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Denmark in Europe 1973-2015: Processes of Europeanization and 'Denmarkization'

Thorsten Borring Olesen, *Aarhus University*

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Abstract

Since becoming a member of the European Community in 1973, Denmark has conducted eight referenda on its involvement in the process of European integration. Five of the referenda have produced a 'yes' to accession and further integration while the remaining three have resulted in 'noes'. The Danish approach of using referenda, of claiming opt-outs after 'noes' and of setting up parliamentary controls to check government policy in Brussels has been a way of checking Europeanization - in this article termed 'denmarkization'. For a long period, the two processes of Europeanization and denmarkization have co-existed and helped to create equilibrium and legitimacy behind Danish European policy. However, this seems to have changed lately as denmarkization by centre-right and populist parties no longer appears efficient in safeguarding Danish sovereignty in the vital welfare domain. This has provoked a situation in which Europeanization and denmarkization according to the interpretation of this article are heading for collision, which will necessitate some form of reconfiguration of Danish European policy. This article investigates and discusses this dual-faced aspect of the Danish membership experience and finally raises the question of whether this experience finds parallels in other EU member states.

Keywords

Danish EU policy; Europeanization; integration; euro-scepticism; future of EU

When the Danish government handed in its application for membership of the European Communities in 1961, it sparked off the first serious and organised debates on the pros and cons of membership (Borring Olesen & Villaume 2005: 472-490). Central to these debates was the issue of sovereignty. It became central because the emerging 'no' movements and the EEC-sceptical parties saw the main threat of membership in the loss of sovereignty, and thus national independence, and therefore projected this argument – in many variations and accentuations – to the forefront of their 'no' campaigns. The sovereignty issue has kept this pivotal position through the debates and campaigns of five decades up to the present day (Petersen 2006: 652 ff.).

The loss-of-sovereignty argument has generally been difficult for the 'yes' side to neutralise. This is due to the apparent fact, on the one hand, that membership would and did entail transfers of national decision-making prerogatives to the Community institutions, and, on the other hand, that it was and has been difficult to convince the electorate of the relevance and solidity of the argument that membership also implied a sovereignty gain as Denmark and Danish citizens would receive a share in the new community pool of sovereignty that would accrue from the (emerging) European polity. Instead governments and 'yes' parties for long, and initially with great success, sought to recast the discourse by emphasising the economic rationales of membership, i.e. the advantages to trade, to the balance of payments, to the solidity of the monetary system etc.

However, when they occasionally were forced to engage with the political consequences of membership, the dominant pro-membership story line during the pre-accession period stressed that a Community with British, Irish, Danish and Norwegian membership would be a completely different community from the original one of the Six which would push it in a more intergovernmental,

pragmatic and North European direction (Borring Olesen & Villaume 2005: 489 f. and 715). Although this argument held some substance, former Danish Prime Minister Poul Schlüter (a Conservative) crossed a line when as late as 1986 in the run up to the Danish referendum on the Single European Act (SEA) he made his (in)famous claim: 'The Union is stone dead, when we vote yes on Thursday' (Schlüter 2006).[1] All the same, the point is that Schlüter was probably not being deliberately deceptive. On the one hand, his remark testifies to a manifest shyness among Danish pro-EC/EU politicians in acknowledging and engaging with the supranational ambitions written into the Rome Treaties and further underscored by the EC institutional and legal praxis in the period prior to Schlüter's claim, but it probably also reflected his profound view that member states were still able and determined to check the attempts to constitutionalise the EC.[2]

Taking its cues from these early Danish EC debates, this article attempts a stock-taking of the Danish relationship with European integration during the full membership period based on the reading of existing research and present-day debate. It does so by employing the two concepts of Europeanization and denmarkization to discuss to what degree and in which sense EC/EU membership has influenced and impacted on Danish politics and society. It is the argument put forward in this article that denmarkization must be seen as a response to the process of Europeanization – as a way of curbing the influence of Europeanization – and further that until recently most Danish decision-makers, like Poul Schlüter above, tended to view denmarkization as a necessary and credible safeguard against excessive Europeanization. However, it is also the argument of this author that this is increasingly not the case any longer, and that the whole issue of (excessive) Europeanization has moved centre stage in Danish politics to a degree – outside of referenda campaigns - never witnessed before.

Due to the comprehensive character of the topic under discussion the article is selective in its approach. It will treat the Europeanization aspect in three parts by first discussing and defining the concept of Europeanization as a prelude to analysing Europeanization trends with a focus on its legal and administrative consequences and on its impact on the salient issues of the Danish labour market and welfare organisation. The denmarkization aspect will be treated by highlighting and discussing the role and importance of three political phenomena, the Danish Parliament's European Affairs Committee, the referendum institution and the Danish EU opt-outs. In the final section, the article will discuss and assess how the two aspects may influence and condition the whole Danish approach to the EU and the process of European integration. The argument concerns the specific Danish case, but in conclusion the article raises the question of whether the Danish case reflects a major trend also seen in a number of other EU countries.

