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The Societal/Trans-national Dimension of Europeanisation: The Case of German Football

Alexander Brand and *Arne Niemann*

Abstract

This paper ties in with more recent accounts of Europeanisation, which go beyond analysing unidirectional, top-down processes. Our paper seeks to contribute to this debate by focusing on what we describe as the 'societal/trans-national' dimension of Europeanisation: Europeanisation dynamics within a *societal* context (football) with a considerable degree of *transnational*isation. Through analysing five cases of Europeanisation within the realm of German football, we not only want to shed some light on an under-researched field of study for political scientists interested in 'Europeanising' mechanisms. We also aim at exploring the applicability of systemising factors of the Europeanisation process derived from the analysis of political contexts to other areas of social interaction in order to capture hitherto neglected processes. Opening up the field in the societal/transnational direction should add to the awareness of the complexity of Europeanisation processes. In addition, studying Europeanisation in a sphere that constitutes an important and conscious part of people's lives, may also allow us to incorporate the 'Europeanised' life worlds of European citizens into the academic debate.

keywords: Europeanisation, Germany, European Public Space, European Commission, European Court of Justice

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Introduction[1]

'Europeanisation' has become a focal point of discussion in European integration studies. Although the term is used in different ways to describe a variety of phenomena, its meanings have usually been restricted to (in a strict sense) political processes, i.e. domestic political changes caused by European integration. Most studies have emphasised top-down dynamics inherent in this particular notion of Europeanisation, whereas bottom-up and/or transnational processes and attempts to analyse their interplay have entered the debate only recently. We seek to contribute to this debate by focusing on what we describe as the 'societal/trans-national' dimension of Europeanisation: this dimension encapsulates (1) the *level and sphere* of change; and (2) the *type of agency* generating or resisting change.

Although 'football' (better known as 'soccer' in some parts of the world) as a subject of interest has still a somewhat 'exotic' status in Political Science, there is a growing body of literature which tries to sketch out important political dimensions of the game. This tendency is more evident within the globalisation debates, where football is taken to be one of the most globalised phenomena (cf. e.g. Foer 2004). Some authors have also tried to establish a link between European integration and the development of football in Europe (cf. Missiroli 2002). In this paper, we seek to analyse the impact of European-level governance – the case law of the European Court of Justice and the Community's competences in the area of competition policy – on German football. In the broader context, additional factors are considered which less clearly relate to the European integration process, such as the development of the Champions League or the emergence of transnational groupings like the G-14. Taken together, these processes add up to the ongoing 'Europeanisation' of German football.

By analysing five cases of Europeanisation within the realm of German football, we not only want to shed some light on an under-researched field of study for political scientists interested in 'Europeanising' mechanisms. It also allows us to explore the general applicability of Europeanisation factors (sources, dynamics and level of

[1] An earlier version of this paper has been presented at the 46th Annual International Studies Association Convention *"Dynamics of World Politics: Capacity, Preferences and Leadership"*, Honolulu (Hawaii), 1-5 March 2005 (Panel TC 25 *Adaptation and Responses to Europeanisation*). We would like to thank the panelists, above all our discussant Frank Schimmelfennig, for their helpful comments. We also like to thank the German Research Foundation (DFG) and the *Gesellschaft von Freunden und Förderern der TU Dresden e.V.* for generously supporting our attendance at the 2005 ISA conference. Parts of this paper will be published as a book chapter (Brand and Niemann, forthcoming 2006). We would like to express our gratitude to Osvaldo Croci for his comments and to Almut Meyer zu Schwabedissen, Stephan Petzold and Dorthe Wendt for their help with the text.

change), which have been derived mainly from the analysis of more politico-economic contexts, to explain dynamics in societal, i.e. rather non-political, contexts. This way we may also clarify potential 'blind-spots', i.e. dynamics and interrelated mechanisms in Europeanisation processes that have been largely ignored by traditional analyses. Our empirical focus is salient as it represents a social context, which forms an important and conscious part of citizens' lives (rather than an abstract and inaccessible sphere). This may enable us to gain a deeper understanding of Europeanisation regarding citizens' life worlds.

Our paper will first elucidate the concept of Europeanisation and specify our understanding of the term. Secondly, we will outline the societal/transnational dimension of Europeanisation. The third section attempts to formulate some systemising factors of the Europeanisation process which guides our empirical analysis of five sub-cases related to German football that will follow thereafter.

The concept of Europeanisation

Research on Europeanisation has gradually increased since the mid-1990s and has developed into an academic growth industry over the last decade. While the term Europeanisation has been taken up by most (sub-)disciplines in the humanities and social sciences focusing on Europe, it is arguably in the area of political science scholarship dealing with European integration that the concept has been used most widely. In this latter field alone, the term Europeanisation is used in a number of different ways to describe a variety of phenomena and processes of change (cf. Olsen 2002). Most frequently Europeanisation is referred to as domestic change, in terms of policy substance and instruments, processes and politics as well as polity caused by European integration (cf. e.g. Radaelli 2000: 3; Ladrech 1994: 69). Existing policies (in integrated sectors) are increasingly made at the European level which leads to substantial changes in the policy fabric (and content) of EU member states (see e.g. Caporaso and Jupille 2000). On the level of politics, European governance impacts on domestic processes of political and societal interest representation and aggregation as well as on the policy style (e.g. Hartcourt and Radaelli 1999). In terms of polity, Europeanisation focuses on the effect of EU integration and European level governance on domestic (mainly political) structures and institutions (e.g. Börzel 2001).

As a field of inquiry, Europeanisation merits continued systematic academic attention, for several reasons. First, the Europeanisation research agenda arguably focuses on a set of very important research questions, related to *where*, *how*, *why*, and *to what extent* domestic change occurs as a consequence of EU integration and governance at the European level. Second, compared to several decades that European integration studies have focused on explaining and describing the emergence and development of a supranational system of European cooperation, research on Europeanisation is still in its infancy. Third, it is difficult to make firm cause-and-effect generalisations in this field of inquiry, given, for example, the considerable variation in national institutional histories, actor constellations, and structural differentiation as well as the complex interplay between mechanisms of change at both the domestic and European levels (cf. Olsen 2002: 933ff).

As a starting point, Europeanisation is understood here as the process of change in the domestic arena resulting from the European level of governance. However, Europeanisation is not viewed as a unidirectional but as a two-way-process which develops both top-down and bottom-up. Top-down perspectives largely emphasise vertical developments from the European to the domestic level (cf. e.g. Ladrech 1994, Schmidt 2002). Bottom-up accounts stress the national influence concerning European level developments (which in turn feeds back into the domestic realm).This perspective highlights that Member States are more than passive receivers of European-level pressures. They may shape policies and institutions on the European level to which they have to adjust at a later stage (Börzel 2002). By referring to Europeanisation as a two-way process our conceptualisation underlines the interdependence between the European and domestic levels for an explanation of Europeanisation (processes). In contrast to a unidirectional top-down usage of the concept, studying Europeanisation as a two-way process entails certain disadvantages in terms of (waning) conceptual parsimony and methodological straightforwardness. However, we argue that these problems are outweighed by a substantially greater ability to capture important empirical phenomena. It has convincingly been shown, for example, that Member States responses to Europeanisation processes feed back into the European level of decision-making. European/EU policies, institutions and processes cannot be taken as given, but are, at least to some extent, the result of domestic political preferences and processes which are acted out on the European level (cf. e.g. Börzel 2002, 2003; Dyson 1999).

However, as will be further specified later on, framing Europeanisation processes as the interplay between the European and the domestic realm still constitutes a considerable simplification. For example, transnational (non-EU)-level developments may provide important properties of Europeanisation. In addition, related to the previous point, it should be pointed out that for us Europeanisation does not equate 'EUisation'. Rather the EU is only part (albeit an important one) of the wider fabric of cross-border regimes in Europe in which other (transnational) institutions and frameworks, both formal and informal, also play a role. Hence the EU is not the monopoly source and channel of Europeanisation (cf. Wallace 2000: esp. 371, 376). This may include institutional arrangements at the European level which are related to European (integration and) cooperation in a broader sense, such as the Council of Europe (COE) or the Organisation for Security and Co-operation in Europe (OSCE) on the political level, but also organisations such as the Association Européenne des Conservatoires (AEC) and the European Football Association (UEFA) on the societal level.[2]

While working with a fairly wide notion of Europeanisation, it is important to clearly delimit the concept in order to avoid the danger of overstretching it. For example, we would reject "the emergence and development *at the European level* of distinct structures of governance" as an appropriate definition of Europeanisation (cf. Risse *et al.* 2001: 3; emphasis added). Closely related, Europeanisation as conceived of here is to be distinguished from 'political unification of Europe' (Olsen 2002: 940). Although above we have pointed out that our conceptualisation relates to interaction with the European integration process and to changes on the European/EU level, the core focus remains on the process of change *in the domestic arena*.[3] In addition, Europeanisation should not be confused with 'harmonisation' and also differs from 'convergence'. Europeanisation may lead to harmonisation and convergence, but this is not necessarily the case. Empirical findings indicate that Europeanisation may have a differential impact on national policy-making and that it leaves considerable margin for domestic diversities (cf. Héritier *et al.* 2001; Caporaso and Jupille 2001). Moreover, as

[2] By not restricting Europeanisation to change induced by the EU, it is possible to escape the n = 1 dilemma in European integration studies where the EU is only an instance of itself, as a result of which findings cannot be generalised because of this uniqueness (cf. e.g. Rosamond 2000: 17). EU Europeanisation processes can thus be compared with larger/other Europeanisation processes in Europe and with other cases of regional integration (also cf. Vink 2002: 6-7).

