition, by insisting later on, with the Schengen Information System and the European Information System, that the creation of these data bases in networks and the creation of Europol permits them to share information between them before speaking with the US and other third party countries.

The Palma document of 1988 and the work of TREVI 4, have promoted these new technologies, including the possibilities of biometric identification and the interoperability between databases that we know today. The blueprint of not only the SIS, but also of Eurodac, VIS and FADO, has its origins during this formative period, largely before the bombing of 2001 and even before the fall of the Berlin Wall.

The “communautarisation” of some activities was often accepted, not because people wanted Europe as such, but because it was a way to have budgets for the computerised exchange of information and because this dimension of international exchange modified the national scene of the relations among the local polices and the interior ministries of most countries, among them Belgium, the Netherlands and the UK. The refusal to share information with other national services became complicated, especially when it was agreed to share it with the same kinds of services abroad. Years of controversies have been shaped through this technological argument, while being also (and sometimes mainly) about modernisation, managerial transformation and centralisation of policing. The autonomy of local police towards their national centre has diminished as an effect of the computerisation of the European exchange of information (as for instance in the case of Belgium). It has also permitted some coordinating structures (for example UCLAT in France) to have specific access to other information than that delivered to the different services, and to have a “bargaining” capacity to further the “cooperation” of reluctant services. The “nationalisation” of policing came as a result of its Europeanisation which, in some cases, triggered a creation of new services in order to have national correspondents, the justification always being a technical one about the necessity of efficient, secure and quick interoperable systems.

Computer specialists were asked to create such a system of European information in police matters. By the mid eighties, private companies had been pushed to work with their public counterparts nationally and to join other consortiums in order to originate from at least three countries of the EU, even if they were encouraged to have US participation in the





1 competing bids. The Interpol system of exchange of information was cer-
2 tainly advanced in terms of technology, but it was considered as too open
3 in terms of consultation and too weak in terms of confidentiality and the
4 possibility of bringing in police elements not validated by justice decisions.
5 The competition between a Schengen Information System and a Euro-
6 pean Information System turned rapidly in favour of the first, as the
7 second did not pass many requirements in terms of technicality, especially
8 speed. From that time, the Schengen Information System was considered
9 as the “real” tool for the success of Schengen policy on “managing
10 borders”. Even the countries refusing to enter immediately into Schengen
11 later accepted an integration with the platform and to share data under
12 certain conditions. The SIS was seen as the practical side of European
13 policing for the policemen and border guards of all national police, and
14 soon changed the everyday life of the consulates all over the world. The
15 establishment of the categories of the SIS assembling (under the same
16 technological system of criminality) missing persons, third country nation-
17 als previously banned from one member state and theft of vehicles, has
18 reinforced the assemblage between policing and frontier control, or, as it
19 is later called, integrated border management. It has constituted a key
20 moment in transforming policing into a search for traces of mobility and
21 organising policing as mass surveillance. Concerning asylum seekers, the
22 Dublin Convention was substituted to the Schengen Article dealing with
23 refugees, with all the EU countries, for once, agreeing. The Convention
24 began life on its own, to avoid “asylum shopping” in the (too) “soft touch”
25 countries. Here, technology was also central, with the database of Eurodac
26 specifically focussing on the (later) organising of discussions on refugees
27 and treating them as untruthful persons trying to lie to the different state
28 administrations. Eurodac statistics and public narratives changed the per-
29 ception of refugees; the multiplication of police and journalistic labelling
30 concerning economic refugees mixing their fears for their lives with a
31 simple opportunistic change of country for better work, and then blurring
32 the line with immigrants, as well as using crude terms like “bogus” refu-
33 gees. Governments used technologies of systematic finger printing with
34 new scans on this population, and some proposed that they might run
35 through the database for fingerprints (or DNA) when crime involving a
36 foreigner occurred. Although they were discouraged to do so, the contro-
37 versy about privacy and data protection was framed by this idea of a
38 “natural” (statistical) connection between terrorism, crime, fraud, illegal
39 migration (especially overstay) and asylum seekers. Databases like FADO,
40 on false documents, also grew between and beyond EU member states,
41 and the idea of the connection of the body of the individual with his/her
42 identity through biometrics only (with no check on documents) took root.
43 Each new European agency on internal security wanted to have its own
44 technological system, organising the routes of exchange of information
45 and having priority over the others. The SIS was from the beginning





complemented by the SIRENE information system, paving the way for the exchange of judicial documents directly among judges, and “avoiding” the length of the procedural chain and its vertical logic of sovereignty. It affected strongly the idea of the European Arrest Warrant and other pieces of legislation where speed of exchange was considered as a good justice delivery, as opposed to scrupulous examination of data and claims by other countries, destabilising extradition and other procedures. An industry of “secure exchange of information”, which was first set up for banking mechanisms, saw the opportunity to invest in this small but profitable (economically and symbolically) segment of the market concerning police exchange of information. (Bigo and Jeandesboz 2008; Bigo *et al.* 2010a; Guild *et al.* 2011)

The enlargement of the EU to ten new countries, created a new controversy about technology obsolescence and new capacities for the systems, where any new technical capacity was seen as an asset for the future without much discussion about the necessity of these new capacities concerning, for example, images or DNA samples. The discussion revolved around “trust” between police and how far they could share genuine information instead of making deals in a stock exchange of valuable information, and the Commission multiplied grandiose projects for the next 20 years, always with more information sharing and interconnections between already existent databases.

The SIS 2 initiative was not an extension of SIS 1, but a reconfiguration of the system allowing new operations and searches between data and categories. It did not work for a while, the number of data affecting the speed of the system, but it was seen as “progress”. The Visa Information System (VIS) will change profoundly the monitoring of the mobility of people, especially when it will be combined with a European Entry and Exit system to check who has overstayed in Europe. It will affect the relations between EU citizen and third party country nationals willing to come to the EU. The Eurosur system for a Eurosurveillance of borders, involving border guards, navy and satellites of surveillance, is at risk of militarising the relations with Southern Mediterranean countries through the armament of police and border guards squads, but most of the discussions have only concerned its efficiency, its progress in terms of technology and its capacity to answer the “challenge” instead of discussions concerning its legitimacy and overall purpose.

We have discussed at length, and in different publications, what is at stake in each of these projects and technologies, and their impact on everyday life (Bigo *et al.* 2010a; Jeandesboz 2008, 2011). Here, I just want to insist on the link with the security industry and with private banking, and also on the importance of this digitalisation of data.

This third string is central to understanding how the social field has been constituted and how the guilds of professionals have been formed. Not all the participants quoted in texts concerning third pillar activities





are “actors”. They “act” only if they affect others. And it seems that to belong to the field of the professionals of (in)security, it is necessary to act in the computerised network of exchange of information or to have a central influence in terms of intelligence. Actors of the transnational game need a computerised database with their own specific “products” (from raw information, intelligence, statistics of specific categories and profiles to specific watch lists), the possibility of being connected with other databases and the means to distribute their results, as well as a certain level of confidentiality, to be a credible player. Their symbolic capital or authority mainly comes from this accumulation of data, concentration, specialisation of recognised information and redistribution of it among the network. The groups and institutions that do not have the capacity to participate in the exchange are now marginalised and they have lost their authority in terms of prioritising the struggles against threats and defining these threats, and their connections, along with their interests. To possess a database and to exchange information is not only to use it in functional terms, it is the very possibility to act and to speak with authority. Technology is not a solution, it is (to use Bourdieu terminology) the “skeptron” giving a form of political power inside the field of professionals of (in) security; it is what permits one to deliver “speech acts” with some success. It gives “sovereignty” a “password” for entering the game at this scale.

Even more provocative, the database reframes the relation between the actors by being the main “actant”: the “entity that does things”, not only by receiving orders, but also by acting itself. If we follow some ideas coming from actor-network theory developed by Latour, Callon and John, law – the non-human actor (i.e. the database network), is the effective actant (the translator) and not just a passive medium between human beings. It is the element “which bends space around itself, makes other elements dependent upon itself and translates their will into a language of its own” (Callon 1981). It participates in the human/non-human relation and “masters” it. The database network has to be fed by the humans who see themselves as “slaves” at the service of the computerised assemblage, as if the database network was an old god devouring information continuously and delivering oracles concerning the future and the prediction of abnormal human behaviours to come. The database network reframes both the identity of the population under surveillance and that of its supervisors. For the former the identity of the individuals is reconfigured through their “data doubles”, by connecting the traces left by individual bodies in space and time with the biometric identifiers registered in the database network, while ignoring the human language self-definition of identity and, perhaps very soon, the previously authorised paper documentations given by the state representatives. For the latter, the feeling of being in charge, in control, responsible and sovereign disappears, and they consider themselves to be “pieces of machinery”, the “wheels”, or the arms and legs of a complex organisation whose brain is the technology of the





computer system itself. Leviathan is no longer an artificial man, it is a computer network made of human-machine connections, a sort of cyborg. Sovereignty is at stake when human decision becomes illusory. Who is in control becomes a more complex question.

This question of the decision-making process of a computerised exchange of information, where nobody is in charge of the overall exchange, is linked with a theological aspect of a strong belief in the solutions provided by technologies concerning prevention and prediction of human behaviour. As we have explained, the myth and its sacrificial and astrological dimensions are dense, and reflect the certainty, truth and knowledge provided by technologies when it concerns the future of human action. Technology and risk management do not provide solutions, but instead provide the belief that technological solutions permit an avoidance of difficult political decisions.

