

Incrementalism and Path Dependence: European Integration and Institutional Change in National Parliaments*

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Abstract

This article analyses the manner in which the parliaments of France, the UK and Greece have reacted to the process of European integration. It is argued that their reaction displays an incremental logic marked by slow, small and marginal changes based on existing institutional repertoires. In all three cases parliaments have used familiar mechanisms and procedures which they have modified only marginally. This reaction was path dependent, i.e. it was consistent with long-established patterns reflecting the subordinate position of these parliaments within national polities.

I. Introduction

European integration and national polities

The process of European integration poses an important challenge for national polities. Given the central role of national executives in the decision-making process of the European Union (Kassim and Wright, 1991), national parliaments have come to regard integration as a threat to their powers: governments can adopt legally binding decisions at the level of the EU which in the domestic context would normally require the involvement of Parliament. This has always been a significant facet of the so-called 'democratic deficit'. Moreover, the initial weakness of the European Parliament further underlined the weak parliamentary input in the EU policy process. The problem was more acute in member states like the UK, where the very issue of membership was politically contentious. How did national parliaments respond to these challenges? Did they follow innovative or traditional patterns? When change occurred, what shaped it? The question then arises as to *how* parliamentary institutions change.

Institutional theory offers interesting insights regarding the *pace* and the *direction* of institutional change, which is construed here as change in 'formal structure, organizational culture and goals, programme or mission' (DiMaggio and Powell, 1991, p. 81). This article focuses on change in formal structure and goals¹ because these factors structure the relationships between participants (Thelen and Steinmo, 1992) in the policy process as well as the system of expectations (Luhmann, 1999) and, thus, the behaviour associated with institutions.

The article goes beyond the mere description of formal structures and goals, and places them in the political context within which they operate (section II). The analysis, however, concentrates on EU-specific mechanisms for parliamentary scrutiny since these

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¹ To be sure, there is the broader issue of the impact of European integration upon national parliaments, the analysis of which would entail an examination of other dimensions, including party politics. However, this issue goes beyond the scope of this article, which focuses specifically on the relations between legislatures and executives in the conduct of EU policy.

mechanisms combine horizontal and sectoral roles in the sense that they deal not only with policy-specific issues but also with the development of the process of integration². Finally, the article focuses on the cases of France, the UK and Greece, for three reasons. First, they have historically approached the process of integration in distinct ways. Secondly, they have joined the, then, EC at different stages of its historical development. Finally, they share an institutional legacy that is underpinned by the centralisation of power. How did the parliaments of these member states respond to the common pressures that stem from the process of integration? The analysis proceeds in three steps. In the following sub-section, recent institutionalist approaches are discussed and lessons are drawn with regard to the direction and the pace of institutional change. Section II gives an account of the development of parliamentary mechanisms for the scrutiny of EU policy. Then, in Section III, the discussion turns to the nature of institutional change.

The main thrust of the argument is that the parliaments of France, the UK and Greece have responded to the challenge of European integration in an incremental and path dependent manner. In particular, they have responded broadly by using their own standard operating procedures and institutional repertoires rather than by innovating, in a manner that *confirms* existing patterns of interactions with national governments. The marginal, incremental changes that occurred

- (a) followed developments at the level of the EU, thus underlining the reactive approach adopted by national parliaments and, more importantly,
- (b) were largely beneficial to skilful national governments, contrary to the initial objectives of some reformers. In that sense, change was path dependent since it reproduced existing patterns. Indeed, more ambitious attempts to promote change failed on the grounds that they were ‘inappropriate.’

The pace and direction of institutional change

Institutions tend to reflect the environment in which they operate. This is achieved, *inter alia*, by the incorporation of environmental structure which involves the *evolution* of organisational structure over time ‘through an adaptive, unplanned and historical process’ (Scott, 1991, p. 179). Although abrupt and radical institutional change is possible (Krasner, 1984, p. 240), it is normally followed by long periods of stability or *incremental change* marked by small, timid steps which conform to a broader pattern. This is so because ‘the self-reinforcing feedback mechanisms that support path dependent processes make it difficult for organizations to explore alternative options’ (Powell, 1991, p. 197). Indeed, as Krasner (1984, p. 240) notes, ‘institutions generated by functional demands of the past can perpetuate themselves into a future whose functional imperatives are radically different’. Comparative analyses of attempts to re-organise national administrations in the USA, the UK and Nordic countries reveal significant differences between them. These differences are rooted in historical and institutional factors. Institutions ‘embed historical experience into rules, routines and forms that persist beyond the historical moment and condition’ (March and Olsen, 1989, p. 167).

