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Boekbespreking van: Constituting Federal Sovereignty: The European Union in Comparative Context

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Vanhanen's findings, using different conceptualizations and datasets. Her own more complex 'overall model' (chapter 10) similarly does not contribute much more in a statistical sense, somewhat to her disappointment (pp. 216 ff.), but she successfully replicates some earlier findings and adds a number of important differentiations and observations concerning this most recent 'wave'.

On the more critical side, some weaknesses must also be noted. Some of these are basic and linked to the overall approach. She attempts to find a 'universal' theory to explain processes of democratization and thereby neglects, for example, more time- and space-bound factors such as specific historical, regional and cultural influences. These could have been tested relatively simply by regional breakdowns of her data over a longer period of time leading to more 'variation-finding' and 'path-dependent' patterns for the recent transitions in Latin America, Eastern Europe and Africa, for example, in contrast to the 'immuneness' to democratic developments so far in most of the Middle East and larger parts of Asia. On this basis, certain 'sub-types' of democracy with some peculiar characteristics and possible deficiencies in O'Donnell's (1996) sense, when he speaks of forms of 'delegative democracy' in Latin America, could also have been detected. Similarly, by excluding an explicit normative dimension concerning basic human rights and the rule of law from her definition, certain forms of 'illiberal democracies' (see, for example, Diamond 1999) escape her attention. This overall perspective is also related to the purely 'macro-quantitative' statistical procedures employed by her, whereas supplementary 'macro-qualitative' analyses could have provided a richer and more differentiated picture. She seems to have realized this, at least in retrospect, as she points to more 'case-oriented' studies and period-bound investigations in her (somewhat resigned) concluding remarks (pp. 216 ff.).

More specifically, the discussion of some of the approaches discussed by her in greater detail is not entirely convincing. This applies to the concept and measurement of class structures (chapter 7), for example, but also the described diffusion effects. Some of these shortcomings she (rightly) attributes to the lack of appropriate data, but she could have been a bit more convincing if she had taken Rueschemeyer and Stephen's (1992) propositions more seriously, for example. Thus, to use, for example, the number of trade unions in a country as an indicator of working class strength or an element of civil society (p. 203) instead of the percentage of the labour force organized in (independent!) unions is not very revealing. Similarly, her analysis of diffusion effects is largely restricted to geographical vicinity, and of the non-geographical ones she only considers diplomatic relations (p. 174), where (not surprisingly) she does not find any significant effects. Again, certain former colonial/historical ties, regional or religious factors, etc., could have been considered.

Her chapter on 'civil society', which she rejects as a concept for her purposes, is, in my view, the weakest of the study. Even though some of her criticisms of certain authors are well made and again there are problems of meaningful comparable data, the role that some civic groups played in the transition processes in Eastern Europe, and also, to some extent, in Africa and elsewhere cannot be dismissed off-hand so

easily. In this chapter she herself, surprisingly, becomes somewhat confused when she states that 'civil society organizations are expected to *oppose* the state' (p. 201, her emphasis), irrespective of the fact whether this concerns a democratic or an authoritarian one. Here she clearly confuses the broader notion of 'state' with a particular (authoritarian) type of political system.

In addition, there are a number of minor errors and mistakes. For example, she speaks of a military coup in Estonia in the interwar period when, in fact, President Päts, in a kind of 'autogolpe' (a term later employed for Fujimori's Peru), dismissed parliament and established an authoritarian regime. These, together with a number of remaining typing and printing errors (the first lines of p. 48 are missing, for example), may be eliminated in a somewhat revised book version. There are also some redundancies and repetitions in the theoretical (chapter 4) and empirical parts (chapters 5-7). Some copy editing of the English style by a native speaker may be advisable. On the whole, however, it is a well-argued and well-written contribution to the literature on democratic transitions, which deserves the attention of a wider readership.

