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## > **Resistance to Policy Change in the European Union. An actor-centered perspective**

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## **Abstract**

This article deals with the expanding research agenda focused on the various forms of (active or passive) resistance to policy change when it is perceived as a result of European integration. While taking stock of existing research on Euroscepticism, social movements, Europeanization and non-compliance, the paper seeks to go beyond its limitations and proposes a broader analytical framework. In a perspective centered on the conflicts that drive agency, this framework shall serve to study resistance to policy change in the EU in three constitutive dimensions: its causes, its forms and its effects. To study the causes of resistance, we suggest paying more attention to the nature of policy change and how such change is perceived and framed by agency. This allows us to formulate three hypotheses: a 'proportionality hypothesis', a 'positive-negative integration hypothesis', and a 'disposition hypothesis'. As far as the forms of resistance are concerned, we argue that knowledge of the type of instruments used by resisting agents is crucial to understand the effects of resistance at the different stages of the policy cycle, from agenda setting to evaluation.

## **Résumé**

Cet article s'intéresse à l'agenda de recherche émergeant sur les diverses formes de résistance (active ou passive) au changement lié à l'intégration européenne en matière politiques publiques. Les auteurs cherchent dépasser les limites dont témoignent les recherches existantes sur l'euroscepticisme, les mouvements sociaux, l'europanisation et la *non-compliance* en proposant un cadre analytique plus large. Dans une perspective centrée sur les conflits qui animent les acteurs, il s'agit d'analyser des résistances au changement dans l'Union européenne au regard de trois dimensions constitutives: leurs causes, leurs formes et leurs effets. Afin de comprendre les causes de ces résistances, l'accent est mis sur la nature du changement des politiques publiques, et sur la manière dont ce changement est perçu et cadré (dans les discours) par les acteurs politiques et sociaux. Trois hypothèses en découlent: une "hypothèse de proportionnalité", une hypothèse portant sur l'intégration positive et négative, et une "hypothèse de disposition". En ce qui concerne les formes de résistance, la focale est placée sur les types d'instruments utilisés par les acteurs aux différents stades du cycle de production des politiques publiques, de la mise à l'agenda à l'évaluation.

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## Introduction

Resistance to European integration seems to be exacerbating. For more than twenty years, phenomena such as citizen protest against specific European policies, referenda lost over the ratification of treaties, and, more recently governments that have lost their chances of re-election because their pro-European position has been in the headlines. Resistance – that is active and passive opposition to European integration – is not new. It has mainly been analysed in two distinct perspectives: first by political sociology in the literature on Euroscepticism and social movements, second by scholars of public policy and legal studies and their interest in inertia and non-compliance with European Union (EU) law. However, the perceived intensification and diversification of this resistance calls for a renewed interest in this matter. The period of crisis in which the European Union finds itself makes these phenomena more visible, and broader: domestic politics is no longer insulated from European politics, and European politics is no longer insulated from domestic politics.

The starting point of this article is that the perspectives developed in Euroscepticism, social movements, Europeanisation and non-compliance studies, whilst crucial for conceptualizing specific phenomena that have contradicted the idea of an irreversible and ever deeper Union, are not sufficient to understand the complexity of contemporary resistance to European integration. On the one hand, studies of Euroscepticism and transnational mobilisation have focused on political parties and movements' strategies and identities, but have tended to overlook the role of policy change in driving resistance. On the other hand, the literature on Europeanisation has investigated the role of domestic actors in facilitating rather than resisting policy change. As far as research on inertia and non-compliance is concerned, it has considered only resistance to the implementation of European law and ignored resistance to the various forms of EU induced policy change (soft law and new modes of governance).

Against this backdrop, this article aims at proposing a framework for analysing resistance to EU induced policy change (both at the EU and national level) in three constitutive dimensions: the causes, the forms and the effects of such resistance.

Our endeavour to both take stock of existing research and go beyond it while proposing a distinctive approach is summarized in table 1 below.

Our perspective relies on three assumptions. First, beyond principled opposition for the EU as a supranational polity, it is policy change induced by (or attributed to) EU integration that triggers the most significant proportion of resistance today. We therefore object to the artificial distinction between resistance to EU policies and the EU polity as we consider that the former leads to the latter.

Second, while non-political variables, such as resources or bureaucratic capacities, certainly influence the degree of compliance with EU law, the bulk of resistance attitudes to policy change in the EU are intrinsically political. This understanding of resistance, while extremely wide-reaching, allows us to include attitudes of inertia (passive resistance) and retrenchment (active resistance) under one heading (Saurugger & Terpan 2013). This

definition, without falling in the trap of concept-stretching (Sartori 1970) as these notions do not describe different degrees of the same phenomenon, offers a way to conceptualise actors' strategies used to resist obligations as well as opportunities offered by European norms. Our framework therefore implies a political – i.e. conflict- driven – definition of resistances and it is actor-centred rather than variable centred.