Institutions preserve themselves not only by resisting some forms of change but also by developing their own criteria for the definition of appropriate and successful action (March and Olsen, 1989). They possess a stock of responses (institutional repertoires) that serve as the primary source of routine responses whenever there is a perceived need for change. Thus, *adaptation* is the main pattern that emerges from these incremental processes. Institutions evolve through a process of ‘experiential learning’

² This combination of horizontal and sectoral roles is the key difference that distinguishes them from sectoral mechanisms, which deal, for example, with agricultural policy.

based on trial and error, whereby *appropriate* responses are selected on the basis of rules, standard operating procedures and norms linking roles and situations. In addition, the direction of institutional change is usually 'path dependent'. Krasner's (1984) model of punctuated equilibrium is underpinned by the *logic of path dependence*. Discussing the manner in which states change, he argues that it is impossible to start anew with every change in needs and power capabilities because previous choices either increase the cost of new strategies or preclude them altogether (Krasner, 1984, p. 240). Hence, *this process bears the hallmarks of history* since past choices affect future developments. More importantly, the mere existence of institutions creates a set of expectations that render specific courses of action more appropriate than others. Thus, even when there are calls for change, they are assessed on the basis of conceptions and images of 'appropriate action' that are shaped by a longer-lasting historically defined process.

How, then, did the French, British and Greek Parliaments respond to the challenge of European integration? Did they innovate or was their response a product of path dependence?

II. The development of the machinery for scrutiny: The logic of small steps

France

The French Constitution of 1958 has had a major impact upon the role of Parliament. 'The 1958 Constitution was drawn up as a reaction to the 1946 Constitution that granted broad powers to Parliament. As a result, the 1958 Constitution *restricts and gags Parliament*, in fact preventing it from exercising its powers of control' (Cot, 1980, p. 11). The response of the two Houses to European integration follows this pattern established by the Constitution of 1958.

Art. 43 limits the number of permanent commissions to six in order to ensure that they do not 'shadow' ministerial departments as they did before 1958 (Burdeau, Hamon and Troper, 1993, p. 573). The prevailing view within the French Parliament was that European affairs were an aspect of foreign policy, which was scrutinised by a specialised dominant parliamentary commission in each House. Therefore, until 1979 the two Houses had no EC-specific mechanisms. However, the first direct election of MEPs in 1979 created a competitor to both Houses. Hence the establishment in 1979 of one *délégation* in each House (*République Française*, 1979).

This was the first time that *délégations* were used for the scrutiny of a policy area that traditionally had been considered an aspect of foreign policy. This was an important development for it was the first case in which the activity of the government in a major policy area would be partly scrutinised by a mechanism whose status was *inferior* to parliamentary commissions. Nevertheless, the innovative nature of this choice must not be overstated. Rather, it confirmed existing patterns, since the commissions remained the dominant players within the parliamentary sphere while the *délégations* were already being used for the scrutiny of other policy areas (Laporte, 1981).

Indeed, the eighteen members of the *délégations* were drawn from all six permanent commissions, although the powerful commission of foreign affairs, which was then chaired by Maurice Couve de Murville, de Gaulle's Minister of Foreign Affairs in the 1960s, was over-represented. Prior to the establishment of the *délégations*, Couve de Murville was very keen to underline their subordinate status. He therefore stressed the fact that the *délégations* were no more than an *intermediary* between the government and the commissions; the latter alone had the responsibility for issues of substance (Laporte, 1981, p. 133).

The objective of the two *délégations* was to *inform* the two Houses about the activities of European institutions. The government was under an obligation to provide EC documents giving information regarding negotiations in Brussels prior to the adoption of formal decisions and covering issues in the domain of the law which, under art. 34 of the French Constitution of 1958, primarily concerns civil rights, penal law, taxation, national defence and the nationalisation of industries—i.e. issues in which the then EC had little, if any, involvement. The *délégations* could then present their own conclusions to the relevant permanent commission of each House.

