

# De-Europeanization by Default? Germany's EU Policy in Defense and Asylum

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Since the end of the Cold War and unification, Germany's policy toward and within the European Union (EU) has undergone significant changes. Once a model "Europeanist," Germany has become increasingly reluctant to support the progressive implementation of key projects of European integration. Neither an instance of a planned strategic change nor a result of an inevitable adaptation to structural shifts at the systemic level, these changes in German foreign policy, incremental yet significant as they are, evade both deterministic and voluntaristic accounts of foreign policy change. Integrating insights from foreign policy analysis, integration theory, and social theory, the article develops an innovative framework for analysis that is applied to Germany's European asylum and refugee policy as well as its security and defense policy. The origins of both policy fields at the European level can be traced back to initiatives that were supported by or even originated in Germany. However, as the 1990s progressed Germany increasingly obstructed further institutionalization. While in the field of asylum and refugee policy the Amsterdam summit marks a clear turning point in Germany's position, the transformation of German policies on European security and defense proceeded rather as an incremental decrease in material support, aggravating substantive progress in the policy field more broadly. An unanticipated consequence of earlier initiatives, in both cases Germany has found it increasingly difficult to live up to the expectations it has helped to raise.

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## Changes in Germany's European Diplomacy

Since the end of the Cold War and German unification, Germany's policy toward and within the European Union (EU) has undergone significant changes. Once the "*Musterknabe* of Europe" (Le Gloanec, 1998:21), Germany has become increas-

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ingly reluctant in supporting the progressive implementation of key projects of European integration. Proponents of two prominent schools of thought in international relations (IR), realism and constructivism, have offered different accounts of these developments. While structural realists have rarely gone beyond rough and broad predictions of unified Germany's likeliness to assume the role of a great power in Europe (cf. Mearsheimer, 1990; Waltz, 1993), realist-inspired analyses that have focused on Germany's European diplomacy in greater detail have been more influenced by neoclassical realism, focusing on the concept of national interests. From such a perspective the changes in German policy do not appear to be surprising at first sight. According to Josef Janning, for example, "German EU policy will have to replace its uncritical general support for integration with a calculated integration strategy in order to preserve its interests and freedom of maneuver" (Janning, 1996:31ff.; our translation; cf. also Deubner, 1995:11; Frenkler, 2001). According to Anne-Marie Le Gloannec, Germany has even turned "into a convert to British policies" (Le Gloannec, 1998:21; cf. also Hort, 1997; Maurer and Grunert, 1998), a shorthand for a narrow focus on "national interests." Overall, these analyses have highlighted the reformulation of German "national interests," portraying changes in Germany's European policy less as an inevitable structural adaptation but more as the result of voluntary strategic decisions in response to a changing environment.

A different conceptualization of change, transcending the neorealist logic of structural adaptation and avoiding the neoclassical realist focus on fixed material interests, has been highlighted by various constructivist approaches to foreign policy analysis. Empirically, however, constructivist scholars have emphasized the continuity of German foreign policy, and EU policy in particular, pointing to a stable Europeanized identity (cf. Goetz, 1996; Katzenstein, 1997; Banchoff, 1999; Engelmann-Martin and Risse, 2002) or political culture (Berger, 1998; Duffield, 1998; Maull, 2000).<sup>1</sup> Hence, recent changes in German behavior and, as we shall argue, identity, present an unresolved puzzle for this line of research (cf. Risse, 2003; Maull, 2004). While the constructivist concepts of identity and political culture have enriched our understanding of German foreign policy, their treatment as nearly invariable determinants of German foreign policy has given these analyses a structuralist bias. This bias has made it difficult to account for the noted shifts in Germany's European policy.

In this article, we will show that the changes in Germany's foreign policy in Europe are neither an instance of a planned strategic change nor a result of an inevitable adaptation to structural changes at the systemic level. While analyses relying on a concept of a stable Europeanized German identity or political culture have a hard time accounting for these changes in German policy, studies highlighting change in Germany's foreign policy in Europe often overestimate the presumed strategic calculus underlying this development. We will argue that German policy is adequately understood neither as solely driven by stable social structures nor as the voluntaristic policy of an incipient great power. Instead, we suggest an interactionist framework of analysis that captures and traces the interplay between German policy and European governance, avoiding the pitfalls of both structural determinism and individual voluntarism.<sup>2</sup>

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<sup>1</sup> For an exception see Hyde-Price and Jeffery (2001), who argue from a constructivist perspective that Germany's political elites are engaged in a project of reimagining German as a "normal" country with important implications for the future direction of the European integration process.

<sup>2</sup> The distinction between determinism and voluntarism in (German) foreign policy analysis is not restricted to foreign policy in the European Union (EU). For instance, studies on Germany's policy concerning out-of-area military operations since 1990 have often tended to present it either as a reluctant adaptation to a changing international environment or as a calculated remilitarization. For a more detailed discussion and an interactionist analysis of German out-of-area policy, see Baumann and Hellmann (2001). For an overview of the governance literature, see Jachtenfuchs and Kohler-Koch (2004).

Focusing on asylum and refugee policy on the one hand and security and defense policy on the other, we will demonstrate that changes in German policy are not simply the result of a more “calculated” or “British” definition of interests. Rather, Germany has been facing growing difficulties to meet the expectations of its EU partners and to play by the rules of European governance. It is important to note, however, that Germany had previously been a crucial actor in designing these rules in the first place. As a consequence, Germany’s failure to live up to its commitments is best understood as a largely unintended consequence of its integrationist policies in the early 1990s when Germany pulled its weight to shape the governance of issue areas, such as asylum and refugee policy or security and defense, and, as recent quarrels over the stability and growth pact indicate, economic and monetary union. In this context the most recent change (Germany’s offensive strategy to secure a permanent seat at the UN Security Council even at the cost of undermining a joint approach in the context of CFSP [Common Foreign and Security Policy]) may even mark a qualitatively new step in the process of Germany’s gradual de-Europeanization since the consequences of this push are very obvious indeed.

In order to account for these changes in Germany’s EU policy, we present an interactionist framework of analysis designed to capture the noted interplay between German policy on the one hand and European governance on the other. The debate on the Agency/Structure Problem (ASP) in international relations is an obvious starting point for developing an analytical framework that seeks to account for the dynamic interplay between agency (e.g., German policy) on the one hand, and structure (e.g., European governance), on the other. Our theoretical endeavor therefore begins with a reading of this debate. However, as the debate in IR has focused on a reconceptualization of structure, agency has been neglected. We thus introduce a pragmatist reconceptualization of agency, which informs our interactionist framework of analysis presented in a subsequent section. We next show how the interactionist framework helps to uncover processes of change and identity transformation in both asylum and refugee policy and security/defense policy. In conclusion, we point out striking similarities between the cases and discuss the broader applicability of the interactionist framework situating it as an alternative to more structural “operationalizations” of the constructivist turn in IR theory.

### **Toward an Interactionist Framework of Analysis**

Dominant approaches in the analysis of German foreign policy, emphasizing *either* structure *or* agency, have failed to grasp the complex dynamics of change that we can observe since the mid-1990s. Scholars working with notions of “two level games” (cf. Putnam, 1988) do capture the interplay between international and domestic settings but miss the dynamic interplay between an agent’s interests and identity and international structures *over time*. We thus propose to think of these dynamics of change in terms of a sequential interplay between emergent effects of social action on the one hand and structural forces on the other. The debate on the ASP provides a language that allows for a more precise conceptualization of such an intuition. What is “at stake” in the following theoretical elaboration is thus not the advancement of specific testable hypotheses about German foreign policy, but rather the creation of new “thinking space” (Jackson, 2001) in order to be able to account for unanticipated processes of transformation.