Conclusion

In conclusion, information exchange, cooperation between institutions and a feeling of belonging to a common professional field specialised in internal security threats, grew out of the network of police officers, magistrates, customs officials, border guards and even intelligence departments. They were joined by the military intelligence services, and the context of the “war on terror” blurred the traditional separation between internal and external security activities. This cross-border cooperation tended to make this field less dependent on political officials at the national as well as at the European scale. The new field has “de-nationalised” and “de-governmentalised” European policy and strengthened the common vision shared by the Ministries of Interior, with their specific interests in migration policy, border crossing and acceptance of American anti-terrorism standards; and their common distaste for legislative activities and procedural discussions, as well as the constraints on speed due to privacy requirements. These points were hotly debated, but the fact that they were dealt with by this group of interior ministers was accepted as legitimate, even when they were speaking of human rights, travels, mobility and freedom. In addition, the “European” field of professionals of security underwent a change of focus due to the United States’ involvement in European affairs and the role attributed to intelligence departments and border controls (to the detriment of judicial police and magistrates because of a supposed link between terrorism and the presence of foreign citizens in the EU). But the activity of intelligence services trans-nationally was, however, offset by the signing of the Treaty of Lisbon, the implementing of joint decision-making processes and the transparency and legal value granted to the EU Charter of Fundamental Rights, with a sudden U-turn or break that many professionals of security have not understood because they were not paying attention to legislation. And it is within this specific situation that we currently live.





1 The transnational guilds of (in)security professionals have emerged
2 from the development of this social space in expansion everywhere in
3 Western societies, and they are tied with the expansion of discourses con-
4 cerning risk managements. From very modest beginnings in police activi-
5 ties, they have gathered around them more and more actors coming from
6 very different professions, but all attracted by the (in)securitisation process
7 of their own domain (environment, development, health care, etc.). These
8 transnational guilds are now powerful actors competing for security issues
9 and challenging national choices of the professionals of politics. The col-
10 laboration between these different forces has been encouraged under
11 various forms, from the Prüm Treaty, attaching national sovereignty to the
12 existence of European internal security agencies (with reinforced powers
13 and a principle of availability permitting access to other trusted agencies)
14 even the to idea of automated Entry and Exit Systems, and the control of
15 money transactions and fusion centres of information that Europe wanted
16 to develop with or against their American partners in a mimetic move gen-
17 erating rivalry. The transatlantic dimension of some of the guilds, espe-
18 cially the intelligence ones, and technical arrangements for Entry and Exit
19 Systems, have succeeded (in different cases) in imposing their views onto
20 the professionals of politics, either the EU Commission, the European Par-
21 liament, some key member states, or even the Obama administration. Par-
22 allel to the rise of economic guilds in the Euro crisis, it seems that
23 non-elected politicians presenting themselves as experts are, more and
24 more, challenging the elected politicians because they are trusted to a
25 greater degree when the discourse concerns emergency and security.

26 So, finally, the political imagination of the worst-case scenario and its
27 preventive argument has reframed the traditional relations between the
28 EU and the US, the relations between public and private and the relations
29 between men and machine in terms of intelligence making and surveil-
30 lance logics. This is related to the de-differentiation of internal and exter-
31 nal dimensions of European policing and has created a nexus of what has
32 lately been called an external dimension of internal security, affecting
33 neighbourhood policies, relations with powerful “third parties” like the
34 US, Russia or China, external action and diplomacy, as well as develop-
35 ment and even the current economic crisis.

36 These guilds of professionals of (in)security management have extended
37 over all Western societies by informal and institutional networking, and they
38 are both public and private. They are structured along the computerised
39 exchange of information concerning police and intelligence, border man-
40 agement and surveillance of minorities, and they are connected with the
41 technologies of everyday surveillance of active citizens in city areas and in
42 banking activities, sometimes with the remote military capacity of surveil-
43 lance of large areas. They are the result and the drivers of “platforms”, inte-
44 grating systems within a system: raw data, information gathering, information
45 retention, information filtering, data mining, elaboration of algorithms,





profiling by software and expert groups, intelligence evaluation, creation of patterns of population reduced to very small groups through multi-criteria refined searches, construction of patterns of future human behaviours and acts considered as dangerous or simply unwanted, simulation and anticipation of worst case scenarios to avoid, elaboration of watch lists and exchange of categories of unwanted populations to put under in-depth surveillance and checks, construction of categories of normalised “personas” under light surveillance and assessment of truths concerning threats, catastrophes and risks.

They are always multinational and sometimes multi-professional. Their scope varies depending on the degree of formalisation and the operational powers they have in addition to the exchange of information. In most of the cases, their narrative is full of pride concerning their own nationalism and statehood. They insist, in their discourse, on the importance of sovereignty and the necessity of strong decisions by the professionals of politics, while complaining about the present politicians. They are not only public agents and bureaucrats, but also private actors coming from security and surveillance industries, software providers on profiling, and insurance and banking; compliers intervene more and more in these choices concerning the priorities and solutions against the threats and risks that are construed as most dangerous. They form a “dual core”. To belong to these guilds and to play a role on the European scale, it seems that it is essential to be part of a computerised network of exchange of information, and to provide arguments and instruments concerning the categorisation of populations as risky or at risk. But it is not necessary to “feel” European. Only a tiny minority of all of these professionals will consider themselves as European, or cosmopolitan, even if their lifestyle is centrally related to these practices of exchange, travel, and denationalisation of values (Georgakakis and de Lassalle 2010). Their everyday routines are about the exchange of information involving their views and priorities concerning security; and from time to time, but more and more often, about personal data concerning certain categories of population seen as undesirable or unwanted.

These transnational agents, connected through information management, share a doxa related to the fact that policing now involves a logic of intelligence plugged into everyday surveillance, and a global cooperation through the exchange of information. They challenge the authority of the national professionals of politics in their pretence to have the last word about what is the enemy, what is its current form, and what are the most appropriate techniques to counter it. They extend their claims of knowledge concerning the enemy to knowledge of any form of catastrophic risk that can happen (in the name of their capacity in terms of protection against vulnerabilities) but also, and mainly in terms of, knowledge relating to prevention, profiling and prediction. They consider themselves as the experts of the future, and as better equipped than the professionals of





1 politics; it is not rare that they officially contradict the narrative of the
2 highest authorities of the government when it comes to assessing the
3 future of the nation in matters of security. But it is difficult to say that they
4 consider themselves, or that they can be considered as, part of a global
5 elite. If they are seen as experts, it is rare that they can impose their view
6 beyond their field, and judges or diplomats will try to block them, espe-
7 cially if they are part of the private bureaucracies. If they are transnational
8 by the very logic of these activities, the agents are also simultaneously inti-
9 mately local(ist) and national(ist) in that sense they are always “double
10 agents” (Dezalay and Garth 2011). Moreover, they all have a specific nar-
11 rative concerning the threats they have to combat, the origin of these
12 threats and the national importance of their own country. But even if they
13 are strongly nationalist, the majority of them now consider that the danger
14 of the rise of a global insecurity obliges them to curb national interests,
15 the latter being seen in this worldview not as an expression of sovereignty,
16 but as a form of state egoism, which is inefficient against major threats.

17 Therefore, national(istic) sovereignty is at stake. Most often the profes-
18 sionals of (in)security consider it necessary for global security to trump
19 national sovereignty in order to face global insecurity. They use and even
20 fight against their own politicians for this argument. And, even if they
21 deny it, they are involved in politics, but their politics is to deny that they
22 have a politics and they pretend to be technicians, neutrally oriented, and
23 refusing “ideology”. In sum, they are dissatisfied with national solidarities,
24 other ministries and their own professionals of politics, but they rarely
25 challenge their allegiances, except when the politicians want to impose
26 reforms dismantling their strong computerised networks and their
27 “liaisons”. It is important to stress that success or failures in the struggle
28 against terrorism or illegal migration have ended up with the same result:
29 more resources, more power for the network, and less control by other
30 authorities of their own work. It has also ended up with a reticular organ-
31 isation of internal and external forms of surveillance and their hybridisa-
32 tion, but this move has not been seen as totalitarian because the number
33 of people effectively controlled has been de facto limited. Most of the pop-
34 ulation under watch have been normalised (free to act as long as they
35 respect the preliminary frames and limits posed to these forms of
36 freedom) but the trend is to accumulate more information about private
37 data worldwide concerning travellers and even people who do not move
38 but want to be without frontiers (through internet communication).

39 This double move of normalisation of majorities to secure and antici-
40 pate people in order to prevent danger is what we have called a ban-
41 opticon, a form of governmentality of unease developed by the practices
42 of these professional guilds and the way they interact with the public and
43 the professionals of politics (Bigo 2007). It certainly addresses the ques-
44 tion of the relationship between expertise and democratic practices, as
45 well as the question of the relations between national sovereignty, markets





and global security. It also sheds light on the complex relation between the concentration of power in the hands of “globalisers”, the making of a global elite and the participation of the same agents in national politics by refuting the idea of a neo-liberal “empire” in the making; having a specific globalised elite and insisting on the emergence of transnational guilds of experts whose interests and doxa may differ from those of professionals of politics.