The role of the *délégations* within the two Houses remained weak throughout the 1980s. They can be depicted as two clearing houses. They had the power to propose non-binding resolutions to a permanent commission which, in turn, could impose its own amendments or even reject the proposal altogether. However, these resolutions have never had any binding effect upon the French government. Hence, the scrutiny system has been predominantly geared toward information-gathering rather than influencing the stance of the government (Cottureau, 1982, p. 46). In addition to these inherent weaknesses, scrutiny has been further undermined by the government, which has only partly fulfilled its obligations regarding the transmission of documents. Therefore, the *délégations* have successfully sought to obtain documents from the European Parliament, the Commission and the Council. Paradoxically, this has enabled them to be better informed about developments at the European level than about the position of the French government (Groud, 1991, p. 1318).

After the Single European Act came into force – strengthening the role of the European Parliament, expanding the agenda of the then EC and increasing the use of qualified majority voting – further marginal changes were introduced to the French system of scrutiny (*République Française*, 1990). They primarily focused on (a) a more balanced representation of permanent commissions in each *délégation*; (b) an increase in their membership to 36; and (c) a widening of the range of documents that came under scrutiny to include all draft pieces of European legislation. In addition, the *délégations* have been granted the right to ask - but not to oblige - ministers to give evidence. Hence, the basic pattern of incremental and path dependent change has been confirmed.

The adoption of the Treaty on European Union (Maastricht Treaty) enabled the French Parliament to enhance the *profile* of the scrutiny mechanism without increasing its *powers*. The ‘constitutionalisation’ of this mechanism through an amendment of art. 88 of the French Constitution was merely the ‘price’ the socialist government had to pay in order to ensure the ratification of the Maastricht Treaty (Alberston, 1995, p. 922). Surely that was a small price to pay for such a major step in the process of integration. It was of great symbolic significance in that it has elevated the parliamentary scrutiny of EU policy to the top level in the hierarchy of French legal rules. The two Houses won the right to pass resolutions on EU policy but there was a price to be paid too: the constitutional provision referred only to proposals involving provisions of a legislative nature, thereby limiting the scope of scrutiny to the pre-1990 arrangements.

The importance of the ‘constitutionalisation’ of this process must not be overstated since the Constitution appropriately does not mention the *délégations*. It merely refers to the National Assembly and the Senate since otherwise it would contradict the predominance of the commissions which is recognised by the French Constitution (art. 43). More importantly, the constitutionalisation of parliamentary scrutiny in effect reproduced the logic of path dependent, incremental change. It has led to the establishment by the French government of a procedure aiming to ensure compliance with the new constitutional provisions (*République Française*, 1994; 1999). This procedure ensures that the government not only remains the dominant player but can also use parliamentary

procedures as a bargaining tool in Brussels. Indeed, when Parliament intends to issue a resolution but is unable to do so prior to the meeting of the Council of Ministers, a distinction is drawn between two cases. In the first case, when the relevant piece of draft EU legislation is placed on the agenda of the Council of Ministers up to fourteen days before a Council meeting and there is no 'urgency' or 'special motive', the French member of COREPER is instructed to declare that the French government opposes the inclusion of this issue on the agenda. In the second case, when a piece of draft EU legislation has been placed on the agenda of the Council of Ministers more than fourteen days before the meeting of the Council, the internal rules of procedure of the Council do not allow national representatives to block its inclusion on the agenda of the Council. Nevertheless, if there is no 'urgency' or 'special motive', the French representative will attempt to postpone a formal adoption of the decision without abstaining from discussions in the Council.

The development of the French mechanism for the scrutiny of EU policy confirms the argument presented in this article. It has been both *incremental* – i.e., it has proceeded by means of small, marginal changes based on existing institutional repertoires – and *path dependent*, in that it has neither altered nor challenged the balance of power between the Executive and Parliament. The French government has retained a free hand in negotiations which is precisely the pattern that prevails in the UK as well.

