

EVER MORE COMPLEX? DOMESTIC POLITICS IN THE ENLARGED EUROPEAN UNION *

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ABSTRACT

The effects of enlargement on European Union (EU) decision-making are widely debated at the moment. This paper adds a domestic politics dimension to the analysis of enlargement effects; it thereby suggests a new mechanism of how enlargement impacts on policy making. A domestic politics account incorporating partisan and electoral dynamics is opposed to a member states as unitary actor reading. As to domestic politics I distinguish arithmetic and non-arithmetic effects. In the empirical part of the paper I test three hypotheses on domestic politics and European political output. In particular, I test whether elections and government changes impact on legislative production in the Council. In addition, I link changes of left-right partisan compositions of the Council to legislative production. On the basis of negative binomial regression models estimated on a dataset incorporating EU legislation from 1976 to 2006 I find some first support for the hypothesis of electoral perturbations of the European policy process. Given that enlargement increases the frequency of elections in the EU the accession of new member states indirectly affects EU law making.

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INTRODUCTION

Eastern enlargement in many respects has changed European Union (EU) politics. Currently its different effects are widely debated; one important dimension, of course, is EU policy-making. In this paper I analyze an indirect mechanism of enlargement effects, namely the consequences of increasing domestic politics for EU law making. While different hypotheses on the impact of domestic politics have been formulated in the context of enlargement research (cf. Dinan 2007; Hendersen 2007) I, in this paper, empirically test a set of expectations about the effects of elections, government changes and policy position shifts on EU legislative output.

After introducing the notion of domestic politics into the growing body of literature on enlargement effects, I first delineate arithmetical and non-arithmetical enlargement consequences. In the arithmetical logic enlargement simply matters due to aggregative effects that automatically go along with an increase in group size. In such a reading what matters is the number of new member states and not their type. The corresponding hypotheses focus on elections and government changes in EU member states. I argue that elections and government changes should negatively impact on EU law production. Elections and government changes introduce uncertainty and make policy coordination more difficult. Therefore I expect to find a reduction of EU legislative output around these domestic events. With the growth in member states the number of elections increases and this might constitute an indirect effect of enlargement for EU policy-making. In the non-arithmetical logic the type of new member state matters. In the EU, the new member states after Eastern enlargement have a post-communist background. Differences between old and new member states in terms, for instance, of the party system should affect government behavior and thereby possibly influence policy-making in the Council. This relates to the non-arithmetical dimension of policy preferences.

In the empirical part, I will quantitatively test these domestic politics theories by estimating negative binomial regression models on a dataset covering the entire binding EU legislation from 1976 to 2006 (thus the latest enlargement round is not taken into account). I investigate law making as an indicator for policy stability (Tsebelis 2002) and reform capacity. Thus I do not focus on questions of integration or high politics but rather day-to-day bread and butter policy-making. The statistical analysis provides some support for the hypotheses that elections can negatively affect EU legislative activity. In particular, I find evidence for a reduction of EU legislative output in the month preceding

and following domestic elections. As to government changes, I find effects in the month after a government change occurs. There is no support, however, for the hypotheses that the left-right heterogeneity in the Council has an impact on law production. My analysis thus is a first support of the arithmetical but not of the non-arithmetical hypothesis of domestic politics effects of enlargement.

THEORIES OF POST-ENLARGEMENT GOVERNANCE

Eastern enlargement is an important caesura in recent European integration. The accession of ten plus two new member states in 2004 and 2007, respectively, has enormously increased the economic, cultural and political differences within the EU. Currently, the political implications of this development are widely debated. Has enlargement made decision-making more difficult? Do we find increasing gridlock? Is the EU – in its current institutional form – still governable and capable of acting with 27 member states (Kerremans 1998; Zielonka 2006)?

