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Wider and deeper? Enlargement and integration in the European Union

R. Daniel Kelemen, Anand Menon and Jonathan Slapin

ABSTRACT This contribution presents an institutionalist account of the conditions under which widening either impedes or encourages deepening. We argue that the impact of widening on deepening depends on the position of the enlargement state relative to the preference distributions of existing member states. Also, we argue that while expanding to a laggard may in some cases create short-term gridlock, it may also provide the impetus for institutional changes that facilitate deepening over the long-term. We assess our argument empirically drawing on the European Union's own history and data on federal systems and international organizations.

KEY WORDS Deepening; enlargement; European Union; federalism; international organizations.

1. INTRODUCTION

The potential impact of widening – the enlargement of the European Union (EU) to include additional member states – on deepening – increasing the scope and strength of the EU's powers – is a central concern of many EU scholars and of many public debates about the future of the EU.¹ Most often, observers assume that widening necessarily impedes deepening, depicting the future of the EU, 'in terms of a dilemma between "deepening" and "widening"' (De Witte 2002: 239). To be sure, some EU leaders and scholars whom we discuss below reject the notion of a necessary trade-off between widening and deepening and argue that the two can go hand in hand. While these analyses shed light on the relationship between widening and deepening, they do not offer a comprehensive, institutional explanation of the causal process through which – and the conditions under which – widening might encourage deepening.

This contribution advances the widening-deepening debate in two important ways. First, it presents an institutionalist account of the relationship between widening and deepening that stipulates the conditions under which widening either impedes or encourages deepening. In general terms, we argue that the impact of widening on deepening depends on the position of the enlargement state relative to the preference distributions of existing member states across a range of policy areas. Crucially, widening may have very different short and

long-term effects. While widening may create gridlock and impede deepening in the short-term, it may also strengthen the role of supranational actors and provide the impetus for institutional changes that facilitate deepening in the long-term.

Second, the contribution extends the empirical basis for assessing the relationship between widening and deepening. We assess our argument empirically drawing not only on the EU's own history, but also on data on federal systems and international organizations. We argue that exploring the experience of other political organizations provides added empirical leverage in assessing the relationship between width and depth. Looking across federal polities and regional trade agreements, we find little evidence of a trade-off between width and depth.

The remainder of the contribution is divided into five sections. Section 2 reviews the existing theoretical literature on widening and deepening. Section 3 presents our rationalist-institutionalist theoretical account of how widening affects deepening. Section 4 reviews evidence concerning the relationship between widening and deepening from the experience of federal polities and international organizations. Section 5 explores the EU's own history to assess our arguments and to illustrate the causal processes at the heart of our arguments. Section 6 concludes.

2. THEORETICAL PERSPECTIVES ON THE WIDENING-DEEPENING RELATIONSHIP

The trade-off between deepening and widening has received a great deal of attention in the general International Relations (IR) and EU literatures. It has also received some attention both from scholars comparing multi-level polities and those examining the structure and size of states more generally.

In the IR literature, formal modelers have sought to identify the conditions under which a trade-off between width and depth exists, while quantitative and qualitative empiricists have documented evidence of these trade-offs. The formal models can usefully be separated into two camps, but works in both camps take the existence of a trade-off as a baseline assumption. The first camp consists of spatial models that highlight how enlargement increases the diversity of member state preferences, causing gridlock, and examines the conditions under which this gridlock may be ameliorated through sequential enlargement or differentiation (e.g., Downs et al. 1998; Gilligan 2004). The second IR camp draws on the collective action literature (Olson 1965) to argue that it becomes more difficult for organizations to sustain collective action and produce public goods as they enlarge (e.g., Stone et al. 2008).²

Scholars of domestic, multilevel political systems have also generally posited a trade-off between width and depth. The literature suggests that this trade-off is rooted in a fundamental tension between scale – the size of the polity – and community – ‘parochial altruism’ in which shared norms facilitate the provision of public goods within a group (Marks 2012). For Alesina and Spolaore

(2003), there is a trade-off between the benefits of the increased economies of scale that come with larger polities and the costs of the increased heterogeneity of citizen preferences in such polities. Alesina and Spolaore (2003: 208–9) conclude that the EU, ‘appears to be looking both into expanding its size and its degree of centralization. According to our analysis, these goals are incompatible.’ Likewise, other empirical studies of the relationship between ‘width’ and ‘depth’ in domestic politics conclude that larger countries are more decentralized (Garrett and Rodden 2003).