Dirk Berg-Schlösser

L. F. Goldstein, *Constituting Federal Sovereignty: The European Union in Comparative Context*. Baltimore: Johns Hopkins University Press, 2001, ISBN 0-8018-6663-4, \$34.95.

Why do the member states of the European Union accept the decisions of the European Court of Justice (ECJ) when it rules against them? Why is there not more defiance of central authority? What does the passivity of European Union member states tell us about their 'sovereignty'? Such questions resonate in the abstract. However, they become even more salient when compared with federations in which the centre is putatively 'sovereign' and decentralized authority is more explicitly subordinate than in the European Union. During the first seven decades of the United States, state refusal to accept the decisions of the Supreme Court was endemic. During the first two centuries of the Dutch republic, provincial rejection of policies made at the centre was not only frequent but also violent. And during the first five decades of the modern Swiss confederation, cantonal resistance was commonplace. How then are we to explain the acquiescence of European member states?

Professor Goldstein's recent book analyses the absence of member state resistance to ECJ authority within the context of three other examples of central-subordinate interaction: the United States from 1789 to 1860; the United Provinces of the Netherlands from 1579 to 1795; and the Swiss confederation from 1848 to approximately 1900. In part the book is an exploration of the contemporary relevance of 'sovereignty' as an attribute reserved absolutely to the modern state. However, to a much greater extent the book is an attempt to establish the relevance of comparative

and historical analysis to our understanding of contemporary features of European integration. The introduction sets out the theoretical consideration of sovereignty and the modern state. The first and second chapters initiate a comparison between the ante-bellum period in US history and the European Union today. This initial comparison provides the basis for elaborating different explanatory hypotheses about member state acquiescence within the European Union. These are then evaluated in light of the experience of the United Provinces in chapter three and the Swiss confederation in chapter four. The fifth and final chapter posits conclusions that engage more comprehensively with the literature on federalism than with that on the European Union per se. The book includes a wealth of historical detail both in the text itself and in two appendices cataloguing episodes of resistance to central authority in both the United States (Appendix A) and the European Union (Appendix B).

From the outset, it is clear that Professor Goldstein is basing her analysis on two different strands of the literature. The first (and most prominent) of these centres on recent analysis of the European Court of Justice and its contribution to European integration – by writers such as Joseph Weiler, Anne-Marie Slaughter, Karen Alter, Daniel Wincott and Walter Mattli. The second concerns the mechanisms that stabilize federal political systems – primarily the work of William Riker. As a consequence the book offers a number of insights rather than a single argument. The European Court of Justice may benefit from the support it generates through its empowerment of member state judiciaries; political elites in Europe may find their interests served in being reprimanded by the European Court of Justice; and yet there is no reason to believe that the development of “pro-federal transstate interest groups” (p. 63) played any more of a role in limiting opposition to the ECJ than they played in limiting opposition to the US Supreme Court. Moreover, while it may be true that fostering consensus through supermajoritarian procedures can also help to shore up compliance with central authority, it is not necessarily true that more consensual federations are more effective or that more centralized federations are more stable. Rather, what emerges from the cases is that the balance between subordinate and central control is contextually specific, that it evolves dynamically over time and in response to a wide variety of conditioning factors, and that there is no single institutional formula for a successful (read uncontested) federal political arrangement. Professor Goldstein concludes with a sceptical suggestion about the influence of enlargement on the stability of the European Union: “A precipitous eastward expansion of the European Union, if the conclusions of this study prove correct, would make likely a substantial rise in the level of member state resistance to central authority within that union” (p. 160).

Professor Goldstein’s book is an important attempt to bring the European Union into comparative context. However, having emphasized the usefulness of comparison, the book seems to gloss over some of the difficulties associated with the comparative method, particularly when the objects of comparison exist in such diverse periods in time, marked by different intellectual, institutional and environmental conditions. To be fair, Professor Goldstein often concedes these limitations in pointing to the broad

changes in how politics is conceived and operated from one case to the next as well as the importance of each historical case as a source of information for those which follow. Yet the structure of the book denies the central significance of these difficulties and obscures what are (or at least should be) central concerns.