Empirical evidence shows that resistance can occur at all levels of government. To understand resistance to European integration in all its different forms, politics in its broad sense, meaning achieving power exercised by a wide variety of actors in a political society, that must be studied. This resistance is put up by actors rather than being the mere result of structural misfit at the domestic level.

Third, resistance occurs at all stages of the policy cycle, be it at the stage of agenda setting or policy formulation when actors resist particular ways of framing policy problems or uploading policy models or at the stage of evaluation where the detrimental impact of the Europeanisation of certain policy domains can feed contestation. This article focuses on resistance during the agenda setting, formulation and implementation phase, namely upstream and downstream of decision making – as resistance in the decision-making sequence are widely analysed by legislative studies (see the European Legislative Policy Research Group (ELPRG) [www.elprg.eu](http://www.elprg.eu)).

In the first section, we concentrate on a stocktaking exercise and identify the shortcomings in the existing literature which need to be tackled by the new research agenda. In section 2, we focus on the causes while stressing the importance of the nature of policy change and how it is perceived and framed by agency. This leads to three hypotheses: a 'proportionality hypothesis', a 'positive-negative integration hypothesis', and a 'disposition hypothesis'. Section 3 addresses the forms and effects of resistance. A typology is used that connects actors and instruments. The types of actors and instruments involved to a large extent shape the effects of resistance at the various stages of the policy cycle.

**Table 1 - Resistance and policy change – mapping the relevant literature**

Puzzle		Explanatory factors and mechanisms	Stage of policy process	Scope	Literature/authors
Who	What	<ul style="list-style-type: none"> <li>◦ three “i”s (interests, institutions, ideas)</li> <li>◦ typology of coalitions</li> </ul>	Both upstream (decision) and downstream (implementation)	Non EU-specific	US neo-institutionalist literature (Thelen, Hall, Schmidt, etc)
All	Policy change				
All	Policy (and polity) change	<ul style="list-style-type: none"> <li>◦ mediation/facilitation</li> <li>◦ political opportunities &amp; institutional variables</li> <li>◦ degree of adaptational pressure</li> </ul>	Downstream (implementation)	EU-specific	Europeanisation (Radaelli, Börzel, Risse, etc)
Social movements (and interest groups)	Resistance to policy change	<ul style="list-style-type: none"> <li>◦ political opportunities</li> <li>◦ ideas and discourse (framing)</li> </ul>	Both upstream (decision) and downstream (implementation)	Rarely EU-specific	Social movement literature (della Porta, Balme & Chabanet, Tarrow, etc)
Citizens (mass-level) Political parties	Resistance to polity change	<ul style="list-style-type: none"> <li>◦ strategy</li> <li>◦ ideology</li> <li>◦ material interests</li> <li>◦ values</li> </ul>	Unspecified	EU-specific	Euroscepticism literature (Gabel, McLaren, Szczerbiak & Taggart, etc)
Public administration	Resistance to policy change	<ul style="list-style-type: none"> <li>◦ non-political/technical variables (implementation capacity)</li> <li>◦ number of actors involved and various forms of conflict</li> </ul>	Downstream (implementation)	EU-specific	Non-compliance literature (Falkner, Treib, etc)
All	Resistance to policy change	<ul style="list-style-type: none"> <li>◦ nature of change and perceived impact</li> <li>◦ discursive framing of change</li> <li>◦ instruments of resistance</li> </ul>	Both upstream (agenda setting) and downstream (implementation)	EU-specific	Resistance to policy change in the EU

## **RESISTANCE RESEARCH: NEW PUZZLES EMERGING**

Resistance to European integration, defined as active or passive forms of opposition to European policies, politics and polity, are not new phenomena (Crespy and Verschueren 2009). They have been analysed over the past twenty years in four strings of research which have remained unconnected: research in political sociology on Euroscepticism and transnational protest, on the one hand, and studies of Europeanisation and non-compliance in public policy analysis, on the other.

### **From Euroscepticism to resistance**

The pioneering literature tackling opposition to Europe is focused on the notion of Euroscepticism. It is generally argued that the end of the so-called permissive consensus has allowed for mass-level (Franklin et al. 1995; Hurrelman 2007; de Vries and Steenbergen 2013) as well as party based Euroscepticism (Taggart 1998; Szczerbiak and Taggart 2003, 2008). 'Closed shops of government leaders, interest groups and Commission officials have been bypassed as European issues have entered party competition' (Hooghe and Marks 2009): 9).