We will thus proceed by outlining a reading of the ASP that focuses on the methodological implications of alternative decisions in concept formation, presenting our interactionist framework as a possible “operationalization” that is neither biased toward structural explanation nor toward the voluntarism of an agentic *anything goes*.

*Structure, Agency, and Change*

The constructivist turn in IR theory, and the debate on the ASP in particular have predominantly focused on the reconceptualization of structure. Writing grand theory, just like Waltz, Wendt (1999) seems to be more interested in large tendencies of the international system than state action and foreign policy. Notwithstanding the structurationist credo that “structure” and “agency” should be given equal status in social theory (Wendt, 1987:339), agency is largely portrayed from a structuralist point of view, namely as *servicing* structure by reliably giving existence and effect to it. Having elaborated on the homeostatic tendencies of structure, Wendt (1999), in order to explain why states would nevertheless engage in new social actions that may have transformative effects, introduces interdependence, common fate, homogeneity, and self-restraint as four causal mechanisms or “master variables.” With the exception of self-restraint, all master variables bear structural features, and even self-restraint, the “permissive cause” in Wendt’s theory of structural change, emphasizes the passivity of actors rather than creative or entrepreneurial effects of social action.<sup>3</sup> Moreover, Wendt does accept that game theory, perceived as dominant in the discipline, provides “a fairly well-developed framework for thinking about agency and interaction” (1999:184). While structure is reconceptualized in terms of constitutive theorizing, the conception of agency remains close to rationalist social theories, that is, “individualist and calculative” (Emirbayer and Mische, 1998:965).

Pragmatist social theory, with its emphasis on the creativity of social action and the contingency of structural figurations, allows for a conceptualization of agency that might be better equipped to understand how social processes entail unintended and unanticipated consequences. From a pragmatist perspective, the relatively stable and persistent structures Wendt focuses on can be described as what Bourdieu (1993:116–118) called practices and forms of habits and actions. In routine situations actors follow implicit rules for action based on past experiences without further reasoning. Consequently, actors unconsciously continue to reproduce given structures (cf. Dewey, 1991:105–122). While routines may appear to be pre-given from the point of view of individual action, they can always be traced back to problematic situations actors have successfully coped with, thus establishing the routine in the first place. Problematic situations are moments of genuine uncertainty and undecidability where actors cannot fall back on known or tested rules for action because they do not exist or are not considered available by actors (Joas, 1992:193–196, 235–236). In order to get beyond the period of doubt, actors must reorient their action by means of a changed perception. This reoriented action may be stabilized and in turn itself become an unreflected routine. For pragmatists, human action is characterized by this tension between routines and creative achievements with creativity evolving in situations that call for a solution rather than implying the unconstrained creation of new things (Joas, 1992:190–196). If new forms of actions have been habitualized, structures in Wendt’s terms have evolved (cf. Wendt, 1999:143, 145).

Structures then appear as contingent generalizations of successful instances of coping in practice. As problematic situations are conceived of as radically indeterminate—they are problematic because established structures have failed—ends and means cannot be separated as rigidly as rationalist conceptions of agency suggest. Rather than to assume that actors’ goals are fixed and the choice of means be oriented toward these ends, we thus conceive of the formulation of ends and the

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<sup>3</sup> Wendt (1999:314) thus conceives of structural change only in terms of “cultural change”, i.e., change between different cultures of anarchy. How this menu for choice itself is constituted, however, remains unclear (cf. Herborth, 2004).

choice of respective means as an interplay in a given problematic situation.<sup>4</sup> It is on account of this very indeterminacy that the genuine creativity and established routines of social action concatenate to produce intended as well as unintended and unanticipated consequences.

*Integrating Structurationism and the Pragmatist Perspective: The Interactionist Framework*

A structurationist and a pragmatist approach are not mutually exclusive but complementary. Taken together, they provide a framework suited to analyze the interplay between German policy and European structures of governance and, as a result, possible changes in Germany's EU policy. It must be noted, however, that an analytical perspective as developed and used here does not lend itself to full-fledged explanatory models of foreign policy. Rather, the goal of this section is to formulate an analytical perspective that will help to better capture and understand gradual foreign policy change than conventional foreign policy analysis. At the heart of such a perspective is the combination of a moderate structurationist understanding of agency–structure interplay within the EU with a pragmatist understanding of agency. Based on this combination, in this section we will sketch out the analytical concepts that will guide the empirical analyses.

*Summits, Hills, and Valleys*

As noted above, taking agency seriously by no means implies to regard change as ubiquitous. Rather, at some times structures may be viewed as relatively stable. Then, we will mainly be interested in how actors are coping with structural pressures and incentives. At other times, for instance at EU summits or at intergovernmental conferences (IGCs), it is the rules and resources, that is, the structures of European governance that are being renegotiated. In these moments, we may treat Germany's foreign policy identity and possibly even concrete preferences as given, that is, what Wendt has called "bracketing" (cf. Wendt, 1987:364–365).

The key challenge is how to decide when to bracket what. The answer to this question can only be given on a case-by-case basis, since to a large extent it is an empirical question as to when agency and structure are more or less stable in a certain policy field. Yet, when analyzing the interplay between German policy and European structures of governance, we can distinguish between periods during which a focus on German agency seems warranted while the structures of European governance are bracketed and periods during which agency is bracketed in order to focus on the impact of governance structures on the interests and identity of Germany. This distinction fits what Christiansen and Jørgensen (1999) have called "summits" and "valleys" in the process of European integration. "Summits" refer to periods during which European structures of governance are malleable and entrepreneurial action by EU member states seems promising. In contrast to summits, "valleys" refer to periods during which new rules of European governance are put into practice. It is important to note that, during valleys, member states do not simply implement rules they have agreed on before. As any agreement remains necessarily incomplete, mere implementation is not possible because competing interpretations about the meaning of rules have to be sorted out. As the pragmatist theory of action reminds us, what might appear as "mere implemen-

<sup>4</sup> Ends are thus conceived as "relatively indeterminate and will only be specified in the course of the decision on the means to be used. Reciprocity of ends and means thus implies an interplay between choice of means and specification of goals. The dimension of the means is not neutral vis-à-vis the dimension of the ends. By realizing that we possess certain means we detect ends we were not aware of before. Thus, means do not only specify ends, but they also broaden the scope of possible ends" (Joas, 1992:227).

TABLE 1. Summits, Hills, and Valleys

	<i>Summit</i>	<i>Hill</i>	<i>Valley</i>
Malleability of European structures	High	Some	Low [= > bracket]
EU impact on foreign policy (identity)	Weak [= >bracket]		Strong

tation” is a constant endeavor to cope creatively with a changing environment. Compared with “summits,” however, there is little entrepreneurial action during these periods.

What counts as a summit always depends on the issue-area under study. Because of their broad agenda, however, the intergovernmental conferences on treaty reform usually qualify as a summit. The treaties, however, usually provide only for the most basic rules governing an issue-area. More specific rules are frequently agreed on among the heads of state or government on the occasion of European Council meetings.

Next to summits as points of high and valleys as phases of low malleability of European structures, we will introduce a third category, denoting points in European governance, when at least some European structures may be changed, but in a less fundamental way than is the case for summits. In accordance with the summit-valley metaphor, these points shall be called “hills.” Our conceptual remarks about summits, hills, and valleys can be summarized by Table 1.