The UK

Unlike the French Parliament, Westminster was quick to react to the accession of the UK to the EC. The issue of the erosion of the principle of parliamentary sovereignty was at the heart of the debate between opponents and advocates of accession (Taylor, 1975, p. 279). However, the stance of the Conservative government was both carefully defined and firm. Even before the accession of the UK, the Chancellor of the Duchy of Lancaster noted that

the Government are deeply concerned that Parliament, as well as United Kingdom Ministers should play its full part when future Community policies are being formulated, and in particular that Parliament should be *informed* about and have an opportunity to *consider* at the formative stage those Community instruments which, when made by the Council, will be binding in this country (emphasis added) (*House of Commons Debates*, vol. 873, 21 December 1972, col. 1743).

This, however, did not lead to the creation of a totally new mechanism. The House of Commons utilised the select committee method (European Scrutiny Select Committee, formerly Select Committee on European Legislation) as a first step towards the establishment of this mechanism (*House of Commons Debates*, vol. 873, 7 May 1974, cols. 361-2). The sixteen-strong committee has been empowered to consider draft EC legislation and other European documents, to report on whether they raise 'questions of legal or political importance' and to make recommendations for further consideration of these documents by the House. Although no guidelines have been provided on what constitutes a question of legal and political importance, the principal criteria used are the effect on UK law, contentiousness and financial implications (Norton, 1995b, p. 96).

Prior to 1991, once a document had been recommended for debate by the select committee, the debate could take place either on the Floor of the House or in a standing committee. Yet debates on the Floor of the House took place after 10pm and were poorly attended (Bates, 1991, p. 123). This led the House to establish in 1991 two *permanent*

standing committees - unlike ordinary standing committees, which lapse when their deliberations end – where debates on European documents could take place. In fact, the permanent nature of the two standing committees is the most innovative element of institutional adaptation in the House of Commons.

Moreover, the development of the Commons' internal rules regarding relations with the government has been consistently incremental. The modification adopted in 1980 - i.e. immediately after the first direct election of MEPs – was politically shrewd and consistent with the symbolic value attached to Westminster. The new arrangement formally recognised the *obligation* of British ministers *to avoid* giving their agreement in Brussels before the end of the parliamentary scrutiny of a document. This arrangement constitutes the most important procedural 'constraint' on the government and is widely envied by other parliaments in the EU (Norton, 1995b, p. 107). The relevant Resolution obliged ministers to withhold agreement when

‘a proposal for European legislation has been recommended by the Select Committee on European Legislation for consideration by the House before the House has given it consideration unless (a) that committee has indicated that agreement need not be withheld, or (b) the Minister concerned decides that for special reasons agreement should not be withheld; and in the latter case the Minister should, at the first opportunity thereafter, explain the reasons for his decision to the House’. (*House of Commons Debates*, vol. 991, 30 October 1980, col. 843).

But why would a powerful newly elected government constrain itself? Paradoxically, this arrangement was not only consistent with Margaret Thatcher's criticism of the then EC, but was also a powerful argument in negotiations in Brussels. In fact, it is more useful to the government than the Parliament itself. This is so because the government maintained a significant margin for action by stating that ministers could easily overcome this negative procedural constraint if 'special reasons' rendered it necessary. The very broad terms in which these reasons were defined further enhances the validity of this argument. The criteria used in this assessment include the need to avoid a legal vacuum; the desirability of permitting a particular measure of benefit to the UK to come into force as soon as possible and the difficulty, especially in the case of protracted or difficult negotiations, of putting a late reserve on a measure which will have little effect on the UK or which is likely to be of benefit to the UK. More importantly, assessing whether these criteria are satisfied remains firmly in the hands of the government. This arrangement has been confirmed by resolutions adopted in 1990 (*House of Commons Debates*, vol. 178, 24 October 1990, col. 399) and 1998 (see *House of Commons Debates*, vol. 319, 17 November 1998, col. 778). This resolution further extends the right of ministers not to withhold agreement for proposals that they consider to be 'confidential'.

Ironically, the idea that MPs could hold ministers accountable for action taken in Brussels seems to have reduced the time allocated to debates on European affairs on the Floor of the House of Commons prior to the establishment of the permanent standing committees. While the average time spent in 1978–80 was 47 hours, in 1981–88 it fell to 32 hours (author's calculations based on data from Boulton, 1989, p. 271).