On the theoretical front, most authors predict a negative effect of an increase of group size on decision-making. Both veto-player as well as a-priori voting power approaches, expect an increase of policy stability after enlargement. While a veto-player approach combines preferences and institutions to predict outcomes (Dobbins et al. 2004; König and Bräuninger 2004; Tsebelis and Yatanagas 2002), the a-priori voting power literature is based on the calculation of all possible coalitions and the fraction of coalitions within the Council that can reach a qualified majority (Baldwin et al. 2000; Baldwin and Widgrén 2003, 2004, 2005; Bilbao et al. 2002; Felsenthal and Machover 2004; Johnston 1995). The simplifying assumptions and the validity of both approaches are widely debated (Albert 2003; Felsenthal et al. 2003; Garrett and Tsebelis 1999; Garrett and Tsebelis 2001; Lane and Berg 1999). Especially the concentration on institutions and the neglect of actors' preferences in the a-priori voting power approach is often criticized (Pajala and Widgrén 2004; Steunenberg et al. 1999). Although the analytical focus of these two approaches is different, their predictions point into the same direction: enlargement is generally expected to have a negative impact on the EU's decision-making capacity (cf. Hertz and Leuffen 2008). Tsebelis and Yatanagas (2002: 304), for instance, conclude that "it will be almost impossible to alter the legislative status quo" and Baldwin and Widgrén (2004:6) agree that "the Nice Treaty rules cripple the

EU's ability to act since they make it very difficult to find winning majorities" in an enlarged Union.¹

In terms of mechanisms, the two approaches agree on assuming states as unitary actors. In the following, I will relax this assumption and introduce domestic politics in the analysis of enlargement effects.

Beyond 'Union sacrée' and permissive consensus

In International Relations theory the level of analysis problem is old hat (cf. Singer 1961). While neo-realism focuses on the systemic, international level at which nation states interact as unitary actors (Waltz 1979), the 'second image' (Waltz 1965: 125) incorporates sub-systemic variables and dynamics (cf. Rosenau 1969). In the domestic politics tradition the national interest is not defined ex ante but results from competition on the administrative (Allison 1971) and/or political level. For Milner (1997: 16) "domestic politics matters because the state is not a unitary actor" and "any change in policies [...] has domestic distributional and electoral consequences." While domestic politics have only sporadically been analyzed by EU-scholars in the past (cf. as a notable exception Bulmer 1983), there is evidence that the domestic dimension has become more important at least since the treaty of Maastricht came into power. The traditional 'permissive consensus' in the member states is reported to crumble slowly and more and more scholars stress the necessity of understanding the complex interactions in the European political space (cf. Marks and Steenbergen 2004; Hooghe and Marks *forthcoming*; Schmitt 2006). In such a reading, elements of domestic politics such as public opinion and intermediary actors such as parties or interest groups deserve more analytic attention.

Why should domestic politics matter for understanding enlargement effects? In principle, there are arithmetical and non-arithmetical or structural reasons for enlargement effects. The arithmetic reason is straightforward – with more countries there simply is a higher chance of specific events that can lead to gridlock, as for instance elections (cf. Dinan 2007; Sedelmeier and Young 2007: 2). The non-arithmetical logic inquires more about the differences between old and new member states and actors. The new member states of Eastern enlargement with the exception of Malta and Cyprus

¹ Steunenberg (2002) is an exception in that his simulations suggest continuity: "under qualified majority voting, enlargement will not affect the Union's ability to take new decisions" (Steunenberg, 2002: 112).

are post-communist countries. While all of them are liberal democracies that passed the Copenhagen criteria they still differ in some respects from their Western neighbors.² In particular, the party systems – usually due to the communist legacy and the role of the Communist parties – differ from Western party systems (cf. Kitschelt et al. 1999; Zielinski 2002). This holds particularly for the issue of European integration (cf. Marks et al. 2006; Taggart and Szczerbiak 2004). In younger democracies, in addition, there presumably is a higher risk of electoral and partisan turbulences in domestic politics than in consolidated democracies (cf. Hendersen and Sitter 2007).

My first hypothesis is about electoral calendars and electoral cycle dynamics (cf. Shughart and Tollison 1985) and is clearly rooted in an arithmetic logic. Here enlargement simply matters because a higher number of democratic member states automatically brings about an increase in the number of elections in the EU multi-level system of governance (cf. Sedelmeier and Young 2007: 2). The number of national elections is thus a function of enlargement. The more elections imply more campaigning. With 27 member states there is an increase of political campaigning going on and this can impede reform capacity (a similar argument is often brought forward for Germany with *Länder* and federal elections not taking place at the same moment). Uncertainty about future governments can be a handicap for the negotiators at the European table. While campaigning and uncertainty about future government positions should impact on legislative output before an election takes place, the installation of a new government and coalition formation and should affect legislative output in the period after an election takes place. Both mechanisms should affect legislative output in the national election month. I thus expect a reduction of policy-making around elections. The dependent variable used here 'legislative output' serves as a measure of policy-stability (Tsebelis 2002).³

H1a: EU legislative output should decline in months directly preceding national elections.