[3] As pointed out by Vink (2002: 6) it is rather questionable to add a new concept (Europeanisation) as a synonym for notions such as European integration or communitarisation (also cf. Radaelli 2000: 3).

pointed out by Radaelli (2000: 5) there is a difference between a process (Europeanisation) and its consequences (e.g. potentially harmonisation and convergence). Finally, our usage is also different from 'exporting European institutions', i.e. exporting forms of political organisation and governance that are typical and distinct for Europe beyond the European territory, focusing on how Europe finds a place in a larger world order (cf. Olsen 2002: 937-940).

The societal/trans-national dimension of Europeanisation

The current Europeanisation research agenda faces several challenges. These can be described and systematised along terminological, theoretical, methodological and empirical dimensions. This paper mainly concentrates on the empirical one, albeit with definitional, theoretical and methodological implications. Empirical work on Europeanisation has proliferated in recent years. An important set of questions revolves around the instruments, institutions, actors and mechanisms that induce and resist change (and may explain national variation in responding to Europeanisation pressures). Our empirical analysis highlights a rather neglected aspect in the literature: the societal/trans-national dimension of Europeanisation. This dimension encapsulates two elements: (1) the *level and sphere* of change; (2) the type of *agency* generating or resisting change. Hence by the societal dimension we mean, on the one hand, the fact that regulation and jurisdiction from Brussels is likely to induce some adaptational pressure not only at the political level but also in societal contexts, e.g. the realm of sport, and for our purpose, football. On the other hand, to speak of a trans-national dimension of Europeanisation aims at capturing some trends, which can be traced in analysing how societal actors are either re-acting towards attempts of regulation by the EU or creating transnational spaces that in turn impact on the governance of football.

As pointed out in the previous section, highlighting the societal/transnational dimension contributed to our rather broad conceptualisation of 'Europeanisation'. Concept-stretching has to be justified, given the potential loss of analytical clarity (cf. Radaelli 2000). We argue that accounting for the societal and transnational dimension is justified, as otherwise interesting fields of study and important dynamics between the European and the domestic levels would go largely unnoticed.

As has been noted, the societal dimension of Europeanisation mainly indicates the *sphere* of change. In contrast to most studies we chose to study a subject (football,

or sports in general)[4], which is seemingly 'non-political'. What makes such a case interesting, besides the fact that it constitutes a more politicised realm than commonly assumed, is that it represents a social context, which forms an important and conscious part of citizens' 'life world' (*Lebenswelt*). It is therefore a context, which is realised by many people as part of their lives – not a supposedly abstract and inaccessible sphere of politics. To study processes of Europeanisation at this – societal – level thereby should allow for a deeper understanding of any Europeanisation regarding citizens' life worlds. Although this is not a major theme in our paper, the question of a Europeanisation of life worlds could lead to interesting insights in the eventual formation of a common European identity, a subject much debated in the current literature (cf. Risse 2004: 166-71; Mayer and Palmowski 2004). Aside from these considerations, to study Europeanisation dynamics within a societal field like 'football' seems to be highly interesting because of two reasons. First, it allows us to explore the general applicability of Europeanisation concepts (sources, dynamics and level of change) which have been derived mainly from the analysis of more political contexts. The question is then: to what extent do these concepts explain dynamics in rather non-political contexts? Second, our study may clarify potential 'blind-spots', i.e. dynamics and interrelated mechanisms in Europeanisation processes that have been largely ignored by traditional analyses, which have mainly dealt with political issues.

Although it would be wrong to assert that 'transnational dimensions' of Europeanisation have only rarely been *mentioned*, the concept of 'transnationalism' itself is less frequently specified and illustrated empirically in *Europeanisation studies*.[5] Thus, mostly the transnational quality of relationships is merely stated or an ongoing transnationalisation within EU-Europe is simply assumed (e.g. Menz 2003, Winn 2003, Feron 2004). On the other hand, it is questionable whether the debate on concepts of transnationalism and transnational actors in the discipline of International Relations

[4] But see Delhey (2004) for an interesting attempt to analyse the *underlying societal dimensions* of political processes of European integration. However, this attempt differs from our approach because the aim of this paper is to look at Europeanisation processes within a primarily societal sector, not societal dynamics beneath political processes of integration. Both Delhey (2003) and Wallace (1999) refer to the work of Karl Deutsch, whose wide-ranging analysis of integration also points to the importance of the 'societal dimension' (Wallace 1999: 288), but again, to the societal dimension of (European) integration, which in turn is understood as a primarily political process.

[5] But see, for instance, Kohler-Koch (2002), who sketches out several dimensions of transnationalism within the complex system(s) of European governance.

offers many sensible starting points for our approach[6], mainly because this debate is "still primarily concerned with proving against a state-centered picture of world politics that [transnational actors] matter" (Risse 2002: 268). In the context of (European) integration studies, scholars working in the transactionist, neofunctionalist or supranational governance perspective have of course somewhat gone beyond that and developed accounts of transnational dynamics (e.g. Deutsch 19953, 1957; Haas 1958; Lindberg 1963; Stone Sweet and Sandholtz 1997; cf. Niemann 2006 forthcoming). However, their focus was above all on the development of cooperation, institutions and policies *at the supranational level*, i.e. on (European) integration, rather than Europeanisation with its primary focus on change in the domestic arena.

While not diverging from a common definition of 'transnationalism', our concept also encompasses actors that have been less analysed in the current literature which heavily focuses on either non-profit NGOs or profit–driven multinational corporations. We define 'transnational actors' as societal actors in a broad sense, who coordinate their actions with societal actors from other national contexts in Europe, thereby creating common, trans-national reactions towards EU institutions and/or creating trans-national institutions. Transnationalism within Europe in our approach therefore rests on transboundary networks of actors, whose interests and perceptions are either aggregated or amalgamated within these networks and institutions. This conception also hints at the consideration that the EU might constitute a single space for transnational communication and interest organisation within Europe (Kohler-Koch 2002: 8). Moreover, this type of transnationalism is either developing through commonly (i.e. from within) or externally crafted institutions as well as through external decisions.[7]

To speak of a (or *one*) 'societal/transnational dimension' of Europeanisation in the end means to pay tribute to the interrelatedness of the sphere of change and the type of agency: football as a societal sphere is characterised by a growing transnationalisation, as will be shown. Opening up the field of Europeanisation studies

[6] For an instructive overview of this debate see Risse (2002). For a discussion of the methodological implications of transnationalisation within EU-Europe for International Relations also see Ebbinghaus (1998).

[7] Although these concepts are applicable to various contexts, in our case a commonly crafted institution is the G-14 (a lobby group of European football clubs, which has been founded primarily in order to foster transnational activities). An 'externally' crafted institution is the Champions League crafted by UEFA (in this case, processes of transnationalisation can be regarded as a by-product of the workings of this institution, which has been established from external actors). 'External decisions' are, for example, the jurisdiction of the ECJ or policies put forth by the Commission.

to this dimension further adds to the awareness of the impressive complexity of Europeanisation processes, but it may also incorporate the consciously perceived 'Europeanised' life worlds of European citizens into the academic debate.

The Europeanisation process: some systemising factors

A number of scholars have introduced different typologies in order to systematise Europeanisation processes. This section will formulate several systematisations, which are to some extent derived from the existing literature. The suggested sub-categories are meant to capture only some important aspects and are of course by no means exhaustive. Subsequently, our empirical analysis will explore to what extent such typology of the Europeanisation process makes sense, also in terms of the more transnationally driven sub-cases. To begin with, the *basic sources* of Europeanisation – top-down, bottom-up and transnational/societal – have already been sufficiently pointed out above and thus require no further explication here. Although these sources of Europeanisation often substantially interact, certain tendencies in terms of these dimensions can usually be ascertained (cf. Lodge 2002).

Secondly, we can differentiate in terms of the *level of strength* of Europeanisation sources and pressures. As for top-town processes, a number of indicators can be suggested. The legal bindingness of EU provisions probably constitutes the best indicator for the force of top-down pressures (Vink 2002: 9-10). Having said that, Europeanisation is not confined to legally binding EU provisions. It may be carried by more cognitive or ideational mechanisms. Although termed the "weakest" Europeanisation trigger (Knill 2001: 221), the "framing of domestic beliefs and expectations" still seems to drive Europeanisation processes forward to some extent (Knill and Lehmkuhl 2002: 258).[8] In addition, the degree of clarity, both in terms of legal argumentation (e.g. concerning ECJ rulings) and in terms of legal competence (e.g. regarding exclusive or shared competence in the case of Commission involvement) influences the weight of downwards adaptational pressures. Ambiguity in these respects adversely affects Europeanisation dynamics. Moreover, the level of uniformity of reaching a decision at the European level – e.g. in the Council or between the Council

[8] The role of cognitive and ideational factors applies equally to the domestic and transnational/societal dimensions. These may also frame beliefs and expectations on other levels and thus impact on the Europeanisation process. This will be suggested in more detail later on in our empirical analysis regarding the influence of the Champions League on a potentially emerging European public space.

and the European Parliament on legislative acts, or in the European Commission concerning decisions in the area of competition policy – also impacts on the strength of top-down Europeanisation sources and pressures. It can be assumed that, generally speaking, more uniform and consensual decisions at European level may have a more significant Europeanisation effect than rather contested EU decisions. As for bottom-up or transnational/societal Europeanisation, indicators regarding the strength of processes seem less obvious and perhaps more limited at this stage of inquiry. However, for example the existence of alternative (policy) venues or of credible exit options from prevailing arrangements and, more generally, the possibility of challenging existing regimes (e.g. when undesired policy externalities arise) condition the strength of such Europeanisation dynamics (cf. e.g. Lodge 2002).