Institutional adaptation in the *House of Lords* followed the basic select committee model (*House of Lords Debates*, vol. 350, 10 April 1974, col. 1229). The committee has twenty members and broadly suits the Lords' system, which is characterised by an absence of departmental select committees. The committee operates in a rather decentralised manner. It has appointed six specialised sub-committees (Economic and

Financial Affairs, Trade and External Relations; Energy, Industry and Transport; Common Foreign and Security Policy; Environment, Agriculture, Public Health and Consumer Protection; Law and Institutions; Social Affairs, Education and Home Affairs) and, following a double 'sift' (one by the chairman of the committee and one by each sub-committee), scrutiny focuses on a small number of documents which are then analysed in greater detail. This underpins one of the committee's most important strengths, namely, the scrutiny of *policy trends* rather than specific pieces of draft legislation. Most of the 20 to 30 reports that it produces each year are recommended for debate that takes place on the Floor of the House. In 1999, post-1990 arrangements used in the House of Commons-obliging ministers to withhold agreement if scrutiny has not been completed-have been extended to the House of Lords (*House of Lords Debates*, 6 December 1999, cols. 1019-20).

As in the French Parliament, institutional change at Westminster has followed an incremental and path dependent logic. The two Houses have essentially used existing mechanisms and procedures in order to respond to pressures for change stemming from the process of integration. More importantly, change has failed to challenge the established patterns of interactions between the Parliament and the Executive whereby the accountability of the latter to the former has declined over time (see Dunleavy and Jones with Burnham, Elgie and Fysh 1993; Burnham and Jones with Elgie 1995). The case of the Greek Parliament is underpinned by a similar pattern.

Greece

Art. 3 of Law 945/1979 by which the Greek Parliament ratified the Treaty of Accession obliged the government to submit to the Parliament an annual report on developments in the process of integration. However, the first government report on the development of the process of integration was submitted to the Parliament in May 1989, eight years after Greece's accession. The Greek Parliament did not use its powers to establish an EC-specific mechanism for scrutiny until 1990. The establishment of the Greek Parliament's European Community Affairs Committee in June 1990 (Hellenic Parliament 1990) - almost ten years after the Greek accession - was primarily an attempt to fill a significant gap regarding information on the process of European integration. This was reflected in the composition of the committee, which was chaired by a vice-chairman of the Greek Parliament and included twelve Greek MEPs and an equal number of MPs. This composition was the only innovative characteristic of the committee, which, however, also demonstrated its weakness and functional orientation.

Indeed, the participation of MEPs was designed to improve the channels of information between the Greek Parliament and Brussels. However, this has contributed to the committee's weakness. The committee's objective was to monitor and express a view on the process of integration and the actions of Greek 'public authorities' therein. Its opinion could not have a binding effect on the Greek government *precisely because the committee included MEPs*, i.e. members of a body that can have no formal link with the Greek government. Moreover, mixed membership has become a major source of problems. MEPs and MPs reportedly (*To Vima*, 17 October 1999) find it very hard to agree on whether to meet on Fridays (so as to enable the former to return from Brussels) or during the other working days of the week (in order to allow the latter to return to their constituencies for the weekend).

The committee primarily focuses on institutional issues; co-operation between the Greek Parliament and the European Parliament; European policies and texts that have to be 'ratified' by the Greek Parliament; and the decisions of (permanent) commissions of the Greek Parliament regarding European affairs. The Greek government must inform the

committee about ‘every draft text concerning Community policy’. Moreover, if invited by the committee, ministers are obliged to give evidence. The committee meets whenever its members, chairman and vice chairmen decide to do so. Its opinion is transmitted either to one of the permanent commissions or to the Floor of the House where a debate can take place without a vote. During the first three years of its existence the committee has held twenty meetings, has produced two reports (one on the *Assises* of November 1990 held in Rome and one on the meeting of COSAC of November 1991 held in The Hague), while members have represented the Greek Parliament in sessions of COSAC (Yiannis, 1993, p. 8). The modification in 1993 of the Parliament’s internal rules of procedure has transformed the committee into a *permanent* one without, however, increasing its powers.