#### *The Interactionist Understanding of “Identity”*

Our analytical framework helps to identify changes in Germany’s policy and identity as regards European integration. Because our framework of analysis traces the impact of government policy on European structures of government as well as the influence of these structures on later government policy, the framework helps to identify the extent to which consequences of earlier policies have indeed been intended at the time of their initiation. As historical institutionalism reminds us, unintended consequences occur because governments may have shorter time horizons than supranational actors to whom they have delegated competencies, because supranational actors may pursue own preferences distinct from their “principals” and because government preferences may change over time (cf. Pierson, 1998). Unintended consequences are of particular interest for the study of German EU policy because Germany has had a huge impact on the initiation of policies (including the stability and growth pact, asylum/migration policy, and security/defense policy). The concept of unintended consequences helps us to avoid interpreting policy change as either a reaction to external developments or a deliberate change of strategy (see the above discussion).

German policy is, of course, most visible during summits when the structures of European governance are malleable and the German government may pull its weight to establish new rules and modify or abandon others. A comparison of government action during various summits therefore helps to identify changes in German policy since the end of the cold war and unification. Such a comparison of government action during various summits, however, only highlights policy changes in a particular issue-area, that is, changes in the definition of German interests and in the way these interests are pursued in a particular issue-area.

According to Jepperson, Wendt, and Katzenstein (1996:59), the concept of “identity” “functions as a crucial link between environmental structures and interests. The term [. . .] refers to the images of individuality and distinctiveness (‘selfhood’) held and projected by an actor and formed (and modified over time) through relations with significant ‘others.’” Thus, “identity” is conceived of as a

relational concept according to which “identity” influences policy toward others and, at the same time, is influenced by them. Notwithstanding this relational *concept* of identity in constructivist theory, many constructivist analyses of German foreign policy have treated policies as a function of national identity or political culture, but have ignored the possible indirect impact of German policy, via agent–structure–agent interplay, on German identity and therefore have tended to downplay actual changes in Germany’s identity.

In our case studies, we aim to take the relational character of identity more seriously and, with the help of our interactionist framework of analysis, to highlight not only the impact of Germany’s European identity on its policy toward the EU, but also to highlight the impact of a changing EU and concomitant changes in German policies on the very identity of Germany.

The pragmatist theory of action in particular helps to treat identity not only as a source of but also as a result from action. Building on the pragmatist notion of beliefs as rules for action, “identity” refers to generalized rules for actions that result from issue-specific beliefs and policies. Thus, we do not treat an actor’s identity as ontologically different from and prior to an actor’s interests. Rather, we understand an actor’s “identity” to be directly linked to its many interests. Although an actor’s identity will certainly be more stable than an actor’s policies in an issue-area, it is therefore still subject to change.

#### *The Selection of Cases for Empirical Investigation*

The value-added of our interactionist framework of analysis will be demonstrated in two detailed case studies of German EU policy, namely German policy in the realm of European asylum and refugee policy, and in the issue-area of European security and defense policy (EDSP). These two issue-areas are particularly suited for studying the interplay between German policy and European structures of governance for several reasons: first, the structures governing both issue-areas have been highly malleable in the period under study. Although proposals for a European defense policy in particular have had a long history, both issue-areas have (re-)entered the European agenda only with the end of the East–West conflict. The demise of the Warsaw Pact, the emergence of civil war in the former Yugoslavia and rising numbers of refugees entering the Union had challenged established rules of governance in these issue-areas such as the military engagement of the U.S. in Europe and the national responsibility for handling refugees and asylum-seekers. Second, the intergovernmental nature of the second (security and defense) and third (justice and home affairs) “pillar” have facilitated member state initiatives. The limited powers of the European Commission, the European Court of Justice, and the European Parliament in these two pillars have left the control over the agenda and the course of policy largely to the member states. Third, Germany has been a crucial player in influencing the course of these policies. Because of its size, population, gross domestic product, and so on, Germany has always been an important player in EU politics. Moreover, Germany has been particularly affected by the developments in the fields of migration and security/defense. As regards security and defense, its policy had been tied to NATO to a particularly high degree. Lacking national command structures, the Bundeswehr had been a “Bündnisarmee,” that is, an army heavily relying on allies’ resources. For a number of reasons, moreover, Germany has attracted particularly high numbers of refugees and asylum seekers. Thus, there have been large windows of opportunity as well as strong incentives for entrepreneurial action of the German government. It should be noted that the case studies do not serve to *test* the accuracy of foreign policy theories but to *illustrate* the value-added of our framework. The number of cases is the minimum necessary to examine similarities as well as differences of agent–structure–agent interplay in two important areas of German EU policy.

### **From Vanguard to Laggard: German Policies in Europe**

Presenting evidence from two detailed case studies, this section will apply the interactionist framework of analysis presented above to the cases of asylum/refugee policy and security/defense policy. Hence, the point of view in the following case studies will be switched several times. Periods during which the member states of the European Union as well as other players undertook intensive efforts to rebuild the structures of European governance (“summits”) will be presented from an agency-based perspective that highlights how the German government’s policy affected European structures of governance. In contrast, periods during which the governance structures are less open to changes but in a process of implementation (“valleys”) will be presented from a “bird’s eye” perspective that discusses how the new governance structures made an impact on German policy.

The transformation of German policy in both fields becomes visible as subsequent summits are interlocked through phases of implementation where the consequences of decisions at the previous summit unfold and the stage for the next summit is set. Hence, German initiatives at any particular summit have indirect effects on the following summit. The dynamic interplay between summits and valleys can thus be reconstructed as an open process of transformation that is triggered by indirect consequences of action over time.

### **Asylum and Refugee Policy**

Germany’s role in European asylum and refugee policy has shifted from vanguard to laggard. While the origins of the policy field in the mid-1980s and early 1990s can be traced back to initiatives that were supported by or even originated in Germany, further institutionalization, most prominently through qualified majority voting (QMV), has been vetoed by Germany at all major Intergovernmental Conferences (IGCs) since Amsterdam.

Over the course of the period covered here (1984–2004) asylum and refugee policy has undergone two major and related shifts. First, during the 1980s Germany heavily supported integration in the field of justice and home affairs. The Schengen initiative and the Maastricht IGC are major “summits” where Germany’s influence on the emergence of a European asylum and refugee policy becomes particularly visible. Later on, since the mid-1990s, Germany changed its position and blocked further integration. The Amsterdam IGC, a third major summit, marks a crucial turning point as Germany vetoed QMV in asylum and refugee policy.

A second major shift, during this process of transformation, the principles underlying asylum and refugee policy changed crucially: the very liberal asylum and refugee policy, a result of the experiences of World War II and the Holocaust, became increasingly restrictive. Since the early 1990s, an emphasis on human rights considerations began to give way to economic arguments justifying the more restrictive policies. Moreover, following the Conventions of Schengen and Dublin in particular, security considerations of asylum and refugee policy have become more prevalent.

#### *Starting Off with the German–French Motor: The Schengen “Summit”*

Based on the experiences of World War II and the Holocaust Germany developed a liberal asylum and refugee policy. Its most prominent expression was a constitutionally guaranteed legal claim for asylum to any and all persons being politically persecuted. Every application for asylum filed in Germany thus needed to be checked and assessed individually and on its own merits as to whether the applicant was being politically persecuted or not. In addition to these domestic rules, Germany has signed international treaties, the Geneva Convention and the related

“Protocol on the status of refugees,” which prohibit the deportation of persons who would be threatened with danger to life and limb if they were deported to their country of origin.