With regard to mass-level Euroscepticism, research has concentrated on public opinion and the variables that determine levels of support for European integration, including material, cognitive, value-based and political variables (Gabel 1998; Mc Laren 2002; Eichenberg and Dalton 2007; Ingehart 2008). More recently, research has found that indifference rather than hostility could describe the attitude of the general public towards the EU (Duchesne et al. 2013). In this sense, the permissive consensus that has allowed elites to govern EU politics without the influence of citizens has not entirely disappeared.

The bulk of Euroscepticism studies are, however, linked to party-based explanations. Since the seminal article by Paul Taggart in 1998, this perspective has generated a vast body of literature. Starting from the distinction between hard and soft Euroscepticism, authors have put forward numerous definitions and typologies for the phenomenon (for an overview see Leconte 2010 ).

Strategy related to domestic party competition and ideology is the main variable highlighted in this literature. Another group of authors has concentrated on how Euroscepticism is rooted in national institutions, histories and cultures (Harmsen and Spiering 2004);(Lacroix and Coman 2007; Lacroix and Nicolaïdis 2010) thus depicting idiosyncratic forms of resistances to EU integration.

One crucial caveat of this literature is that the policy dimension remains excluded. This is due to the fact that the link between, citizen discontent and party politics debates is not entirely correlated to positions defended in Brussels by representatives of the various EU Member States. The distinction between opposition to European policies and opposition to the European polity itself has often been used. However, the definition of opposition to the European polity has turned out to be very problematic, as opinions diverge as to precisely

*what* the European polity exactly is. For example, the definition of specific support for the European polity as support for “the EU as it is and as it is developing” put forward by Mudde and Kopecky (Kopecky and Mudde 2002) appears impossible to operationalize since it is precisely here that resistance and contention crystalize.

The dichotomy between resistance to EU policies and resistance to European integration *per se* is similarly often misleading and has obscured the intertwining of both. Many policy areas are symbolic for constitutive dimensions of the regime because they define the boundaries of the polity. As Mair (Mair 2007) has underlined, if resistance to policy change cannot be voiced and considered in institutional arenas, for instance because the EU is deprived of formal parliamentary opposition – then resistance to policy change might turn into resistance to the polity itself.

The Eurocrisis, in particular, shows that the policy dimension is of existential importance for the EU. Beyond nationalist movements and sections of the population it is primarily the – negatively perceived – impact of EU integration on national societies that feeds hostility towards the EU. This is illustrated by Euroscepticism in Germany which essentially took the form of hostility towards the common currency renamed *Teuro* (Busch and Knelangen 2005). Research on collective action and social movements has increasingly focused on resistance to European integration (Imig and Tarrow 2001). Here, it is especially the global justice movement and trade unions who have criticized the neo-liberal bias of the EU (Bieler 2005; della Porta 2006). The policy dimension has been narrowed down to certain specific issues, such as the Lisbon strategy, the regulation on genetically modified organisms or chemicals has triggered loud dissent (Parks 2008). This literature, however, has been more interested in the transnationalisation of protest *in the* EU rather than in resistance *to* the EU (della Porta and Caiani 2007). All in all, political sociology has focused on the study of the resisting actors but has overlooked the importance of policy change in explaining the causes, forms and effects of such resistance.

### **From policy change to resistance to change: Europeanisation research**

Concentrating more on policies than on politics, the Europeanisation literature has mainly focused on change, thus connecting with the wider literature that seeks to identify mechanisms and variables explaining both incremental and dramatic policy change. In this literature, domestic actors and structures are conceived as facilitators or mediators of EU policy implementation at the national level (Börzel and Risse 2000); (Radaelli 2003). Resistance has largely been indirectly addressed when domestic actors turned out to be veto players and rather than facilitators. A specific subfield of the literature on Europeanisation has concentrated on the uses of Europe (Jacquot and Woll 2010) and has put the emphasis on the strategic, cognitive and legitimizing motivations for actors to promote Europeanisation in different ways.



Studies on non-change or resistance to change can be more specifically found in the literature on non-compliance (for an overview, Saurugger 2012). At the outset, studies of compliance as well as non-compliance were concerned with the issue of convergence between EU laws and their implementation at the national level. European directives and regulations were initially considered to be relatively a-political and the efficiency of implementation was addressed in terms of efficiency and capacity of national administrations: the quicker the legislative procedures, the more efficient the implementation of EU law (for an overview see Falkner 2004(Treib 2003).