EUROPEANIZATION

The Concept

For historians, the concept of Europeanization is a vast and complex one - both in its temporal and spatial dimensions. We find historians using the concept to analyse and interpret European developments under Hitler, in relation to imperial Europe, in the Napoleonic era and as far back as the middle ages as Sverre Bagge and Robert Bartlett have done (Bagge 1986; Bartlett 1993). Just as historians see Europeanization at work in different time periods, the geographical delimitations of Europe also vary considerably, and the ruling point of view today is simply to argue, along constructivist lines, that theoretically at least it is impossible to demarcate Europe in any precise sense. This double challenge was already neatly condensed in 1992 by Swedish historian Rune Johansson when he observed:

> While today it is popular to talk about the end of history one may in summary conclude that also in the future the problems related to integration and disintegration in Europe and the delimitation of European integration will remain topical to discuss in time-bound terms (Johansson 1992: 93 – author's translation).

To these two challenges one must add a further complexity, namely how do we approach the study of Europe in methodological and theoretical terms? Are we addressing the issue through the analysis of the creation of cultural spaces and discourses on Europe, through the mapping of transnational contacts and networks or through the study of material artefacts with the capacity to bind Europe together?

This interesting reflection is presented in an article by Ulrike v. Hirschhausen and Kiran Klaus Patel. There they argue that there are basically three ways of studying Europeanization, which they sum up as Europe Imagined, Europe Constructed and Europe Emergent (Hirschhausen & Patel 2010). If the two first categories may fit into a distinction between, in the Benedict Anderson sense, Europe Imagined and Europe Lived, it is the third category of Europe Emergent that is of particular relevance to this article. This is so, according to the logic of the argument of Hirschausen and Patel, because the process of post-war European integration may be conceived of as a development in which long-term historical processes and structures came to be perceived of as specifically European by elites and/or people living with and in them. Thus, it was a moment when Europe emerged conscious of itself as European (and not exclusively national), and when a European polity was being constructed on the basis of such a conception. However, as they claim, there is no teleology involved. Historical ambition can fail and history move into another direction primed by other (re-) emergent and competing forces. Despite the fact that 'the ever closer union of the European peoples' has a treaty background of nearly 60 years now, many historians find it wise to acknowledge that we are still living in 'tidal Europe' where political artefacts, among them the EU, may ebb and flow (Hirschhausen & Patel 2010: 4).

If we move into the EU studies area, processes of Europeanization are primarily the domain of social science research. Although the task of defining the subject compared to the history approach is more straightforward both in the temporal and spatial dimensions, a brief glimpse into the literature reveals that the task is still daunting and definitions wide-ranging. Or to paraphrase Johan P. Olsen's nearly 15 year old but still valid observation, as a concept EU-Europeanization is both fashionable and contested (Olsen 2002). Olsen himself listed five different, partly complementary, phenomena referred to by the term Europeanization: (1) changes in external boundaries; (2) developing institutions at the European level; (3) central penetration of national systems of governance; (4) exporting forms of political organisation; and (5) a political unification project.

Several of these phenomena would fit well into a historical analysis of *Europe Emergent*, but for the purpose of this article's focus on the impact of EU-Europeanization on Denmark, we will primarily limit ourselves to phenomenon three from Olsen's list. Central to this way of studying Europeanization is to investigate how the EU influences and impacts upon the member nation states. It is an approach which has expanded greatly over the last ten years, and in the words of Vink and Graziano, its central focus is on the 'changes in national political systems that can be attributed to the development of European regional cooperation' (Vink & Graziano 2008: 3). Or put differently, the approach can be designed to explore the changes that Europeanization generates in the polity, policies and politics of member states.

Legislation and Administration

Although it is often stressed in the literature that the processes of Europeanization have not affected the member states in similar ways and with similar intensity, Robert Ladrech's conclusion, that:

> although undetected as regards its cumulative effect, the degree of penetration by the EU into its member states' political systems has resulted in a myriad of adjustments, that, while perhaps not formally redefining national statehood, does imply that twenty-first century EU membership commits a state to a continuous process of Europeanization …. (Ladrech 2010: 215)

is convincing, including when we are dealing specifically with the Danish experience.

As in other member states, an increasing load of Danish legislation emanates directly or indirectly from Brussels (Töller 2010). As elsewhere, national adaptation does take place and to a certain degree generates a process of 'nationalization' within the process of Europeanization although such adaptation is mainly linked to the indirect part of the legislative process, not the major part that becomes law and has direct applicability through regulations (Kelstrup, Sindbjerg Martinsen and Wind 2012: 386 ff; Kallestrup 2005: 355 ff.).