While several efforts to create a European asylum and refugee policy had been fruitless, a German–French initiative to abolish internal border controls in order to foster political integration by completing the Single Market turned out to be more successful. The initiative, which should finally result in the Schengen regime, was innovative in both style and substance. It served to overcome a European deadlock with an explicitly integrationist initiative outside of the institutional structures of the EC. The abolition of internal border controls was put on the agenda for the first time by German Chancellor Helmut Kohl when meeting French President François Mitterrand in Rambouillet on May 28/29, 1984.<sup>5</sup> Dissatisfied with the results of the previous European summit in Brussels in March 1984 he suggested that there should be new initiatives in order to achieve the Single European Market, as too many controls and checks at the internal European borders were incompatible with the idea of the European Community (Kohl, 1984:D282, D284f). At that time the German cabinet had not been consulted on the issue. Kohl acted quite quickly, thus avoiding further criticism,<sup>6</sup> and Mitterrand agreed with Kohl despite the fact that French border controls were stricter, more careful, and more regulated than German ones.<sup>7</sup> The German–French agreement was explicitly linked to European integration but, importantly, it had been realized outside the EC.<sup>8</sup> Germany and France had successfully changed the rule that the specific EC objectives and goals had to be realized within the EC in compliance with all member states. At that time already the Benelux countries expressed an immediate interest in parallel agreements with Germany, which finally led to the establishment of the Schengen regime.<sup>9</sup> Moreover, proposing the free movement of people the initiative created, unwittingly, a forum where matters of asylum and refugee policy needed to be addressed at the European level.

However, the specific setting of the Schengen regime, its main goal of open borders, and the compensatory measures framed the asylum and refugee policy in a specific kind that was new for Germany: not universal human rights or the treatment of asylum seekers were the starting point, but security matters. Without this new framing of the asylum and refugee policy, the amendment of the *Grundgesetz* in 1993 would not have been possible. Germany used Schengen as an arena to articulate its pressing problems concerning asylum policy and to open up new possibilities to cope with these problems on the European level.

But neither the Schengen Agreement nor the Dublin Convention could solve the German “asylum problem,” that is, the rising number of asylum seekers. The end of the Cold War and the concomitant opening of frontiers to eastern Europe had created a necessity to act: compared with the Cold War era, far more refugees and asylum seekers began to use this way to enter EC territory and especially German territory. The number of asylum seekers increased steadily from 57,400 applications in 1987 to 438,200 in 1992 (UNHCR 2001:1, 25, 52, 89).

*Incorporating Schengen and Empowering the Regions: The Maastricht “Summit”*

German efforts to foster the process of integration are again particularly visible at Maastricht, the second “summit,” leading to the integration of intergovernmental

<sup>5</sup> The *Times*, London, May 30, 1984, “Mitterrand and Kohl Decide at Summit to Abolish Customs Barrier.”

<sup>6</sup> *Die Welt*, June 19, 1984, “Aufhebung der Grenzkontrollen nicht aktuell.”

<sup>7</sup> *Stuttgarter Zeitung*, July 14, 1984; *Le Figaro*, May 30, 1984, “Europa zum Anfassen.”

<sup>8</sup> *Europäische Zeitung*, September 1, 1984, “Europas Grenzsteine beginnen zu rollen.”

<sup>9</sup> Wolfgang Schäuble in Pressedienst der CDU/CSU-Fraktion im Deutschen Bundestag, July 24, 1984, “Parlamentarischer Geschäftsführer Dr. Wolfgang Schäuble erklärt zum Abbau der Grenkontrollen zwischen Deutschland und Frankreich.”

cooperation into the treaty structure through the creation of a third pillar for justice and home affairs as well as an empowerment of European regions, *Länder* in Germany.

With the creation of the third pillar at Maastricht, Chancellor Kohl successfully transferred the asylum and refugee problem to the European level: the third pillar specified asylum policy as a matter of common interest. This was only possible because the Schengen regime and the following establishment of networks on asylum and refugee policy had changed the perception of the problem and reframed it as a European matter. A redefinition of the problem within the German domestic arena was also made possible by this step as it created new opportunities to solve the German impasse: in order to meet European requirements, a change of the *Grundgesetz* was necessary and further debates were unavoidable. Thus, the persistent deadlock resulting from the constitutional guarantee became resolvable because a domestic discussion was made possible. Any consequent change to the liberal asylum law in Germany was now no longer a failure of German politics or the breaking of a taboo, but a consequence of decisions at the European level. The inertia of EC/EU institutions facilitated this redefinition of the asylum problem (cf. Henson and Malhan, 1995:130, 133–135).

These achievements had immediate effects on Germany, necessitating changes to the *Grundgesetz*, which codified the new competencies of the *Länder* and made Germany's asylum law compatible with European structures of governance. As to the latter point, however, Germany was extraordinarily eager to fulfill its European duties as they could serve as legitimation to abandon from liberal standards that were perceived increasingly as creating unmanageable burdens, both financially and politically.

In the end, the transfer of the asylum problem to the European level opened up a new political arena to redefine the asylum problem and to alter the domestic deadlock that occurred because of the blocking of the opposition in the *Bundestag* that was needed for a change of the *Grundgesetz*. The opposition based their argumentation against such a change on the traditions of the Bonn Republic. This shifting of the asylum and refugee policy was a tactical manoeuvre by the liberal-conservative government in order to be able to overcome the existing domestic asylum and refugee policy, principally to diminish the increasing number of asylum seekers in Germany and to break up the existing constitutional guarantee of asylum. The government successfully put pressure on the opposition to change its position. In 1993, the reference to European requirements was more of a perfidious strategy of the German government than a real obligation to the EU: most of the intergovernmental rules were only politically and not legally binding. Nevertheless, Germany restricted its asylum law to an extent that was by no means necessary on the basis of these soft law rules (Henson and Malhan, 1995:128, 133–135).

#### *Schengen's Success and Germany's Veto: The Amsterdam "Summit"*

Still supporting further integration, Germany heavily supported the incorporation of the Schengen regime into the treaty structure and the transition of matters of refugee and asylum to the first pillar at the Amsterdam summit. Moreover, with newly elected pro-European governments in both France and the United Kingdom circumstances appeared to be particularly favorable to achieve a consensus on financial burden-sharing with respect to admission and accommodation costs and even QMV. In fact, the Amsterdam Treaty achieved freedom of movement and introduced the establishment of an Area of Freedom, Security, and Justice as a new objective for the EU. As a consequence, European refugee and asylum policy began to be treated increasingly as a matter of internal security; relevant elements of European refugee and asylum policy were reduced to "compensatory" measures to safeguard internal security in a border-free Europe (cf. Lavenex, 2001:857).

Hence, the development at Maastricht was the starting point for a quite restrictive European refugee and asylum policy of the lowest common denominator.