While the IR and comparative politics literatures generally support the notion of a wider–deeper trade-off, we argue that they largely overlook interactions between short-term prospects for gridlock and the incentives this creates for states to reform institutions in ways that ultimately promote deepening. The findings we present below suggest that in the long term little relationship exists between a political organization’s size and its depth.

Finally, we turn to the literature on the relationship between widening and deepening in the EU itself. The EU literature has generated numerous conflicting claims, which we can divide roughly into two camps. First, we have the prevailing view that builds on the IR tradition and suggests that widening impedes deepening. As Pollack summarizes, prior to the 2004 enlargement, there were plenty of dire predictions that an increase in the diversity of preferences within an enlarged EU would render legislative negotiations more difficult, thereby reducing legislative output and the ability of the Union to tackle important problems (Pollack 2009: 241). Scholars expressed concern about the possible impact of enlargement in imposing a *status quo* bias (Hosli 1999), or leading to conflict or gridlock (König and Bräuninger 2004; Schmitter 1996). Finally, Schimmelfennig *et al.* (2011) argue that, while widening and deepening seem to have gone hand in hand, this has only been feasible because the EU increasingly relied on ‘differentiated integration’ whereby various subsets of member states would agree to deepen co-operation on particular issues.³ Others have been more negative still, predicting that numerous institutional problems and internal disagreements would follow EU enlargement to the states of Central and Eastern Europe, possibly even causing the EU project to fail in the future (Taylor 1996: 98–104, 167–8).

In contrast, many European Commission officials and a small group of scholars of European integration dispute the prevailing wisdom and argue instead that widening and deepening can go hand in hand. Some of the scholars in this group point out that widening and deepening have gone together through the EU’s history, but do not seek to craft theoretical explanations of why this has been the case (Kopstein and Reilly 2006; Moravcsik and Vachudova 2003). Others offer theoretically focused analyses of the relationship between widening and deepening, but they focus solely on bargaining dynamics between member governments and largely ignore the role of supranational institutions (Hausken *et al.* 2006; Pahre 1995; Schneider 2002). While this rich literature has contributed to our understanding of the relationship between width and depth, it does not explain precisely how enlargement influences the

operation of EU institutions, which in turn may foster deepening over time. In the section that follows, we offer an account of the relationship between widening and deepening which focuses specifically on institutional dynamics over time.

3. WIDENING AND DEEPENING: AN INSTITUTIONALIST ACCOUNT

Our analysis highlights both the conditions under which widening may impede deepening, and, more counter-intuitively, those under which widening can actually facilitate deepening. Our analysis suggests two main sets of claims concerning the relationship between widening and deepening, one focusing on short-term and the other on longer-term effects. Although our main aim is to explain the relationship between widening and deepening in the EU, our explanation has clear implications for the relationship between widening and deepening in a broad spectrum of political organizations (including international organizations and federal states).

3.1. Preference diversity and short-term legislative gridlock

The short-term impact of widening on deepening depends on the preferences of enlargement states concerning deeper integration. All else equal, adding member states that prefer less deepening than existing member states will heighten legislative gridlock and impede deepening in the short-term. By contrast, adding new members whose integration preferences lie within the core of existing states or which prefer even more integration than existing states will not impede deepening.

We take as our starting point a uni-dimensional spatial model, depicted in Figure 1. Our single dimension represents depth of integration. Imagine a union with three members, $i \in \{A, B, C\}$, each of whom has a single-peaked Euclidean preference over integration, $X_i \in \mathbb{R}^1$, that is known to all actors. For simplicity, assume a *status quo* level of integration located at 0, with all members preferring deeper co-operation to some degree, $X_C > X_B > X_A > 0$. Under unanimity decision-making (used in the EU for treaty change and some sensitive legislative issues), member states are able to deepen up to the point $2X_A$, the point that makes the most laggard state indifferent between the new level of co-operation and the *status quo*. Under a majority decision-making rule, the member states could agree to co-operate up to the

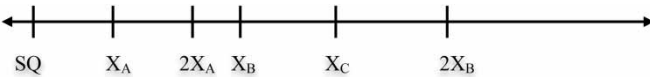


Figure 1 A uni-dimensional spatial model of integration

level $2X_B$, the point that makes the majority pivot indifferent between the *status quo* and the new level of co-operation.⁴

Even this most basic model demonstrates that adding members does not necessarily prevent deepening. When new members' preferences lie within the core of those of existing states or they prefer even more co-operation than existing states, expansion to new members will not impede further deepening. Adding a member to the right of the pivotal member does not change the set of policies preferred by all actors over the current level of co-operation. Adding new members can only impede deepening (by shrinking the win-set of the *status quo*) when the new member prefers less co-operation than the existing pivotal member.