H1b: EU legislative output should decline in months when national elections take place.

H1c: EU legislative output should decline in months directly following national elections.

² Zielonka (2006: 78-83) stresses similarities between the old and new member states. Hendersen and Sitter (2007) give a good account of recent political development in the old and the new member states.

³ For instance, Frensdreis et al. (2001), Binder (1999) and Mayhew (1990) have analyzed legislative activity in the US using a similar variable.

In terms of enlargement effects, this theory implies that these processes – due to the rising number of elections – should lead to increasing perturbations of the policy-making process.

Hypothesis 2 focuses on changes in government more directly (cf. Hendersen and Sitter 2007: 210). Changes in government are caused by major events of domestic politics. Most often they are, of course, brought about by elections; however, there are other reasons for government changes such as, for instance, a breakup of a coalition. Government changes usually imply costs of organizational adaptation. This in turn should qualify them as brakes for European law production. Again, in the hypotheses I differentiate three different moments in time.

H2a: EU legislative output should decline in the month preceding a government change.

H2b: EU legislative output should decline in the month of a government change.

H2c: EU legislative output should decline in the month following a government change.

And again, since government changes should occur more often in larger communities, enlargement is expected to negatively affect law production in the EU.

Hypothesis 3 finally addresses the issue of party policy positions and policy stability in the EU. With the accession of new member states party fragmentation as well as polarization (cf. Sartori 1976: 132 ff, 185ff) in the EU is likely to increase. More fragmentation should impose stronger impediments on the coordination needed for policy changes (Haggard 2000: 44). A growing heterogeneity of party positions – for instance, as measured by left-right dispersion – at the level of the Council should foster policy stability. I thus link party politics on the level of the Council to legislative output. Party politics, of course, is rooted in domestic politics. While I will later measure the heterogeneity at the level of the Council, domestic politics comes into play by using weighted party compositions of the member state governments. Government participation of parties such as Samoobrona in Poland or the SNS in Slovakia suggests that governments of the new member states might be more extremist than in the West (cf. Hendersen and Sitter 2007). Therefore this ‘parties matter’ dimension might exceed the arithmetic mechanisms described above. Hypothesis 3 accordingly reads:

H3: Greater partisan heterogeneity in the Council leads to a reduction of legislative output.

In the empirical part, I will first need to examine whether and how enlargement affects heterogeneity in Council. In addition, it will be analyzed whether and how the partisan dispersion affects policy-making.

The three hypotheses are first steps of inquiring about domestic political events and their repercussions on the European level. If they cannot be corroborated this would support a unitary actor reading of European policy-making. In a unitary actor world with state preferences these dynamics should not matter substantively. In the following part, I will detail the methods and the data that I use to test the hypotheses.

METHODS & DATA⁴

The three hypotheses combine domestic and European politics. In particular, they inquire about how partisan politics and political events on the national level impact on European policy-making. In order to test the hypotheses I run negative binomial regression models on a dataset covering the entire binding EU legislation from 1976 to 2006.⁵ The unit of analysis is monthly legislative output.⁶ The dependent variable is number of decisions, regulations, and directives adopted by the Council of Ministers per month. It reaches its peak with 164 acts adopted in December 1985 prior to Southern Enlargement and its minimum in various August months when European politicians take their summer vacation. The sample contains 372 monthly observations with 12,899 adopted acts. Figure 1 graphs EU legislative output over time.

Descriptive information on the independent variables is summarized in table 1. The baseline model that I will use is closely related to the models presented in Hertz and Leuffen (2008). The core independent variable of that study is group size. Here I use a 'members' variable ranging from 9 to 25 member states in order to account for the accession of new member states.

⁴ This part largely draws on Hertz and Leuffen (2008).

⁵ In particular I use the dataset 'Hertz.Leuffen.ETHZ.EULeg.01' (cf. Hertz and Leuffen 2007). While the similar dataset provided by König et al. (2006) has the merit of combining information from PreLex and CELEX it neither covers the Greek accession of 1981 nor the two Eastern enlargement rounds.

⁶ Since the dependent variable counts legislative output, ordinary least squares estimates can be inefficient, inconsistent, and biased (King 1988; Long 1997). Because the data exhibits overdispersion, i.e. the variance of the count is larger than its mean, I estimate negative binomial regression models (cf. Long 1997: 230-238; King 1998: 51-52).