Notes

- 1 The term bureaucracy is used in its Weberian sense. Bureaucracy is a process of rationalisation used by public and private firms.
- 2 European projects are known by acronyms. For the most important ones concerning this topic, readers can consult ELISE, CHALLENGE, IN-EX, DETECTER and SAPIENT.
- 3 Readers interested can find specialised bibliographies by topics, regions and agents in the following websites and CD Roms: www.libertysecurity.org, www.inexproject.eu/, CD Rom Elise (European liberty and security), DVD Rom Challenge, available at: www.libertysecurity.org/module/. For documentation and critical analysis, see also: www.statewatch.org.
- 4 See http://jiminy.medialab.sciences-po.fr/anta_dev/documents/list/user/3by.
- 5 See graph at <http://jiminy.medialab.sciencespo.fr/deviss/timeline>.
- 6 The individuals recruited in these European groups possess at least two or three of these criteria, and they are more and more autonomous from their hierarchical superior in their national states, as they show that dealing in this arena supposes a specific knowledge that those who are simply going back and forth between the national capital and the Brussels meetings do not have.

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9 The European military elite

Frédéric Mérand and Patrick Barrette

According to historical sociology, the military field was the first source of power to be nationalized in the late Middle Ages. Yet it has probably become the most transnational one today. Although some observers do not shy away from speaking of a “global military”, transnationalization is particularly visible on the European continent (Shaw 2000). Since organizational, social, and political resources acquired at the national level remain paramount, it is certainly too early to speak of a displacement of national military fields. Nonetheless, a specific kind of transnational capital is gradually being created around the figure of the “interoperable professional soldier”. By this expression, we mean a set of professional skills, often originating from the US but acquired in international contexts, which are increasingly valuable in national fields where they serve, in combination with control over international organizational resources, as a new form of military capital.

In contrast to other transnational elites studied in this volume, the authors of this chapter are lucky that the European military has a formal power structure and a clearly identified ruler: SACEUR, the Supreme Allied Commander for Europe, who sits atop NATO’s integrated military command. With 5,000 personnel at its Brussels headquarters and 15,000 more in its several commands across Europe and North America, NATO (North Atlantic Treaty Organization) is the uncontested nexus for the planning and conducting of large-scale military operations from Europe. When activated, its integrated chain of command spans over almost all European and a large chunk of US forces. In the case of an armed aggression on the European continent, this multinational chain of command would include two million men and women from 28 states. SACEUR, a US four-star general, would then give an order to a British three-star general who would relay it to an Italian two-star general who, as force commander, would oversee a group of French, Polish and German battalions on any theatre of operation. This is a transnational power structure like no other.

However, the European military is not only a formal hierarchy. It is also a set of shared social practices and symbolic representations that have been institutionalized over several decades. Anthony King (2011) argues





that, as a result of the increasing tempo of overseas operations since 1990, and also under the influence of the US model, European armed forces have fundamentally reshaped their organization. The “operational network” that has emerged is characterized by the domination of highly sophisticated, joint operational headquarters that can assemble, deploy, command, and control rapid reaction forces in very little time throughout the world. These HQs, such as Potsdam in Germany, Northwood in the UK, or Mont-Valérien in France, work in close collaboration with each other and comprise a number of liaison officers from allied nations, which makes them a truly transnational power structure. In this development, the importance of the US as a push factor cannot be neglected. The formation of a European operational network has relied on concepts, norms and procedures (such as effects-based operations and jointery) that come from the Pentagon and have been adapted to European conditions via NATO (Terriff *et al.* 2010).

At work since the early 1800s, the transnationalization of the military field has taken a much quicker pace since the 1990s. This development has fostered an unusually homogenous professional identity that transcends national borders. All Western forces have similar rank systems, drills, training programs, and professional standards. Apart from a few cultural idiosyncrasies, such as the amount of alcohol permitted on military bases, codes of social interaction are more or less the same everywhere: for example, soldiers easily recognize each other’s ranks even when they don’t speak the same language. Force structures are a bit different from one place to another, with some countries like the UK emphasizing projectable all-volunteer forces while others, like Finland, still rely on conscription; but military organization around platoons, battalions, brigades and divisions is basically the same. Career paths also differ slightly, with some countries promoting long careers, while others make short ones possible. However, military academies, from Sandhurst in England to Saint-Cyr in France, offer similar education curricula and it has been long taken for granted that aspiring officers have to participate in an exchange program abroad or spend some time in a foreign army unit, ideally in the US. Nowadays, because of the frequency of multinational overseas operations, the use of English is widespread, at least in the officer corps. As a result of all these processes, there exists an “interoperable professional” ethos that is well documented in military sociology (Moskos *et al.* 2000).

While armed forces across the globe have long emulated foreign examples (France and Prussia in the nineteenth century, Great Britain, the Soviet Union, and the US in the twentieth century), a significant transnationalization of the military field is unthinkable in any regional context other than Europe. This is because, in Europe, a transnational military elite is involved not only in dense circuits of social interaction, but also in the formulation and implementation of defence policy through NATO and the EU. Only in Europe has multinationality become the default





position: for operations, for new brigades, but also for equipment. The reason is that the nascent European military field intersects with myriad European fields that are densely populated and strongly institutionalized, such as European diplomacy and the European defence industry. In today's Europe, armaments engineers meet in different formats to discuss joint procurement projects, from the Bonn-based *Organisation conjointe de coopération en matière d'armement* to the Brussels-based European Defence Agency (EDA). Chiefs of Defence (the highest ranking officers) meet frequently in EU and NATO Councils, when they are not invited to the Pentagon for an ad hoc session. Defence ministers attend the Munich Security Conference in addition to several other seminars, formal North Atlantic Council meetings, informal EU Council meetings, and so on. In the past 10 years, any ambitious military officer worth his salt had to do a round of duty in Kabul, where he rubbed shoulders (and shared bathrooms) with fellow Europeans and Americans at ISAF (International Security assistance Force) HQ.

In other words, it makes sense to speak of a European military elite. This elite, which is made up of a few hundred senior officers and civilian officials, occupies the upper echelons of a transnational military field in formation, by virtue of controlling four kinds of military capital: organizational resources, interoperable professional skills, rank, and nationality. Rank and nationality, of course, are still acquired at the national level; but a growing number of organizational resources (such as NATO HQs) belong to the transnational field, while interoperable professional skills can only be acquired in multinational contexts. Using these criteria, we can easily identify a *dominant* elite: SACEUR (who is also the commander for US Forces in Europe), national Chiefs of Defence, and a handful of generals and senior civilian officials who have commanding experience, circulate between national and international organizations, and have direct access to political leaders. As C. Wright Mills observed in 1950s America: it is not uncommon for these military elites, when they retire, to go into politics or join private firms, especially in the defence industry. Examples abound, such as General Philippe Morillon, a UNPROFOR (United Nations Protection force) commander who became a prominent political figure of the centre-right in France and at the European Parliament, or Klaus Naumann, former chief of the German staff and former chairman of NATO's Military Committee, who ended his career on the boards of French firm Thales and German firm OWR. But around these individuals, there are also numerous high-ranked officers with trajectories that are usually characterized by having commanded operational forces and occupied key planning posts, both national (e.g. Permanent Joint Headquarters, Northwood) and multinational (e.g. Joint Force Command, Naples). *Ceteris paribus*, being an American general is, of course, a greater source of capital than being a German general, and being a German general is better than being a Latvian general. For reasons that we will





explore below, nationality remains a strong indicator of one's leverage in a world ruled by the *illusio* of high politics.

The common security and defence policy

In this chapter, we explore one subset of the nascent European military field, namely the Common Security and Defence Policy (CSDP). One advantage of using CSDP rather than NATO is that it excludes US agents, who otherwise tend to dominate the transnational military field. Launched at the Franco-British summit of Saint-Malo in 1998, and enshrined in the 2001 Treaty of Nice, CSDP is but one site where the emergence of a transnational military elite can be observed in Europe. Naturally, an exhaustive study should include multinational overseas operations, NATO structures, "military Erasmus" programs, the tennis lawn at NATO HQ in Brussels, and combined forces such as the Strasbourg-based Eurocorps. Like these other sites, CSDP is inhabited and shaped by the agents who are most closely associated to the formation of nation states, who retain their national allegiance and still find most of their resources in national fields of power. Even the EU's Council Secretariat or the NATO International Military Staff are staffed by a small coterie of seconded officials who move from one organization to the other, and back to their capitals. Above all, what our chapter shows is that the formation of a European military field and the creation of a transnational power elite do not mean the disappearance of national sources of power.

The debate on whether to grant the EU a military dimension has engaged political leaders at the highest level since the 1950s. Until 1997, when Tony Blair came to power in Britain, the very idea of European defence was considered anathema in London. NATO, which remains much bigger than CSDP in terms of resources and people involved, was considered by London to be largely sufficient for Europe's needs. That is why the Saint-Malo *Declaration on European Defence* was considered a breakthrough. At the Cologne Summit, in 1999, the EU's heads of state and government formally adopted CSDP, then called the European security and defence policy. In the following years, the EU put into place political-military bodies that allow it to launch civilian and military crisis-management operations, ranging from humanitarian interventions to peace making operations, either in an autonomous manner or in cooperation with NATO. These bodies include most prominently the Political and Security Committee (PSC), made up of security ambassadors; the EU Military Committee (EUMC), where three-star generals act as their country's permanent Military Representatives; the EU Military Staff (EUMS), made up of 250 or so military officers; and the European Defence Agency (Cross 2010; Vanhoonacker *et al.* 2010). These all fall under the Council of Ministers in a logic that can be described as "supranational intergovernmentalism" (Howorth 2007).