Among Danish legal specialists there is widespread disagreement as to the actual level of Europeanization of Danish law.[3] The minimalist school argues that the European impact is relatively modest, but also diversified from area to area. In an analysis of the ratio of EU directives to total Danish legislation, Jørgen Grønnegaard Christensen has estimated that the European impact is overall approximately fifteen per cent, but between 20 and 30 per cent in the most salient areas such as agriculture, employment, economics and business and transport (Grønnegaard Christensen 2010, table 2: 24). The maximalists for their part argue that Grønnegaard Christensen's analysis only presents part of the picture due to the fact that it only estimates the impact of directives. A full picture, they argue, must also comprise EU regulations and changes effected through EU Court rulings. It is a valid point since regulations constitute the major body of the EU legal framework which counted in, according to the maximalists, would probably move the average up to an overall 30 per cent or even more. Taking this dimension into consideration the maximalist school is ready to recognise that the Danish legal model may be moving from a phase of adaptation into one of transformation. (Kelstrup et al. 2012: 386 ff.).

The impact of Europeanization can also be detected through the many transformations the bureaucratic organisation and representation of Danish EU policy have undergone. These transformations have been the product of the manifest changes that the EC/EU system itself has seen both in terms of institutional upgrading and in the expansion of the policy areas included, but have also been the result of bureaucratic learning processes. Thus, bureaucratic reforms have been executed in order to make national adaptation more efficient, especially in the period after the ratification of the Single European Act and the Maastricht Treaty (Pedersen 2000).

When Denmark entered the EC, the Foreign Ministry was *the* bureaucratic gate-keeper with the prerogative to filter and represent Danish EC policy. This role has been somewhat diluted since the late 1980s although the Foreign Ministry still chairs the inter-ministry coordination committee (*EU-udvalget)* and the Foreign Minister its twin body within the government, the Foreign Policy Committee (*Regeringens Udenrigspolitiske Udvalg*). Thus, Denmark may still be among the countries with the highest ambitions to control and coordinate EU policy centrally, to be - in the words of Hussein Kassim (2003: 92) - a 'comprehensive centralizer', but it is evident that the specialised ministries over time have acquired more independence and leverage and that the Danish dealings with Brussels are now increasingly, if not always understood to be, at least handled as domestic

policy – a development stressing the high impact of Europeanization (Nedergaard 2001: 55 ff; Petersen 2006: 17 ff.; Kelstrup et al. 2012: 430 f.).

Still, it is not domestic policy and politics as in the good old days when Schlüter pronounced the union to be stone dead. Both in the general EU literature and in the part dealing specifically with Denmark the claim is often substantiated that EU policy-making tends to strengthen the executive at the expense of democratic parliamentary control. A very recent example highlighting this dimension is the introduction of the so-called European Semester.[4] The Semester was introduced in 2011 as an instrument to improve economic policy coordination within the Union. One of the new features of this process is that the Commission is entrusted with drafting Annual Growth Surveys (AGS) holding a list of policy priorities for each of the participating countries (the Euro countries and a number of countries, including Denmark, attached through an intergovernmental agreement) well before national governments have started preparing the budget for the next fiscal year.

In this way, the very central prerogative of national parliaments to participate actively in the budgeting process appears to have been reduced. First, because the EU Commission to a large degree is framing the national budget debates, and second, because governments as the primary interlocutor between Brussels and the national parliaments – they are the ones blueprinting the AGS and its country specific recommendations - will increase their executive powers. This development creates legitimacy problems, or as one recent report argues: 'We therefore conclude that, so far, national parliaments have not sufficiently discussed and debated, let alone provided legitimacy for, the EU Council recommendations' *(*Hallerberg, Marzinotto & Wolff 2012).[5&6]

In the research literature, the overall tendency to strengthen the executive vis-à-vis the legislature is generally attributed to several factors such as: (1) the executive (ministers and leading civil servants) having an information lead; (2) the semi-closed nature of some parts of the legislative process in Brussels; (3) the complexity and technicality of much of the proposed legislation and of the decision-making process in terms of the subject matter, the legislative rules, the gallery of people and institutions involved – a complexity which language barriers may increase even further (Kassim 2003: 85 ff.; Laffan 2008: 128 ff.).

Such a set-up not only tends to increase input and control by the government ahead of the parliament, but also by 'technocrats' ahead of ministers within the executive itself. An interesting allegation to be found in some of the new sociologically inspired Europeanization studies is that transnational elite formation and alignment nourished by repeated and extensive personal contacts and norm diffusion through shared experience is a real product of Europeanization - and at the same time an important driver in facilitating further Europeanization, as has recently been thoroughly explored by Rebecca Adler-Nissen (2014). In a traditional understanding of the principles of parliamentary democracy, the above development does not only challenge democratic accountability by transferring power from the legislative to the executive through so-called policy drift in Brussels, the leading bureaucratic elite may also represent world views – European views – that are basically out of touch with a great majority of the population 'at home'.[7]

LABOUR MARKET AND WELFARE

In relation to Denmark we are in need of much more research to qualify to what degree parliamentary democracy is being undermined by a transfer of power to the executive and by unaccountable and unrepresentative elites. In this sense, Europeanization studies still have a long way to go. This is certainly also true when we move into the discussion on how Europeanization impacts upon the Danish labour market or welfare model. Also here there is a need for much more research in the field to qualify the debate. One way of doing this is to supplement impact analysis at

the quantitative aggregate level with a qualitative case-orientated approach in order to highlight how the European legislative input both in terms of law enactment and interpretation through the Court of Justice has in several instances changed not only Danish policy, but in fact also basic features and balances of the Danish polity and politics.