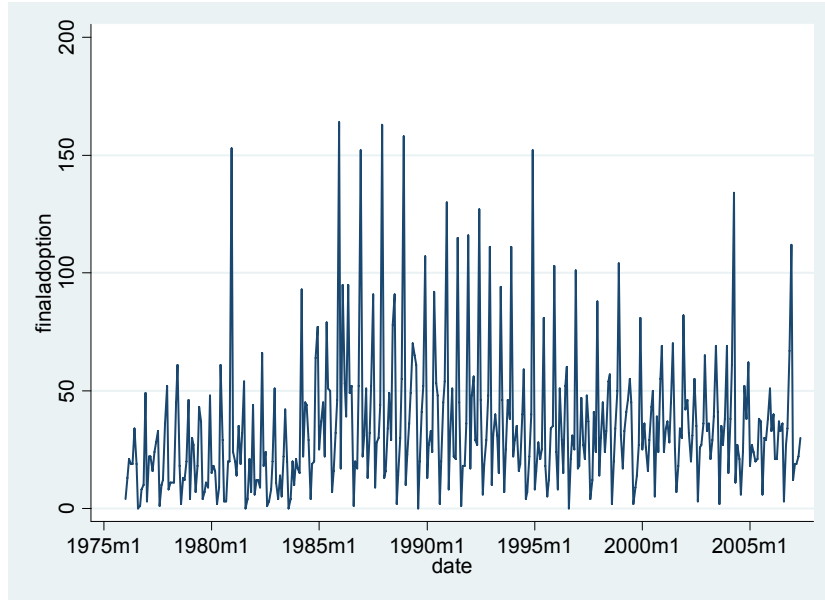


Figure 1: EU legislative output over time.

In addition, the baseline model contains dummy variables for different treaty changes since the 1970s. These score one whenever a treaty change comes into action and is not yet superseded by another treaty. These variables are expected to have a positive effect if the extension of QMV to new policy sectors as well as widening the scope of integration to different policy fields outweighs the strengthening of new veto players like the European Parliament. One variable counts the number of Commission proposals submitted to the Council each month. This variable is lagged by four months, the median time it takes to pass EU legislation. It is expected to have a positive effect. Further behavioral variables capture the effect of old members foreseeing a future enlargement event and adapting their behavior accordingly. Forward looking member states have incentives to increase legislative activity before newcomers enter the club. Therefore legislative output should rise in the month preceding the accession of new member states. This is captured by a dummy for every month preceding an enlargement (cf. Hertz and Leuffen 2007). In order to take longer time trends into account lagged dependent variables are included in the models. The lagged variables are expected to positively affect legislative output. In addition, monthly as well as yearly dummies are added.

Table 1
Variables

	<i>Minimum</i>	<i>Maximum</i>	<i>Mean</i>	<i>Standard Deviation</i>
Dependent Variable				
Acts Adopted by the Council	0	164	34.67	29.48
Veto Player Factors				
Number of Members	9	25	13.22	4.23
Institutional Factors				
SEA in force	0	1	0.20	0.40
TEU in force	0	1	0.18	0.38
Amsterdam Treaty in force	0	1	0.12	0.33
Nice Treaty in force	0	1	0.13	0.33
Behavioral Factors				
Acts Submitted by the Commission	0	134	34.49	21.64
ANT1981	0	1	0.003	0.052
ANT1986	0	1	0.003	0.052
ANT1995	0	1	0.003	0.052
ANT2004	0	1	0.003	0.052
ANT2007	0	1	0.003	0.052
Domestic Politics				
Legislative Elections in MS	0	1	0.26	0.438
Gov. Change	0	1	0.328	0.47
Std. Dev. Rile Council	11.31	23.3	16.55	2.85

Table 1: Descriptive statistics.

I use three different variables in order to test hypotheses 1 to 3. The first variable is a dummy that scores 'one' in those months in which a parliamentary election occurs in at least one member state.⁷ In order to provide an idea of how the number of elections changes over time figure 2 displays the average number of elections per year for the EU9 to EU25. The highest number of elections is reached for the EU25, thus as expected after Eastern enlargement (due to data reasons, the latest enlargement round with the accession of Romania and Bulgaria is not taken into account by my analysis).

⁷ The main source for this variable was Wikipedia.