By the end of the 1990s, the different degrees of implementation became a dependent variable explained by institutional configurations as well as intermediating or facilitating factors (Duina 1999)Börzel 2000; (Caporaso et al. 2001). The literature identified four possible outcomes: absorption, transformation, retrenchment, and inertia (Börzel 2001; Risse et al 2001; Héritier and Knill 2001). While absorption and transformation describe degrees of policy change, retrenchment and inertia refer to different degrees of non-change. Retrenchment is an active transformation process right from the start (Héritier and Knill 2001). Radaelli (2003) calls this form a paradox insofar as domestic policies become less European than they initially were. Here, opposition to European decisions allows coalitions to be created at the domestic level that impose reforms that are diametrically opposed to those decided at the EU level.

In a situation of inertia, European norms do not trigger any transformation at the national level. Inertia may take multiple forms, such as lags, delays in the transposition of directives (Radaelli 2003), or explicit forms of resistance such as strikes, social movements or direct activism. The sustainability of inertia as a long-term strategy is, however, problematic. A long-term opposition may lead to a crisis, and thus usher in radical change. Another possibility might be an ad hoc arrangement of the system, allowing for opting out strategies the EU has long experienced (social charter, EMU, Schengen).

Research on inertia and retrenchment is mostly associated with the literature on compliance or non-compliance with EU law. The bulk of non-compliance studies are anchored in either qualitative case study research (Falkner et al 2005, Tallberg 2002, Panke 2007), based on mixed methods (Kaeding 2007) or quantitative research design (Mastenbroek 2005, Börzel et al 2007, König & Luetgert 2009). Based on the comparative analysis of quantitative research undertaken in this field, Toshkov (2010) offers a comprehensive typology of variables affecting non-compliance.<sup>1</sup> He distinguishes between variables that (across different research projects) affect compliance positively: administrative efficiency, parliamentary scrutiny and coordination strength; and variables that exert a negative (or non-positive) influence: Decentralized/Centralized decision making, corruption levels, veto players (both public and private), and domestic conflict. These variables influence the degree of active as well as passive opposition (Falkner 2005). In this research, types of active opposition or inertia can be understood as an opposition to specific content of EU law, to the EU decision mode or to the national transposition mode. Passive inertia refers to administrative problems or political instability.

Here, besides non-political variables, authors clearly point to the crucial role of actors and conflict over EU legislation. However, this literature treats actors (their number and their nature) as variables and only implicitly, at best, investigates their motivation for resisting, i.e. in this case, not implementing. Furthermore, we know that not only directives and regulations trigger opposition, but also more general principles and programs stemming from the EU level which must thus be included amongst the variables triggering resistance. Thus, the Euro-crisis has revealed that in a policy area that was considered amongst the greatest achievements of EU integration, namely a common currency, the Europeanisation of monetary policy failed to trigger the proper adaptation of economic structures in a number of member states. Similarly, in Central and Eastern Europe, a number of political actors is resisting the establishment of democratic institutions and politics conveyed by the EU, as the controversy about constitutional reform in Hungary has epitomized (Coman and Crespy forthcoming).

### **CAUSES: WHAT DO ACTORS RESIST AND WHY?**

As we have seen above, the question as to *why* various actors resist European integration has been central in the literature. However, the object of resistance, i.e. *what* exactly actors are resisting has been largely overlooked. As an attempt to tackle this problem, we propose that, when resistance is mainly fed by policy change, such change can be conceptualized in two complementary perspectives: a) in terms of the (objective) direction of change entailed by reform or Europeanisation and b) as agency's (subjective) perception and framing of such change.

#### **The nature of change**

The literature about deep transformations in Europe pictures EU integration as a process that shifts historically rooted economic, social and political boundaries between national policy spaces, boundaries between territorial levels of government, and boundaries between the State and the market (Bartolini 2005; Fereirra 2005). As such, this process alters the – nationally entrenched – mechanisms for interest representation, i.e. possibilities of exit, voice and loyalty. As a result, these processes necessarily bring about resistance within national societies. Thus, understanding the nature of policy change is a first step towards explaining why groups will be affected and thus more susceptible to engage in resistance strategies. Kriesi and his colleagues (Kriesi et al. 2008) have argued that workers in sectors experiencing a high level of global economic competition and rooted in a local and national culture are the losers in 'de-nationalisation' processes. Consequently, they constitute the main group that resents EU integration which they hold responsible, and increasingly give their votes to right and left-wing xenophobic and protectionist parties. In the same vein, EU liberalisation directives affecting public services have been most resisted by left-wing unions, political parties and constituencies (Crespy 2012; Hermann et al. 2012).

