The politics of domestication: A new paradigm in German foreign policy?

German Politics Lecture
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The Argument

1. Delegation of competences has become a core feature of contemporary democratic governance in Germany and elsewhere.

2. Historically, Germany possesses high willingness to delegate power domestically and internationally (Katzenstein/Paterson)

3. Two delegation levels form cross-cutting patterns with a strong impact on policy formulation and implementation
   1. European Policy
   2. Security Policy
   3. (Monetary Policy)
Definition: Domestication

„Domestication is a process by which domestic political actors aim at limiting the executive‘s autonomy in foreign policy through improved procedural participation and normative safeguarding clauses in both legislative acts and constitutional law as well as practices (Harnisch 2006).“
The domestication process: three analytical stages

**Structure => Agent**

- **Structural change I:** Europeanization
- Perception of the structural change
- Argumentation in the debate on reform

**Agent => Structure**

- **Structural change II:** e.g. Blockade; German Policy model upload
- Implementation and/or Judicial review
- FP Conduct

1. Discourse analysis
2. Institutional analysis
3. Behavioural analysis

**Domestication thesis**
Article 23 [Structural Safeguarding Clauses]

(1) With a view to establishing a united Europe, the Federal Republic of Germany shall participate in the development of the European Union that is committed to democratic, social and federal principles, to the rule of law, and to the principle of subsidiarity, and that guarantees a level of protection of basic rights essentially comparable to that afforded by this Basic Law.
The FCC’s Maastricht Judgement:
Safeguarding Germany’s domestic order

1. Only an existing demos can create a state.

2. Since there is no European demos (a European Volk) there can be no European state in the foreseeable future.

3. To ensure legitimacy of a „confederation of states“ (Staatenverbund) three conditions have to be met:
   1. Procedural transparency
   2. An adequate determinability of the scheme of integration
   3. Obligations and competences of substantial importance remain with the Bundestag
Germany’s Constituionalisation Policy for the EU: Initiatives und Policy outcomes

- Pro-Integration
  - Elite consensus

- Domesticating calls by the Länder

- GG preservation / norm transfer: FCC

- TEU-Amsterdam differential integrat.

- Convention on Basic Rights

- FM Fischer EU-Initiative 2000

- Länder-Initiative Post-Nice-Process

- European Constitutional Treaty
  - Europeanisation of CFSP/ESDP
  - Reform of EU-Institutions
  - Subsidiarity Principle
  - Charta on Fundamental Rights in ECT
  - States as "Herren der Verträge"

Timeline:

- 1993
- 1995/96
- 2000
- 2004
Domesticating the authority to use of force in Germany

- "Wehrdebatte“ Authority for territorial defense
- "Notstandsdebatte“ Authority to use force in state of emergency
- out-of-area-Debatte Authority to use force abroad

1950s
1960s
1990s

SPD
APO
FDP
Across parties

Federal Constitutional Court

Prof. Dr. Sebastian Harnisch
Institute of Political Science
Ruprecht-Karls-University
Heidelberg, 16.07.2009, #8
Domestication process in security policy

**Structure => Agent**

**Agent => Structure**

**Structural change I:**
Germany’s new responsibilities

**Structural change II:**
Schröders „Nein“, Preference for ESDP, Nat. caveats, Intergouvern. EDA

**Perception of the structural change**

**Argumentation in the debate on reform**

**Implementation and/or Judicial Engineering**

**FP Conduct**
Domestication and Institutional Choice

“This whole process [of reconstruction in Afghanistan, S. H.] would be endangered, if the US would follow the advice of hardliners that want to take on Somalia and Iraq next”

Winfried Nachtwei, Foreign Policy Spokesperson, Green Caucus, in an open letter to colleagues on the eve of the Confidence vote November 16, 2001

“We must not – we cannot – become a two-tiered Alliance of those who are willing to fight and those who are not. Such a development, with all its implications for collective security, would effectively destroy the Alliance”.

Conclusion: A call for dialogue and synthesis

• The domestication approach is not a „rivalling approach“, but a call for synthesis and dialogue.
  1. Rationalist approaches: unitary actors and fixed preferences
  2. Europeanizationists and historical institutionalists: co-constitution and critical junctures
  3. Liberals: Domesticating actors and the „rescue of the German nation state“

• German semisovereignty reconsidered: towards a comparative agenda