1 Observers aptly described the creation of political-military bodies in Brus-
2 sels as “Europe’s military revolution”. CSDP was a political and diplomatic
3 project that military leaders initially viewed with considerable suspicion, on
4 the grounds that NATO was proven and tested while the EU wasn’t, but they
5 quickly came on board. We estimate that approximately 40,000 European
6 soldiers have been directly in contact with the EU since 2003, when the first
7 EU operation was launched, either because they were assigned to an EU-
8 labelled Battle Group, were deployed on an EU mission, or worked directly
9 on CSDP files (Mérand and Angers 2013). The arrival of hundreds of mili-
10 tary uniforms in the EU’s civilian buildings on Avenue de Cortenberg was
11 something of a cultural shock. What is often forgotten, however, is that
12 many of these officers were already in Brussels. For example, a large propor-
13 tion of EUMS officials came from NATO’s own military staff. Indeed, many
14 scholars have argued that CSDP was built on two distinct transnational
15 fields: the European diplomatic field, inside which Europeans have forged
16 their foreign policy since the 1970s, and the transatlantic military field,
17 centred essentially on military cooperation within NATO (Ojanen 2006;
18 Mérand 2008). While CSDP is politically linked to the EU and not to NATO,
19 its military elite is basically that of (European) NATO. In most defence min-
20 istries and defence staffs, the administrative unit in charge of CSDP is more
21 broadly responsible for NATO files. Most Military Representatives are
22 double-hatted to NATO and EU military committees. The CSDP structure
23 has borrowed the NATO template and (in some cases, such as in Bosnia)
24 DSACEUR (Deputy Supreme Allied Commander Europe) – using NATO
25 capabilities – actually commands EU operations. In fact, for the military, it
26 makes very little difference whether an operation is labeled EU or NATO.
27 The social practices, symbolic representations, and hierarchies are basically
28 the same. The only thing that changes is the badge on the sleeve.

31 Mapping out the European military field

32 This chapter maps out a small portion of the European military field using
33 an original survey of 73 CSDP agents in four European capital cities,
34 namely Paris, London, Berlin, and Brussels. Linking the social characteris-
35 tics of these agents to the structure of the European military field, we high-
36 light some of the polarities that structure the field: most evidently between
37 different nationalities, but also between diplomats and the military,
38 between civilian officials and security professionals and, finally, between
39 experts and what we call (without any intention to be pejorative) “dilet-
40 tantes.” These polarities will be depicted using social network analysis
41 (SNA) as well as a qualitative dataset, in order to identify the position-
42 takings of agents that can plausibly be related to their structural position
43 in the European military field.

44 Through social network analysis we can graph and observe the struc-
45 ture of social relations between agents in a given social field (Wasserman





and Faust 1997). Following Norheim-Martinsen (2010: 1361), we believe this method helps to improve “our understanding of the dynamics of CSDP by providing the analytical tools for measuring who are the most powerful and influential actors within a particular governance structure, and by showing what material and other resources one actor may mobilize”. SNA offers a systematic methodology that focuses on social relations among agents in a network. Applied to CSDP, this social structural approach is more appropriate to detect the power asymmetries that tend to be blurred if one simply considers formal rules and shared ideas.

The analysis that follows is based on the results of a questionnaire administered to a large, but non-representative, sample of key individuals who devote a considerable part of their professional life to CSDP. Budgetary and time constraints explain in part the selection of these three countries, but the fact that they are the most consequential military powers on the continent made them obvious cases as well. Each of these three countries (France, UK, and Germany) has a distinct strategic outlook, with which other EU member states tend to align (Howorth 2007). In addition, these three countries are considered to be of equivalent influence, which makes it easier to evaluate the influence of individuals. Three steps were followed to build our sample: (1) we scanned through the organizational charts of each government department, political party or interest group working on security policy, with a view to identifying decision-making units and practitioners of the CSDP in France, Germany, and the UK, as well as throughout EU institutions; (2) we indexed every CSDP-related conference, seminar, summit etc. in order to extract agents who took a stand on CSDP issues on behalf of their organization; (3) the resulting list, containing several hundred units, was shrunk by an expert panel to retain only key actors, who added the key units they thought were missing, but also subtracted those they thought were only marginal to CSDP debates. A sample of 100 CSDP actors resulted from that last iteration.

The questionnaire was administered between October 2007 and May 2009 in face-to-face interviews, but in a limited number of cases, it was left to interviewees to fill out in order to minimize missing data. To graph the network of CSDP agents, respondents were asked whom they had cooperated with in the past two years on CSDP files. Cooperation is defined as an intensive exchange of important information and joint work towards the development of common positions. Consequently, the network is based on social relations of cooperation. Overall, the response rate is 73 per cent of our sample. Taken together, French, British, and German agents represent 89 per cent of this group, of which 30 per cent are career diplomats, 24 per cent are military officers, 16 per cent are national or EU members of parliament, 18 per cent are academics, interest group or NGO (non-governmental organization) people, and 12 per cent are civilian officials (e.g. civilian officials working in a defence ministry or in EU *fonctionnaires*).





1 Some diplomats and military officers are seconded to EU institutions,
2 usually to the Council Secretariat, or to the executive branch. Close to one-
3 third (31 per cent) work in Brussels, and the remainder in their respective
4 national capital. All the interviewees hold positions of responsibility in their
5 organizational units and are considered to be the bearers of their institu-
6 tion's "official" position, which is not necessarily their own.

The weight of the nation state

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8
9
10 No policy is more closely associated to the nation state than that of
11 defence. Subject to a strict intergovernmental decision-making process,
12 the prevailing discourse on CSDP is shot through with the *illusio* of
13 national interest. As constructivists have argued, European states represent
14 different strategic cultures. From the visceral Atlanticism of the United
15 Kingdom and the Netherlands (as well as most East European states), to
16 the assertive European ambitions of Belgium, Spain or France; from the
17 posture of strategic independence of the French Fifth Republic to the
18 scrupulous multilateralism of federal Germany; and from the intervention-
19 ist tradition of former colonial powers to Sweden's or Austria's neutrality,
20 historic cleavages are pervasive (Meyer 2006; Giegerich 2006). Further-
21 more, it is widely acknowledged that only a handful of countries – France
22 and Great Britain, first of all, followed by Germany, the Netherlands, Italy,
23 and Sweden – can truly influence issues pertaining to European defence.

24 Succinctly, we can distinguish three strong attitudes that structure the
25 European military field: the French, firmly attached to their military tradi-
26 tion, but also to the idea of Europe; the British, as preoccupied as France
27 by their military tradition, but ever protective of NATO as a key transatlan-
28 tic link; and finally, the Germans, much more pacifist than the former two
29 and for which the alliance strategy has always been to refuse to choose
30 between Europe and America (Mérand 2006). Roughly, all other EU
31 member states line up more or less coherently behind these three
32 postures.

33 Indeed, the opinion data shows a strong polarization between French
34 and British agents on the primary aspects of CSDP, whilst German agents
35 stand in an intermediate position. The French support a common and
36 independent orientation for European defence vis-à-vis NATO: more than
37 70 per cent of French respondents consider that the EU should be empow-
38 ered to make autonomous decisions on security issues. Proponents of
39 close collaboration (on an equal footing) between the EU and NATO fall
40 just short of a majority. Breaking free from the Atlantic Alliance to develop
41 a distinct European strategic identity remains a priority for French agents,
42 even though they consider potential cooperation with NATO favorably.
43 Close to two-thirds of the French surveyed are also favourable to the crea-
44 tion of integrated European military structures such as an EU operations
45 headquarters.





Table 9.1 Position on EU–NATO relations according to nationality

<i>What is your organizational unit's position on NATO-EU relations?</i>			
Germans (18)	(a) The EU should have autonomous decision-making	2	11%
	(b) The EU should have autonomous decision-making, but strive to work closer with NATO	13	72%
	(c) The EU should develop autonomous capabilities, but NATO should remain the dominant security organization in Europe	1	6%
	(d) NATO should remain the only security organization in Europe	0	0%
British (21)	(a) The EU should have autonomous decision-making	0	0%
	(b) The EU should have autonomous decision-making, but strive to work closer with NATO	7	33%
	(c) The EU should develop autonomous capabilities, but NATO should remain the dominant security organization in Europe	5	24%
	(d) NATO should remain the only security organization in Europe	2	10%
French (26)	(a) The EU should have autonomous decision-making	7	27%
	(b) The EU should have autonomous decision-making, but strive to work closer with NATO	12	46%
	(c) The EU should develop autonomous capabilities, but NATO should remain the dominant security organization in Europe	2	8%
	(d) NATO should remain the only security organization in Europe	0	0%
All (65)	(a) The EU should have autonomous decision-making	11	15%
	(b) The EU should have autonomous decision-making, but strive to work closer with NATO	36	49%
	(c) The EU should develop autonomous capabilities, but NATO should remain the dominant security organization in Europe	10	14%
	(d) NATO should remain the only security organization in Europe	2	3%

Note

The results do not always amount to 100% because some of the respondents chose not to answer some questions.

This typically French vision of European security conflicts with that of the British, who are hostile to the idea of a European military organization rivalling NATO, an institution to which they remain deeply attached. Although almost a quarter of British respondents believe the EU needs to acquire its own military capabilities, and more than 30 per cent could even envisage autonomous decision-making powers for the EU in security issues, none of them wishes to see NATO disappear from the European military landscape. For the British, CSDP could be more autonomous, but surely not independent from NATO. A third of them support NATO involvement in European security issues in the form of a close collaboration between





Table 9.2 Position on the creation of European integrated military structures according to nationality

Does your organizational unit support the creation of integrated European military structures such as an EU operations headquarters?