Our third categorisation concerns *reactions* to initial Europeanisation pressures. In the current literature reactions to primary Europeanisation dynamics are usually termed 'domestication' (e.g. Harmsen 1999: 86; Wallace 2000: 369). However, domestication largely refers to *domestic* responses to developments on the EU/European level. As reactions on the transnational level are not captured by the term and as Europeanisation processes may be initiated at levels other than the European, domestication (especially under this narrow definition) is too restricted for our purposes. Broadly speaking, one can distinguish between reactions on two levels: the level of policy formulation and the level of implementation (cf. Bugdahn 2005: 183). The type of reaction in terms of formulation and implementation depends on several factors, such as prevailing norms and preferences on the part of those affected or addressed by the initial Europeanisation pressures – and partly overlapping with actors' preferences – the goodness of fit, i.e. the compatibility between the (e.g. domestic) status-quo and newly induced (e.g. EU) requirements.[9] On the level of (policy) formulation, we suggest that reactions to primary Europeanisation can take on different forms: (1) 'support', when affected/addressed actors back new requirements; (2) 'acquiescence', when agents simply accept the changes stemming from Europeanisation; (3) 'engagement/intervention', when actors seek to modify or reduce adaptational pressures; (4) 'confrontation', when actors try to resist or escape initial Europeanisation pressures. The degree of misfit can be assumed to gradually increase

[9] Indicators for the degree of misfit are economic, institutional, procedural, substantive (i.e. in terms of policy content) adjustment costs and consequences incurred through new requirements compared with prior/existing arrangements. For some suggestions concerning the operationalisation of the concept of fit, see Falkner (2003).

on this continuum. Adjustment costs are also sought to be minimised on the level of implementation where losses made in the formulation stage may, to some extent, be compensated. In the EU context, Member States often retain considerable discretion in interpreting EU rules (e.g. Mörth 2003). Implementation of EU provisions can range from what an 'objective' observer would consider 'full and comprehensive', or even 'progressive' to more 'conservative' interpretations of requirements. In addition, Member States tend to have the option of adopting new or preserving old national legislation that influences the operational context of the transposing legislation (Bugdahn 2005: 179).

Our fourth element systematising the Europeanisation processes is the *strength of reaction* to initial Europeanisation pressures. The impact of such responses will depend on several factors, one of which is access to government/policy-makers and the strategic position in or 'membership' of policy/advocacy networks. Another factor is organisational strength, made up, for example, of material resources, the degree of centralisation and cohesiveness, effective management, etc. (cf. Menz 2003).

Finally, the *degree of change* can be categorised. Drawing on Lodge (2002) and Radaelli (2002) who themselves drew on earlier writings, three main forms concerning the impact of Europeanisation pressures are suggested here: (1) 'system maintenance', which is characterised by a lack of change or the rejection of new requirements; (2) 'adjustment', where existing policy cores are not challenged, but some non-fundamental changes are absorbed and new layers may be added to the regime; (3) 'transformation', which denotes paradigmatic or core policy changes. Our empirical data will subsequently be examined, as far as possible, with regard to the above categorisations making up Europeanisation processes (i.e. sources, strength of initial pressures, reaction, strength of reaction and degree of change).

Methodology and research design

The methodological challenges of studying two- or multi-level Europeanisation processes are (very) considerable. Some of the most pertinent questions include: (1) how can we study dynamic processes on two or more levels that interact with each other, given the fact that individual levels can hardly be controlled for?; (2) closely related, how can (domestic) change be determined and measured in view of the latter point and bearing in mind that we (may) need to go beyond examining merely

'material' pressures given that the impact of Europeanisation may be socially constructed (e.g. the EU may influence domestic processes without exerting binding decisions, as domestic preferences are not aggregated in an EU-free vacuum)? This second issue is also pertinent considering the propensity (in many studies) to overestimate the impact of the EU on (domestic) outcomes.

Our preliminary 'solution' to these problems is by no means surprising. We suggest that careful process tracing provides the basis for approaching these challenges. Here multiple observations concerning structural dynamics and actors' attitudes/behaviours are traced, presented, analysed and discussed. This way integrative knowledge is gained concerning the nature and composition of causal mechanisms and processes (cf. e.g. George and McKeown 1985). Process tracing has been put into practice through triangulation across different data sources (official documentation, structured/unstructured interviews, secondary literature and major media). Triangulation limits reliance on one single source of data and thus avoids privileging a certain level of actors. Capturing multiple co-evolving processes in which preferences are not exogenously given, arguably require such qualitative-contextual methodological approach.

Another methodological lever is to divide the process into separate time periods and examine Europeanisation dynamics at different points in time. This way, the (changing) dynamics of (co-)evolving processes can be captured more clearly and cause and effect-relationships can be attributed to certain groups of actors and structures more easily. By dividing up into different time periods (over-)simplification is more easily avoided and greater attention is paid to the complexity of the process.

In addition, the impact of Europeanisation processes may be ascertained more easily by specifying different indicators. We have related these indicators to the degree of change of a certain policy (or polity), depending on whether (1) no, (2) some, but no core, (3) or a core change has occurred. Of course there will always be some room for ambiguity regarding whether changes are core or non-fundamental. The degree of change alone does not yet tell us whether changes have been due to Europeanisation or other pressures. Hence, alternative explanations for change have been explored, so as to challenge the Europeanisation hypothesis.

Our empirical analysis rests on five sub-cases. These have been chosen to ensure variation concerning the degree of EU/European level incentives/pressures in order to be able to explore the plausibility of our systematisations across a wide range of

different scenarios and so as to be capable of examining the causal relevance of the EU/European level.[10] No or little variation in terms of EU pressures would not allow us to learn much about such causal relevance (cf. Collier 1995; Haverland 2005). Our first three sub-cases – (1) Bosman I: the nationality issue; (2) Bosman II: the transfer regime; (3) broadcasting – are characterised by rather top-down (EU) pressures, albeit to varying degrees, while the last two sub-cases – (4) Champions League; (5) G-14 – are more induced by bottom-up and transnational rationales.

If we look at the first three sub-cases in isolation, we have some scope for a comparative analysis, as these units are adequately homogenous and thus comparable. Values on the level of EU pressures vary across these sub-cases between high (*Bosman I*) and medium (*broadcasting*). Ideally, intervening/control variables (e.g. domestic and transnational reactions) are held constant. Where this is not possible (like here), differences in terms of these variables can be flagged, so that one is able to ascertain the direction of possible bias.

Some scholars on the positivist end (of the epistemological spectrum) may argue that the above mentioned methodological challenges are only insufficiently 'solved'. Two points are worth mentioning in that respect. First, the problems of studying and measuring dynamic co-evolving multi-level processes and their impact are faced by all Europeanisation researchers interested beyond one-way top-down processes. And to our knowledge no methodological 'nostrum' has been developed so far. Second, on a more general epistemological note, we reject the extreme positivist view that all social phenomena can necessarily be objectively observed, clearly measured, and directly compared. Instead, interpretative understanding is viewed here as an inherent, even though not exclusive, part of causal explanation. Interpretative understanding is seen as a step in the establishment of causal relationships. We thus acknowledge the importance of interpretative and contextual features in establishing causal relationships and (middle-range) generalisation (cf. Smelser 1995; Weber 1949).

[10] Haverland (2005) has referred to EU pressures as the independent variable in Europeanisation research. We somewhat eschew the language of dependent and independent variables here because of the interaction and iteration of top-down, bottom-up and transnational dynamics which suggests a level of complexity that cannot be captured by this terminology (cf. Howell 2004: 4, Radaelli 2000: 4).

The Bosman Ruling I: The Nationality Issue

Some important trends in German football during the last decade can be interpreted as symptoms of an ongoing Europeanisation. This is because a whole complex of such trends – the rapid influx of foreign-born players, various attempts to restrict their numbers as well as to promote young German talents, and the search for a new 'transfer regime' at the global (through the World Football Association FIFA) and the national level – has its roots in the seminal 'Bosman ruling' of the European Court of Justice (ECJ) in 1995. 'Bosman', in this regard, is not only the one legal case every football player and fan knows (Foster 2000: 39). The ruling and its antecedents, which have been described in detail elsewhere (cf. Croci 2001, Parrish 2003, Weatherill 2003), together with a relatively active role of the European Commission in the realm of sports during the 1990s also had a tremendous impact on German football.

The provisions in the Treaty establishing the European Community, secondary legislation, Community policies and decisions all had an increasing impact on sport throughout Europe in the last decade, although 'sport' has never been among the core competences of the EC/EU (Ducrey et al. 2003: 32). Traditionally, sport as well as football in all its aspects (organisation of events, establishment and enforcement of rules for both games and events, etc.) has traditionally been regulated by a set of autonomous, interrelated organisations, in the case of football by clubs, national leagues and associations, several regional federations and one worldwide football federation (Croci 2001: 2). During the 1990s, however, football more and more came to be recognised as an economic activity by European/EU institutions like the Commission and the European Court of Justice, and thus as an activity, which had to be regulated like any other industry according to the rules of the Community. That is why the jurisdiction of the ECJ and the decisions taken by the Commission could generate intense adaptational pressure on German football clubs, leagues and the German Football Association (DFB).