Historical institutionalists have paid attention to the degree and the pace of change while focusing on critical junctures and dramatic change (Capoccia and Kelemen 2007) or, on the contrary, on incremental forms of change (Streeck and Thelen 2005; Thelen and Mahoney 2010). But they have not theorized about the direction of change, i.e. the substantive nature of proposed policy reforms, which is a main element driving agency motivation to facilitate or, on the contrary, to resist change.

The nature of policy change has been grasped by the distinction between negative and positive integration introduced by F. Scharpf (1999) in European studies. Negative integration implies horizontal integration through the removal of national rules which are seen as obstacles to the building of a transnational policy field. The building of the common market ruled by the four freedoms (free circulation of goods, people, capital and services) is the typical illustration of negative integration. Positive integration involves the setting up of common policies and instruments at the European level. The Common agricultural policy or the Monetary Union are typical examples of positive integration. From an analytical point of view, the contrast between positive and negative integration is not as stark as has often been assumed. Empirically, these two types of change are not mutually exclusive. In fact, most policies account for a policy mix containing elements of both negative and positive integration (removal of national regulatory barriers from old policy practices accompanied by new policy instruments). The specific combination in each policy field can nevertheless be located closer to one of the poles or in the middle. Asylum policy, for example, constitutes positive integration which nevertheless remains weak since common rules are limited to common minimum standards for asylum seeker reception. Besides, all other rules, instruments and resources remain decentralized.

It is therefore useful to further disentangle what is at stake with positive and negative integration by conceiving policy change in a two-dimensional way. As change affects the degree of centralisation of competences at the EU level, it can be defined when looking at formal competences, but also informal rules, policy instruments and resources at the level of EU or national and regional authorities. Competition within the internal market, for example, can be regarded as fairly centralized as it is ruled by the EU Commission which has an exclusive competence for decision making as well as implementation. In contrast, health policy, for example, can be considered to be a decentralized policy. Here the EU's competence is rather residual. Most rules and resources remain located at the national and regional level. This dimension reflects the fundamental functional logic of the EU where competence devolution occurs on a case-by-case basis. It can be assessed by looking at the formal status of the EU competences (exclusive, shared or residual) in the treaties which often goes hand-in-hand with the binding nature of policy instruments.

On the other hand, policy change also affects the balance between States and markets' weight and prerogatives. Liberalisation directives, for instance, while opening national markets to foreign competitors also involves deregulation, i.e. the suppression of national rules and, consequently, the loss of State control over some activities on its territory.

Thus, negative integration can be understood as a logic of policy change that puts the emphasis on market freedom with very thin re-regulation at the European level. From a legal point of view, it relies on mutual recognition of the Member States' rules rather than harmonisation Europe-wide. Positive integration, on the contrary, is more likely to imply centralisation and market (re)regulation. In most policy areas, however, strong centralisation or regulation are not likely. The new instruments for macro-economic governance set up in the aftermath of the financial and debt crisis are an example of very incremental change towards positive integration.

This two dimensional model of policy change in the EU, we argue, leads us to hypothesize on the relationship between the nature of change and the nature of resistance.

H1: We argue that the more radical the change, the more radical the resistance (the 'proportionality hypothesis').

H2: Echoing F. Scharpf, it is argued that positive integration is, by nature, more likely to trigger resistance than negative integration (the 'positive-negative integration hypothesis'). In our view, this hypothesis should however not rely on institutional factors only. As we will see below, every policy area or program triggers discursive and ideational dynamics that need to be contextualized.

Our conflict-driven and actor-centred conception of resistance to policy change nevertheless leads us to suspect that the nature of resistances cannot simply and mechanically be inferred from the nature of change. Rather, there is a great deal of 'political work' done by coalitions of actors to (discursively) construct, or frame change as a problem. This, we argue, mainly relies on actors' representations of the implications of EU policy and their connection with broader normative conceptions of EU integration.

### **Perceptions and framing of policy change: the political dimension of resistance**

Vivien Schmidt has made this point by depicting the EU as a system of governance that elaborates 'policies without politics' (2006). At the same time, Marks and Hooghe (2009) have compellingly argued that Europe has entered a post-functional era where politicisation of European issues brings about constraints and incentives for political leaders. Thus, discourse about EU integration has increasingly affected the dynamics of policy change over the past two decades (Schmidt and Radaelli 2005). Hence, when analysing resistance in EU politics during the agenda setting and the implementation phase, both arguments must actually be combined: while contestation remains weak at the EU level and day-to-day European policy making might be perceived as technocratic rather than dependent on party politics, recent developments show how much expertise and politicisation became intertwined (Radaelli 1999; Saurruger 2002) and the European Union's games actually became politicized, both at the EU (Follesdal and Hix 2006) and the domestic level (Treib 2003; Keading 2008). Due to its governance system, politics in the EU are intrinsically multi-level. Resistance can occur at all levels of governments and at different stages of the policy

making process, and cannot only be linked to a structural misfit hypothesis at the domestic level.