Germans (18)	(a) yes, very much so	4	22%
	(b) yes, but without duplicating NATO's own structures	11	61%
	(c) no, unless NATO agrees	0	0%
	(d) no	0	0%
British (21)	(a) yes, very much so	1	5%
	(b) yes, but without duplicating NATO's own structures	2	10%
	(c) no, unless NATO agrees	5	24%
	(d) no	6	29%
French (26)	(a) yes, very much so	18	69%
	(b) yes, but without duplicating NATO's own structures	3	12%
	(c) no, unless NATO agrees	0	0%
	(d) no	0	0%

Note

The results do not always amount to 100% because some of the respondents chose not to answer some questions.

both organizations, and an equivalent proportion would not want to see the EU replace NATO because the latter represents in their view the only organization capable of guaranteeing Europe's security. Moreover, among the three nationalities included in our sample, only some British individuals completely oppose the creation of European decision-making instances on security issues and, conversely, favour the superiority of NATO as a security organization in Europe. In the same vein, among the agents who oppose the creation of an EU operations headquarters, all are British.

Between these diametrically opposed postures, Germans are essentially split. Our results illustrate the traditional ambiguity of the German position toward European security. Indeed, German respondents are predominantly in favor of Europeans being unconstrained in their decisions, but still believe the EU should aim for better collaboration with NATO. In the same way, more than half of German respondents claim to be favourable toward the creation of EU integrated military structures. However, for most of them, these structures should not interfere with NATO's own structures. Between a European ambition and an Atlanticist attachment, Germans perpetuate the tradition of *sowohl-als-auch*.

At first sight, agents based in Brussels seem broadly more Europhile than national agents. But once we exclude British agents from the sample, the differences become blurred. On the question of EU-NATO relations, the preferences expressed by Brussels-based agents are roughly the same





as those voiced by Berlin- and Paris-based agents. On the European HQ issue, it is the French who stand out, as 80 per cent of them support the creation of EU common military structures. Like the Germans, the French, whether they are based in their capital or in Brussels, do not want to see NATO remain the only security organization in Europe. In addition, they strongly favour an autonomous EU in its decision-making, even though some of them would favour more cooperation with the Atlantic Alliance. Clearly, this enthusiasm for European autonomy in security issues is weaker for the British, even though this position receives some support

Table 9.3 Position on EU–NATO relations according to work place

<i>What is your organizational unit's position on NATO-EU relations?</i>			
EU Institutions (22)	(a) The EU should have autonomous decision-making	6	27%
	(b) The EU should have autonomous decision-making, but strive to work closer with NATO	13	59%
	(c) The EU should develop autonomous capabilities, but NATO should remain the dominant security organization in Europe	1	5%
	(d) NATO should remain the only security organization in Europe	0	0%
France (13)	(a) The EU should have autonomous decision-making	3	23%
	(b) The EU should have autonomous decision-making, but strive to work closer with NATO	8	62%
	(c) The EU should develop autonomous capabilities, but NATO should remain the dominant security organization in Europe	2	15%
	(d) NATO should remain the only security organization in Europe	0	0%
Germany (13)	(a) The EU should have autonomous decision-making	2	15%
	(b) The EU should have autonomous decision-making, but strive to work closer with NATO	8	62%
	(c) The EU should develop autonomous capabilities, but NATO should remain the dominant security organization in Europe	1	8%
	(d) NATO should remain the only security organization in Europe	0	0%
Great Britain (18)	(a) The EU should have autonomous decision-making	0	0%
	(b) The EU should have autonomous decision-making, but strive to work closer with NATO	5	28%
	(c) The EU should develop autonomous capabilities, but NATO should remain the dominant security organization in Europe	4	22%
	(d) NATO should remain the only security organization in Europe	2	11%

Note

The results do not always amount to 100% because some of the respondents chose not to answer some questions.





Table 9.4 Position on the creation of European integrated military structures according to work place

<i>Does your organizational unit support the creation of integrated European military structures such as an EU operations headquarters?</i>				
EU Institutions (22)	(a) yes, very much so	9	41%	
	(b) yes, but without duplicating NATO's own structures	7	32%	
	(c) no, unless NATO agrees	0	0%	
	(d) no	3	14%	
France (13)	(a) yes, very much so	10	77%	
	(b) yes, but without duplicating NATO's own structures	1	8%	
	(c) no, unless NATO agrees	0	0%	
	(d) no	0	0%	
Germany (13)	(a) yes, very much so	2	15%	
	(b) yes, but without duplicating NATO's own structures	8	62%	
	(c) no, unless NATO agrees	0	0%	
	(d) no	0	0%	
Great Britain (18)	(a) yes, very much so	1	6%	
	(b) yes, but without duplicating NATO's own structures	2	11%	
	(c) no, unless NATO agrees	5	28%	
	(d) no	3	17%	

Note

The results do not always amount to 100% because some of the respondents chose not to answer some questions.

(28 per cent). In fact, the real divergence between the position structure of the British and that of the rest of the respondents lies in their attachment to NATO. Half of those who express an opinion wish to see NATO remain the prevailing security organization, if not the *only* security organization, in Europe.

If we exclude Britons, national agents (whether based in Brussels, Paris or Berlin) exhibit a similar structure of position-takings on the creation of a European HQ. More than 70 per cent of German and French respondents favour the creation of this military structure, no matter where they work. Only Brussels- and Berlin-based agents clearly express their concern over the risk of duplicating NATO's already existing military structures. Conversely, the creation of European military structures receives scant support in London. Only 17 per cent agree with this proposition, of which two-thirds add the necessity of not duplicating NATO's military structures (in fact, most of the British did not answer this question). This should come as no surprise, since it was the British who first rejected (in 2003) the proposal for the creation of a European HQ made by France, Germany, Belgium, and Luxembourg in Tervuren. With the exception of





the British case, we can conclude that national agents, be they Brussels- or capital-based, frequently share the same positions. These results contradict the “Brusselization” thesis. Contrary to what the literature on the socialization of national diplomats in Brussels suggests (Juncos and Pomorska 2006; Cross 2010), there is no significant difference between the positions of Brussels-based agents and those based in French and German capital cities.

In sum, CSDP is still largely shaped by national political representations. The French ideal of a European strategic identity remains for the moment their own project, as neither the Germans nor the British wish to dismiss NATO from decisions concerning the security and defence of Europe. Not surprisingly, France’s return to NATO’s integrated military structure, in 2009, has signalled the victory of the British idea (Irondelle and Mérand 2010). That said, enduring national identities do not prevent relations of cooperation between agents from distinct nationalities. In a previous article using the same database, Mérand *et al.* (2010) showed that strong cross-border ties exist between a handful of CSDP agents in strategic positions. This, they argued, illustrates how the European military field is emerging through a weak form of transgovernmentalism. In particular, two groups stand out as more cohesive. The first group includes core CSDP decision-makers from France, the UK, and the EU Council Secretariat, whereas the second group essentially regroups defence ministry-related individuals, based in France and Germany. Hence, CSDP agents are not confined in their national borders and they cooperate with foreign counterparts. These agents are more likely to form coalitions that will push for specific policy initiatives that could be different from those traditionally advocated by their states.

Diplomats and the military

In most countries, it is typical for defence policy to be the object of a more or less open antagonism between civilian and military authorities. In the United States, for instance, this situation is sometimes confined to an open struggle (Feaver and Kohn 2001). In Europe, however, civilian-military relations are much more calm, probably because military leaders have long accepted civilian interference in the planning and conduct of operations. This historical compromise is more recent in France than in either the UK or Germany (Joana and Smyrl 2008).

The same observation applies to the arrival of uniformed officers in the corridors of EU institutions. If it can be said to have caused a cultural shock, their presence does not seem to have sparked any major conflict. Few in number and not given a major role in policy formulation, the military remain symbolically dominated in Brussels. Their presence is essentially concentrated in the EU Military Staff, where they carry out administrative tasks. Chiefs of Defence, who meet weekly through their





1 representatives in the Military Committee, have yet to acquire additional
2 powers that could put them into a conflict situation with civilian ambassa-
3 dors or with Council Secretariat officials in charge of political-military
4 affairs.

5 The simple reason for this discretion is that most military work is con-
6 ducted elsewhere in NATO where, compared to the EU, military officers
7 are given considerable organizational and political resources. Several
8 thousands officers work at the Supreme Headquarters Allied Powers
9 Europe (SHAPE), the operations planning and command HQ. In NATO,
10 SACEUR and his deputies are symbolically equal to the secretary general
11 and his civilian International Staff. What the military did obtain in the
12 CSDP framework was the importation of NATO norms, practices and,
13 through the Berlin Plus accords, chain of command. The formal hierarchy
14 based on rank also acts as a buffer against civilian interference. In other
15 words, military agents may be dominated as a group in the political-
16 military institutions of the EU, but Council diplomats cannot really under-
17 mine their autonomy in the broader European military field, where close
18 cooperation with the US in NATO acts as a shield for the military
19 leadership.

20 Should it come to unbind, however, the contentious issue of a puta-
21 tive EU headquarters could put an end to this consensual picture. The
22 HQ is an old bone of contention between Paris, which thinks the EU
23 should be equipped with an autonomous centre for planning and con-
24 ducting operations, and London, which is satisfied with the current
25 architecture, based on NATO's SHAPE and national headquarters that
26 can act as "framework nations" in the event of an EU operation. Even
27 though the EU has now established its own Operations Centre in Brus-
28 sels, this falls short of the more ambitious Tervuren project discussed in
29 2003. Nonetheless, the British are increasingly isolated on this question,
30 as even Washington is giving signs of convergence with Paris' position
31 (Howorth 2009). Two options could eventually be considered: either a
32 civilian-military management headquarters, in which conflicts over dif-
33 ferent philosophies of crisis management would most probably erupt
34 between civilians and the military, or a more traditional headquarters,
35 which would be most likely controlled by the military. In any case, were
36 the military to begin to outnumber other actors, they could develop
37 their own strategies and build their own empire inside the Union, much
38 like they did in NATO.