The Bosman ruling of the ECJ in 1995 in its essence consisted of two general findings, which had been derived from EU law concerning the free movement of people within the European Union and competition law, albeit it only drew on the former. The two findings were: first, the traditional transfer system with transfer fees to be paid for out-of-contract players infringed upon the right of every European (worker) to move freely under Article 48 of the Treaty of Rome (TEC) and thus had to be abolished; and second, 'nationality restrictions' as a means to limit the number of foreign players in a

football club were ruled illegal in so far as they discriminated against players from countries within the European Union (Foster 2000: 42).

Football in Germany has been affected by both aspects, although one could claim that the latter one has had a more 'visible' effect for the whole football community. Rendering illegal any general nationality restriction in the first place meant the abolishment of the so-called '3+2 rule' – negotiated at the beginning of the 1990s among UEFA members upon a general recommendation of the European Commission to consider nationality clauses – which allowed a European team to field three foreign players and additionally two 'assimilated players' (foreign players who had played in the relevant country for at least five consecutive years). To abolish this rule and to open up the market for players from all other countries within the EU already had an in-built tendency to increase the number of foreign-born players in German football. The DFB, however, liberalised even further and expanded the right to play professional football in Germany without being considered a foreigner not only to EU residents (so-called *EU-Ausländer*) but to all players living within the 51 other member states of the European Football Association (UEFA). In fact, thus in German football after 'Bosman' the status of *EU-Ausländer* really meant *UEFA-Ausländer*, EU resident meant UEFA resident, at least concerning the two professional leagues.[11]

How to account for this extension, which has been exceptional in Europe? One line of argumentation refers to the special socio-political situation in Germany after re-unification. From this perspective, the DFB and its leading actors were still influenced and impressed by the dramatic political changes in Europe and the 'unification' of the continent that had taken place a few years before. They simply "did not want to erect new walls or barriers", especially towards national associations in Central and Eastern Europe, which had strong ties to the DFB.[12] In a similar vein, some actors were convinced that the ongoing process of European integration would render any differentiation between certain types of Europeans meaningless sooner or later.[13] Although the extension may show that "football sometimes is more political than people think"[14], there was also an element of pragmatic (and even visionary) thinking to it, because the decision taken by the DFB in the end prevented non-EU European

[11] This extension has not become effective for junior or amateur teams, where EU resident really means *EU* resident.

[12] Interview with Dr. Theo Zwanziger, Managing President of the DFB, by telephone, January 2005.

[13] Interview with Gerhard Mayer-Vorfelder, President of the DFB, by telephone, January 2005.

[14] Interview with Dr. Theo Zwanziger, Managing President of the DFB, by telephone, January 2005.

footballers from taking legal action against this discrimination.[15] Another interpretation is that this extension created a bigger market for German football clubs to sign players, especially players from Central and Eastern Europe, which for the most part was cost-saving in the short-run. Given the fact that after 'Bosman' a central source of financing for clubs – transfer fees for out-of-contract players – ceased to exist, and that German clubs were (and are) subject to a relatively strict licensing procedure, which means they had (and have) to pursue fairly sound economic policies, opening up the market especially towards Eastern Europe also had a compensation effect for German football clubs, since signing players from Poland or the Balkans was in general less expensive.[16] Both explanations – the socio-political climate as well as an interest of the clubs to improve their position among European competitors – can be seen as complimentary rather than mutually exclusive. To sum it up, the 'nationality part' of ECJ's Bosman ruling generated a relatively strong pressure on the German Football Association. It also induced a considerable dynamic with regard to the decision to extend its definition of 'EU resident' leading to some form of progressive transposition of the ruling through the DFB.

It is hardly surprising that this decision led to a surge of players coming to Germany from all over Europe, a claim that can be substantiated by looking at the developments of the First Bundesliga. At the beginning of the 1990s – before 'Bosman' – the shares of the respective players' groups of the overall number of players exhibit a fairly stable pattern: approx. 80% German-born players, 12-14% UEFA residents (without Germans), 5-7% non-UEFA residents. After 'Bosman' and the decision of the DFB to count all players from UEFA member-states as EU residents, we can easily detect some important changes in the composition of the players. Firstly, the share of German-born players has steadily decreased to today's share of less than 50%. Secondly, the share of UEFA residents as well as the share of players from other continents has substantially increased, although the share of non-UEFA residents

[15] Only recently, the ECJ has issued a ruling concerning the discrimination of a European but non-EU professional player (in this case, a Russian player in Spain), who had been restricted from playing by a nationality clause in Spain. The ECJ ruled this discrimination illegal on the grounds of the Partnership and Cooperation Agreement between Russia and the EU, see e.g. *Frankfurter Allgemeine Zeitung,* 13 April 2005, and *Neue Zürcher Zeitung*, 13 April 2005. The 'Simutenkow ruling' from 2005, from this perspective, can be regarded as the logical extension of the 'Bosman ruling'..

[16] As Norbert Berthold explains: "It is not hard to understand that the professional clubs did not resist the opening of the market. … To curb the costs, it made sense for the clubs to press the associations to open the markets in Europe and thus to make sure that less expensive foreign players became available." See *Frankfurter Allgemeine Zeitung*, 26 June 2004, p. 11, translation by the authors.

remains relatively small (between 12 and 14% in 2003 and 2004) compared to that of UEFA residents (up to 38.7 % in 2004). As for increases in size this means that the number of German-born-players has decreased by almost 40% and the shares of non German-born players have increased, in the case of UEFA residents by approx. 177%.[17] Although the decision to open the market for all Europeans has been rather liberal, the DFB did not fully liberalise, because the number of players a professional club could field from other continents, remained limited to three, since 2001 it has been lifted to five for reasons of international competitiveness.[18]

The increase in foreign players in national leagues has been just one of the consequences of the 'Bosman ruling'. In the German case however, especially with regard to its implementation through the DFB, this aspect has gained much prominence, perhaps even more than the presumed dramatic rise in transfer fees or the rise in salaries, because German clubs often could not keep up with their English, Italian or Spanish competitors.[19] The consequences of 'Bosman' for German talents and the German national team have been widely discussed, within the DFB as well as among German football fans. Croci's view – from the perspective of Europe as a whole – that "[n]othing yet seems to indicate that the Bosman ruling has had a negative impact on the development of young players" (Croci 2001: 11) thus at least has to be put into context. One could, for instance, argue that other football associations and leagues in Europe did not expand their definition of 'EU resident' precisely because they wanted to restrict the influx of foreign players, thereby protecting young players which could be eligible for national teams. Even with almost full liberalisation as in the English Premier League, mechanisms have been installed to curb the influx of foreign players (as well as to select the players), or full liberalisation has been revised later on as in Italy.[20] In

[17] These data concern the number of players fielded in the German First Bundesliga 1992-2004, see Brand and Niemann (forthcoming 2005).

[18] See *Kicker*, 02 July 2001. The increase was based on a decision of the newly established German Football League (DFL). The DFB did not approve of this action. However, in October 2004, the DFL took the decision to cut back the quota again: to four players in 2005/06, and to three players in 2006/07.

[19] Moreover, the rise in transfer fees and salaries that took place also in Germany during the 1990s can be explained only partially with reference to 'Bosman', since the income of the clubs also exploded in this period, due mainly to the returns from the sale of TV- and broadcasting rights (Kipker 2002: 11). Important in this regard is the finding by Deloitte & Touche that the Bundesliga has been an exception from the rule (among big European leagues) in the sense that the ratio of salary payments and returns did not change substantially. See Deloitte & Touche (2003).

[20] In Italy, all restrictions regarding foreign players had been abandoned in 2001 in the wake of the so-called 'passport scandal' and following the ruling in a civil court which rendered any form of differentiation between Italians, EU- and non-EU residents a discriminating act. In 2002 the Italian football association FICG re-introduced restrictions in form of a prohibition to sign new non-EU

Germany, 'Bosman' and its extension to all Europeans arguably led to problems for the development of young players. As Gerhard Mayer-Vorfelder, president of the DFB, recently put it: "Our decision was just to treat all citizens of UEFA member-countries like EU citizens. I now believe that this decision was wrong. [...] How can we expect young German forwards to develop in the Bundesliga, if seventy per cent of all forwards are foreign-born. And it is wrong that the best players will always prevail."[21]

If one interprets the shortage of young and talented German football players, which became obvious at the end of the 1990s, either as a consequence of 'Bosman' and its implementation in Germany or as the result of a certain neglect on the part of the clubs, the carefully directed development of young and talented players, which are eligible for German national teams, has become a real concern of the DFB in the wake of 'Bosman'.[22] What is more, the DFB – in accordance with the German Football League (DFL) – also tries to steer the development by establishing certain rules for professional and amateur clubs, which aim at developing and protecting young and talented German players as far as possible within the limits of public national and European law. For instance, every club in the Bundesliga has to maintain a training centre for young players (*Nachwuchsleistungszentrum*) in order to comply with the licensing rules. The professional teams also have to sign at least twelve players, which are eligible for German national teams (although there is no ceiling for the overall number of players). Amateur clubs of professional teams until now had to field at least six eligible players younger than 24, three of them younger than 21; starting with the 2005/06-season, these clubs will become full U23-teams (which means that only three players aged 23 or older can be fielded). Parallel to these measures, the number of non-EU players in German amateur teams has been cut back from up to six (2002) to three (2004). This kind of 'steering policy' within the association is complemented by the policies of the German Ministry of the Interior, which in 2002 issued a directive that in effect ruled out that a non-EU player will get a work permit in Germany unless he is

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residents. The English Premier League has 'fully' liberalised in the sense that each club can sign as many foreign players from all over the world as it wants (although only three non-EU residents can play at the same time); nevertheless, since a player can be signed only in case he took part in 75% of all matches of his home country's national team, there is a form of restriction, which could be termed an 'elite restriction'.