Blocking QMV and insisting on unanimity in asylum and refugee policy, Germany not only gave up what used to be a core demand, it also managed to lock in these policies of the lowest common denominator. The Amsterdam “summit” thus marks a crucial turning point in German EU policy on asylum. Far from being the result of a strategic calculus on the side of the German government, the process of “decision making” that led to the surprising twist can serve as a particularly suitable example of the contingent interplay between German policy initiatives and European structures of governance. The German government did actually support the introduction of QMV at the beginning of the Maastricht IGC. The *Länder*, however, using the constitutional powers they had gained prior to the Amsterdam IGC, compelled the German delegation to reject more integrationist proposals. Germany’s change in position was thus an unanticipated consequence of the empowerment of the regions at Maastricht. Instead of promoting the democratic legitimacy of the process of integration, the *Länder* turned out to vigorously defend their particular interest, thus constituting a distinct group of actors in the interplay between German policy and structures of European governance. Linking asylum and refugee policy to both matters of internal security and finance, the *Länder*, which have to bear the cost of accommodation for asylum seekers, introduced a more instrumental attitude vis-à-vis the process of integration. As the relative distribution of asylum seekers in Europe had changed to the benefit of Germany—the number of asylum seekers had dropped rapidly, from a peak of 468,200 in 1992 to 104,400 in 1997 (UNHCR 2001:1, 25, 52, 89)—the *Länder* were unwilling to dilute national sovereignty to an extent that could enable European decision makers to reverse that trend. In an unusual coalition, Edmund Stoiber, Bavaria’s conservative head of state, and his colleague from Rhineland-Palatine, social democrat Kurt Beck, pushed for the position that was finally adopted by the federal government. Refraining from a constitutional dispute over the legal justification of the *Länder’s* intervention, Helmut Kohl finally adopted the position proposed by Beck and Stoiber, nevertheless defending the Amsterdam Treaty as a “good basis for a democratically anchored and citizen-oriented European Union, capable of acting and, above all, it opens the door (. . .) for the enlargement of the European Union to the East and South” (own translation).<sup>10</sup>

*Reiterating the Amsterdam Constellation: Germany as a Laggard in Asylum and Refugee Policy*

Far from being a unique disturbance, the *Länder’s* stance on burden-sharing and self-determination has become characteristic of Germany’s position at subsequent hills and summits. The European Council in Tampere saw the endorsement of a quite extensive working program on the creation of an Area of Freedom, Security, and Justice. While touchy issues such as QMV were circumvented, the Council established a preventive approach toward asylum policy by demanding “partnerships with countries of origin.” The outcome was criticized, by NGOs in particular, as an upgrading of the “European fortress.” Moreover, “the limitation on access to domestic asylum procedures, the downgrading of procedural standards, and the self-proliferating dynamic of ‘safe third country’ rule have been seen to constitute an effective violation of the spirit of the 1951 Geneva Convention” (Lavenex, 2001a:864). At the same time, however, the European Commission initiated a number of proposals to further a more liberal asylum and refugee policy in Europe. A September 2000 draft on a council directive on minimum standards on procedures in member states for granting and withdrawing refugee status,<sup>11</sup> for instance,

<sup>10</sup>Deutscher Bundestag, 185. Sitzung, Plenary Protocol 13/185, p. 16735D.

<sup>11</sup>Proposal for a council directive on minimum standards on procedures in Member States for granting and withdrawing refugee status, COM (2000) 578.

was rejected by Germany, which again feared the imposition of (financial) obligations. From the IGC in Nice to the negotiations in the European Convention the Amsterdam constellation was reiterated. While formal declarations such as the Charter of Fundamental Rights were still supported, Germany continued to block QMV on account of fears that more substantive achievements might actually yield additional financial obligations. Still advocated most prominently by the *Länder*, the veto position was supported well beyond party splits. In the end of negotiations on QMV in the European Convention, for instance, Bavarian head of state Edmund Stoiber warned that “through the backdoor it could lead to the regulation of influx of asylum seekers to the labor market by EU majority decisions.”<sup>12</sup> As a result of this criticism and the subsequent discussion in Germany, an unusual and very surprising German coalition was built: Although the German Convention members as well as the German federal government had originally signaled that they would agree to QMV, now the Convention members Joschka Fischer (foreign minister, Green, representing the government), Erwin Teufel (prime minister of Baden-Wuerttemberg, CDU, representing the *Bundesrat*) and Jürgen Meyer (SPD, representing the *Bundestag*) wrote a joint letter to the Convention President Giscard d’Estaing and emphasized, with reference to the German Chancellor Gerhard Schröder and the prime ministers of the *Länder* that a national veto should be permitted on asylum and refugee policy. After some discussion in the Convention, Germany was successful in getting its veto, even if this was not as extensive as it had wished. The regulation of access to the national labor market will be decided by unanimity, asylum policy will be communitized and the Council will decide by QMV.

Notably, what appeared to be a change in behavior on account of the *Länders’* particularistic interests at the first glance, has become, step by step, a routinized position beyond both party cleavages and struggles for competencies between the *Länder* and the federal government.

While Amsterdam marks a clear turning point in German *behavior*, the reiteration of the “Amsterdam constellation,” integrationist proposals rejected by Germany on account of cost-benefit calculations with ever-increasing support for the proponents of an instrumental approach in integration, indicates a more fundamental change in German *identity*. Not only does pursuing integration as a political project seem less attractive to German decision makers since Amsterdam, even an instrumentalization of the European level, as exhibited in the abolition of liberal cornerstones of postwar asylum policy after Maastricht, turns out to be less of an option. Meanwhile, however, since Amsterdam in particular, the European Commission has emerged as a more powerful actor in the field of asylum and refugee policy with a liberal commissioner since 1999, Antonio Vitorino, who has been confronting member states with a number of proposals to enhance rights for refugee projection and asylum. While since Amsterdam the “density” of the interplay between the German policy and European governance seems to have declined, the developments in Germany, routinizing opposition to further integration, and at the European level, striving for further competencies, cannot be understood without reference to the emergence of that constellation up to the Amsterdam Summit. In that respect, one might say, Germany is haunted by its Europeanized past.

### Security and Defense Policy

The end of the Cold War challenged the rules governing European security and defense. The negotiations on the Maastricht Treaty in 1990/1991 soon became the most important forum for discussing a reform of European governance of security and defense, marking a first major summit in the period covered by this case study.

<sup>12</sup>*Financial Times Deutschland*, June 16, 2003; “Stoiber lehnt Vorschlag für europäische Verfassungab”; *EU Observer*, June 16, 2003, “Convention Ready to Adopt European Constitution.”

Leaving the general provisions untouched the Amsterdam Treaty paved the way for an unexpected relaunch of European security and defense policy. Germany used its 1999 presidency to re-embed what has started as a British–French initiative in St. Malo into the structures of European governance at the European Council of Cologne, a second major summit. While the implementation of the Cologne decision and their further specifications at the subsequent Helsinki Council proceeded, and even first EU missions out of area were carried out, the “Convention on the Future of Europe” (usually abbreviated as “European Convention” or “Constitutional Convention”) reopened the discussion about reforms in European security and defense policy.

*Germany and the Governance of Security and Defense during the Cold War*

Given its position as a frontline-state during the Cold War, Germany relied on the provision of its security by others, particularly the United States. As a consequence, NATO became the single most important framework of Germany’s security and defense policy whereas European integration became a primarily economic enterprise. As long as the pivotal role of NATO in security and defense remained unchallenged, Germany also supported European security institutions. In doing so, Germany was able to meet the demands of its most important partner, France, which had been semi-detached from NATO. Although the members of the European Community had made some effort to coordinate their foreign policies within European Political Cooperation (EPC), security and defense issues have, by and large, been missing from its agenda. In the 1980s, the Western European Union (WEU) resumed a role as a forum for consultation among the European members of NATO but never challenged the pivotal role of NATO.

Several decades of integration into the North Atlantic Alliance, on the one hand, and into the European Community, on the other, had left a deep imprint on Germany’s identity and interests. Put in pragmatist parlance, Germany’s having part in the practices and habits of the Western institutions encouraged a particular set of rules for action. In stark contrast to the pre-World War II period, Germany “assumed what might be called an ‘instinctive multilateralism’” (Schlör, 1993:6; cf. also Anderson and Goodman, 1993:23/24). Within that multilateralist identity, support for European integration had a particularly prominent place. According to Peter Katzenstein, “Germany’s participation in European institutions [. . .] has come to define Germany’s identity and interests. Germany is the good European par excellence. It consistently advocates policies that support European integration, even if these policies reduce Germany’s national power or run counter to its short-term interests” (Katzenstein, 1997:260).