Political conflicts can take place at the domestic, but also at the European level, and are not only based on party politics, left-right or pro- and anti-European cleavages, but also other forms of collective action (advocacy coalitions, transnational networks).

Immigration policy, for example, has become one of the most rapidly Europeanized policy areas which is politically salient and sensitive at the national level. The intricacy of national competences regarded as the prerogatives of the sovereign State, and European rules stemming from the Schengen agreement and the free circulation of persons have produced successive clashes: over the past few years, France expelled from its territory Tunisian immigrants coming from Italy and has been leading an offensive policy towards the Roma population. Germany fought and won a relentless battle against free circulation of workers from Central and Eastern European new Member States and, more recently, British Prime Minister David Cameron criticized the once accepted working immigrants from those same countries. In this debate, the advocates of an 'open' and 'multicultural' Europe resist and denounce the building of a 'fortress Europe'. This tension clearly shapes policy change in the field as the European Commission, among others, endeavours to conciliate in its discourse and policy initiatives the two conflicting ideas of the European polity (Caviedes 2004).

Another telling example is the conflict between a 'social Europe' vs a '(neo)-liberal Europe' used to contest EU initiatives in many policy areas that relate to market regulation and, more generally, the nature of capitalism in Europe. While it still strongly resonates today, these master frames are far from new. As historical studies have demonstrated, these conflicting frames were already used by trade union organisations in the early days of integration, for example to contest the 'liberal turn' leading to a loss of institutional power in the shift from the European Coal and Steel Community to the Treaty of Rome in the late 1950s, or when they demonstrated to promote a European status for miners in the early 1960s (Verschueren 2010). More recently, the same frames have been invoked by left-wing protagonists to resist the development of various liberalisation directives or their implementation (Port Services directive, Postal directive, etc.). A further example in this area is the framing and re-framing strategies in debates about the flexicurity agenda promoted by the EU Commission in which, for instance, unions tried to promote the 'Danish model' as a social democratic alternative to neoliberal reforms of labour markets (Caune 2013).

Although these discursive strategies for resisting policy change are obvious when they touch upon highly salient policy issues or during moments of conflict and polarisation (Jabko 2013), they are also relevant to study resistance to policy change along longer periods of time and when European policy debates are not necessarily in the news. Regarding the Common agricultural policy (CAP), the productivist discourse focused on Europe has slowly been complemented by the idea that agriculture plays a crucial environmental role. The EU Commission has consistently promoted the concept of multi-functionality to promote reform (Fouilleux 2004). In the recent debates about reforming the CAP, a further 'greening of the CAP' involving constraining policy instruments is a major bone of contention. The

protagonists who resist this path for policy change, be they parties, administrations or interest groups, state that radical shift of instruments and resources towards the green pillar would threaten the competitiveness of the EU's agricultural sector. The debt crisis the EU has been facing over the past few years has generated new representations and frames that motivate resistance to policy responses to the crisis. The members of national parliaments who refused to approve austerity plans (and corollary conditionality) clearly denounced the 'Europe of austerity' in the name of a 'Europe of solidarity' (Maatsch and Closa 2012).

These examples allow us to formulate our third hypothesis.

H3: We argue that the greater the distance between actor's frames and the policy goal to be achieved, the higher the resistance actors exert (Zahariadis 2008). A great distance does not, as argued by the misfit hypothesis, necessarily increase adaptational pressure and hence trigger greater change; it may also, on the contrary, generate greater resistance and impede change ('disposition hypothesis') (Saurugger and Terpan 2013). Investigating the nature of change, both in its objective and subjective dimensions, is therefore key to explaining the causes of resistance.

## **THE FORMS OF RESISTANCE: INSTRUMENTS AND THEIR EFFECTS**

After having identified the variables that lead to resistance, it is necessary to address the question of the forms this resistance takes. There is no one exclusive typology of the forms that resistance to EU-induced policy change can take, during periods of agenda setting and policy implementation. We attempt to devise a typology that allows us to link actor types to forms of resistance these actors use. Here, we intend to show how the study of such resistance can build on a broad interdisciplinary literature rather than producing new redundant and specific concepts. This perspective is in tune with the on-going normalisation of EU studies and its mainstreaming into the various sub-fields of political science.