Consider the underlying notion of sovereignty, which Professor Goldstein deploys most prominently in the introduction and conclusion to her book. In this framing position, sovereignty takes on something of an immutable or timeless character. Clearly, the meaning attributed to the term has changed over time, but the nature of that change is external to the argument about subordinate resistance to central authority. Or is it? If we consider Professor Goldstein’s case countries in chronological order – rather than in the order presented in the volume – it is possible for the meaning of the term sovereignty to grow from within the argument about resistance to central authority. During the Dutch Republic, when the notion of sovereignty was most hotly contested, conflict between subordinate and superordinate levels of authority was most frequent and most violent. In response to such conflict – both in the Netherlands and elsewhere – political theorists and practitioners espoused an absolute notion of sovereignty within which conflicts between jurisdictional levels are easily resolved. This was the Westphalian ideal but it was only gradually put into practice.

The federal composition of the United States, however, brings this absolute notion of sovereignty into question. Are the states sovereign – both as their name and as the 10th Amendment to the Constitution would imply – or does sovereignty reside in the federal institutions? Because there is no simple doctrinal answer, the question of sovereignty in the federal system ultimately devolves to the Supreme Court. Professor Goldstein does little to suggest how novel the doctrine of judicial review promulgated by the Supreme Court actually was in the context of the day. According to that doctrine, the Court itself is not sovereign, but it is nevertheless competent to determine which level of government is sovereign with respect to any given area of policy. Sovereignty in the United States resides both in the Congress and in the various states. Hence, judicial review is an institutional compromise in the Westphalian conception of absolute sovereignty. As such, it is hardly surprising that the U.S. case is initially riddled with conflict. Over time, however, this conflict has given way to a court-centred notion of sovereign limitations and jurisdictional determination.

The Swiss case appears to have drawn inspiration originally from the constitution of the United States and belatedly from American practice. The 1848 Swiss constitution allocates sovereignty to different levels of government but grounds any resolution of jurisdictional dispute in the actions of the federal assembly (and therefore ‘popular’ sovereignty). Nevertheless, “as Switzerland moved closer to the twentieth century, a larger portion of the cases contesting cantonal power went to the Federal Tribunal” (p. 138). In this way, any absolute conception of sovereignty, whether or not originating in the people, ceded ground to an institutional determination of jurisdictional competence. Conflict between subordinate and superordinate levels of administration, whether or not such nomenclature is appropriate, diminished as a result.

For its part, the European Union benefits from emerging at the conclusion of this narrative of historical adaptation. The institutional role of the European Court of Justice is precisely to determine where the competence of the member states extends and where the competence of the European Union should prevail. Moreover, the experience of both the United States and Switzerland suggest that such institutional determination of competence is useful to maintain order even as the Dutch experience suggests the pitfalls of insisting on an absolute (or contested) conception of state sovereignty. The incidence of subordinate resistance in the European Union has not eroded despite the existence of national sovereignty. Rather, the notion of national sovereignty has been adapted to the need to mitigate resistance to supranational authority within the European Union. The difference between this telling of the argument and Professor Goldstein's is that it is resistance – and not the notion of sovereignty – which is exogenous to the problem of political organization. And it is “the political ethos of the day” (p. 74) – particularly with regard to the prevailing understanding of sovereignty – that is the proper subject for analysis.

Professor Goldstein does an admirable job bringing the European Union into comparative context. In so doing, however, she has not closed the debate on European political organization. She has opened it. The comparative analysis of the European Union offers a crucial layer of insight that should not be ignored either in our interpretation of the role of specific institutions or in our analysis of the whole of the integration process. Professor Goldstein argues that we should look to those systems that have centralized over time. However, her conclusion suggests the opposite possibility as well. Perhaps by looking at examples of failed federalism – where subordinate resistance has overwhelmed superordinate authority – we can avoid the pitfalls suggested in the penultimate sentence of *Constituting Federal Sovereignty*. Certainly such analysis offers more promise than any treatment of the European Union as a political organization *sui generis*. Professor Goldstein points us in the right direction. It is a testament to the strength of her argument that she succeeds in unlocking a vital pathway for future research.