One such well-researched example is the treatment of the equal opportunity issue since Denmark entered the EC. Thus, Dorte Sindbjerg Martinsen's research documents that in several instances EU regulation through directives and court decisions has improved equal opportunity standards for women in the labour market related to issues like equal pay and maternal leave rights. But more than that, this regulation has also to some extent eroded the Danish labour market model according to which labour market regulations are carried out bilaterally through accords reached between employers and employees' associations and trade unions (Sindbjerg Martinsen 2007).

This development has not only happened as the product of diktats from Brussels. Martinsen has further shown that some of the trade unions, especially those with a high female membership, have shifted strategy and orientation and since the mid-1980s increasingly have sought equal opportunity improvements through the Community method. By doing this, these unions have contributed to weakening the Danish labour market model and national control over the process of implementation. In this background, Martinsen argues that Europeanization entered a second phase from the mid-1980s because the process from then on could also count on the backing from an important Danish constituency. This national involvement in Europeanization highlights a third dimension in the process, namely that the handling of the issue at the Community level is influenced by feedback mechanisms from the national arena and thus that European integration is shaped in a kind of dialogue between the supranational and the national.

However, it is also important to stress that EU labour market policy at the same time has met severe criticism and contributed to the forging of what we could term an anti-Europeanization constituency. Historically, sections of the Danish labour and trade union movement have always been sceptical of Danish participation in the EC/EU precisely due to the perceived threat membership would pose to the Danish labour market model (Agerskov & Bach 2006: 52-82). An element in this fear was the potential danger to (national) employment and (national) wages from a free mobility labour market in Europe. Such fear has been voiced during many of the referenda campaigns (on accession in 1972, on the SEA in 1986 and on Economic and Monetary Union (EMU) in 2000), but generally on a day-to-day basis it has not played any significant role due to the simple fact that an integrated European labour market failed to materialise during the first three decades of Danish membership.

This situation has changed today. Although a highly mobile and integrated European labour market is still far off, mobility has increased in the years following the enlargements to Eastern and Central Europe, a development also strengthened by the adoption in 2006 of the EU service directive. While only two per cent of the labour force originated in another EU country in 2005, today it is a good three per cent. This 50 per cent rise in labour mobility is mainly attributable to job seekers from Eastern Europe, predominantly from Bulgaria, Romania and Poland, moving west (Geis 2013: 11 ff.). In Denmark, it is estimated that foreign workers (in 2012) occupied 120,000 full time jobs or what amounts to approximately five per cent of the Danish work force. In recent years, there has been a drop in the percentage of workers from Western Europe whereas the number of employed from Eastern Europe has grown. Thus, workers from Poland, the Baltic countries and Romania alone account for approximately one third of foreign workers in Denmark. Apart from construction, it is mainly unskilled sectors such as transportation, agriculture/forestry and service businesses (such as hotels and restaurants) that have a high representation of the Eastern European work force.[8]

It is against this background that the issue of the Europeanization of the Danish labour market has moved centre stage for the attention of the trade unions, the labour movement, but also among euro-sceptic forces such as the Danish People's Party (DPP). Its centrality can be illustrated by the anti-social dumping and anti-cheap (Eastern European) labour campaign run by the large 3F trade union (see photo below) which organises a high proportion of unskilled workers or by the recent report by the independent left-wing think tank, CEVEA, on the perception of foreign workers in Denmark.[9] Thus, in the conclusion of the latter, the following demand is made: 'Therefore we need increased attention towards the use of a foreign work force in order to ensure that the unfair competition Danes are meeting when employers use cheap foreign labour and lower the standard of working conditions in Denmark, is brought to a halt' (CEVEA 2013: 6 (author's translation)).

'Cheap East labour is costly. You pay the price!'/'Social dumping is costly. You pay the price!'.

Posters by the Danish trade union 3F at Copenhagen Central Station, November 2013. Photo by: Christian Axboe-Nielsen.

Furthermore, in recent years, the social dumping issue has merged with the broader and increasingly heated debate on social or welfare tourism. During 2013, such a debate raged in many EU countries, including in Great Britain and Germany with both Prime Minister David Cameron and Chancellor Angela Merkel having expressed concerns over the fact that EU migrants put considerable strain on schools, healthcare and the welfare state (*Dominiczak* 2013; Maressa et al. 2014). In Demark, similar fears have been voiced and the whole prospect of increased mobility with the accompanying social rights dimension have in fact resulted in a fierce political debate about changing the way welfare provisions (unemployment benefits, child allowances, student grants etc.) are organised.