*Giving the EU a Role in Security and Defense: German Policy during the IGC in 1990/1991*

At the time of the Maastricht negotiations, German policy was most of all driven by concerns about renewed unilateralism. Although the European Economic and Monetary Union became the most prominent project to maintain a multilateralist and integrationist momentum, a European foreign, security, and defense policy was a further welcome opportunity to establish close institutional ties among the members of the EU.

The proposal to establish a “European Corps” may serve as an example to illustrate characteristic features of German policy. The proposal immediately led to concerns about the future of NATO in London and Washington. British and American diplomats wondered what military function this Eurocorps was to assume and what kinds of missions it was designed to carry out. The military aspects of a European corps had hardly been discussed by French President Mitterrand and German Chancellor Kohl, who had been eager to exclude the defense ministries

and even the foreign ministries from their negotiations. Instead, the Eurocorps was mainly designed as a political project. First, it was designed as a model for closer cooperation with the other WEU members, and as such designed to give the negotiations on political union further impetus. Second, it was a welcome justification for keeping French forces in Germany after unification. Most importantly, the French minister of defense endorsed his German colleague's statement that the Eurocorps would not question the primacy of NATO.<sup>13</sup> German officials emphasized that no assignment of German troops to NATO would be reversed. In contrast, German troops might be assigned additional commitments.<sup>14</sup>

The Eurocorps episode is characteristic for Germany's security and defense policy of that period: the initiative was driven by broader political considerations whereas issue-specific aspects only played a marginal role. The ministry most affected by the initiative was deliberately excluded from the negotiations in order to bypass professional skepticism. The initiative was designed to foster good relations with a key partner (France) and to add another layer to the existing pile of multilateral projects. The initiative is also significant in that its specific implications—where, when, and under what circumstances the Eurocorps should be put into action—were largely ignored.

#### *Post-Maastricht Governance of European Security and Defense and Its Implementation*

Whereas the European Council in Maastricht marks a “summit” during which new rules are debated and eventually agreed, the subsequent period can be regarded as a “valley” during which implementation rather than creation is at center stage. As mentioned above, this is also reflected in a change of perspective: instead of reporting from Germany's point of view, the paragraphs in this section take a bird's-eye view.

Although the Maastricht Treaty did not (yet) assign a common defense policy to the EU, it marked a major step in that direction. It stipulates that “the common foreign and security policy shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence” (art. J.4 TEU). The WEU was pictured as “the defence component of the EU” and as “a means to strengthen the European pillar of the Atlantic Alliance.” The Amsterdam Treaty of 1997 left these provisions largely untouched. However, it added that there may be a common defense and that WEU *could* be integrated into the EU “should the European Council so decide.” A few months after the Maastricht summit, the WEU was given an operational role for the so-called Petersberg tasks (peace-keeping and peace-enforcement measures). In order to preserve NATO as the major forum for consultation and to keep the United States committed to European security, negotiations were carried out to enable WEU-led out-of-area missions with recourse to NATO assets. The respective agreement was finalized at the NATO summit in Berlin in 1996.

This new set of rules came quite close to the goals that Germany had pursued since unification: emerging trends toward unilateralism were successfully countered by an ever denser network of multilateral institutions. Although the WEU acquired a role in security and defense, NATO remained the major forum for consultation and the major player in out-of-area missions. As a welcome side effect, the participation of the Bundeswehr in out of area missions became an accepted feature of German policy.

<sup>13</sup>*Süddeutsche Zeitung*, October 29, 1991 “Deutsch-Französisches Korp soll NATO nicht schwächen”; *Frankfurter Allgemeine Zeitung*, November 8, 1991, “Spannungen um das neue Armeekorps,” by Gunther Gillissen.

<sup>14</sup>Chancellor Helmut Kohl, quoted from “Kohl antwortet im Bundestag auf Bedenken und Fragen der NATO Partner,” *Frankfurter Allgemeine Zeitung*, November 7, 1991.

*Creative "Double-Hatting": Germany during Its 1999 EU Presidency*

The Amsterdam formula (that the Council may decide to give the EU a role in defense) seemed to carry little weight at the time of its negotiation but soon turned out to have paved the way for an unexpected relaunch of European security and defense policy. The new initiative came from the United Kingdom.<sup>15</sup> In late 1998, the British government changed its policy and launched an initiative to strengthen European defense policy. This change in British policy reopened the "horizon of possibilities" for European security and defense policy. Until the fall of 1998, any further strengthening of European defense structures had been blocked by successive British governments. For many years, therefore, anticipated British opposition had stalled any entrepreneurial action in this area. Because the British change in policy had widened the "horizon of possibilities," the ensuing months deserve to be treated as a "summit." During the first half of 1999, Germany was in a particularly good position to influence the further course of events because it held the presidency of both the EU and the WEU. Indeed, the German government seized the opportunity to strengthen European security and defense.

Initially, the new German government was skeptical about the Saint Malo declaration but became more enthusiastic about the project in the following weeks (cf. Schmalz, 1999:195). Schröder and defense minister Scharping "concluded that the initiative offered a real chance to overcome the sometimes painful tensions that had in the past torn Germany between French and British views on European defense" (Andréani, Bertram, and Grant, 2001:21). In a speech to the European Parliament in January 1999, foreign minister Fischer emphasized the importance of a European security and defence identity for a further deepening of European integration and for countering recent trends toward unilateralism.<sup>16</sup>

The issue of European security and defense cooperation received further impetus by NATO's campaign against Serbian targets that made the Europeans' dependence on the U.S. military highly visible and thus underlined Blair's analysis of European deficiencies. Equally important for the further development of ESDP during the German presidency was NATO's Washington summit on April 24, 1999, when NATO endorsed the European plans for ESDP.

During its presidency, Germany managed to incorporate the Franco-British initiative into the European Union. For this achievement, the German government contributed to addressing and overcoming the concerns of the nonaligned as well as the "atlanticist" member states. The concerns of the neutral states could be successfully addressed by adding a "civilian" dimension to ESDP (Adam, 2002:141). France and the United Kingdom initially opposed such an addition because they were worried that the military dimensions could be watered down. However, Germany successfully argued that an ESDP with both military and civilian capabilities would be particularly effective and would endow the EU with a comparative advantage over other security institutions. As regards ESDP's repercussions on NATO, the German government argued that ESDP would strengthen, not undermine NATO. To underline this claim, Fischer suggested to appoint the new High Representative in CFSP for the post of WEU secretary general as well, who has a right to attend NATO meetings as an observer. This "double-hatting" emphasizes that WEU/EU and NATO are complementary rather than competing. Moreover, the concept highlights that both institutions have largely overlapping membership and there-

<sup>15</sup>If this article was concerned with British policy, this episode would merit another change of perspective in order to emphasize British entrepreneurship in reopening the reform agenda on security and defense. As this article is dedicated to German EU policy, however, British foreign policy appears to be part of Germany's environment, i.e., as an external event.