3.2. Legislative gridlock, supranational activism and long-term institutional deepening

This spatial model only considers the effect of member government preferences concerning integration on the relationship between widening and deepening, and has no temporal dimension. To fully understand the relationship between widening and deepening, we must also consider the impact of two other factors: (1) the potential for legislative gridlock to enhance the autonomy of supranational agents; and (2) the way in which functional challenges associated with increasing numbers of member states – may – in the long term – create incentives for member states to undertake institutional reforms to deepen the Union.

Adding new member states that are anti-integration preference outliers may slow down the EU legislative process (König 2007; Schulz and König 2000). However, while legislative gridlock closes one path to deepening, it opens others – increasing opportunities for supranational actors, such as the Court or the Commission, to seek deeper integration through other channels. A well-established literature in comparative politics shows that legislative gridlock tends to increase the power of bureaucrats and judges at the center (i.e., at the EU level). These bureaucrats and judges can deepen integration through the administrative and judicial powers at their disposal, and they have an institutional self-interest to do so (Tsebelis 2002). Thus, as the number of, and ideological distance between, actors with veto power increases, the ability of supranational actors to pursue deepening (or at least their own preferences) increases as well (Tsebelis 2002; Tsebelis and Garrett 2001).

Next, we consider the long-term effects of widening on deepening. Adding member states, regardless of their preferences concerning integration, can create pressures for deepening. As more states join, transaction costs associated with even routine negotiations increase. More members at the table mean there are more people to propose amendments, speak at meetings, and who want input into the policy-making process. All this takes time. In the words of Gary Cox (2006), increasing the number of member states narrows the parliamentary bottleneck. The member states will need to develop new, more formal

rules to organize decision-making so the legislative process does not grind to a halt. Simply increasing the size of the Council will lead to further institutionalization, making the Council look and operate increasingly like a legislature under a set of formal rules and less like a body governed by informal norms of diplomacy.

Formally, assuming no transaction costs, each actor's expected utility in our spatial model for the negotiated outcome may be written as $-|X_i - X_0|$ where X_0 represents the outcome location. Each actor compares $-|X_i - X_0|$ with $-|X_i - 0|$, the utility it receives for the *status quo* policy. Thus, when $X_i - |X_i - X_0| > 0$, the actor prefers the negotiated outcome to the *status quo*. Let us refer to $X_i - |X_i - X_0|$ as $EU(X_{osq})$. Our model assumes that $EU(X_{osq}) > 0$ for all actors. In other words, all actors prefer the negotiated outcome to the *status quo*. However, suppose that rather than receiving $EU(X_{osq})$, after bargaining actors only receive some portion of $EU(X_{osq})$, $\delta EU(X_{osq})$, where $0 < \delta < 1$. The remainder of the utility vanishes owing to 'frictions' in the decision-making process. This could be simply owing to the fact that decision-making takes time, and actors place greater value on the present than then they do on future events (in this case δ is a simple discount factor). Thus, policies that states would agree to change in a frictionless world ($\delta=1$) may not get altered in a world with friction, as would be the case when $EU(X_{osq}) > 0$ for all actors, but $\delta EU(X_{osq}) < 0$ for the pivotal actor. Thus, friction leads to welfare loss. If welfare loss is too great, states may be willing to pay a cost, c , to increase δ , reducing the friction. Such steps may involve limiting speaking time, holding votes rather than attempting to achieve consensus, and taking other steps that could be viewed as moves towards formalization of decision-making, and a move towards deeper integration.

Thus, while enlargement may cause short-term decision-making problems, these can provide the impetus for longer-term changes to promote more effective decision-making. Under some circumstances, widening may lead states to pursue treaty-based institutional change to allow for more deepening. Of course, for changes to take effect, laggards generally must be willing to accept them. Once issues are put on the table, however, states preferring deepening may find ways – e.g., side payments or threats – to make change possible. Alternatively, institutional change may happen before laggards join, in anticipation of their membership.⁵

The degree to which each of these countervailing effects matters depends in part on the decision rules in place in a given policy area. In policy areas such as the Common Foreign and Security Policy, adding laggard states is more likely to impede deepening. Central (supranational) actors are not empowered by gridlock because they have little or no formal role in decision-making to start with, and member states will be less willing to move away from diplomatic decision-making norms in areas integral to state sovereignty. In such policy areas, the trade-off between widening and deepening will be stark. In other areas, where central (supranational) actors such as the Commission and Court

have more power, and a move towards more legislative-style decision-making is realistic, the trade-off will be weaker or non-existent.