It is not only migration as such that lies behind this reaction, but also the fact that the Commission and the Court of Justice through recommendations and rulings are putting pressure on the national government to accommodate legislation to conform to the equal treatment principle related to The Single Market. Thus, the Danish Thorning-Schmidt government, in power until the June elections of 2015, modified regulations regarding foreign workers' right to receive child allowances on the recommendation of the EU Commission and was preparing new legislation concerning the entitlement system of the generous Danish student grants as a consequence of two recent court rulings paving the way to student grants for foreigners. Thus, the number of foreign students receiving Danish grants through the qualification of working 10-12 hours nearly doubled from 2013 to 2014 (Gudmundsson 2013; Kragh 2014; Ritzau/tv2.dk 2015).

This debate has been very divisive, with the liberal-conservative parties emphatically denying that it was ever the intention to create a Social Union as part of the Single Market. The debate has shattered the traditional, mutual EU understanding between the Social Democrats and leading bourgeois pro-EU Party *Venstre* with the latter levelling severe attacks against the Thorning-Schmidt government for not countering Brussels on this issue - to the great satisfaction of euro-sceptic DPP which achieved unprecedented electoral success in the recent June 2015 elections (21.7 per cent of the vote), making it the second largest party after the Social Democrats.[10]

From a Europeanization perspective there are a number of important aspects to stress related to these developments. First, that the process of Europeanization has certainly reached a critical point if the belief is sustained that national welfare is being undermined by social dumping, welfare tourism and specifically in the Danish case by the appreciation that the universalist character of the Danish (national) welfare state is being undermined by single market requirements and labour migration. Second, this observation will potentially impact very heavily on Danish EU policy. In contrast to the British government, the Danish Thorning-Schmidt government was never inclined to recast its relationship with the EU with reference to the negative effects of welfare tourism specifically or Europeanization more generally. However, this has changed with the incoming Liberal Løkke Rasmussen government, which is critically dependent on the votes of DPP. Thus, even during the electoral campaign, the bourgeois parties agreed on a mutual understanding that Danish EU policy would seek to restrict EU citizens' access to Danish welfare provisions and further included publicly expressed support for the Cameron government's wish to renegotiate British EU membership terms (Hjøllund 2015). Third, these above-mentioned developments point in the direction that Europeanization for the first time in Denmark is becoming a major political issue in daily national politics (outside the brief referenda and EP election periods) and furthermore sustains the expectation that Danish EU policy is moving in a more EU-sceptical direction. Løkke Rasmussen is maybe not overly inclined to move too far in that direction, but he will, like Cameron, face the dilemma that his parliamentary majority will break if he does not do so.[11]

'DENMARKIZATION'

For good reasons the concept denmarkization is neither so fashionable, nor contested as Europeanization. Its lack of contestation should mainly be explained by its lack of 'fashionability', and this article by no means claims that the Danish imprint on the EU is comparable to the EU imprint on Denmark. However, in this article denmarkization has a wider meaning which explains why it is initially put in inverted commas. Thus, the use of the concept finds its logic in the argument that it may be employed to designate general responses by member states, in casu Denmark, aimed at controlling, contesting or even curbing EU-Europeanization.

In three important respects Denmark may be seen to have been a pioneer in devising mechanisms or negotiating policy outcomes with the ultimate aim of retaining democratic-parliamentary control

over EU policy and safeguarding national sovereignty over key policy areas. The pioneer metaphor comes in because some of these mechanisms and policy solutions have since been emulated by other member states. These three mechanisms and policy solutions are: (1) The Danish Parliament's, *Folketinget's*, European Affairs Committee; (2) the referendum institution; and (3) the opt-out policy solution.

The Folketing's European Affairs Committee dates back to 1961 when the so-called Market Negotiation Committee was established. The task of the new committee composed of party representatives according to party size was to serve as a scrutiny and watchdog committee in relation to the Danish government's handling of the accession negotiations with the EC. However, its mandate was only to be consultative and was in fact a bit blurred since the grand political issues were still brought before and discussed in the general Foreign Affairs Committee (*Udenrigspolitisk Nævn)*. Originally, the Market Negotiations Committee only served as an ad hoc committee, a position changed when it became a permanent one under the revised name, The Market Committee, when Denmark entered the Communities in 1973. Furthermore, it had only limited practical experience during the first year of membership before the rule was established that for all EC decisions of major political relevance, ministers needed binding mandates from the Committee before negotiations were initiated in Brussels, and a renewed mandate each time negotiation positions changed (Borring Olesen & Villaume 2005: 460; Folketinget 2012: 5 ff.).

After Maastricht, the Market Committee acquired its present name, Folketinget's European Affairs Committee, and its position was strengthened in a number of ways, not least by securing earlier access to Commission legislative proposals and by committing the government to forward at a very early stage a so-called basic memo (*grundnotat)* on each proposal (*Folketingets Europaudvalgs beretninger 1973-2010*: 59 ff). These reforms not only mirrored the changes in the institutional set-up of the EU, but also the fact that the Committee often found it difficult to cope with and oversee the legislative process in Brussels, and the way Danish governments handled it. All the same, in the international research literature the European Affairs Committee is regularly singled out as being among Europe's strongest parliamentary committees when it comes to exercising control vis-à-vis the executive, especially concerning its powers to issue mandates for the government before negotiations in Brussels. Denmark may be a comprehensive centraliser at the interdepartmental level within the executive, but it also seeks to exercise comprehensive parliamentary control over the executive, an endeavour strengthened by the Danish tradition of having minority governments (Kassim 2003: 92 ff; Holzhacker 2008: 147 f.; Corona 2013).