39 Unfortunately, we do not have systematic data on career trajectories
40 that would allow us to evaluate whether spending time at the EU has
41 become a valuable asset for an ambitious military officer, bestowing a new
42 kind of military capital around the figure of the "interoperable profes-
43 sional" that can be brought back home for professional advancement.
44 While this is known to be the case for NATO, we still don't know much
45 about CSDP as a career booster. But some prosopographic evidence is





available. The fact that a four-star general (like the former French Chief of Defence, General Henri Bentégeat), was willing to chair the EU Military Committee, or that the British MoD Director-General of International Security Policy, Nick Witney, agreed to become chief executive of the European Defence Agency, suggests that EU institutions exert a growing attraction. Yet, for the time being, a post at NATO HQ or a stint at the Washington embassy probably remains paramount in the European military field.

In any event, our survey only partly confirms the domination of diplomats in the CSDP field. We queried diplomats and military officers on their relations of cooperation with a view to identifying asymmetries in

Table 9.5 Centrality degree of diplomats

<i>Diplomats</i>	<i>"Closeness centrality"</i>
DG E-External	0.3285714
SG/HR Cabinet	0.2867532
COPS	0.2712531
Downing Street	0.2228739
DG Relex	0.2153846
FCO Security	0.2005865
MoD Cabinet	0.1919192
UKPR PolMil	0.1902098
FCO Cabinet	0.1884298
FCO CFSP	0.1794721
GPR NATO	0.1654545
Chancellery	0.1575758
Presidency	0.1527273
NATO Sec Gen	0.1527273
NATO International Staff	0.1527273
GPR Political	0.1504132
FCO Africa	0.1498623
AA EUKOR	0.1438735
FPR COPS	0.1438735
AA Policy	0.1418182
AA Political	0.1418182
MAE Strat	0.1418182
MAE Cabinet	0.1414141
MAE CE	0.1378788
FPR NATO	0.1378788
AA Cabinet	0.1272727
NATO EU Def Pol Aff	0.1225589
AA Africa	0.1181818
SGDN	0.1134545
MAE CAP	0.0978056

Note

"Closeness centrality" represents the number of direct and indirect ties linking the actor to the others, divided by the total number of links possible in the network.





Table 9.6 Centrality degree of military agents

Military	"Closeness centrality"
EUMS	0.2800000
EUMC	0.2467532
NATO Milit Int'l Staff	0.2009569
NATO Military Committee	0.2009569
MoD Def Procurement Agency	0.1943182
UKPR Mil	0.1902098
MoD Policy Staff	0.1794721
MDN Armament	0.1776623
NATO SHAPE	0.1727273
MDN DAS	0.1668449
MoD EU/NATO	0.1648485
MoD Chief of Defence Staff	0.1589610
BMVgFü S III EU	0.1575758
GPR Mil	0.1575758
BMVgRü III	0.1575758
EMIA Euroatlan	0.1575758
MDN Cabinet	0.1492823
BMVg Policy	0.1418182
BMVg Cabinet	0.1378788
FPR Mil	0.1350649
EMIA-EU	0.1350649
EUROMIL	0.1173242

Note

"Closeness centrality" represents the number of direct and indirect ties linking the actor to the others, divided by the total number of links possible in the network.

social capital. Graphing these agents' networks reveals that both groups cooperate intensely together. High-density levels of interaction between both types of agents confirm the description of CSDP as a transnational field. Using the degree of closeness centrality, which more or less translates the Bourdieusian notion of social capital in network analysis, we can easily distinguish a core and a periphery of diplomats and military agents. In SNA, the notion of closeness centrality reflects "how close an actor is to the other actors in the network" (Wasserman and Faust 1997). It focuses on the distance of each agent to all the others in the network. In this case, it is related to the notion of social capital because agents who can be reached, or who can reach others by shorter path lengths, have a structural advantage in the network that can be translated into social power. Figure 9.1 shows that, when it comes to CSDP, central positions in the network (in other words those individuals who possess greater social capital) predominantly belong to the EU's political-military institutions, such as DG E Directorate-General Political-Military Affairs), the High Representative for the CFSP (Common Foreign and security policy) and the PSC (Political and Security Committee). But interestingly, military bodies





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Table 9.8 Position on decision-making in the EU, military vs diplomats

For your organizational unit, should decisions concerning defence policy be taken by national governments, by NATO or by the EU?

Militarys (18)	(a) National governments	11	61%
	(b) NATO	1	6%
	(c) The European Union	2	11%
Diplomats (22)	(a) National governments	12	55%
	(b) NATO	0	0%
	(c) The European Union	6	27%

Note

The results do not always amount to 100% because some of the respondents chose not to answer some questions.

troops or not. The fact that a small number prefers unanimity is revealing of the enduring preference for intergovernmentalism in the European military field. Not surprisingly, these results show little sign of evolution in the minds of the diplomats and the military, which perceive defence policy as a matter of high politics.

Civilian experts and security professionals

In fact, the most obvious antagonism in the CSDP is the one that divides civilian experts and “security professionals” (Lavallée 2008; Bigo 2005), the latter corresponding more or less to the Council’s political-military apparatus. Essentially grouped in DG Development and the former DG External Relations (Relex) of the Commission, as well as in the humanitarian world, civilian experts are linked to CSDP through civilian crisis management procedures. For their part, security professionals comprise diplomats and military actors who deal with CSDP operationally. This is where the cultural shock is felt on a daily basis, between Commission agents who prefer civilian instruments and those of the Council Secretariat, whose mandate is to promote the EU’s military policy. Both groups have gone through several bureaucratic conflicts, such as those during the crisis management operations in the Congo, Sudan, and Chad. In each of these operations, the diplomatic-military objectives of the Council clashed with the will of the Commission to avoid “CSDP-izing” EU relations with African states (Bagayoko and Gilbert 2009).

This antagonism rests, in part, on different strategic objectives: Whilst civilian specialists work in the Community framework of conflict prevention in a long-term perspective, the task of security professionals includes managing crises in a short-term perspective. Consequently, both groups evolve according to diametrically opposed decision-making logics: Civilian specialists adhere to an integration culture strongly influenced by the Community method, whereas security professionals are socialized in an





intergovernmental cooperation culture (Ginsberg 2001). Finally, both groups have different career profiles: European civil servants, for example, are recruited directly by the European Commission, through the *concours*, and cultivate their loyalty towards the European project. Conversely, the Council's diplomats and military officials are usually national agents, often coming from their respective government's "security" track (for example from the Delegation for Strategic Affairs of the French Ministry of Defence or the International Security Division of the Foreign Office) and who are only temporarily seconded to Brussels, where they convert their national capital into European capital that will eventually prepare their return home (Mangenot 2004).

In other words, civilian specialists and security professionals possess different kinds of composite social and cultural capital: a Brussels/economic/development track for the former, and a national/diplomatic/security track for the latter. For instance, at the time of this study, DG Relex's "Crisis and CFSP Platform" Director, Richard Wright, was a career European civil servant who had filled several economic posts, e.g. Head of the Commission's Delegation in Moscow. His counterpart in the Council, the Director General for political-military affairs, Robert Cooper, was a British diplomat, former adviser of Tony Blair and author of a caustic book on liberal imperialism in failed states. Two very different careers generating very different social networks and outlooks on CSDP.

Network analysis (Figure 9.2) illustrates this polarization in the structure of social capital. Indeed, the social networks of both groups of agents concerned in our study match imperfectly. Civilian officials are part of older Community networks, whereas security professionals (newcomers to the EU institutions) have developed networks that are much more centred on security institutions: Ministry of Defence, NATO, etc. While there is no structural hole between security professionals and civilian officials, the density level of the relations between these two groups is low. In comparison with security professionals, civilian specialists also lack substantial influence because of weakly structured relations among themselves. This suggests that civilian experts depend on their relationship with security professionals for existing in the CSDP field.