[21] See *Kicker*, 19 February 2004, translation by the authors.

[22] See *Nachwuchskonzept des DFB* (http://www.dfb.de/dfb-info/juniorecke/talent_neu/). Since 2002 the national association sponsors a development programme for young talents, which costs about 10 million EUR/y and consists of 390 training centres, where 22 000 young players are coached by (mostly) professional trainers.

signed by a team in the (first and second) Bundesliga. In 2003, the follow-up to this directive specified that non-EU players must be signed to play in the first team and must not play in the amateur teams of the professional clubs.[23]

In sum, the nationality-related part of 'Bosman' led to a mixed reaction of the DFB: there have been reactions of course, but not full-fledged counter pressure to European institutions. Transposition has been varied: progressive (the decision to extend the definition of 'EU resident') and more conservative (measures to promote German talents). German football has thus become 'Europeanised' through adapting to the ECJ's ruling. In this sense, the counter pressure towards EU-level decisions by the German Football Association has been only moderate.

Bosman II: The new 'transfer regime'

As has been said above, the 'Bosman' ruling not only dealt with the 'nationality question', it also stated that the traditional transfer system had to be completely revised, since the core of this system – the payment of transfer fees for out-of-contract players – had been found to infringe upon the right of free movement within the EU. The ruling itself posed a lot of questions, because among other things it did not consider transfers within member states of the EU and made no specifications concerning transfers of European but non-EU players between two clubs within the EU. Since the transfer system was internationally agreed upon and laid down through FIFA, it became clear during the second half of the 1990s that this part of 'Bosman' was not just (EU- or UEFA-) European business, but could and had to lead to a revision of the whole international transfer system. First and foremost the Commission pushed this view, starting from the perspective that football constituted a normal business activity to be regulated according to competition law. On the other side, the national and regional associations as well as FIFA tried to promote their view that football and sport fulfil special social functions and therefore had to be treated differently. As Parrish (2003) has shown, these actors as well as others – clubs, leagues, media, and lawyers – have formed 'advocacy coalitions' to promote their views in the negotiation process. The overhaul of the international transfer system has been a long process, in which all actors

[23] *Kicker*, 27 January 2003; EU player in this regard means a player born within a member state of the EU, where the rights concerning the free movement of labour do apply (at this time, this still excludes the new member-states like Poland, Hungary etc.).

tried to influence the other side on several occasions. The uncertainties sketched above thereby led to the protraction of this process, since they created some room for manoeuvre for the national associations and FIFA/UEFA. Although the Commission finally pushed them to the table by threatening another ruling through the ECJ in 2000 (Croci 2001: 7), the 'new transfer regime' agreed upon in 2001 suggested that the European Commission in some parts had loosened its demands and abandoned its purism. This is especially true with regard to contract stability (vs. 'normal' periods of notice), which still has to be guaranteed except for narrowly defined situations, and the introduction of a new system of training compensations (as a 'quasi'-transfer fee) for players aged under 23 to encourage and reward training efforts of clubs (cf. Weatherill 2003: 68). This change in attitude of the Commission merits attention and needs to be explained. How was it possible that „[a]fter reaching the compromise agreement with the European Commission [in 2001], FIFA President Blatter, …, publicly thanked Competition Commissioner Mario Monti with words that gave the impression that the Commission had simply acted as a consultant to FIFA to improve its transfer rules" (Croci/Forster 2004: 16)? And, also interesting for our purposes: was there a 'German' contribution to this process?

One could reason that the Commission has been persuaded by the arguments concerning the peculiarities of organising football and the presumed consequences of a fully liberalised transfer regime put forth through FIFA (and the DFB as well). Indeed, some leading German football officials interpret the negotiation process with the Commission to some degree as a successful act of lobbying in the sense of creating more awareness within the Commission for possible disastrous consequences of strict liberalisation (e.g. inoperability of leagues because of highly volatile player markets).[24] There are indeed some indicators that underscore this reasoning, since the Commission gradually reformulated its position throughout the 1990s, as can be seen in the so-called Helsinki Report on Sport from 1999 (Brown 2000: 139). Secondly, several national football associations, not least the German DFB, have lobbied and convinced their respective governments and especially their heads of government in order to exert some political pressure on the institutions of the Community, although mainly in form of public statements. In this regard, the joint statement of Gerhard Schröder and Tony

[24] Interview with Gerhard Mayer-Vorfelder, President of the DFB,, by telephone, January 2005.

Blair in the run-up to the Nice Summit 2000[25] – which expressed their concerns regarding a radical restructuring without enough consideration given to the peculiarities of football (Meier 2004: 14) – has been brought about also by several meetings of the DFB, representatives of leading German clubs and the German Chancellor, in which the 'football community' successfully specified possible adverse implications of a fully liberalised transfer regime for the most popular sport in Germany.[26] Access to policy-makers has therefore been a crucial resource for the DFB and other national football associations. Undoubtedly, the common stance of national governments exerted indirect political pressure on the Commission, which can act with some degree of autonomy in competition policy but certainly does not take its decisions in a political vacuum. Thus, one can detect both engagement (attempts to modify the pressure of the ECJ's ruling and the Commission's claims) and more confrontational elements (attempts to resist and oppose pressures through organising political counter pressure) among the reactions of the DFB and FIFA.

Two of the most important aspects of the 'new transfer regime' agreed upon by FIFA and the Commission, besides the rules concerning contract stability, are the fixing of training compensations for players aged under 23 and in general the principle that clubs involved in training and education of young players should be rewarded.[27] The payment of training compensation in this regard is in some ways a continuation of the old transfer fee payments for out-of-contract players, albeit at a lower level and only with regard to young and amateur players. This adds to the judgement that the 'new transfer regime' agreed upon by FIFA and the Commission resembles not a complete overhaul of the old system but rather a case of 'heavy adjustment'. The compensation payments themselves are more or less 'peanuts' for the bigger clubs, because they only partially help refinancing their training costs for young and amateur players, but they are of substantial importance for smaller clubs. Their introduction according to FIFA rules by the DFB, however, has been ruled illegal in 2004 by the Regional Superior Court Oldenburg, which argued that they infringed on the freedom to choose a profession (Article 12, German Basic Law). In essence, this ruling constitutes a 'national Bosman ruling' for the realm of amateur football. Since the Court underscored

[25] The core argument of the joint statement was: „We acknowledge the current system is not perfect. We fear however that a radical reform could have a negative impact on the structures of football in Europe," cited in Barnard (2000: 28).

[26] Interview with Gerhard Mayer-Vorfelder, President of the DFB, by telephone, January 2005.

[27] Press Release European Commission, IP/02/824, 5 June 2002

that the DFB may have complied with FIFA rules, but that the rules of private organisations like FIFA in any case have to abide by national as well as European law, one can foresee that this ruling (recently confirmed by the Regional Court of Appeal), will not end the discussions, which have as their seminal reference the 'Bosman ruling' of the ECJ.[28]

In sum, the 'Bosman' ruling undoubtedly changed the structures and the landscape of German football. Concerning the make-up of the Bundesliga it has become above all less German, more international, and more European in a wider sense. Through the decision of the DFB to count all citizens of UEFA member-states as EU residents, German football has become more 'Europeanised' than required through the Commission and the ECJ. In some ways, German football has undergone a form of Europeanisation that the EU still struggles with: in principle, it would be possible for a German club to field 11 Turkish players in a Bundesliga game, while the heads of the state of the EU member countries still try to find a way to think of Turkey as a European country.[29] Other processes in German football have shown as well that 'Europeanisation' through European jurisdiction and institutions is far from being a one-way street. Although the EU can exert some adaptational pressure, there have always been attempts to seek ways to escape some of the consequences of adaptation (development and protective measures for young players, in the realm of amateur football) or to weaken the pressure (persuasion and counter-pressure through lobbying in the case of a new international transfer regime). Europeanisation processes of German football thus seem to be more dialectical than commonly assumed.

Broadcasting rights: the Bundesliga marketing system

Over the past decade, the transformation of the broadcasting sector has had a significant impact on professional football in most European countries, including Germany. The sharp growth in the number of actors on the demand-side of the market with the advent of private television in Germany in the mid-1980s combined with the difficulty of

[28] Ruling of the Regional Superior Court Oldenburg/Urteil des LG Oldenburg, Az.: 13 O 1195/04, 29 October 2004; see also the Press Release of the Football Association of Lower Saxony from the same day (http://www.sportrechturteile.de/News/news4335.html). See also: „Ausbildungsentschädigung verfassungswidrig", in: *Kicker Online*, 10 May 2005; "Die nächste Klage ist schon geschrieben. Nach der Entscheidung des OLG Oldenburg droht eine Klagewelle", in: *Kicker Online*, 12 May 2005.

[29] See e.g. the remarks by Andreas Rettig, manager of the 1. FC Köln, in "Elf Türken dürft ihr sein", *Kölner Stadt-Anzeiger*, 17 December 2004.

increasing the supply of truly attractive football events led to very considerable increases in the prices charged for Bundesliga broadcasting rights (at least until the 'Kirch-crash'[30]), a development that has also been witnessed, to varying degrees, in the rest of Europe. Overall, broadcasting is a key element in the larger scale commercialisation of football in recent times. This commercialisation of sports (and above all football) in Europe has decisively fostered the intervention of EU institutions and Community law in the sector. Much of the most economically significant sport-related material that landed on the desk of the EU Commission in the mid- and late 1990s has been concerned directly or indirectly with broadcasting. Moreover, in some respect the EU Commission's preoccupation with football has been driven by its need to monitor the much more important broadcasting sector, in which it seeks to preclude practices that facilitate incumbents' to impede new entrants to the market (cf. Weatherill 2003: 74).