The features of the Danish parliamentary scrutiny and control system are by no means emulated in detail by the other member states, but thanks to the avant garde nature and comprehensive character of the Danish system, it has been widely studied and in some instances also partly copied. In response to this interest, Folketinget in 2012 published a full booklet in English describing in detail the mandate, role and character of the work of the committee. From this booklet one may also see that the committee is now preparing how to develop not only its control mechanisms, but also its (limited) role as co-legislator according to the stipulations of the Lisbon Treaty (Folketinget 2012).

Institutional transfer has also been at play regarding the second item in the 'denmarkization' process: the introduction of referenda in relation to EU issues. Of the current member states, Ireland has held more referenda than Denmark (nine versus eight), and the two countries were the first to stage EC referenda, which they both did for the first time in 1972 as part of their pre-accession process. But Danish voters voted 'no' twice (on Maastricht in 1992 and the Euro in 2000) before Ireland cast its first 'no' vote in 2001 (on the Nice Treaty). And it is of course the 'noes' that have been the claim to fame (Leconte 2010: 20 ff.; Borring Olesen 2011: 45 ff.). The reason why Denmark originally introduced the referendum in relation to EC/EU issues was constitutional. In §20 of the Danish constitution of 1953, it is stipulated that national sovereignty may be transferred to

international institutions established by treaty, but also that such transfer will require a 5/6 majority in Parliament and, if the majority is less, alternatively through a specified majority obtained in a binding referendum (Boring Olesen & Villaume 2005: 271 ff.). A consultative referendum may also be carried out as happened with the referendum on the SEA in 1986, when there was a majority against the treaty in Parliament, but a majority that agreed to accept the result of a consultative referendum (which produced a 'yes') (Petersen 2006: 528 f.). In this way the referendum institution has developed from being a legal instrument to also acquiring the dimension of a political instrument.

Furthermore, the country's legal expertise has some flexibility in interpreting when §20 must be applied. To most political observers it is not self-evident why the Ministry of Justice could reach the conclusion that a §20 requirement could be applied to the Amsterdam Treaty while the Supreme Court in 2013 established that the Danish government did not violate the constitution by not holding a referendum on the Lisbon Treaty. Nevertheless, it appears that the Danish referendum institution overall – albeit with some qualification[12] - has acted to modify a widespread feeling (as often propagated by the EU-sceptic parties and movements) that EU policy is only elite business and at the same time has demonstrated to electors that they can pull the denmarkization handle if they feel that Europeanization is travelling too fast. However, one must also stress that the referendum institution has not exclusively functioned as an outlet for euro-scepticism as five out of the eight Danish referenda have returned a 'yes'. In these cases, referenda have helped create legitimacy behind the European policies of Danish governments.

The referendum is intimately linked to the third element of the denmarkization repertoire, namely the opt-out mechanism and policy solution. After all, opting-out of treaty obligations is a way of addressing a stalemate political situation when national electorates have voted 'no' to further integration. It may be argued that Britain was the first country to be granted an opt-out as happened during the Maastricht negotiations on the issue of EMU-membership. The reason why Denmark did not pursue a formal opt-out during Maastricht on the same issue was the fact that the Danish government had made it clear that Danish entry into the third phase of EMU would require a referendum according to the transfer-of-sovereignty clause in the constitution. However, when the Danes said 'no' in the Maastricht referendum of 2nd June 1992, the opt-out solution became the key to solving a critical problem, not only for Denmark, but also for the EC which, according to its own treaty stipulations, could not transform itself into the EU before all member states had ratified the new treaty. In practical terms it was a 'big key' since Denmark in the Edinburgh agreement of December 1992 was granted four opt-outs to pave the way for holding a new referendum. The four opt-outs were (1) non- participation in the third phase of the EMU; (2) non-participation in defence policy issues in the Maastricht Treaty pillar two; and (3) non-participation in the supranational aspects of pillar three cooperation on justice and home affairs. Finally, the fourth opt-out exempted Danish citizens from embracing the new union citizenship (DIIS 2008).

The focus on precisely these four opt-outs was the product of an interesting domestic handling of the Maastricht dilemma. In fact, it was the opposition parties, the Social Democrats, the Social Liberals and the EU-sceptic party, the Socialist People's Party (SPP), which negotiated a 'National Compromise' based on the four opt-out solution. The ruling Liberal-Conservative government was basically a bystander in this process and more or less had to accept the national compromise as a diktat because it was the general expectation of the time that a 'yes' in a new referendum could only be obtained if the SPP endorsed a 'yes'. This expectation seemed justified when the Danish voters in May 1993, with a majority of 56.7 per cent, approved Maastricht in the Edinburgh opt-out version - dubbed 'Maastricht without thorns' at the time (Petersen 2006: 506-520).