### **Instruments of resistance**

As the examples developed in the previous section have shown, active and passive forms of resistance to policy change in the EU are difficult to distinguish. Are the German and French governments' resistance to the European Stability and Growth Pact 3 % budget deficit rule, or the Greek government's difficulty complying with the austerity plans based on the impossibility of implementing these rules? On the contrary, we argue here that these attitudes are active decisions, taken by governments based on political debates within their countries. Thus, for example, when an administration justifies inertia by a lack of resources, it might be that we find, behind a seemingly non-voluntary resistance, an active attempt at circumventing a norm. It is as crucial to take into account the strategies actors use to play on different levels of resistance as the instruments chosen to resist.

In order to study this resistance and to operationalize the hypotheses outlined above, we argue that a sociological policy instruments approach allows for concentration on

individual as well as collective actor strategies. Instruments of resistance must not be considered to be a purely functional rejection of European norms that are seen as problematic by national actors. The instruments depend, on the contrary, on the political as well as institutional and social context in which they are generated. How national actors resist EU norms and how they decide upon instruments of resistance is a consequence of existing power games and conflicts at the domestic level. These are then largely influenced by the institutional context or domestic politics. From this perspective, instruments are not 'axiologically neutral and indifferently available tools. They are, on the contrary, sponsors of values, fed by an interpretation of social issues and specific conceptions of the form of regulation envisaged' (Lascoumes and Le Gallès 2004) 13).

In their instruments of resistance approach, Saurugger and Terpan distinguish four types of instruments of resistance: legal instruments, economic/fiscal instruments, instruments dealing with information and those having a communications dimension (Table 2).

**Table 2 - Instruments of resistance to policy change** (Saurugger and Terpan 2013, 17)

<b>Type of instrument</b>		<b>Main Actors</b>
<b>Legal Instruments</b>	Constitution Legislation and Regulation Administrative Decisions Administrative Practice Judicial Review	Governments/Parliaments Administrations (State/ Regions)  Private actors (companies, associations, citizens) insofar as they mobilise public actors (administrations and tribunals)
<b>Economic and Fiscal Instruments</b>	Taxes Funding Commercial relations	Governments/Parliaments Administrations (State/ Regions) Companies
<b>Informative Instruments</b>	Expertise Statistics	Governments/Parliaments Administrations (State/ Regions) Companies, associations Citizens
<b>Instruments of communication</b>	Scandalisation Publicisation Framing and reframing	Governments/Parliaments Administrations (States/ Regions) Media, citizens, associations

Taking this typology as a frame, research on resistance focuses on the way these instruments are used and the role they play, in order to unveil the transformations affecting European norms and European integration more generally.

This approach to resistance also allows us to circumvent the pitfalls of Euroscepticism research, which concentrates on the relationship between citizens and parties and neglects the influence of collective actors such as interest groups, companies or social movements on party preferences. Analysing the instruments of resistance helps us to grasp the link between preferences of collective actors and EU governments, as this approach focuses on the usage of tools in specific power games between actors.

Examples in this research area have grown over the past fifteen years. Studies investigate policy areas such as the Stability and Growth Pact or more recent economic governance measures, employment and social policy, state aid, tax competition, enlargement policy, research and educational policy or public and administrative reform (Hodson and Maher 2004; Meyer 2004; Featherstone 2005; Tulmets 2005; López-Santana 2006; Woolfson 2006; Morano-Foadi 2008; Trampusch 2009; Geyer and Lightfoot 2010; Graziano 2011; Gwiazda 2011; Sedelmeier 2012). In these studies, scholars use *actor-centered hypotheses* arguing that the lack of political support of the government, veto players (be those interest groups, trade unions, employers organisation, parties or the media) best explain the difficulties soft law has being taken into account at the national level.

The analysis of secondary literature also shows that some instruments will be more likely used by certain actors organized in certain areas. By systematically combining the results we see that associations, NGOs or companies are more prone to use informative instruments such as expertise or instruments of communication, such as scandalisation, politicisation or framing than economic and fiscal or legal instruments to resist EU norms. Also, the array of instruments is wider at the national level, where actors may resort to legal and economic mechanisms which are not coordinated among different national arenas. However, one can for instance think of the early-warning mechanism<sup>2</sup> as a new instrument provided by the Treaty of Lisbon for national parliaments to resist policy change in the EU. The use of legal instruments is therefore more likely to appear in resistance occurring in formal supranational arenas rather than in contexts where resistance is only loosely coordinated transnationally. In contrast to legal or economic and fiscal instruments, informative and communication instruments can potentially be important at all levels. They might be used more often by public oriented actors like NGOs or political parties, than by political actors or the administration.

Analysing the tools of resistance used in combination with our hypotheses (proportionality hypothesis, positive-negative integration hypotheses, disposition hypothesis) allows us to be more precise in testing them, and to answer questions such as when resistance have a higher probability of occurring and how actors actually resist EU norms.