The net effect of widening on deepening is thus not necessarily as negative as is often assumed. The nature of the relationship depends on the pressures that widening creates for instigating further institutional change, the degree to which expansion empowers supranational actors, and on the position (and likely future position) of the enlargement state relative to the preference distribution of existing member states. For the reasons discussed above, there are a range of circumstances under which widening will actually encourage deepening.

4. COMPARATIVE DATA

To carry out a first empirical assessment of our theoretical claims, we look at two sources of evidence before turning our attention back to the EU. First, we consider cross-sectional data on federal systems for any 'wider vs deeper' trade off. Are federal systems that are 'wider' (i.e., have more states, are more diverse, or are larger) less deep (in that authority is less centralized)? Second, we take a similar cross-sectional look at the relationship between widening and deepening in international organizations. Clearly, longitudinal analysis of the impact of widening on deepening in federations and international organizations would be preferable. However, reliable longitudinal data of this sort is not available. While our analysis of comparative statics presents only an initial probe of the plausibility of our arguments, even this is valuable: this is the first empirical analysis of the relationship between widening and deepening to approach the EU in a comparative perspective, and our findings challenge the conventional assumption that width and depth will be inversely correlated.

4.1. Lessons from comparative federalism

The experience of federal political systems does not support claims regarding a wider–deeper trade-off. Making comparisons about the impact that gradual widening has on the degree of deepening is difficult, because few federal polities, besides the United States (US) and the EU, have gone through a process of gradually adding states. While making longitudinal comparisons is difficult, we can say more about the comparative statics of the wider–deeper trade-off in federal systems: namely the question of whether 'wider' federal polities are less 'deep' than others.

Most measures of the degree of central government power vis-à-vis states (our proxy for deepening in this case) tend to focus on fiscal centralization. The only systematic, cross-national measure of policy centralization that includes a range of federal polities has been compiled by Hooghe, Marks and Schakel in their regional authority index.⁶ Figure 1 reports the relationship between three measures of the 'width' of a federation and a measure of 'depth' taken from their data. The measures of width are (1) the number of units/states in the federation, which most directly relates to our discussion of widening above, (2) size

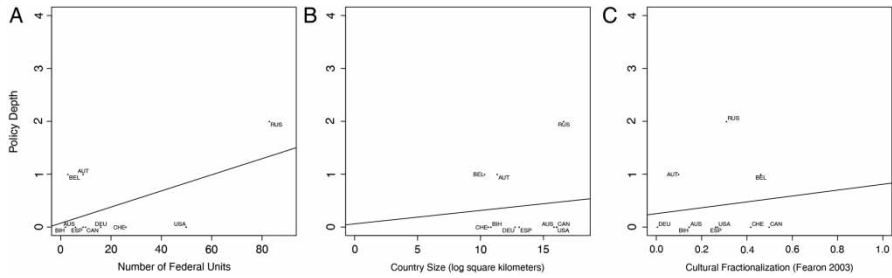


Figure 2 The relationship between size and policy depth in federal states

Source: Data are from Hooghe et al. (2008) and Fearon (2003).

Notes: Higher values on the Policy Depth variable imply greater powers for the central government. Correlations (with p -values) are as follows: (A) $r = 0.57$ ($p = 0.09$); (B) $r = 0.09$ ($p = 0.8$); (C) $r = 0.11$ ($p = 0.77$).

in square kilometers, and (3) cultural fractionalization (a measure of the heterogeneity of the population that would be expected to increase with enlargement) that often accompanies enlargement of a federal system may influence the degree of central power.⁷ Our measure of depth in Figure 2 is the ‘policy scope’ variable from Hooghe, Marks and Schakel. In Figure 3, we examine the correlation between the same three measures of width as above and an alternative measure of depth from Hooghe, Marks and Schakel: the degree of fiscal autonomy. In both cases, the variables range from zero to four, with higher values indicating a more centralized (deeper) federal polity.