During the 1990s the Greek Parliament has confirmed its wider rubber-stamping role. From October 1993 until June 1995 the European Community Affairs Committee has spent about 30 hours in meetings – 1.4 hours on average per month (*Kathimerini*, 16 July 1995) – while only 8 laws stemmed from initiatives taken by MPs out of a total of 2,740 new laws passed between 1974 and 1999 (*To Vima*, 27 September 1999). Moreover, even newly established mechanisms, such the ‘Prime Minister’s time’, have declined rapidly (*Ta Nea*, 30 December 2000).

The amendment in spring 2001 (Hellenic Parliament, 2001) of the Hellenic Constitution of 1975/86 has led to the indirect, and therefore, timid constitutionalisation of the right of the Parliament to be informed by the government with regard to EU legislation which in the domestic arena falls within the domain of the law. The new provision of Art. 70 para. 8 of the Constitution (Hellenic Republic 2001) refers to ‘the manner in which the Parliament is informed by the Government’ as regards the aforementioned issues but falls short of explicitly defining how this is to be achieved³. Nevertheless, despite the symbolic importance of this development, the pattern of incremental and path dependent change remains evident and is not likely to enhance the role of the Parliament in the process of EU policy formulation. Indeed, the new provision merely states that the Parliament ‘is informed’ about, and ‘debates’ the aforementioned issues.

III. Conceptualising change: Incrementalism and path dependence

Parliaments, like all institutions, interact with the environment in which they operate. The ‘signals’ that have stemmed from the process of integration since the 1970s underline not only the loss of power but also the enhancement of competing institutional actors like the European Parliament. Since the 1970s the French and the British parliaments have engaged in a process that expanded their involvement in European affairs. This process has remained under the control of the French and British governments. In France the process of institutional change has gone as far as the constitutionalisation of scrutiny of the government’s EU policy. The constitutional nature of the French government’s obligation to inform the Parliament immediately after receiving EU documents is the most important feature of the French system but it should give no illusions as to its practical implications for the role of the French government in the policy process.

Arguably, neither the French nor the British government is obliged to follow the line taken by Parliament. Both in France and the UK the terms used in the relevant documents can give a false impression of disproportionate parliamentary influence. This is so because emphasis is, understandably, placed on the *obligations* imposed on the two governments. In both cases, however, the *content* of these obligations focuses on the idea

³ Rather, for that purpose, it refers to the Parliament’s Internal Rules of Procedure.

that governments must ensure that the two parliaments have *merely completed* the process of scrutiny before ministers express an official view in Brussels. The two parliaments have no power to dictate to the governments the stance they should take in a given case. Moreover, if the two governments consider that they must pursue a specific course of action *before* the end of scrutiny, they are perfectly entitled to do so.

The process of institutional change in all three parliaments is primarily underpinned by the increasing importance of EU affairs in the national context. Parliaments have felt the need to 'catch up' with the pace of integration that has increased since the late 1970s and especially in the 1980s and 1990s. Catching up has involved *marginal* institutional changes which have been largely motivated by the need to address problems stemming from basic institutional characteristics of the Union rather than those of national polities, namely, the capacity of governments to legislate in Brussels by adopting legal measures that prevail over domestic legislation.

Institutional change in the three parliaments discussed in this article has failed to challenge established patterns of interaction with national executives. More importantly, promoters of institutional change have been aware of these patterns and explicitly or implicitly have sought not to challenge them. Raymond Barre, an opposition MP and former Prime Minister, stated in 1992 (Alberton, 1995, p. 927) that it would be *seriously inappropriate* for the Parliament to undermine the government's freedom to negotiate. John MacGregor, Leader of the House of Commons, acknowledged in 1991 that ministers would have a stronger negotiating position in Brussels if they were aware of the views of the Parliament.

The responses of the three national parliaments exhibit three cross-national patterns. First, they have largely *reacted* to the development of integration in Europe. The most significant part of their reaction followed the first direct election of MEPs (in the cases of France and the UK) and was confirmed after the Single European Act and the Maastricht Treaty. This illustrates the limits of these reactions, since the deepening of integration has

(a) increased the use of qualified majority voting (QMV), thus restraining the capacity of *individual* governments to shape decisions in Brussels; and

(b) enhanced the role of the European Parliament in the EU decision-making process.