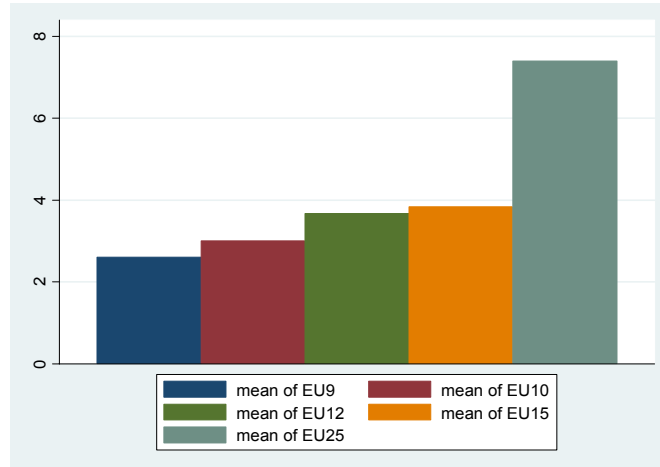


Figure 2: Av. parl. elections in member states p.a. EU9-EU25

The next independent variable measures changes in government. In order to identify changes in government I record changes in the Klingemann et al. (2006) MRG/CMP government left-right policy positions for all member states in the Council for the specific month.⁸ Whenever I detect a change in a government's left-right position as measured by MRG/CMP I take this for a change of government and code that month as 'one' (otherwise as 'zero'). Thereby, I also record government changes without elections taking place, for instance when a party leaves a coalition. If new members accede to the EU this is not counted as a position change because it is not due to domestic politics.⁹ Figure 3 presents the number of annual government changes for the EU9 to EU25. The development of this variable over the different enlargement rounds is less systematic. However, a rise of this variable after Eastern enlargement can be detected.

⁸ A government's policy position is the weighted mean score of parties in government. In order to cover the effects of Eastern enlargement I extended the dataset up until the end of 2006. I followed the method used by Klingemann et al. (2006) and weighed government parties according to their parliamentary seats. In order to collect information on government composition and changes in the member states I used data provided by Döring and Manow (2007) as well as the website 'Parties and elections in Europe' (<http://www.parties-and-elections.de/index.html>). As to the partisan positions, I relied on the last manifesto data available in Klingemann et al (2006).

⁹ Note that this measure, however, also records a change when the same parties stay in power but their seat proportion in Parliament changes and/or the parties change their manifestos; in a future step, therefore, government changes should probably be measured more directly.

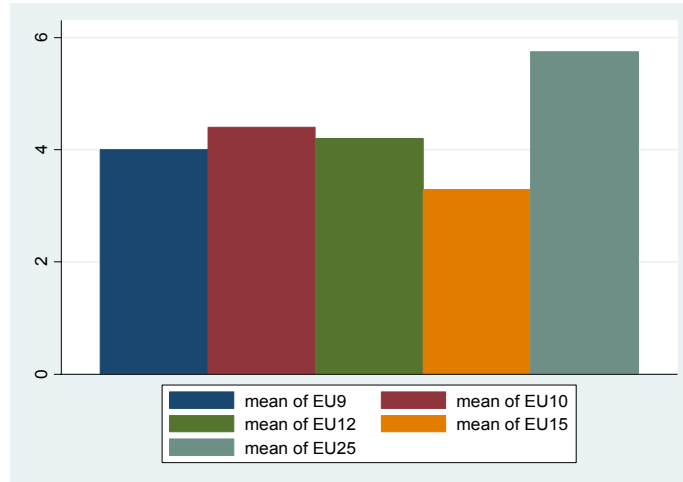


Figure 3: Average annual government changes in EU9-EU25.

The last variable again is based on party manifesto data provided by Klingemann et al. (2006).¹⁰ It measures the standard deviation of the left-right positions of governments in the Council per month. Again I use my extension of the government position dataset provided by Klingemann et al. (2006) covering the period 1976 to 2006. Left-right certainly is not a perfect measure for detecting differences between parties across political systems. However, I opted for this variable because I analyze total and not policy-specific legislative output. In addition, most parts of EU legislation do not directly touch upon the issue of European integration. Therefore I opted against using party positions vis-à-vis European integration. Possibly, the weakness of my measurement is already displayed in figure 4 that plots changes in the dispersion of government left-right positions in the Council over time. In opposition to my initial expectation the dispersion between the member states is highest in the EU 10 and smallest in the EU15. This data does not support the idea that Eastern enlargement has increased partisan heterogeneity in the EU.¹¹

¹⁰ Recent research has stressed advantages of expert survey data (cf. Benoit and Laver 2006; Marks et al. 2007; Steenbergen and Marks 2007). The party manifesto data, however, for this research has the advantage of covering almost the entire period and of containing more fine-tuned information over time.