## **Effects**



The main reason for analysing resistance in contemporary European integration is their very concrete effects. Beyond mere issues of policy non-adoption or non-implementation, resistance to policy change in the EU also has major implications for the integration process as a whole, as demonstrated by the way the EU is currently dramatically affected by the European debt crisis.

Besides decision-making, effects of resistance to policy change can be detected at the various moments of the policy cycle. At the stage of agenda setting, actors are aware that framing and re-framing strategies will decisively shape the future course for policy change. Here, resistance can impact the circumscription of policy issues and, most of the time, this has an effect on whether political and administrative elements will be involved in the discussion or not. At the stage of policy formulation, resistance may obstruct the entire policy process and stop it. During an entire decade between the mid-1990s and the mid-2000s, a framework directive for the re-regulation of public services at the EU level was on the agenda of all EU institutions. After lengthy discussions on the Commission's Green and White papers, resistance to positive integration on this issue among the Member States as well as within the EP led the Commission to not make any legislative proposal on this issue (Crespy 2013). Regarding policy evaluation, it is worth studying how evaluation processes can be used instrumentally by the authorities in charge of it to impede some kinds of policy change. In the realm of service liberalisation, for example, the European Commission has consistently shaped its evaluation of liberalisation in the various utilities sectors (such as telecommunications, electricity, postal services, etc.) very positively so as to avoid questioning the policy course engaged in this field since the late 1980s (Clifton and Diaz-Fuentes 2010).

These effects also imply larger feedback loops affecting further policy change and, potentially, the integration process as a whole. Resistance at the domestic level, whether this refers to non-compliance with EU law, debates over policy proposals before they are introduced by the Commission, or the resistance to general norms without judicial control such as new economic governance provisions, backfires into debates at the European level. This also involves soft rules and policy programs. The policy orientations entailed in the Lisbon strategy are a good example. The mid-term review of the strategy in 2005 shed light on the implementation shortfalls in the Member States. This not only resulted in the re-orientation of the strategy, it also fed a general scepticism as to the possibility of driving coordinated macro-economic change through voluntary policy programs. Even more dramatically, the recent debates about the governance of the Eurozone have become a case in point for understanding such feed-back loops. Some Member States, starting with France, have most of the time failed to meet the benchmarks in terms of public deficits and debt enshrined in the Stability and Growth Pact (Howarth 2007). In addition, the seeming compliance of Southern European countries with the 'duties' associated with the benefits of the common currency has now made decision makers and public opinion reluctant to favour further integration and solidarity within the Eurozone.

## Conclusion

Over the past two decades, a new research agenda on the various forms of resistance to EU integration has been emerging. Nevertheless the recent developments in the EU, this paper has argued, calls for a new approach. Beyond mere nationalism, resistance to EU integration is fed by the perception of detrimental policy change among various social groups and actors. While the debt crisis in the Eurozone epitomizes this phenomenon, this has also been true for immigration policy, market liberalisation in various sectors or adjustments to the welfare State triggered by the 'convergence' towards the Maastricht criteria. We therefore suggest going beyond principled Euroscepticism and non-compliance by considering that resistance to EU integration is principally directed to policy change perceived as detrimental by agents and that it is the result of contention and politics. Drawing on various approaches and recent studies, the proposed framework examines the causes, the forms and the effects of resistance to EU induced policy change. To explain the causes of such resistance, it is crucial to examine not only the direction of change (more or less market freedom, more or less centralisation at the EU level) but also the way change is perceived and framed by the affected agents. We derive three hypotheses that connect the nature of change and the nature of resistance to change. In order to explain their forms and effects, we propose to focus on the use of various – legal, economic, informative and communication instruments – by agents as well as the effects of such instruments on decision makers.

This framework advances our understanding of resistance to policy change by systematically combining what we know about Europeanisation and policy change with the knowledge about the multi-level politics in the EU. It offers several analytical and conceptual tools which can be applied to all types of actors and policy areas. Only a more structured, encompassing, and systematic analysis of resistance to policy change will allow us to understand where the European project as a whole is heading. A first scenario involves the structuring of transnational forms of resistance to certain policy developments with the possible development of a European public sphere, the structuring of resistance along mainly national lines, or the absence of structuring and continuous erratic transnational or national forms of resistance. These different scenarios will, in turn, allow for different paths for not only policy change but also institutional change in Europe.

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<sup>1</sup> Although Toshkov's taking stock exercise is exclusively based on quantitative non-compliance studies, the variables consistently reflect those found in qualitative studies.

<sup>2</sup> This procedure allows one third of the national parliaments in the EU to force the European Commission to revise a legislative proposal if they see it as infringing on the subsidiarity principle.

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