Ironically, these developments have instigated the responses of the three national parliaments described above.

Second, their reactions have displayed an *incremental logic* marked by slow, small and marginal changes based on each parliament's existing institutional repertoires. In all three cases parliaments have used familiar mechanisms and procedures which they have modified only marginally. These modifications – the establishment of two *délégations* which dealt with a part of what until then was considered as part of foreign affairs and later the constitutionalisation of the process in France; the establishment of permanent standing committees in the UK and the participation of Greek MEPs as full members of a committee of the Greek Parliament – do not touch upon core characteristics of each polity. Rather, they are simply attempts to enable these parliaments to be more aware of what ministers do in Brussels.

Incrementalism is manifest even in the *pace* of change. It is an illustration of the desperation with which these parliaments have regarded the process of integration, in particular the expansion of the use of QMV. The case of Westminster is particularly illustrative in that respect since it failed to establish strong scrutiny procedures when the UK acceded to the EC, a period when the issue of the impact of membership was hotly debated in the domestic political arena. Rather, both Westminster and the French Parliament have acquired *nominal* powers which have become a useful tool in the hands

of skilful governments which initially were meant to be constrained. British and French governments viewed calls for increased participation by national parliaments in the domestic process of policy formulation as an opportunity to enhance their own negotiating position, whether by gaining time (a valuable resource in public policy) or by adopting arguments that suit their views.

Third, parliamentary responses follow a *path dependent logic* that is consistent with long-established patterns reflecting the subordinate position of these three parliaments within national polities. Indeed, as Mény rightly argues (1993, p. 268), the frequently deplored decline of parliamentary powers is anything but a new political phenomenon. This applies to all three cases examined here. Indeed, even Norton, who argues that the House of Commons has been a marginal actor in the making of public policy in Britain since the 19th century (1984), bases his classification of the Commons as a ‘policy-influencer’ on its capacity to influence ‘application and evaluation’ rather than the formulation of public policy.

The most striking feature of the British ‘constraint’ is the defensive and negative attitude that it illustrates. The negative character of this provision, i.e. the emphasis on *avoiding agreement in Brussels*, is the result of a growing awareness of the inability of Westminster to positively influence government action.⁴ Further, the wording of the relevant documents actually gives the impression that a negative stance would by definition be acceptable to Parliament. This attitude stems from the continuing political salience of EU affairs in the UK. In that sense, it too is an illustration of path dependence.

Unlike the British case, the weakness of the French and the Greek Parliaments is primarily linked to specific turning points in the history of the two polities, namely, the advent of the Fifth Republic in the former case and, in the latter, the end of military rule in 1974 and the period of political instability that preceded it. In France, the weakness of the parliament is a response to the government instability and parliamentary dominance that marked the Third and Fourth French Republics. The ‘rationalised’ parliamentary system introduced in 1958 went as far as transforming the Prime Minister, rather than the President of the Assembly, into the *metteur en scène* of parliamentary proceedings (Quermonne and Chagnollaude, 1991, p. 54). Despite the constitutionalisation of scrutiny, French MPs remain aware of the limited role of the French Parliament in EU affairs. In a report compiled on behalf of the legal commission of the *Assemblée Nationale*, Alain Lamassoure, a former Deputy Minister for European Affairs, underlines the ‘relative failure’ of the system but crucially also acknowledges that these arrangements have actually become a ‘new diplomatic instrument’ (*Assemblée Nationale/Délégation pour l’Union européenne*, 1998, p. 16). These arrangements enabled the French government to give the impression that it did all it could to enhance the role of the French Parliament in the policy process whilst remaining free in the conduct of negotiations in Brussels. It achieved this by invoking the internal rules of procedure of the Council over which it has only partial influence. More importantly, it managed to create a credible and respected method for gaining time and normatively valuable arguments in EU negotiations. Invoking in the Council of Ministers the need to wait until the Parliament has completed the scrutiny of draft EU legislation is certainly a powerful argument, one that is respected by the representatives of other member states. While the French government has made full use of the resolutions that strengthen its negotiating position, it has ignored the ones