¹¹ Other measures of EU heterogeneity are discussed in Hertz and Leuffen (2008).

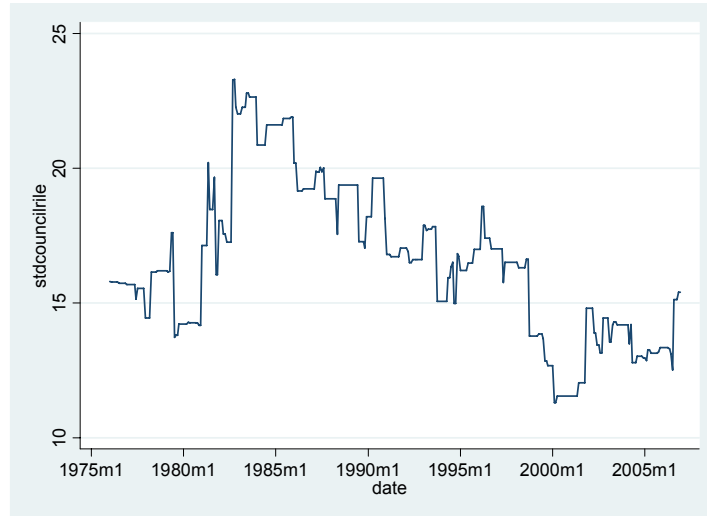


Figure 4: Std. dev. of gov. positions in the Council per month.

RESULTS

The baseline model confirms the basic ideas about EU legislative output (cf. Hertz and Leuffen 2008). Commission input increases legislative output, but only on a ten per cent significance level. ‘Members’ is negative on a ten per cent level (note, however, that ‘members’, in general, is not a very robust variable). Therefore, according to this analysis enlargement does not have a direct effect on EU law production. We find a positive institutional effect for the Single European Act and the entry into force of the Maastricht treaty. Amsterdam and Nice, on the other hand, do not have an effect on law production.

Model 2 includes the election dummies. In addition to the election months, variables for the two months preceding and following an election are included in the model. The month preceding an election is negative in sign but it just misses the 0.05 significance criterion (p-value of 0.061). While the election month is negative but again only at a 0.10 level (p-value of 0.057), the month following an election has a negative and statistically significant coefficient. Transformed into percentages, we expect a reduction of legislation of around 5.4% in the month following an election. For the second month both preceding and following an election I do not find an effect. This finding supports the perturbation theory as to the direct pre- and post-election period. Elections thus might, indeed, have a short-term impact on European law making.

	Model 1	Model 2	Model 3	Model 4
L4.comsubmission	0.003* (0.001)	0.003** (0.001)	0.003** (0.001)	0.003* (0.001)
electmonth -2 (f)		-0.006 (0.055)		
electmonth -1 (f)		-0.114* (0.061)		
electmonth		-0.101* (0.053)		
electmonth +1 (l)		-0.126** (0.051)		
electmonth +2 (l)		-0.015 (0.061)		
Gov. Change -1 (f)			-0.061 (0.051)	
Gov. Change			-0.037 (0.045)	
Gov. Change +1 (l)			-0.174*** (0.051)	
Std. Dev.Council Rile				0.010 (0.033)
EU Members	-0.043* (0.026)	-0.045* (0.026)	-0.043 (0.026)	-0.042 (0.026)
ANT1981	1.208*** (0.168)	1.207*** (0.177)	1.358*** (0.180)	1.209*** (0.168)
ANT1986	0.552*** (0.091)	0.526*** (0.105)	0.543*** (0.103)	0.550*** (0.092)
ANT1995	0.717*** (0.121)	0.708*** (0.132)	0.926*** (0.132)	0.705*** (0.127)
ANT2004	1.439*** (0.180)	1.422*** (0.197)	1.623*** (0.202)	1.436*** (0.182)
ANT2007	0.250* (0.138)			0.236* (0.142)
postSEA	0.608*** (0.171)	0.622*** (0.203)	0.711*** (0.190)	0.612*** (0.170)
postTEU	0.577** (0.227)	0.562** (0.245)	0.633*** (0.232)	0.606** (0.244)
postAMS	0.176 (0.335)	0.157 (0.342)	0.306 (0.341)	0.211 (0.356)
postNICE	-0.337 (0.376)	-0.457 (0.384)	-0.204 (0.384)	-0.298 (0.402)
Constant	3.191*** (0.546)	3.250*** (0.558)	3.053*** (0.557)	2.092** (0.832)
Inalpha_con	-2.240*** (0.120)	-2.276*** (0.115)	-2.291*** (0.122)	-2.241*** (0.122)
Observations	360	360	359	360
AIC	7.77	7.768	7.742	7.782
BIC	894.343	906.786	888.613	900.086