One of the most contentious issues is concerned with the marketing system of broadcasting rights. An established commercial practice in European football, as well as the European sports sector more generally, is the central marketing and joint sale of broadcasting rights on behalf of individual participants. This system, which currently applies to both free-TV and pay-TV broadcasting of the Bundesliga, offers prospective buyers only the opportunity to compete for one package which comprises a league's entire output. Purchasers are unable to conclude deals with individual clubs. Such collective selling is an equalising arrangement through which revenues are distributed more evenly than in a decentralised model. In the latter system the allegedly more attractive clubs would take significantly more of the pie (at the expense of smaller clubs). The main argument in favour of the collective system is that it helps sustain vibrant (inter-club) competition, a crucial element of any sporting activity. For example, broadcasting rights for the Bundesliga, the English Premier League and the UEFA Champions League are marketed centrally by the DFB/DFL, the FA and UEFA, respectively. From the perspective of EU law two issues are important here: firstly, whether the prevention of clubs from entering into individual agreements with broadcasters amounts to a restriction of competition and thus falls within the scope of Article 81 (1) TEC; secondly, whether the collective selling of broadcasting rights is

[30] The Kirch Group which acquired the Bundesliga rights for the period 2000-2004 went into bust in April 2002. The price for Bundesliga broadcasting rights increased from 4 million EUR in 1988 to 169 million EUR in 1999/2000. Kirch paid 355 million EUR for 2000/2001. Since then the value has decreased to 290.99 million EUR per season since 2002/2003.

necessary to ensure the survival of the financially weaker participants in the league. If the above mentioned solidarity argument is accepted, an exemption under Article 81 (3) from the application of Article 81 (1) TEC may be granted (Parrish 2002: 9).

Although the Commission generally has very significant competencies in competition policy (cf. e.g. McGowan 2000), it had already insisted that it did not aspire to become a general sports competition policy regulator. The Commission also more and more deviated from an orthodox articulation of Articles 81-82 in its communications and became increasingly eager in recent years to show respect for the social and cultural benefits of sports (cf. Weatherill 2003: 52f, 75, 93f). Hence, overall the level of top-down pressures (exerted by the Commission here) was less significant than in the previous two sub-cases (interview 2004).

Although not decisive as a matter of EU law, the permissibility of central marketing of broadcasting rights has been addressed by the German national court. The *Bundesgerichtshof* first concluded that the central marketing of European Cup home matches by German clubs was a cartel for which no exemption could be justified. Thereafter it was expected that central marketing would also be condemned for broadcasting the Bundesliga. However, due to the lobbying power of the DFB and several clubs collective selling was subsequently granted statutory approval by the German competition authorities (cf. Kruse and Quitzau 2002: 3). Of course, a green light under national law cannot displace the application of Article 81 TEC. Therefore, the DFB requested an exemption from the application of Article 81 with regard to the central marketing of television and radio broadcasting rights for professional football matches in Germany in 1999. Backed by a large majority of clubs and aided by UEFA (and German policy-makers), the DFB sought to reduce EU level adaptational pressures. Its reaction can thus be described as intervention/engagement. Such response is rational in view of the preferences on the part of the DFB/DFL, UEFA and most Bundesliga clubs and given the substantial misfit between the existing regime and that suggested by the Commission.

Under the German collective selling system the DFB leases the broadcasting rights to the DFL which also markets the rights. The DFL redistributes the revenues gained from the broadcasting contracts to the clubs. The contracts in question in the DFB request for exemption from Article 81 concerned the rights to show first and second division Bundesliga games. The DFB/DFL claimed authority to enter into such contracts as the main organisers of the competitions. The application for derogation

from Article 81 was substantiated with reference to the solidarity function which the central marketing system supposedly fulfils in that funds are redistributed (fairly) among clubs. It should be mentioned that this stance is accepted by most officials from the DFB and DFL as well as the vast majority of clubs. Among the 36 professional German football clubs only Bayern München, Borussia Dortmund and Bayer Leverkusen favoured a decentralised marketing model, given their potential to raise (substantially) larger revenues. They also occasionally asserted that overall generated income would be higher[31] under a decentralised system and they sporadically threatened by referring to exit options.[32] During the course of discussions all clubs eventually accepted the collective selling system. However, later it was revealed that Bayern München mainly came on board because of a 'secret' marketing treaty with the Kirch-Group, which had secured the rights for the period 2000-2004. In this agreement Bayern München was compensated for lost revenues by foregoing individual marketing arrangements. As a result, the club *de jure* agreed to the central marketing model, while *de facto* securing the financial status of a decentralised system. This can be regarded as the introduction of elements of decentralised marketing through the back door fostered by private (largely national) actors (cf. Kruse and Quitzau 2003: 13-14).

In the DFB request for an exemption from EU antitrust rules, the DFB and the DFL made a considerable effort to influence matters. They mainly sought to assert their preferences via UEFA. DFB President Mayer-Vorfelder was well placed in that respect as a member of the UEFA Executive Committee and the Executive Committee Working Group on matters related to the European Union. Within the UEFA framework DFB officials also participated directly in talks with representatives from the European Commission (including Commissioners), members of the European Parliament and national ministers responsible for sports. In addition, direct relations were cultivated on the part of the DFB with the Commissioners Reading and Monti. The DFB mainly used UEFA as a channel also because the UEFA was (simultaneously to the DFB case) involved in talks with the Commission as it had applied for an exemption from Article 81 concerning the collective marketing of commercial rights to the UEFA Champions League. Lobbying (via UEFA) has retrospectively been viewed as an effective means.[33]

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[31] However, the literature rather seems to contradict this point. Cf. e.g. Weatherill (2003: 77).

[32] Exit options were mainly articulated by Bayern München. Such options (potentially) included participation in a future European League or – perhaps held less seriously – participation in a different national league such as the Italian (cf. Kruse and Quitzau 2003: 14).

[33] Interview with Gerhard Mayer-Vorfelder, President of the DFB, by telephone, January 2005.

Rather than applying direct (political) pressure, it was important in the talks with the Commission and other EU circles to bridge certain knowledge gaps, to widen decision-makers' basis of information and to specify the implications of a vigorous application of Community antitrust rules to professional football in Germany. Moreover, a certain amount of political pressure spilling over from the Bosman case and the subsequent discussions concerning transfer rules[34] provided an additional rationale for the Commission decision to exempt the new system for marketing Bundesliga broadcasting rights. These logics also have to be seen against the background of growing anxieties on the part of the Commission in recent years to show respect for the social and cultural benefits of sports and its decreasing desire to get involved in sports policy (cf. Weatherill 2003).

The new marketing system for Bundesliga broadcasting rights that was accepted by the Commission in July 2003 contains the main demands made by the DFB. The new model has been described as 'essentially a centralised system of marketing broadcasting rights with some decentralised elements on the fringes'[35]. Collective marketing of TV rights will broadly continue. However, broadcasting via mobile phone and the internet will become liberalised from 2006/2007, so that clubs will be in a position to market their home games via these media.[36] Overall these changes (stemming from top-down Europeanisation pressures) can be described as (minor) adjustments, as policy cores remained untouched and only non-fundamental alterations were made.

The Champions League

So far we have predominantly looked at the adaptational pressures stemming from the European Union and the transnational and specifically German responses toward these pressures. In contrast, this section deals more with transnationally and domestically induced changes which have a significant bearing on the policies, structures and

[34] For example, statements by Gerhard Schröder and Tony Blair as well as provisions in the Amsterdam Declaration emphasise the need for the bodies of the European Union to listen to sports associations when important questions affecting sports are at issue. As pointed out earlier in this chapter, these statements and declarations can, at least to some part, be attributed to the lobbying efforts of (German) football clubs and DFB officials.

[35] Interview with Dr. Christian Hockenjos , Managing Director at Borussia Dortmund, by telephone, January 2005.

[36] For full details see for example European Commission (2003). Closely related to the issue of collective marketing is the issue of exclusivity, i.e. the sale of exclusive broadcasting rights, which however would go somewhat beyond the scope of this paper.

attitudes governing German (professional) football. The most important factor in that respect is the UEFA Champions League. Since the early 1990s there has been increasingly strong pressure on UEFA from the big European clubs and media groups to expand European club-level football competition in order to exploit the commercial potential of such development. In response to these transnational Europeanisation pressures UEFA welcomed such ideas given the possibility of (further) raising its profile and status. As a result, UEFA enlarged the European Champion Clubs' Cup in 1992/1993 to include a league format, which has subsequently been called the 'Champions League'. Again at the initiative of media companies and the largest European clubs, which at times mildly threatened with the exit option (a European break-away league), the league format was expanded in 1997, a step that was acquiescenced by UEFA. This allowed for the participation of the runners-up of the bigger national leagues and increased the number of matches played and thus raised revenues.