The Maastricht-Edinburgh intermezzo (and the subsequent consequences of the opt-outs) highlights several important features in the Danish relationship with the EC/EU. First, that the Danish

electorate was unwilling to accept Danish participation in the more politically sensitive areas of EU cooperation, while at the same time refusing to endorse a full exit from the Community, even from the Union. Second, that EU referenda are able to mobilise the electorate (the turn-out in the two referenda in 1992-93 were 83.1 per cent and 86.5 per cent), sustaining the view that the issue is highly charged and seems to be important to voters. Third, that voters and parliament do have real powers to define and mitigate the consequences of Europeanization and to counterbalance the influence of the executive which in fact has helped create legitimacy behind Danish EU policy. But also fourth, as analysed by Rebecca Adler-Nissen, that the third feature comes with a modification, namely that the handling of opt-outs by diplomats in daily Brussels politics, due to elite socialization and policy drift, rather facilitates integration. The overall point arising from Adler-Nissen's analysis is that Europeanization may advance despite opt-out differentiation and that the attempts to 'take back' sovereignty through opt-outs will fail as long as the tacit norms of EU diplomacy continue to operate in a manner that pushes integration ahead (Adler-Nissen 2014: 174-189).

The double-bound conclusions above are valid in a historical interpretation of the complex Danish relationship with the EC/EU. However, the question is whether this is still the case today in the Lisbon Treaty era? As already hinted at in the previous section, there are strong indications that the kind of check-and-balance equilibrium between Europeanization and denmarkization which was believed to exist during the first thirty odd years of Danish membership is increasingly understood to have been upset.[13] The sensation, voiced by several politicians lately, is that the denmarkization strategy is no longer efficient in checking excessive Europeanization and the question therefore today is whether the urge for increased differentiation and national retrenchment will in fact be a real challenge to Europeanization in the future?

EUROPEANIZATION AND DENMARKIZATION: THEIR STATUS TODAY

When Danish Prime Minister Schlüter in 1986 declared the vision of European union to be 'stone dead', he was of course very wrong, not only because a European Union was in fact formally established shortly after, but also because Denmark since the adoption of the SEA and the Maastricht Treaty has been Europeanized to a degree hardly imaginable to him. On the other hand, Schlüter was right in his intuitive realisation that European union would be hard to realise due to nation state resilience. As this article has argued, the process of European integration since the SEA and Maastricht has seen both expansion and deepening, but also attempts at national retrenchment or neutralisation - or in other words, the co-existence of the processes of Europeanization and denmarkization.

Although most of the research literature acknowledges that Europeanization has accelerated over recent decades and has seriously affected the policy-making, politics and polity of the nation states, it still appears difficult to ascertain if this impact has crossed the line and taken politics in Europe into a new order. Most scholars seem to agree with Robert Ladrech's somewhat vague conclusion that 'Europeanization has not produced any seismic shifts in the operation of national policy-making and institutions' (Ladrech 2010: 206). If we zoom into the Danish example, most scholars would probably agree with Ladrech that no seismic shift has occurred in relation to a European impact on Danish policy-making and political institutions.[14] However, there are clear disagreements in the evaluation of the degree of European penetration of Danish politics. At the one end, we find scholars arguing that Europeanization has only resulted in some adaptation and modification of a kind which has generally left the Danish system intact, and at the other end, we meet scholars who argue that Europeanization has had a profound impact and maybe even a transformative impact (Kelstrup et al. 2012: 386-393).

The examples given in this article point in the direction that Europeanization is at least in the process of transforming the Danish system. Although we may see difference in interpretation between the minimalists and maximalists in their evaluation of how much of Danish legislation today emanates from Brussels, they agree that the proportion in some areas is profound and has been rising. Further the article has documented that the administrative set-up to cope with the impact of EU legislation is comprehensive – and has become increasingly so – and acts as a go-between between the European and national processes of legislation in a way that tends to strengthen the government's overall control of the legislative process. The introduction of the European Semester is one such point in case. Through the research by Adler-Nissen, we have also seen that the handling of the opt-outs in Danish diplomacy tends to follow Europeanization impulses rather than a denmarkization logic. In relation to the labour market/equal opportunities example, it was revealed that the so-called Danish labour market model is already seriously undermined by the general supremacy of EU law to national labour market regulation, but also and more importantly by a shift in political orientation among (some of) the model bearers themselves from the national level to the community level and from the negotiated labour market method to a law-making method.

We may also conclude that the heavy seismic Europeanization activity going on is no longer kept underground; it has actually surfaced and become a contested issue in day-to day–politics as never before. The social dumping and welfare tourism debates demonstrate this and also question if Ladrech's earlier quoted observation about Europeanization being 'undetected as regards its cumulative effect' continues to be valid. Thus, it appears that the heated and radical character of the Danish debate on these issues to a large extent is nourished not merely by their potential economic and social consequences, but by a new realisation, a realisation that is not only theoretical and hypothetical, but very practical, that the Danish national (democratic) polity, *det danske folkesttyre,* has lost the power to regulate and decide on one of its most salient features, the welfare state. This new realisation helps to explain the strong reaction by the largest opposition party, the liberal party *Venstre*, which publicly urged the government not to respect EU law on the transferability and exportability of social benefits (Kragh 2014).[15] As such the affair is another example of the present limitations of denmarkization in countering the process of Europeanization.