Still, there are a few connecting points within so-called coordination bodies (which are unavoidably more heterodox) such as the Committee for Civilian Aspects of Crisis Management (CIVCOM) and the Civilian Planning and Conduct Capability (CPCC); respectively, advisory committee and command centre for civilian crisis management. In these bodies, that are meant to combine military and civilian instruments, Commission officials play a bigger role (Pfister 2009). Much like in the case of the hypothetical European HQ, which we argued could arouse the latent antagonism between diplomats and military officers, the creation of the European External Action Service (EEAS), consequent to the adoption



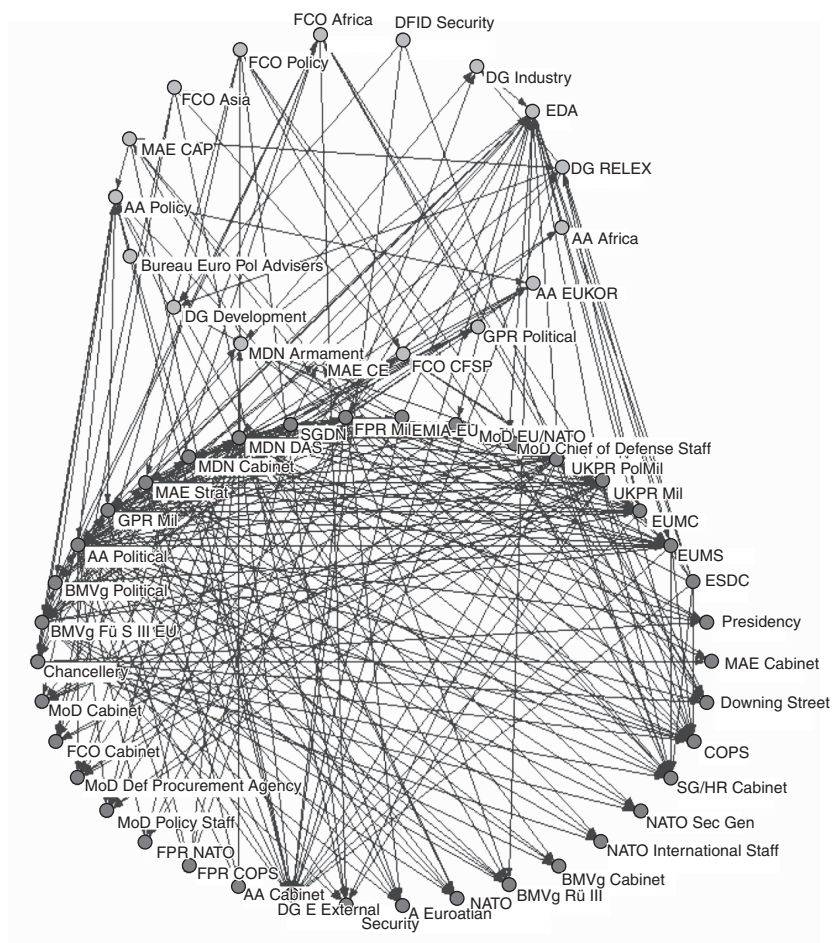


Figure 9.2 Sub-network of security professionals and civilian officials in the CSDP field.

of the Lisbon Treaty, aims specifically at smoothing out the potential conflict between civilian officials and security professionals. Since 2010, the creation of the EEAS has regrouped most of the structures of the CSDP as well as DG Relex under the authority of the High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton. However, at the time of writing, there is no indication that the antagonism has subsided.





Experts and dilettantes

In *Propos sur le champ politique*, Pierre Bourdieu (2000: 55, 58) notes that many political fields, like the one he studies in his book, rest on “exclusion, deprivation. The more the political field constitutes itself, the more it professionalizes itself and professionals tend to consider dilettantes with commiseration”. The growing autonomy of a field strengthens a “specific competence, a sense of play unique to each field”, and therefore a *doxa*. A distinction between professionals and dilettantes is indeed visible in the European military field. Network analysis reveals a social structure with core and periphery agents. Diplomats and military agents who work in the EU Council and in national governments are the core agents, while academics, parliamentarians, interest group representatives and NGO actors can be defined as marginal. The former are decision makers whereas the latter are essentially observers of CSDP.

When it comes to position-takings, CSDP experts appear cohesive to the point of sharing a *doxa*, while dilettantes express dissimilar points of view, are more critical and, in a sense, more political. This general structure appears in the following table, which shows the perceptions of the various categories of agents about the EUFOR (European Force) mission in the Democratic Republic of Congo. While military actors and diplomats, who launched, conducted, and supervised the operation, express similar beliefs (respectively 85 per cent and 75 per cent consider the operation to have been “the right thing to do”), dilettantes (politicians, interest groups, academics and NGOs) voice more critical or political views, saying either that the mission’s main consequence is the reinforcement of CSDP, or that it failed to meet its objectives, when only a minority considered it to be “the right thing to do.” As Bourdieu suggests, when distinguishing between experts and dilettantes, civilian officials who took part in the decision-making process, but in a relatively marginal position, found themselves in the middle ground between experts and dilettantes.

The nascent European military field can thus be characterized as a “field of state(s).” Despite the claims made by the literature on the inclusiveness of European governance (which sees political, intellectual, and private actors playing a role outside the intergovernmental rules of the game) CSDP is still marked by the weight of the state in matters of high politics (Mérand *et al.* 2011). This European field intersects with, and in many ways replicates, the features of national fields of power. The European military elite is a state elite around which civil society actors only gravitate. Over time, military officers have invested more and more energy in the European military field, but, like diplomats, they bring with them the categories of the state in this transnational field, especially the notion that defence policy is a matter for experts. As such, the military elite remains deeply embedded in national arenas.





Table 9.9 Experts vs dilettantes. Support for different statements about EUFOR RDC (%)

	<i>EUFOR RDC was the right thing to do for the Congo</i>	<i>EUFOR RDC is a necessary first step towards the creation of a credible ESDP</i>	<i>Although ESDP is a good thing, the EU should not intervene in Africa</i>	<i>The EU was wrong to launch a military operation</i>	<i>The EU should have sent a much bigger military force to the Congo</i>
Militaries	85	8	8	0	0
Diplomats	75	25	0	0	0
Civil servants	67	17	0	17	0
Politicians	43	57	0	0	0
Academics/Interest groups/NGOs	38	25	0	0	38
Mean	66	24	2	2	6



Conclusion

In this chapter, we have used CSDP as a lens to analyse the structure of a European military field in formation. Three findings stand out.

First, our analysis leaves little doubt that the European military field has undergone an institutionalization process around CSDP in addition to NATO, with a fairly large and densely connected population of agents who orient themselves towards the goal of shaping CSDP. The European military field, of which CSDP is only a part, connects different geographical nodes: Brussels, where NATO and the EU are headquartered; European capitals, especially Paris, London, and Berlin, where key political decisions are made; Washington, which on several issues continues to call the shots and remains paramount in the military psyche; prominent HQs such as Northwood and Mont-Valérien, where operations are planned and conducted; and remote places like Kabul where military leaders are as likely to meet as in Brussels. This European military field is characterized by common social practices and symbolic representations, ranging from similar military rituals to the universal recognition of rank, and from the diffusion of expeditionary warfare templates to new doctrines such as effects-based operations. One important aspect of this nascent field is the development and growing recognition of a new kind of military capital, which we called “interoperable professional skills”.

Second, the European military field remains very much a field of state(s). While its agents are bound together by a common professional culture, they enact the struggles for influence and structures of domination of their respective states, which remain for them the most important organizational resource. In other words, the European military elite is far from being autonomous. The European military field is unique in that regard. While questions about European defence were raised at the very beginning of European integration, CSDP was developed only belatedly in the EU framework. As such, it has inherited an institutional structure that is more dependent on the political-military traditions of NATO and, to a lesser extent, the diplomatic cooperation in the CFSP framework, than to Community institutions, which play only a secondary role in this field. Admittedly, the Europeanization of defence has led newcomers (such as the European Commission or NGOs) to take an interest in the field of European security. These actors remain, however, marginal from an institutional point of view. Consequently, social and representational structures are characterized by the norm of the “*domaine réservé*” that endows state agents with a “knowledge of state” they are reluctant to share with dilettantes, be they activists from humanitarian NGOs, civil servants from the Commission or European MPs.

Finally, the paradox of the European military elite is that it is at the same time deeply national and extremely international, an observation that echoes with Yves Dezalay’s (2004) description of “double agents” or





“international brokers”. National forms of capital remain intact, but state agents reconstitute them on a European level. In this emerging field, the influence of a US general is undisputed because he is a US general; the symbolic power of being British comes second; representing France or Germany is not inconsequential; all the other state roles are marginal. This symbolic hierarchy is replicated in formal hierarchies; for example, SACEUR is always an American, DSACEUR is always British, the Supreme Allied Commander Transformation (a less important strategic command) became French as a condition for France reintegrating NATO’s military structures, and Germany usually has the largest number of senior officers. While they reach out beyond the nation state and play the European game in earnest, military elites do not give up their state-like attributes. On the contrary, they occupy strategic positions at the European level by virtue of embodying the power of the state. Concretely, the game that is played in Brussels is not fundamentally different from the game that is played in Paris, London or Berlin – it just adds a new kind of capital, nationality, which is effective precisely because it is deployed in a transnational field.

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10 Postscript

Understanding transnational power elites, understanding Europe in the new world order

Niilo Kauppi and Mikael Rask Madsen

Without doubt, the European Union has become, as a result of 50 years of political, economical and legal integration, a landmark achievement in world history. The European Union is the largest economic player in the world and a unique political system. In contrast to (historically) earlier multilingual and multicultural polities, such as the Austro-Hungarian Empire or the Russian Empire, it has been constructed through relatively peaceful means by a gradual transformation and reconstruction of the European nation-state. To be steered, larger and increasingly interdependent units require the administrative and political innovations that the European Union abounds with. These include a unique 'federation of states', a variety of institutional arrangements that combine intergovernmental and supranational elements, a currency and a common trade policy for its member states, institutions such as the European Ombudsman that link ordinary citizens to supranational institutions, new institutional groups such as European Commissioners and European Parliamentarians that combine regional, national and supranational social roles, and a European legal system that has enforced its superiority over national law. Moreover, the rise of the EU has triggered the development of a series of other experts specialised in European affairs. Finally, in the latest incarnation of the European treaty – the Lisbon Treaty – Europe institutionalises its international role with the office of a High Representative of the Union for Foreign Affairs and Security Policy. Certainly, understanding this myriad of formal and informal institutions and policy-fields requires a research strategy which cuts across the imposing institutional facade and instead tackles some of the underlying questions of the process at large.