Clearly, the N is quite small in this analysis, limited both by the number of federal systems in existence and the number for which we have systematic data on policy scope. Given the limitations of the data, our conclusions are far from definitive, but what we can say is this: there is no clear statistically significant

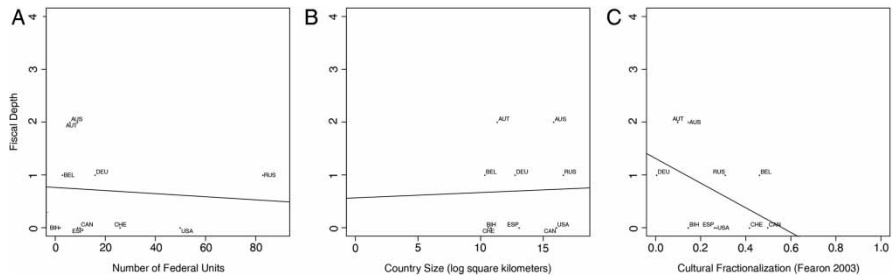


Figure 3 The relationship between size and fiscal autonomy in federal states

Source: Data are from Hooghe et al. (2008) and Fearon (2003).

Notes: Higher values on the Fiscal Autonomy variable imply greater powers for the federal government. Correlations (with p -values) are as follows: (A) $r = -0.09$ ($p = 0.8$); (B) $r = 0.03$ ($p = 0.9$); (C) $r = -0.48$ ($p = 0.16$).

correlation between the number of states in a federation, the degree of cultural fractionalization, or geographic size (as independent variables) and the degree of centralization (i.e., ‘deepening’) in federal systems. In other words, there is nothing in the experience of federal systems to support idea of a systematic wider vs deeper trade-off.

4.2. Lessons from international organizations

Just as we can compare federal systems for evidence of a systematic ‘wider–deeper’ trade-off, we also can examine international organizations. Compared with studies of federalism, there have been few large-*N* studies of international organizations. In that literature, little attention has been paid to the differences in design of agreements, not to mention their depth and scope. Recent work by Gray and Slapin (2012, 2013), however, seeks to do just this. They conduct a survey, asking experts on regional trade from a variety of trade organizations to rank a wide variety of RTAs on numerous dimensions of co-operation, effectiveness and legalization. Gray and Slapin (2012) use a Bayesian factor analysis technique to extract a principle dimension of regional trade agreement (RTA) scope and effectiveness from these data, that they refer to as the RTAs legalization score. RTAs that rank higher on this dimension have greater depth according to the trade experts asked in their survey. We can correlate this dimension with the number of members participating in each RTA to determine whether there is a systematic relationship between size and scope across regional trade agreements.

Figure 4A shows the simple correlation between the RTA legalization score and the number of member states in the agreement. Largely driven by the EU, which is an outlier both in terms of its size and high degree of legalization, the relationship is positive rather than negative. If we exclude the EU, there is no statistically significant correlation between size and legalization. Figure 4B presents the same picture, except here we control for the ambition of an agreement. It may be the case that smaller RTAs, for exogenous reasons, have chosen to pursue less ambitious co-operation. In other words, they score lower on the legalization dimension, not because they are unable to pursue deeper co-operation but because they do not want to. The Gray and Slapin (2012) survey asked experts to rank RTAs according to the overall ambition of their goals. Even controlling for ambition, we see the same pattern. Driven by the EU outlier, there is a positive relationship between membership size and legalization. Take the EU out of the equation and there is no relationship between membership numbers and legalization of RTAs.

While simple correlations such as these cannot offer definitive evidence of a lack of a trade-off, they do illustrate that mere size does not impede organizations from achieving very high levels of effectiveness. Indeed, organizations may grow in size precisely because they are so effective. If the EU were not so highly effective, new states would probably be much less eager to join. Rather than widening impeding deepening, deepening may actually encourage widening.

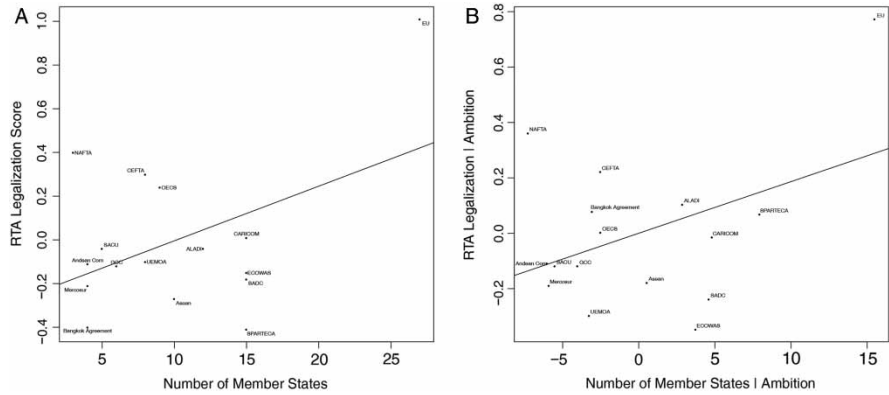


Figure 4 The relationship between the number of members and legalization in regional trade agreements

Source: Data are from Gray and Slapin (2012).