In turn, once established, the Champions League has itself become a source of Europeanisation, thus setting off a "second round" of Europeanisation (cf. Bugdahn 2005: 183). For example, it has turned into a real focal point for the more competitive Bundesliga clubs, a development paralleled across other European football leagues. The rationale is two-fold. First, the participation in the Champions League is financially very lucrative. For example, in the season 2002/2003 Borussia Dortmund earned 33.7 million EUR (27.1% of its total revenue) by (merely) reaching the second group stage in the Champions League. And in the season 2000/2001 Bayern München gained 41.25 million EUR – almost twice as much as through total national TV revenues – by winning the Champions League that season. It can be argued that participation in the Champions League is even more important for the top German clubs than for their English, Spanish or Italian rivals in order to stay competitive on the European level due to different domestic TV-market(ing) conditions. English clubs can draw on huge earnings through their massive national broadcasting contracts. Top Italian clubs can raise very considerable revenue because the pay-TV sector is decentralised[37]. And in Spain both free- and pay-TV is marketed on an individual basis, which benefits the most attractive teams disproportionately.

[37] According to one source Juventus Turin has made 93 million EUR through pay-TV during one season in the past; Interview with Karl-Heinz Rummenigge, Chairman Executive Board, FC Bayern München AG, by telephone, December 2004.

Secondly and closely related to the previous point, the Champions League has also become a focal point for the bigger German (and other European) clubs because it has developed into a top brand. Part of the success story is that it now contracts 82 TV partners in about 230 countries and islands and was able to increase its world-wide audience/broadcasting quota by (another) 9% in the season 2003/2004. In addition, Champions League matches have generated a higher average attendance than games in the highest domestic leagues in England, Germany, Spain, Italy and France.[38] Another indicator for the development of the Champions League brand is the continuity and fidelity of its sponsors: Ford, Mastercard and Amstel have all sponsored the Champions League from the outset or joined closely after. Sony is also developing into a long-term partner. These companies all seem to regard their substantial contributions invested profitably. A different sign of successful brand-building is the receipt by the Champions League of the TV industry's 'Oscar' awarded through the Broadcast Design Association for the best European appearance in the sports business in March 2004. These 'soft' factors again have substantial positive financial implications for clubs taking part in the Champions League, for example in terms of sponsoring and merchandising, even though the impact of Champions League participation on these areas is difficult to measure. Overall, our interviewing of officials at the bigger Bundesliga clubs has revealed that – due to the above developments – the Champions League brand and its monetary implications have generated substantial appeal to them. Clubs like Borussia Dortmund and Bayer Leverkusen are aware of the fact that their performances in the Champions League have considerably raised their images nationally and internationally and that their membership in the G-14 forum[39] is primarily owing to that. Hence, overall the Champions League has altered the economic structure of European club football by adding another very lucrative source of income, which – given domestic (broadcasting) background conditions – is of particular interest to Bundesliga clubs. As a result, the Champions League, or playing 'in Europe' more generally has a considerable magnetic effect on them.

There is another aspect which is fostered by the Champions League (and by the increase of foreign-born players following from 'Bosman'): the potential development

[38] Between 1992/1993 and 2003/2004 the Champions League has generated an average attendance of 37.073, more than any national football league during that period. When analysing individual seasons, national league games were attended by more spectators only in 2001/2002 (Premier League), 2003/2004 and 1995/1996 (Bundesliga). Data available online: http://european-football-statistics.co.uk/attn.htm.

[39] See next section.

of a 'European public space' (Brown 2000: 142). It has been noted that in contrast to processes on the level of elites, the general public is still for the most part inward-looking. As noted by Kohler-Koch (2002: 6), language barriers, strong national or local identities and traditions hold back the development of such transnational public space. The argument here is that football plays an important role in forming allegiances and identities at the national, local and supranational level, as it draws on an emotional investment by the supporter. Football clubs have distinct histories and traditions. So have the various European countries. If football is indeed an important expression of supporters' collective identities, cultural diversities could be given a more positive expression through football, and more 'European' allegiances could be reinforced. If fans' teams are increasingly composed of foreign-born (European) players, as is the case across the entire Bundesliga, and as their favourite players are gradually more non-native Europeans – such as the popular Dutch Roy Maakay, the Czech Jan Koller or the Frenchman Bixente Lizarazu – this is likely to challenge existing identity patterns. As noted by the *Economist*, "over the past decade European football teams have turned into a living, breathing embodiment of European integration".[40] Such tendencies are also reinforced by high audience quotas of Champions League games and the positive imagery and brand as well as high status attached to European-level competitions more generally. As for the German case, no data or studies examining this argument more closely are known to the authors.[41] In any case, the level of change is difficult to measure. Judging from media coverage and preliminary interviewing, it can be suggested that the impact of the Champions League in that respect may be quite substantial. Of course, these tentative findings do not replace proper empirical research on this issue, which would however go beyond the scope of this paper.

The G-14

Apart from processes of 'EU-Europeanisation' other transnational dynamics, which emanate from football clubs, come into play as demonstrated in the previous case. Such transnational Europeanising dynamics should be separated from the long-standing tradition and importance of European competitions on the club level as well as European tournaments between national teams, especially with regard to the changes of

[40] *Economist,* 29 May 2003, 55.

[41] For the English context, see Brown (2000) and King (2000).

the last 10-15 years. What happened in the last decade in this regard is, above all, that in the context of new technological (broadcasting) and legal (EU) developments and given the new financial dimensions of professional football (Champions League), new forms of European transnational networks have evolved, most prominently the so-called G-14.

The G-14 – sometimes labelled the "European club of the rich"[42] – is a self-selected and self-recruiting interest group of today 18 big European football clubs. Its legal structure is that of a European Economic Interest Group (EEIG), which means that it is embedded in the instruments of the Community for facilitating and encouraging transnational cooperation between firms (as it was originally intended by the Community). It seems self-evident that its principal aim is to promote the interests of the member clubs and to analyse all matters of common interests.[43] In other words: it is a lobby group on behalf of the mainly commercial interests of leading European clubs. The idea to form such a group was born in 1997/98 by club representatives in informal meetings. Of great importance for the final formation of the G-14 was the proposal of the Italian media organisation Media Partners in 1998 to establish a European Super League, a break-away league, in order to generate higher revenues from European-wide competitions than under the scheme of the UEFA Champions League.[44] Although UEFA countered with a change of format of the Champions League[45] that appeased the big clubs, the G-14 did not cease to exist but, quite contrary, took steps to formalise and in 2000, constituted itself officially as the European lobby group 'G-14' with a General Manager who had been a key figure in the logistical organisation of UEFA Champions League before (Ducrey et al. 2003: 61).

Three German clubs are members of the G-14: Bayern München from its starting, Borussia Dortmund was invited to join in 1999, Bayer Leverkusen in 2002.[46] German clubs in sum rank fourth concerning their votes – if one wants to group the votes in the General Assembly of the G-14 by nations. At the Management Committee,

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[42] *Frankfurter Allgemeine Zeitung*, 01 December 2004; see also Brown, who labels it the "self styled 'G14 group' of Europe's richest clubs" (Brown 2000: 137).

[43] The group's own PR lists several other aims, see: www.g14.com.

[44] Media Partners even complained to the Commission that UEFA's prevention of such a breakaway league amounted to an abuse of a dominant position from the perspective of Community competition law (Parrish 2002: 11).

[45] As Kruse and Quitzau put it, the introduction of more group matches increases the number of matches to be played and thus the revenues that can be expected from the clubs that take part, see Kruse and Quitzau (2003: 15).

[46] As Marcotti writes, Bayern München insisted that Borussia Dortmund came in after two French clubs had been invited (Marcotti 2004).

the de facto leading organ of the G-14, which generally sets the agenda, the 'German contribution' has been for some time Vice Chairman Karl-Heinz Rummenigge, who through his position at Bayern München and his involvements with the DFL and FIFA has sometimes been named the 'ambassador of the G-14'.[47]

The G-14, as will be shown in the remainder of this section, generated dynamics at three levels – vis-à-vis the European Commission, vis-à-vis UEFA/FIFA and 'inward-looking' among its members – thereby contributing to Europeanisation processes in the realm of football.

In 2001, the G-14 opened an office in Brussels. The choice of this place, seen from the G-14 as "entirely natural" not least since main institutions of the EU are located there[48], reflects the growing awareness in football circles that the European Union has become a centre of gravity or at least a power centre for football.[49] In the case of the G-14, it also reflects the fact that the Commission has been regarded by the leading clubs as a potential ally (vis-à-vis the various associations) in reforming football according to the 'business perspective' (Ducrey et al. 2003: 34). Interestingly, while the G-14 has not been recognised by either UEFA or FIFA as an official organisation, the European Commission has not acted in a reserved manner and allowed the G-14 to explain its position as 'employer' of footballers in the talks between FIFA and the Commission about a new transfer regime in 2001. Thus, the relationship between the G-14 and the Commission has been characterised to some degree by mutual recognition of the respective positions. It did not generate any discernible pressure or counter pressure, but it certainly has reinforced 'Europeanising' mechanisms within the G-14 because of the Commission's acceptance of the group as a legitimate football organisation.

The orientation of the G-14 towards Europe can be explained by reference to the creational powers of the EU as well as its members' interest in revenues from lucrative European competitions (the Champions League in reality and the breakaway Super League as a rather implicit threat to UEFA). UEFA, not surprisingly, has a somewhat distanced relationship to the G-14[50], but recent developments hint at its attempt to

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[47] Besides, Michael Meier of Borussia Dortmund has been Vice Chairman of the Management Committee until recently. Now, Uli Hoeness of Bayern München belongs to the Management Committee.

[48] See www.g14.com

[49] Recently, in 2003, the UEFA has also opened an office in Brussels to liaise (more easily and efficiently) with the EU.