This book's focus on transnational power elites is precisely an attempt at providing such a research strategy and framework of analysis. As the chapters demonstrate, the social division of labour and the associated professional struggles have real effects on the EU's institutional development, from legal integration to the structural tensions in the Commission and the Central Bank. Many of these groups wield considerable power as they influence national, European and international policies through the





promotion of their professional interests. When read together, these texts not only provide an empirically rich and theoretically sophisticated analysis of the socio-professional structures and power elites in contemporary Europe, they also present an alternative viewpoint for understanding the massive social, political and legal restructuring that the rise of the EU has implied for both its member states and the surrounding world. As Wright Mills famously demonstrated in his classic analysis of the American power elite (Mills 1956), such elites tend to form a complex of power in which their class identity is important. Equally crucial is the relative 'interchangeability' between different positions that leads to overall socialisation processes. Yet, the key to the alliance between these elites in Wright Mills' study, is his notion of the 'military metaphysic', meaning a common interest in maintaining a form of wartime economy which yields them considerable power and economic gains.

A number of the chapters included in this book point to interchangeability among transnational power elites, but the overall picture is not clear. Although there is undoubtedly a greater level of professional mobility on the transnational level, the very structures of European fields of power to this day seem to limit such mobility. More importantly, we do not find a distinct common driver that can compare to the 'military metaphysic', which, Mills argues, is what keeps the US complex together. Considering the obvious differences between the US scene of power Mills studied, and the contemporary transnational phenomenon we address, this is perhaps hardly surprising. We do know that common drivers were important to the launch of post-war European integration in the form of Cold War politics and economic development (Madsen 2011). In the current complex of transnational elites, similar drivers are visible – economic growth, international power, etc. – but they are hardly aligned enough for constituting a comparable configuration to the one Wright Mills argued controlled power in the US. These observations do raise important questions concerning the direction of the further exploration of transnational power elites as a means for understanding new inter-, supra and transnational social configurations such as the EU. In this postscript, we will briefly raise some of these basic problems of analysis by a discussion of our approach with respect to other frameworks of understanding transnational phenomena.

Understanding Europe

For social science, the challenge that the European Union poses in terms of a set of fundamental contradictions was already observable *in ovo* in the early 1950s. On the one hand, the European Union has been the result of bargaining between nation-state elites. On the other hand, it aspires with its supra- and transnational institutions and policies to be more than that. Furthermore, supranational institutions like the European Commission





are essentially the executive arm of the Council of Ministers and the European Parliament. Paradoxically then, the institution that presents itself as the defender of common European interests and the *acquis communautaire* is politically and administratively dependent on national governments to fulfil its fundamental political task. This raises a basic problem for social science, namely that the object of study does not fit into conventional categories of analysis inspired by the national experiences of democracy and state-making, yet it looks very much like the national constructs which inevitably have inspired the institutional architecture of the EU (Madsen and Dezalay 2006; Dezalay and Madsen 2012). Our response to this puzzle is, however, not to continue simply describing new and different constellations and layers of institutions and political actors. Such an approach only superficially tackles the actual issue. It overlooks the fact that the underlying construction of European integration cannot be grasped by such internal analysis of the national-European politico-institutional puzzle. Europeanisation processes are both broader and more comprehensive and necessitate different kinds of inquiries (see Favell and Guiraudon 2011). These have to take seriously the fundamental changes implied by European integration as a means for understanding the politics of European integration as an international phenomenon.

This points back to a basic problem of understanding the interplay between European society(ies), European integration and international politics (for a discussion see Roshchin 2011). Basically, how do we study European integration if, as we suggest above, it is a process of not only geopolitical importance, but in itself a landmark stage of world history? Moreover, following the same line of inquiry, can the object of study remain simply the politics of European integration if, as suggested, the object is, as we will argue, both a societal and international one? Can the study of a social construct of the magnitude of the EU limit itself to an analysis of the power-games taking place in and around the glass-and-steel palaces of Brussels, Luxembourg and Strasbourg? Or, does a comprehensive analysis of the EU imply rethinking more fundamentally what the object of study is when we set out to examine European integration more broadly? This book suggests the latter, namely that European integration studies might benefit considerably if the basic issues of European integration are made the object of study, that is, if European integration is approached in terms of a societal phenomenon and not only a political one. Second, we suggest rethinking the international dimension of the European construction in order to also emphasise Europe's origins as something beyond the nation-state and as a response to international developments.

Our starting-point has been that the EU has clearly developed a set of broader social structures that are central to explaining the more specific dynamics of its development. In other words, the EU is not simply a social construction, but a social structure producing societal effects, which,





conversely, should be studied as society; that is, not only in political but also in sociological terms. Second, reconsidering the European construction from the point of view of society also necessitates a renewed analysis of how this societal construction is internationally situated and embedded. Such an approach has at least two advantages. First, it provides the means for a re-evaluation of some of the ontological and epistemological presuppositions of most EU research. Second, introducing a set of basic sociological questions allows for a reconstructing of the object of study and the suggestion of new paths of research (cf. Kauppi and Madsen 2008; Kauppi 2012). The objective is, therefore, not to construct a single sociological object of the study of Europe, but instead to use the basic sociological toolbox as a means to further push research on European integration as a societal as well as an international construction. Such a study naturally considers basic sociological questions such as power, identity and class. In addition, such an analysis necessarily seeks to understand these questions more broadly than as simply an intra-European phenomenon. It is precisely as a solution to this puzzle that we came up with the idea of studying the transnational power elites of the European construction and their international embeddedness.

Towards an international political sociology of Europe

It is thus the critical starting-point of this book that many of the conceptual frameworks used for understanding European integration lack descriptive and interpretive power, as they tend to (beforehand) reduce the issue to a confined space of social action linked to European politics. All too often, the EU ends up being represented in the scholarly literature (and as a by-product in the media) as either a faceless bureaucracy implementing rather arbitrary policies or a pion in a high-stakes global political game between top European leaders. Whether pursuing a neo-functional, inter-governmentalist or neo-institutionalist research agenda on European integration, most studies tend to circulate around the same social space and inevitably the same research questions, although with different emphases. Whereas recent scholarship has provided a more complex and sophisticated picture of the EU in terms of a layered, polycentric political figuration (for examples see Kohler-Koch and Rittberger 2006 and Quaglia *et al.* 2008), these studies 'break out' of the traditional dichotomies in a relative sense only (national-European, interest-identity, political-technical, etc.). Another recent wave of studies, so-called social constructivist studies, have equally sought to go beyond the dominant paradigm and argued for bringing 'process back in', as a response to the emphasis on big events (IGCs (inter-governmental conferences), conventions, etc.) in most EU-related scholarship (Christiansen 1998). Yet, regardless of the many insights provided by social constructivists, the basic object of study of European studies has remained very much the same.





1 It is our claim that one of the reasons for this self-limiting approach
2 deployed across the different camps of European and international studies
3 is that much research only vaguely distinguishes between the political
4 agenda of European integration and the social scientific object of Euro-
5 pean integration. Thus, some studies end up confusing the political inter-
6 est in promoting certain aspects of European integration with the actual
7 social being of these phenomena: new forms of governance are analysed
8 per se, that is, as crafted in direct response to the layered, polycentric
9 political figuration of the EU; new forms of treaty-negotiation (for
10 example conventions) are seen as responding directly to the much-
11 debated democratic deficit of the Union. This is, of course, not to claim
12 that these analyses are necessarily wrong or ill-informed, but simply to
13 state that if one is to take the understanding of Europe to the next level,
14 one will have to go beyond the idea of Europe as simply one constellation
15 or another of institutions and politics; that is, one will have to explore the
16 European construction from the starting-point of a set of more basic and
17 less politically-inspired questions, which better situate the object of study
18 between the national and the international. Stepping out of the cloud of
19 day-to-day politics of European integration, we suggest exploring the basic
20 societal backgrounds and political effects of European integration as a
21 means of developing a research agenda that, in turn, is also capable of
22 studying their particular articulation in political power-games. Recon-
23 structing the framework of inquiry along these lines, we basically argue for
24 developing a different research object of European integration that is
25 both international and societal.

26 It is the overall claim of this book that the notion of transnational
27 power elites provides one way of devising such a new object of inquiry. It
28 does not (per se) make other forms of inquiry redundant, but it provides
29 an important complementary analysis, which might help shed light on the
30 dynamics of transnational fields. Due to the very nature of such objects of
31 inquiry it is, of course, not surprising that transnational fields are very
32 much marked by the import-export of national and international ideas
33 and strategies. However, it is precisely at the level of agency that how these
34 'courtiers of the international' (Dezalay 2004) act on both national and
35 international levels to facilitate these processes of transnationalisation
36 becomes apparent. Basically, they are often the entrepreneurs of these
37 very developments. As suggested by most of the chapters included in this
38 volume, the workings of transnational power elites do not confine them-
39 selves to either the specific policy-field they specialise in or to the geo-
40 graphical delineation of Europe. This is precisely what makes transnational
41 power elites a heuristically important tool for an understanding of Europe,
42 which goes beyond European politics. These professionals are both
43 steered by self-interest and professional interest – often there is no marked
44 distinction between the two – and are therefore typically interested in
45 being at the frontier of the development of Europe. Yet, as suggested by a





long series of sociological studies, starting with Tocqueville, they are also very indicative of societal structuration in a modern sense. Thus, if we are to understand the directions of inter-, supra- and transnational constellations, a good place to start might be the agents of that change. In many cases, these will be transnational power elites.

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