Notes: Plot A shows the simple relationship between the number of members states and legalization ($r = 0.45$, $p = 0.08$). Plot B presents a partial regression plot of the relationship between the number of members and legalization, controlling for the overall ambition of the trade agreement. The regression equation for the model in plot (B) is $y = -0.649 + 0.013 \cdot \text{NumberStates} + 0.078 \cdot \text{Ambition}$, with p -values 0.012, 0.294 and 0.017 on the constant, NumberStates, and Ambition, respectively.

5. EVIDENCE FROM THE EU'S HISTORY

Turning to the EU itself, we arrive at similar findings, as well as uncovering evidence that widening has encouraged deepening through the causal mechanisms suggested above. Any assessment of the relationship between widening and deepening in the EU must begin by confronting one incontrovertible fact: over five decades, the EU has widened from 6 to 27 member states while experiencing a dramatic deepening (Börzel 2005; Schimmelfennig et al. 2011; Schmitter 1996). Of course, those defending the notion that widening impedes deepening might respond by positing a counterfactual: had the EU not enlarged its membership, it would have deepened even more than it has to date. We do not venture an assessment of this counterfactual, as doing so would amount to loose ‘virtual history’ and violate well-established standards for rigorous counterfactual analysis (Levy 2008). It may of course be the case that deepening in particular areas has been blocked or at least delayed as a result of widening, but overall the history of European integration does not support the notion that enlargement stymied deepening. Quite the contrary, there is extensive evidence indicating that widening has encouraged deepening and that it has done so through the causal processes we discuss above.

First, consider the impact of enlargement on decision-making in the EU policy-making process. Golub (2007) has conducted the most rigorous analysis of EU decision-making speed. His findings regarding the impact of enlargement

and preference diversity are striking and entirely consistent with our argument. He finds that:

Not only did decision-making never slow down as a direct result of enlargement, but ... after every single enlargement decision-making was faster than during the period when Council negotiations involved only six member states. (Golub 2007: 169)

Moreover, as we hypothesize, his analysis demonstrates that, rather than more member states, it is instead the presence of extreme anti-deepening preference outliers that slows down policy-making.

Consistent with Golub's findings on the 1968–98 period, the majority of analyses of the functioning of the Union following the 'big bang' enlargement of 2004 stress 'business as usual' when it comes to decision making (Best *et al.* 2010: 1), illustrating that the much-anticipated gridlock has not occurred. The Commission's own analysis concluded that the 'institutions have continued to function' (Commission of the European Communities 2006: 19). Legislative output immediately following the 2004 enlargement decreased slightly, but later studies suggest that following this slight drop the rate recovered by the end of 2006 (Hagemann and De Clerck-Sachsse 2007: 10).

Second, let us consider the impact of enlargement – or anticipated enlargement – on institutional reform. Anticipation of the decision-making paralysis that might result from enlargement has frequently led member states to introduce institutional reforms in EU treaties that served to deepen integration. The most clear-cut example of this phenomenon is the extension of qualified majority voting (QMV) rules to areas previously covered by unanimity rules. The prospect of the accession of Spain and Portugal in the mid-1980s enhanced the pressure on existing member states to make provision for greater use of QMV in the Single European Act (Nugent 2004: 11). Almost 10 years later, the treaty of Amsterdam was informed by fears concerning the potential institutional effects of the Union's impending enlargement following the collapse of Communism (Slapin 2011: 22), and QMV was extended to 24 additional treaty articles. The widespread belief that Eastern enlargement would impair the effective functioning of EU institutions and lead to decision-making paralysis, along with the failure of Amsterdam to produce greater reforms, was once again a key motivation behind efforts to reform EU institutions and extend QMV in the Nice Treaty and later the Constitutional Treaty, which morphed into the Treaty of Lisbon. The Nice Treaty saw 46 new Treaty articles subject to QMV. The Lisbon Treaty extended QMV to more than 40 additional areas and reformed the QMV rules, making it easier to pass EU laws by replacing the Nice triple majority system with a less onerous double majority system.