[50] FIFA and its president Blatter have become a bit more pragmatic. In 2004, after the G-14 had referred FIFA to the Swiss Office of Fair Trading because it wanted to enforce fees from FIFA for players which play for their national teams in world tournaments, Blatter stated that having invited the G-14 to Zurich

strengthen ties with European football clubs either to accommodate the G-14 or to weaken it. In this regard, the UEFA Club Forum was established in 2002 as an expert panel (with the status of an advisory body) with members of 102 European clubs as members. Similarly, the European Professional Football Leagues (EPFL), an association of 15 professional leagues founded in 1998, has recently become more vocal as it has been trying to establish itself as the fifty-third association alongside the various national associations within UEFA. These developments also show that German football officials have contributed to some counter trends to the G-14 as well, since the strengthening of the EPFL has been partially caused by leading actors of the DFL.[51]

Some see the emerging EPFL as a potential gravedigger for the G-14, some interpret the UEFA Club Forum as a 'rival firm' to the G-14 (which is hard to sustain because of several personal cross-connections) – but important from our point of view is that a more and more complex web of transnational networks and relationships has been established throughout the realm of European football, mainly through and with reference to the G-14 grouping. The G-14 itself thereby represents a qualitatively different type of transnationalism from those of UEFA or FIFA, since the latter are, above all, constituted through national associations (cf. Lehmkuhl 2004: 182). The transnational character of the G-14, on the other hand, is based more on personal relationships between top executives, which have frequent contact with each other and act on the basis of interests which overlap for a good part; moreover, national regards tend to dissolve[52], in contrast to UEFA where national interests from time to time seem to be more important. The G-14, to sum it up, could level some pressure on FIFA/UEFA by promoting the interests of its member clubs vis-à-vis European institutions and the football associations themselves. Attempts of UEFA and other actors to accommodate some demands of football clubs within European football governance have been provoked by the G-14. The grouping itself adds to the growing Europeanisation of football in Europe, because it generates a 'Europeanising', inward-directed dynamic through providing a trans-national platform for the articulation of common interests.

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had been a big mistake and that he would not talk with an organisation not recognised officially in European football (*Stuttgarter Zeitung*, 14 April 2004). Later on, he signalled a more pragmatic approach by stating that talks could take place.

[51] See ‚*Straub fordert direkte Mitsprache bei UEFA'*, in: *ZDF.de*, 30 November 2004.

[52] Interview Dr. Christian Hockenjos , Managing Director at Borussia Dortmund, by telephone, January 2005, see also the Ducrey et al. (2003: 60).

Sub-cases	Source of Europeanisation	Strength of Pressure/Dynamic	Addressee/ Affected Actors	Reaction to Pressures	Strength of Reaction	Degree of Change
Bosman I: ***The Nationality Issue***	Top-down through ECJ / Commission	(Medium) to High	DFB, (Football clubs)	*Formulation*: no role *Implementation*: mixture of progressive and conservative transposition	Moderate	Transformation
Bosman II: ***New Transfer Regime***	Top-down through ECJ / Commission	Medium (to High)	FIFA, national associations (incl. DFB)	*Formulation*: engagement and confrontation	High	'Heavy adjustment'
Broadcasting Rights	Top-down through Commission	Medium	DFB/DFL	*Formulation*: engagement	(Relatively) High	Adjustment
Champions League	Transnational / bottom-up *[still privileged actors: big clubs, media]*	Medium (to High)	UEFA	Acquiescence and support	Medium	('Heavy') Adjustment
	'Champions League' *itself*	Medium	(big) clubs	Support	Medium	(hints at possible transformation?)
		(Low to) Medium	European public	Support	Low?	
G-14	Transnational / bottom-up *[still privileged actors: reps of big clubs]*	Low	EU Commission	Support	Low (to Medium)	Adjustment?
		Medium	UEFA / FIFA	Confrontation and engagement	Medium (to High)	
		High	*inward-directed*	?	?	

Conclusions

The above analysis indicates that our five sub-cases represent rather different Europeanisation processes. *Bosman I* is characterised by strong top-down EU pressures on the DFB (and German clubs) to change nationality restrictions, which were mediated through a mixture of progressive and conservative transposition, while domestic and transnational actors did hardly intervene in the policy formulation period. As a result, we have a high degree of change, adequately described as 'transformation', which is indicated not least in the very large share of UEFA residents playing in the Bundesliga. The second case, *Bosman II*, can be described as medium to strong European level/EU pressure on FIFA and national associations (including the DFB) to change the transfer regime. Domestic and transnational agents already became involved in the policy formulation phase and built up considerable opposition against the line pursued by the Commission. Hence, it was possible to prevent a complete overhaul of the transfer system, but (heavy) adjustments had to be made. Thirdly, as for the *broadcasting* case, we witnessed medium pressure from the Commission on the German Football Association and the German Football League to change the centralised marketing model. The DFB and DFL effectively engaged and opposed the Commission on this issue and thus managed to reduce Europeanisation pressures, as a result of which the current broadcasting system merely has to be adjusted.

Sub-cases four and five are characterised by rather different sources of Europeanisation, emanating from domestic and above all transnational spheres. The *Champions League* case represents a more complex process in which big football clubs and media companies exerted considerable pressure on an acquiescencing and somewhat supportive UEFA for an extension and upgrading of European club competitions. The resulting Champions League, especially due to its very significant financial implications, has to some extent altered the economic structure of European club football, acting as a pull factor particularly to German clubs, given domestic (broadcasting) background conditions. However, the impact of the Champions League (together with the increase of foreign-born players following from Bosman) is more profound than that. Arguably, it also contributes to the development of a European public space. By drawing on the emotional investments of fans, football – here in the form of the positive imagery and brand of the Champions League (reinforced by its high audience rates) as well as the fact that supporters' favourite players increasingly stem from abroad – plays an important role in forming allegiances and identities on the level

of ordinary citizens (rather than elites). Finally, the *G-14* case is driven by transnational pressures from the biggest European football clubs with rather different reactions on the EU level (Commission), on the level of European/international football associations (UEFA and FIFA) and within the G-14 itself. While the Commission has been rather supportive, the UEFA tends to see the G-14 as a rival institution that needs to be somewhat held in check. Internally, the G-14 has witnessed certain socialisation processes (and the development of common perspectives). G-14 Europeanisation processes have proceeded rather unevenly, but nevertheless had a moderate impact on the German (and European) football regime.

We have aimed at exploring the applicability of Europeanisation concepts and categorisations – mainly derived from the analysis of political contexts – to other fields of social interaction. Overall, our systematisation of Europeanisation into different stages and categories – drawing to some extent on the existing literature – has proven useful for an analysis of different Europeanisation processes in the area of German football. However, the last two sub-cases, which were characterised by considerable complexity, have indicated the boundaries of utility of our typology, as the variety of dynamics became increasingly difficult to capture. Categorisation (and thus implicitly conceptual parsimony) is always, to some extent, a trade-off with the complexity of empirical 'reality'. If sacrifices to empirical precision can be held within acceptable limits, as seems to be the case here, the development of typologies may truly add value. Systematisation is particularly important in Europeanisation research given the considerable variation in national institutional histories, functional sectors, actor constellations, as well as the complex interplay between mechanisms of change at the domestic, the societal/transnational and the European level. Reference to particular Europeanisation categories provides the basis for a (more) systematic cross-sectoral and cross-national analysis of policy processes. Individual studies (also of different authors) may thus more easily build on one another and knowledge may be accumulated more straightforwardly and methodically. Building and refining typologies (also) facilitates the generation of generalisations.

Our analysis also adds to one of the most widely discussed issues in the Europeanisation debate, namely the causal relevance of the EU concerning domestic developments. If we look at the first three sub-cases in isolation, we have some scope for a comparative analysis, as these units are adequately homogenous and thus comparable. Values on the explanatory variable (the level of EU pressures) vary across

these sub-cases between high (*Bosman I*) and medium (*broadcasting*).[53] The three sub-cases indicate that the level of EU pressure indeed seems to have causal relevance. High EU pressures in *Bosman I* (accompanied with only medium intervening counter-reactions) have led to a transformation of the nationality regime. By contrast, only medium pressures in the case of *broadcasting* (albeit accompanied by stronger counter-reactions) has only led to (minor) adjustments of the existing broadcasting model. The Bosman II case also fits into this sequence: medium to high EU pressures met by strong intervening counter-reactions lead to heavy adjustment of the transfer regime. While this comparison suggests that the EU matters, it also indicates that (what has been termed here) control/intervening variables, i.e. domestic and transnational/societal responses are also important factors to be reckoned with. While this has been made explicit for the domestic level in the literature, it is less obvious vis-à-vis societal/transnational dynamics.

Following from the latter aspect, and related to one of the main themes of this paper, it is worth reiterating that transnational/societal aspects may deserve more sustained attention in the Europeanisation research programme. Admittedly, the issue area investigated in this paper was more prone to invite such a conclusion, although – as has been indicated above – the subject matter is more economically and politically salient than its title would suggest. Nevertheless, by simply focusing on the EU-domestic dichotomy, the conceptualisation of the Europeanisation process is lacking an important ingredient. This finding is likely to hold across different contexts and thus be of a more general nature, given the important role played by transnational actors/networks in subject areas such as (European/EU) monetary (Cameron 1995), air transport (O'Reilly and Stone Sweet 1998) or technology policy (Sandholtz 1992, 1998). Future research will need to substantiate this proposition.

[53] Ideally, control/intervening variables (e.g. domestic and transnational reactions) are held constant. Where this is not possible (like here), differences in terms of these variables can be flagged, so that one is able to ascertain the direction of possible bias.

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