Robust standard errors in parentheses. *** p<0.01, **p<0.05, * p<0.1
All models include yearly and monthly dummy variables as well as lagged dependent variables (lag 12 and lag 6), accounting for time trends.

Table 2: Negative binomial regression models of monthly EU legislative output 1976-2006.

In model 3 I use the baseline model and add the variables accounting for a change in government. This model, too, suggests that the month following a government change impacts negatively on law production. In the month after a government change occurs, legislative production is reduced by almost 16%. I do not, however, find effects for the other month surrounding government changes. Since government changes might not be preceded by campaigns – for instance, in case of a party’s decision to leave a coalition – this finding has a theoretical backing.

Model 4 finally tests the impact of the left-right differences in the Council on EU lawmaking. I do not find a significant effect and thus this third hypothesis cannot be corroborated. Arguably this might be due to the poor measurement used. In a future step using another measure of polarization might be advisable, for instance the range. In addition, there is the problem that the data by Klingemann et al. (2006) might seriously underestimate extremist parties (cf. Marks et al. 2007). For instance the Slovak National Party is coded as 15.06 on Benoit and Laver’s (2006) 1 to 20 scale whereas Klingemann et al. (2006) classify it as 13 on their negative 100 to positive 100 scale (1998 data). Other classification decisions, too, are problematic – for instance, Smer SD is coded as a left party by Benoit and Laver (2006) but in the comparative manifesto data it ends up on the right (2002 data). In addition Taggart and Szczerbiak (2004: 22) stress that notions of left and right do not exactly transfer between Western and Central and Eastern Europe. Therefore the data as well as my operationalization might underestimate and wrongly measure partisan tensions in the Council.

DISCUSSION

While I find supporting evidence for the election and government change hypotheses the party position hypothesis is not corroborated by the analysis. In the theoretical part I established an indirect link between the theories tested here and enlargement. The argument is basically that if the domestic politics mechanisms exist and enlargement leads to an increase of the corresponding independent variables, as for instance elections and government changes, enlargement should have an indirect effect on law making. Since the last hypothesis is clearly discarded and also the development of the left-right dispersion does not point towards an increase of partisan tensions in the Council over time there is little to say about that issue. At least my operationalization does not support the non-arithmetic hypothesis of partisan effects. Future research

should aim at finding better measures and possibly should rather focus on qualitative changes.

On the other hand, national elections as well as government changes seem to impact on EU lawmaking. Since the frequency of elections increases with the enlargement rounds there might be more and more electoral perturbations in the EU. The same holds for government changes. While the analysis shows that there is a return to normal after two month the higher frequency of elections after Eastern enlargement reduces the times without electoral stress. Since enlargement does not seem to lead to an overall reduction of legislative output – in this analysis the ‘members’ variable did not have an effect – this, however, should not be considered a very severe problem. In fact, it is a normal part of the democratic game in federal political systems.

CONCLUSION

In this paper I analyze the impact of domestic politics on EU law making against the backdrop of enlargement. I find some supporting evidence for an impact of elections and government changes. While elections impact on lawmaking before and after an election takes place, a government change only displays an effect after the event occurs. These findings go against a unitary actor reading of states in the EU policy-making process. In addition, they underline that the effects of enlargement might be more indirect and short-term than suggested by parts of the literature. In my analysis I stress an arithmetical logic of enlargement effects.

In the empirical part I cover the entire range of policies by using total legislative output. Future research should possibly also investigate high politics or at least distinguish important or “landmark” and less important legislation (cf. Mayhew 1991). That might be a step towards getting closer at qualitative effects of domestic politics in the EU. The same suggestion, in addition, might apply to research on enlargement effects, more generally.

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