Not only has widening prompted changes in voting rules that facilitated deepening, it has also encouraged reforms of the formal rules and informal practices governing the operation of EU institutions. These changes have in turn facilitated the deepening of integration, as can be seen in reforms of the Council, Court and Commission.

Working styles and rules of procedure in the European Council and Council of Ministers have been adapted to cope with enlargement. In June 2002, the European Council adopted new rules of procedure that sought to speed up decision-making by calling for some agenda items to be marked as not being for debate, giving the Presidency the authority to limit speaking time, and imposing limits on the size of delegations (Council of the European Union 2002). Similar adaptation has been evident in the Council of Ministers. A Code of Conduct annexed to Council's 2006 Rules of Procedure called for more careful preparation of meetings, a proscription on agenda items being presented merely for information, discouraged full round tables, and repetition of points already made, imposed limits on speaking time, and introduced the principle of silence indicating consent (Council of the European Union 2006). In their study of the impact of the 2004 enlargement, Hagemann and De Clerck-Sachsse (2007: 24–5) found that in the larger Union the role of the Presidency and Secretariat General of the Council became considerably more important in preparing meetings and brokering agreements. According to both scholars and participants, the style of decision-making within the Council started to change, to become more formal and bureaucratized (Best and Settembri 2010; Peel 2008; Sheinwald 2004).

The Council has long been known for operating according to a so-called 'norm of consensus' whereby ministers and their representatives engage in lengthy discussions and strive to reach a consensus, regardless of voting rules. On the surface, this appears to have persisted even after Eastern enlargement, in that percentage of legislation passed by unanimity did not decrease after 2004 (Hagemann and De Clerck-Sachsse 2007: 13). Yet, looking beneath the surface there are clear indications that clubby discussions and the search for consensus have been replaced by voting in the enlarged Council. Council minutes reveal that since enlargement, the average number of discussions of important points in legislation (so-called 'B points') has decreased substantially and the percentage of important acts adopted without discussion amongst ministers has increased seven-fold (Best and Settembri 2010: 7–8). Member states have substantially increased their use of formal statements of reservation to register their opposition to aspects of legislation – even if they vote in support of the legislation for strategic reasons (*Ibid.* 49; Hagemann and De Clerck-Sachsse 2007: 14). In other words, once it is clear from implicit voting that a measure has the votes to pass, the Council does not engage in lengthy debate seeking to reach a consensus. Instead, those in the minority simply register a formal statement of reservation prior to the formal voting.

Enlargement has also encouraged institutional reforms of the European Court of Justice (ECJ) that have strengthened the EU's judicial system. Enlargement steadily increased the ECJ's case load leading to backlogs and lengthy delays in processing cases. Also, because each member state retained the ability to appoint one justice, the number of judges on the Court grew with enlargement, making deliberative decision-making amongst the full Court increasingly

difficult. But these problems caused by enlargement did not undermine the court; instead, the ECJ responded with institutional reforms that substantially increased its capacity. Beginning in the mid-1980s, as the Court prepared for enlargement to Spain and Portugal, it changed its internal organization such that it could hear more cases in smaller chambers of judges – rather than as a full court. By the mid-1990s, more than 80 per cent of the ECJ's decisions were made by chambers, and today most cases are heard by chamber of three or five judges (Kelemen 2012). The expansion of the chamber system, which was a direct result of enlargement, enabled the ECJ to dramatically increase the number of decisions it can issue each year. Moreover, enlargement was also a central motivation behind the expansion of the EU's judicial system to include lower courts, the General Court (originally called the Court of First Instance [CFI]) and the Civil Service Tribunal. The CFI was established in the Single European Act to relieve the ECJ of its case burden, which was expected to increase with the accession of Spain and Portugal and the adoption of new single market legislation (Slynn 1989: 542). The Nice Treaty allowed for more categories of cases to be heard by the CFI and other subsidiary courts in order to help the EU legal system cope with the mounting case load related to enlargement (De Witte 2002; Naômé 2010: 105). The appointment of additional judges coupled with internal procedural changes has led EU courts' output to increase notably since the 2004 enlargement (Naômé 2010: 109–10).