<sup>16</sup>Debates of the European Parliament, Sitting of Tuesday, January 12, 1999. Interviews in the Foreign Office also indicate that Fischer perceived a more efficient European foreign policy as an important vehicle to enhance the legitimacy of European integration.

fore, by and large, draw on the same resources and personnel. The thrust of the “double-hattig proposal” was further highlighted by suggesting the appointment of Javier Solana, whose term as secretary general of NATO was coming to a close. Solana’s nomination was particularly welcomed by the atlanticists because Solana’s appreciation for NATO was beyond doubt and his reputation in the United States has been very high. At the same time, the appointment of a Spaniard seemed more acceptable for the French than a possible appointment from an atlanticist member state such as Britain. Finally, the appointment of Solana meets the German aim to have a political heavy-weight appointed to the post (Schmalz, et al., 2001:563).

#### *Implementing the Cologne Decisions*

At the Cologne European Council in June 1999, the member states envisioned the European Union to “have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so.” The implementation of this goal required the “maintenance of a sustained defense effort, the implementation of the necessary adaptations and notably the reinforcement of our capabilities in the field of intelligence, strategic transport, command, and control.”

During the Finnish presidency in the second half of 1999, the focus was on the specification of a “headline goal” that the member states endorsed at the Helsinki European Council in December 1999. The United Kingdom and France proposed to define “convergence criteria,”<sup>17</sup> partly because of skepticism about the German government’s commitment to endow the EU with military capabilities (Le Monde, 1.6.1999; for a more extensive discussion, cf. Pfeiffer, 2003:49). Although the establishment of convergence criteria failed, the European Council in Helsinki on 10/11 December established a headline goal that committed the member states to become “able, by 2003, to deploy within 60 days and sustain for at least 1 year military forces of up to 50,000–60,000 persons capable of the full range of Petersberg tasks.” In 2004, the European Council endorsed a new “headline goal 2010.” Because of a Franco–British initiative, high-readiness forces (“battle groups” of 1,500 troops each) have become a key element.

During the Portuguese and French presidencies in 2000, a permanent Political and Security Committee, a Military Committee, and a Military Staff were established (Müller-Brandeck-Bocquet, 2002). In addition, the presidencies negotiated with NATO members that were not (yet) EU members about consultation and participation agreements. Because of Greco–Turkish quarrels, these negotiations were stalled until late 2002 when NATO also agreed to grant the EU access to its planning capacities.

#### *Germany and the European Convention*

While the implementation of the Helsinki headline goal proceeded and even first EU missions out of area were carried out, the European Convention reopened the discussion about reforms in European security and defense policy. Soon after foreign minister Fischer replaced Peter Glotz as the German government’s representative in the Convention, he presented an ambitious Franco–German proposal for a European Defense Union.<sup>18</sup> The proposal suggests inserting a new clause on

<sup>17</sup>French Action Plan: Letter from M. Jacques Chirac to the Finnish presidency, July 22, 1999, reprinted in Rutten (2001:48–53). French Defense Minister Alain Richard also proposed “criteria of operational capabilities” including “the number of companies that can be deployed in two months and the number of aircraft able to carry out precision strikes both day and night” (Agence Europe No. 3126, July 16, 1999).

<sup>18</sup>Contribution by Mr. Dominique de Villepin and Mr. Joschka Fischer, members of the Convention, presenting joint Franco-German proposals for the European Convention in the field of European security and defense policy of November 22, 2002 (CONV 422/02).

“solidarity and common security” into the constitutional treaty and to extend enhanced cooperation to the realm of security and defense. For Fischer and de Villepin, “enhanced cooperation” is also the key to improving capabilities: all member states willing to do so shall make an additional commitment to harmonize military planning, to pool resources and capabilities, and to agree on a distribution of tasks. Finally, Fischer and de Villepin suggested establishing an armaments agency on the basis of enhanced cooperation. Such an agency was welcomed by the United Kingdom as well although the British government expected the agency to encourage the improvement of capabilities. In contrast, France preferred to have the agency support the industrial basis of European defense equipment. In a striking break with previous positions, German foreign minister Fischer tabled an amendment that argued for unanimous decision making in specifying the agency’s statute. According to the German government, QMV could lead to the assignation of competencies that included the coordination of armed forces. Because the German government wanted to avoid any further pressure on conscription, they aimed at securing a narrow mandate for the agency.

The European Convention appears as a welcome occasion to resume the institutional and symbolic politics of the early 1990s. The issue of capabilities has again moved to the background or has been discussed in institutional terms (as with regard to new institutional arrangements for planning and acquisition of procurement).

*The New Governance of European Security and Defense: Substantive Achievements and the Difficulty of Living Up to Them*

NATO has lost its unchallenged role in governing European security and defense. This has become most visible in the first out-of-area missions carried out by the European Union: in 2003, the EU took over the command of “Amber Fox” in Macedonia from NATO and agreed to meet a request by UN Secretary General Annan to deploy troops to the North Eastern part of Congo (“operation Artemis”). These missions had been preceded by the finalizing of the so-called “Berlin plus”-agreement, which establishes a set of rules for EU–NATO cooperation. Notwithstanding this agreement, the appropriate degree of European unity and independence has continued to be a matter of dispute culminating in open confrontation over U.S. President Bush’s policy on Iraq. It is important to note, however, that the horizon of possibilities has significantly shifted toward greater European independence.

By becoming a proactive player in military crisis-management, the EU for which the term “civilian power” had once been coined (Duchêne, 1973) has changed its character.<sup>19</sup> Although the deployment of troops remains a sovereign decision of the member states, the EU has assumed responsibility for military missions out of area. As a consequence, the terms of the debate on a European security and defense policy have shifted from primarily institutional, or even symbolic, questions to “capabilities” as the dominant issue. As regular commitment conferences and the European Capability Action Plan demonstrate, EU member states are now expected to make a significant contribution to a European security and defense policy already *in action*.

In supporting the goal of a European defense policy, Germany made commitments to earmark some 18,000 troops and to acquire, among other things, 73 new long-range aircrafts from the Airbus consortium. As regards the Headline Goal 2010, Germany announced its intention to participate in three multinational battle groups.<sup>20</sup> However, Germany has been ill prepared to live up to these commit-

<sup>19</sup>Cf. the discussion in Jünemann and Schörnig (2002) and Dembinski (2002).

<sup>20</sup>Because it did not necessitate significant costs, Germany had fewer difficulties living up to its commitments for the civilian dimension of ESDP, although Germany decided not to participate in the 3,000 strong European Gendamerie Forces launched in September 2004.

ments. The German defense budget had dropped from 2.2% of GDP in 1990 to 1.6% in 1998. Moreover, the bulk of expenditure was dedicated to personnel. Thus, the investment share has been shrinking dramatically. Little room was left for new acquisitions. This has become visible, for example, with regard to Germany's failure to implement one of the crucial procurement decisions for ESDP, that is, to buy 73 long-range aircrafts as promised to its European partners. After long arguments with Parliament and the Ministry of Finance, the Minister of Defense announced that a range of procurement projects had to be scaled down. Instead of 73, Germany would order only 60 aircrafts A 400 M. During the cumbersome negotiations within Germany, the A 400 M project was on the brink of failing entirely because other participants had made their orders contingent on the German share.

An additional obstacle was brought about by the fact that almost all German policymakers adhered to conscription as a basic principle of military policy. By contrast, most other member states had abolished conscription in favor of smaller professional troops that are better suited to carry out demanding out-of-area missions. In Germany as well, experts recommended a professionalization in order to concentrate scarce resources. Notwithstanding these pressures, however, most German decision makers regarded conscription as a cornerstone of Germany's political culture that differed from the militarism of its past. As a consequence, efforts to abolish conscription have all been blocked by a majority of decision makers. At the same time, however, conscription has indeed been hollowed out both in terms of extent (covering no more than 30% of a year) and duration (being reduced to nine months). Notwithstanding the maintenance of conscription in principle, therefore, a major feature of Germany's political culture and identity has been severely challenged by ESDP and has undergone some change.