Erik Jones

George W. Breslauer, *Gorbachev and Yeltsin as Leaders*. Cambridge: Cambridge University Press, 2002, ISBN 0-521-89244-9, £ 15.95.

George Breslauer's new book, *Gorbachev and Yeltsin as Leaders*, is impressive: it is a systematic endeavour to marry the particular with the general. It undertakes a study on leadership, but one that is grounded in the detailed examination of the two cases that the author has chosen to examine. In this respect, Professor Breslauer has continued along the same lines as the one he adopted (following Plutarch) twenty years ago when he published, with great success, *Khrushchev and Brezhnev as Leaders* (Allen & Unwin, London, 1982). In the earlier study Breslauer gained experience in handling

'parallel lives'. Yet, it was in a sense simpler, since, despite the important roles played by Khrushchev and Brezhnev (Khrushchev in particular) in steering a new political course in the Soviet Union, neither of these leaders 'broke' the system. The change was merely an attempt to enable the system to cope better with the reality of political and social life at home and abroad.

Of course, Gorbachev had not wanted to break the system either, he only wished to adjust Soviet politics to the reality of the world of the mid-1980s. But his task was more difficult, indeed impossible, as the rest of the world had moved forward whereas the Soviet Union had remained static, or perhaps even begun to regress. The question arises, therefore, whether Gorbachev was not, in a sense, pushed by events rather than being an 'event-maker', to use the expression of Professor Breslauer. The author points out, however, and does so convincingly, that Gorbachev had a vision of what he wanted to see abolished (an oppressive state which was not really a 'normal' state) and that he did put an end to the practices and rules which had made that state 'abnormal'. In this sense he was, therefore, an 'event-maker'.

Professor Breslauer shows that Gorbachev had to take great care in building up support for his ideas – an activity that took the best part of his first eighteen months in office – before he was in a position to declare openly what he wanted to do and could begin to do it. From then on, Gorbachev was subjected to what Professor Breslauer refers to as the 'polarization' of the political system between the extremes of a new nationalism and a return to communism. As a result, except in relation to foreign affairs, he ceased to be a 'leader' who was fully in charge of the situation he was in the process of transforming.

At the end of the volume, the author returns to the 1985-91 period to assess whether Gorbachev can therefore be described as someone who was indeed a transformer. The answer has to be mixed. It is obviously true that he destroyed a system without being able to create a new one in the full sense of the word. Yet, Gorbachev did at least create a 'climate' of politics, based on tolerance, a substantial dose of real participation, as well as a new vision of international politics, which has remained in existence to this day and which his successor and arch-competitor, Yeltsin, neither destroyed nor even wished to destroy.

If the judgement on Gorbachev is, on balance and despite some reservations, broadly positive, a balanced judgement on Yeltsin is somewhat more difficult to achieve. As Professor Breslauer shows so well, many of the characteristics of Yeltsin's behaviour as the head of Russia were more reminiscent of that of the tsars than of democratic rulers of the contemporary world, especially after the 1993 parliamentary election turned out to be so negative for him (a clear case of 'polarization' between communists and nationalists). Admittedly, as was just pointed out, Yeltsin did not abolish the broadly liberal framework that Gorbachev had put in place. Indeed, and unlike Gorbachev who made a mistake in not doing so, he subjected himself to popular suffrage, despite the fact that, in the case of his second term in 1996, the odds seemed to be so strongly against him. Yet, at the same time, the kind of regime Yeltsin fashioned, so to speak, was one closer to 'pure populism', with no constraints at all on