⁴ To be sure, the weakening of Westminster is part of a process underpinned by three factors: the advent of mass parties; strong party discipline; and the establishment of alternative forms of representation of social interests (Lenman, 1992, p. 8; Johnson, 1977, p. 46). Further, the party necessarily remains the essential point of reference for MPs and peers (Norton, 1991, p. 11). Although dissent does appear in Westminster, it takes the form of protest by MPs who hold no other office (Lenman, 1992, p. 9).

that diverge from its views (Rizutto, 1995, p. 56). The usefulness of these arrangements had previously been tested by the British government, which has managed to appease Westminster by accepting the obligation of ministers to wait until the end of the scrutiny process before they agree on a proposal whilst introducing a broad definition of the reasons they could invoke in order to avoid this largely procedural obligation.

The case of the Greek Parliament confirms this pattern. The Constitution of 1975 has not allowed the creation of parliamentary mechanisms that could mitigate, even marginally, the alienation of the Parliament from the management of the country's external relations (Venizelos, 1986, p. 57). Thus, the Parliament had already developed a passive attitude towards the policy process before the accession. Although membership was initially a politically contentious issue, after the mid-1980s it became a point of convergence between the main political parties, thereby removing any party political interest from the creation of an original and powerful scrutiny mechanism. More importantly, even the form of innovation points to the direction of path dependent and incremental institutional change: the involvement of Greek MEPs in the European Community Affairs Committee highlighted the idea that the Greek Parliament was aware of its historically defined inability to shape or simply restrain government action. It is both politically and legally impossible to hold the government accountable by means of a committee that includes members of an institution of the EU. In that sense, even limited innovation bears the hallmarks of continuity.

It is hardly surprising that these parliaments remain essentially unable to shape national EU policy. Institutional change is impaired by the logic embodied in institutional arrangements. The definition of 'appropriate' forms of institutional change remains largely based on existing institutional repertoires. Hence, the efforts of reformers are curbed by deeply rooted and historically defined conceptions of 'appropriate' institutional change. Indeed, when Laurent Fabius, then President of the French *Assemblée Nationale*, proposed the transformation of the *délégation* into a permanent parliamentary commission, his proposal was rejected for being 'too bold' (Belloubet-Frier, 1995, p. 257).

IV. Conclusion

This article has sought to analyse the processes and mechanisms by which the French, British and Greek parliaments have responded to the challenges stemming from the process of European integration. These responses have relied on each parliament's standard operating procedures, institutional repertoires and mechanisms, and have been underpinned by a limited amount of innovation. The three parliaments have remained unable to impose their views on national governments. The process of institutional change they have engaged in remains firmly under the control of national governments. The British and the French governments have used this opportunity to enhance their negotiating position in Brussels. They have achieved this objective by allowing the creation of EU-specific mechanisms for scrutiny. Nevertheless, these mechanisms have failed to go so far as to fetter the autonomy of governments. Furthermore, these responses have been reactive in the sense that they have largely followed the development of European integration.

Finally, the pace of institutional change has been incremental while its direction has been path dependent. Change has proceeded by means of small, marginal steps based on existing institutional repertoires in a manner that has reproduced the historically

defined weakness of these parliaments⁵. This weakness is not a new phenomenon. Rather, it is linked to specific events (in France and Greece) or stems from a wider national pattern (in the case of the UK). In that sense, it can hardly come as a surprise to citizens and scholars interested in the development of national polities. However, these conclusions are not necessarily applicable elsewhere. Clearly, further research is needed before broader claims are made.

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⁵ It is important to note that the Protocol on the role of national parliaments in the European Union appended to the Treaty of Amsterdam actually confirms the normative aspect of the involvement of national parliaments in EU policy-making. After restating the principle of institutional autonomy, which allows member states to participate in the EU policy process on the basis of their respective constitutional arrangements, the fifteen governments have merely harmonised the period (six weeks) that elapses between making a legislative proposal available in all languages and its inclusion on the agenda of the Council and the European Parliament, subject to exceptions on grounds of urgency, the reasons for which are to be stated in the act or common position in question.

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