Over the course of the last decade or so, two major features of Germany's political culture and identity have increasingly come into conflict. This has already resulted in a first policy change. Even more significantly, Germany's political culture and identity can be expected to change in the years to come, following a similar path as in asylum/refugee policy. The growing mismatch between symbolism and substance has an impact on both Germany's antimilitarist and its Europeanist identity. First, the commitment contribute troops to out-of-area missions has increased the pressure to modify and finally abolish conscription. Although this pressure has been reinforced by ESDP, however, it would almost certainly have emerged without a European context as well. However, because there has been a European context to security and defense policy, the growing mismatch between symbolism and substance also leaves an impact on Germany's Europeanist identity: as a consequence of having the European Union as an additional multilateral layer in security and defense policy, Germany's failure to live up to its commitments damages its integration policy. In this crucial project of European integration, Germany has assumed the position of a laggard when it comes to delivering troops and equipment.

### **Conclusion: The Interactionist Approach and Changes in German Identity**

Germany's role in European integration has shifted from vanguard to laggard. While the origins of both security and defense policy as well as asylum and refugee policy at the European level can be traced back to initiatives that were supported by or even originated in Germany, further institutionalization has been obstructed. Whereas, in the field of asylum and refugee policy the Amsterdam summit marks a clear turning point in Germany's position, the transformation of German policies on European security and defense proceeded rather as an incremental decrease in material support, aggravating substantive progress in the policy field. In both cases, however, processes of transformation cannot be reduced to situational changes in position. Moreover, in both cases changes were largely independent of the change in government in 1998, which in itself marked a major break in Germany's postwar

history because of the fact that a conservative coalition was replaced for the first time by a coalition of two self-consciously “left” parties traditionally emphasizing an “internationalist” foreign policy orientation. It did not come as much of a surprise, therefore, that in security and defense policy the “Red-Green” coalition government initially continued to support further integration and actively re-embedded the St. Malo initiative into the framework of European governance at the Cologne summit in 1999. In asylum and refugee policy, in contrast, a major policy change had already taken place at the Amsterdam summit in 1997. Contrary to the findings of policy research that has emphasized political learning in the context of changes of government (cf. Sabatier, 1993), the transformation from vanguard to laggard in the policy fields under investigation unfolded continuously, without significant interruptions in 1998.

It is the routinized pattern by means of which Germany used to prefer “European solutions,” thus negating conflicts of interest between the intertwined levels of policymaking that is subject to change, apparently giving way to a gradually more instrumentalist attitude vis-à-vis the politics of integration. Hence, it seems warranted to interpret policy developments in both cases under investigation as strong indicators for a change in German identity, a transformation of the routinized self-perception rather than a mere shift in behavior.

Importantly, Germany’s transmogrified identity has not been the result of strategic planning, or an unfolding grand strategy, nor did it amount to an unavoidable adaptation to structural shifts at the systemic level. As we have demonstrated, these processes of transformation were rather produced by the complex interplay between German policy and European structures of governance. Hence, in contrast to the “individualist and calculative conception of action” (Emirbayer and Mische, 1998:965) underlying most operationalizations of the ASP, our analytical framework has shed light on the indirect effects of (inter-)action. Specifically, we observed three kinds of indirect effects. First, reflexive actors are capable of steering the process in order to achieve specific outcomes. The constitutional changes that significantly curtailed Germany’s liberal right for asylum, for instance, were legitimized in public with references to legal obligations at the European level.<sup>21</sup> Second, as we have pointed out above, the interactionist framework allows us to trace both the emergence and the political effects of unintended consequences. At the surface, Germany’s lacking support for the build-up of military capabilities that are necessary to realize the shift from symbolic politics to substantive policies in ESDP was mainly because of budgetary constraints in the context of the stumbling recovery from a dramatic slump in the German economy. While we have no indication that the obstructive effects that such a tribute to domestic concerns for fiscal discipline may yield at the European level have been intended, they clearly could have been anticipated by decision makers. We thus need to differentiate further between unintended consequences of action that are taken into account as unwelcome side effects and, third, indirect consequences of action that are both unintended and unanticipated.<sup>22</sup> When Germany supported the empowerment of the regions at Maastricht in order to improve the democratic legitimacy of the newly founded Union (getting Europe closer to the citizens), and implemented these decisions by giving the *Länder* a constitutional right to participate in decision making, it was neither intended nor anticipated that the *Länder* would actually use their newly gained competencies to make the government block QMV in asylum and refugee policy.

Being capable of grasping these diverse forms of indirect consequences of action, the operationalization of the agency–structure problem as an interplay between

<sup>21</sup>Cf. Wolf (2000).

<sup>22</sup>For the distinction between unintended and unanticipated consequences of action, cf. Simmons and Martin (1998:749–759).

German policy and European structures of governance in the context of an interactionist framework has thus allowed us to take seriously the proposition that both structural and agentic determinism need to be avoided in order to grasp processes of transformation (cf. Katzenstein, 1989:296). While there is some powerful evidence for far-reaching (“structural”) change in Germany’s European policy as well as its foreign policy identity, the incremental character of such processes of transformation requires a careful distinction between symptoms and causes (cf. Pierson, 2003:178–179).

Our case studies have shown how important it is to relate the micro-level of decisions and policies to the macro-level of identity (re-)production over an extended period of time in order to come to grips with the significance of evolutionary change. The reference to the three levels of decisions, policies, and identity is significant here because if we look closely at the series of loosely connected decisions in the fields of defense and asylum at the micro level, these decisions acquire meaning only if we weave them into a larger meta-narrative at the macro-level that relates policy and identity on the one hand and rules and resources on the other. What we do observe at the micro level is a mixture of decisions that—even though they may be both driven by a shallow Europeanized predisposition on the part of German decision makers and constrained by the institutional environment of the EU—combine to produce changing policies, a changing identity, and even changing institutions (although this latter phenomenon figures less prominently in our cases) at the macro-level that were either unexpected or not accounted for in terms of their underlying causal mechanisms.

Applicable to any cases of dense institutionalization beyond the nation-state, our interactionist framework thus provides an alternative to predominant operationalizations in the wake of the “constructivist turn” in IR. Ironically, a debate that has been triggered by abstract reflections on an ontological paradoxon, that is, agent-structure co-constitution, has yielded hardly any methodological answers as to how this paradoxon could be translated into empirical research. One critic even observed that quite the opposite can be observed (cf. Wight, 2002:40). What appears to be problematic with many attempts to operationalize the ASP is not only its presumed bias toward progressive norms (cf. Finnemore and Sikkink, 2001:403f), that is, a predominance of “liberal constructivisms” that ought to be remedied by “realist constructivisms” (cf. Barkin, 2003). The more fundamental problem is that methodologically, constructivist approaches in IR tend to entail a preference for either liberal or realist predictions instead of conceiving of specific agency–structure interplays as open processes that might yield either realist or liberal outcomes—or neither. Avoiding theoretically predetermined answers to empirical questions our interactionist framework forbears from stipulating specific predictions as to how the interplay between German policy and European structures of governance will play out. Hence, we have not proposed a causal model of European integration, but suggested an analytical framework, which is generally applicable in any instance of institutionalization in order to grasp the intertwined effects of international institutions on national foreign policy on the one hand and foreign policy initiatives on international institutionalization (or regional integration) on the other.

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