In the case of the Commission, there is evidence to suggest that enlargement has enhanced the centrality of the institution within the EU system. Commission President Barroso himself has claimed that difficulties inherent in making an enlarged Council work effectively have served to empower the Commission.⁸ Academic observers have also argued that, while the Commission may never reclaim the crusading role it once played within the European integration process, institutional pressures related to enlargement have encouraged it to play a more powerful co-ordination and brokerage role (Peterson 2008). Empirical studies tend to corroborate the view that in a larger Union the role of the Commission has become more important in brokering agreement (Hagemann and De Clerck-Sachsse 2007). Finally, concerns about 'frictions' that would result from enlargement have led to changes in the process for appointing the Commission – changes that have facilitated deepening. In the Nice Treaty, which sought to reform EU institutions in advance of Eastern enlargement, member states changed the rules for the nomination of the Commission President and appointment of the entire Commission from unanimity to QMV. This move allowed for the appointment of Commissions with legislative programs that moved policy further from *status quo* – in the direction of deeper integration (Crombez and Hix 2011). In other words, an institutional reform of the Commission's appointment rules that was justified as necessary owing to enlargement ultimately promoted deepening.

6. CONCLUSIONS

While it has become commonplace amongst observers of the European Union to argue that enlargement impedes deeper integration, both the theoretical model and empirical evidence presented here suggest otherwise. Our model and findings suggests that the effect of widening on deepening within organizations is highly contingent upon the nature of expansion. Whether widening impedes or fosters deepening depends on the preferences of the new members and the nature of decision making rules. Moreover, even if enlargement creates the potential for gridlock in the short term, it may create incentives for institutional reform that facilitates deepening in the long run.

Certainly, widening can block deepening, yet this is likely only under a limited set of circumstances. In a far wider range of circumstances, widening can in fact facilitate deepening. It does so, first, by generating legislative gridlock that increases the room for maneuver of supranational administrative and judicial actors who exploit their discretion to pursue their preferences for deeper integration. Secondly, because it encourages legislative bottlenecks, enlargement creates functional pressures for institutional reform that eventually facilitate deepening. Thus it should come as no surprise that widening and deepening in the EU have gone hand in hand. Widening has not only permitted deepening, it has in many ways encouraged it.

Clearly, the type of rationalist-institutionalist approach we employ cannot explore all facets of the relationship between widening and deepening. We do not examine important questions concerning the impact of widening on public support for deeper integration (Ruiz-Jimenez and Torreblanca 2008) or on trust and the development of a common European identity, which may ultimately be necessary for deepening (Delhey 2007). More research on those issues is needed.

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NOTES

- 1 While the definition of widening the EU's membership is uncontroversial, scholars attach a variety of meanings to the concept of deepening (see Börzel 2005). We

define deepening as changes in formal rules or informal practices that strengthen the EU's authority over existing areas of EU competence or that extend the EU's authority to new areas.

- 2 Or, perhaps more accurately, we should say it becomes more difficult to produce club goods as organizations enlarge. Club goods are non-rivalrous goods from which actors can be excluded (see Buchanan 1965; Sandler and Tschirhart 1980). We thank an anonymous reviewer for pointing out this distinction.
- 3 It is by no means clear whether one should view differentiated integration as supportive of deepening or contrary to it. This depends on whether, in the short term, the alternative to differentiated integration in a policy area would have been integration by all member states or no integration. It depends also on whether, over the long term, differentiated integration tends to encourage outsiders to join those states that have integrated in an area, as Labeta (2009) argues, or whether differentiated integration proves persistent (Schimmelfennig *et al.* 2011).
- 4 The Council, of course, decides by a qualified majority, not simple majority. But for the purposes of this model, we examine a simple majority rule. Our general argument is not affected by changing the voting threshold.
- 5 Though our focus is on how short-term decision-making gridlock may provide impetus for institutional changes that promote deepening, similar dynamics may come into play with regard to implementation and enforcement of EU policies. An enlargement state may be perfectly willing to vote for deepening (i.e., not block decision-making), but be unwilling or unable to implement the common policies. Thus, widening could undermine deepening with respect to the actual implementation of policies. Though this issue is beyond the scope of this contribution, the logic of our argument would suggest that implementation problems caused by enlargement could prompt institutional reforms to strengthen the EU's implementation and enforcement capacity.
- 6 Available at: http://www.unc.edu/~gwmkmarks/data_ra.php Also see Hooghe *et al.* 2008, 2010).
- 7 We use Fearon's (2003) measure of cultural fractionalization as it improves on standard measures of fractionalization by taking into account the cultural distance between groups.
- 8 'José Manuel Barroso = Political Scientist, John Peterson interviews the European Commission President', interview transcript, 17.7.2007 (<http://www.eu-consent.net/library/BARROSO-transcript.pdf>).

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