On the other hand, the example also highlights that the intrusive character of Europeanization at the national level is also becoming a problem for the process of Europeanization itself. When law-and-order parties like Danish *Venstre* advocate disobeying EU regulation, and when David Cameron in the UK clings to a similar approach and is pressured into staging a referendum on British membership of the EU, it appears as if the two processes, Europeanization and 'denmarkization', no longer just co-exist, but actually are headed for collision. The recent Danish 'no' in the December 2015 referendum on exchanging the country's opt-out on Justice and Home Affairs with an opt-in model confirms this very clearly.

In fact, such a scenario has been further accentuated in Denmark with the recent parliamentary elections of 2015. Already in the EP elections of May 2014, the DPP achieved the highest electoral score and, as already mentioned, in the national elections of June 2015 it became the largest bourgeois party - although declining to take government responsibility. This onus was once again passed to Lars Løkke Rasmussen and the Liberal Party, but depending on the DPP as its major parliamentary coalition partner the Liberals are obviously feeling the need to accommodate the DPP on core issues like EU policy and refugee/immigration policy. Thus, already during the electoral campaign the bourgeois parties agreed on a mutual understanding, entitled 'Danish Welfare in Europe', according to which Danish EU policy would seek to restrict EU citizens' access to Danish welfare provisions and further included publicly expressed support for the Cameron government's wish to renegotiate the British EU membership terms (see Hjøllund 2015 & Dansk velfærd i Europa 2015). Furthermore, the new government is working on plans to set up an EU implementation committee with the declared objective of reducing 'over-implementation' of EU directives. In the

foreign ministry, there is an expressed fear that this new initiative will break with the single tier implementation of directives (and reduce its gate-keeper role) and introduce a competing tier based more on a political than legal approach (Thobo-Carlsen 2015) Both of these initiatives can be seen as stepped-up attempts to strengthen 'denmarkization', but also as initiatives that potentially bring the two processes of Europeanization and denmarkization closer en route to collision.

This conclusion finally raises the pertinent question of whether the increasing contestation of Europeanization in the Danish political context owes primarily to the qualitative and quantitative advances of Europeanization or if it is more the product of a reconfiguration of Danish politics with EU sceptic parties commanding a much more important role today compared with the situation five to ten years ago. Reluctance against endorsing further Europeanization is by no means a new phenomenon, but previously EC/EU-scepticism was primarily driven by EC/EU sceptic movements not represented in the Danish parliament or it manifested itself as opposition against further Europeanization as envisaged by new treaty revisions. For instance, there was a majority in Parliament rejecting the SEA in 1986, but a majority which none the less accepted the 'yes' result in a non-binding referendum (Borring Olesen 2006).

The situation today is different in the sense that important parties in the Løkke Rasmussen government coalition want to roll Europeanization back and challenge the legality of EU law. This set-up, including the fact that the DPP became the largest bourgeois party in the recent elections, challenges Løkke Rasmussen and the Liberal Party and pushes the government into a EU-sceptic posture that represents a break with the Party's traditional pro-EU approach. On the other hand, there is still good reason to maintain that the new scepticism is also nourished by a sensation within the party that Europeanization has come to cross a critical borderline which is believed to undermine Danish sovereignty in ways that was never envisaged or endorsed. As the Prime Minister often repeats these days:

> The Single Market is – especially for a small country living from trading with others - a great achievement, but this great achievement must not be used as a cover for establishing a social union where everybody is entitled to everything, everywhere and at all times (Løkke Rasmussen 2014; *Dansk velfærd i Europa* 2015).

In sum, it is hard to disentangle the precise nature of the dynamics between Europeanization and euro-scepticism. Euro-scepticism seems to feed from advancing Europeanization, while the latter is increasingly being challenged by the mere growth of euro-scepticism. What is evident, however, is that traditional denmarkization devices are no longer considered adequate for checking the influence of Europeanization and therefore a kind of reconfiguration of the traditional Danish relationship between the two processes in which denmarkization reasserts itself appears to be a likely outcome. On the other hand, this will only happen if similar dynamics, what we may term 'ukization', 'irelandization', 'netherlandization', 'polandization', 'hungarization' also gain prominence - which seems to be the case for the moment. Europeanization is currently challenged in many parts of Europe by what seems to be a general move towards national retrenchment (Eppler & Scheller 2014).

This development highlights that Europeanization in fact has two dimensions: one which we understand as EU-Europeanization and which concerns the progressive integration of member states into 'an ever closer union' (of some form) and another which we may term a new European standardisation of national responses to integration. This new standardisation may well prove to be the major challenge to European integration in the years to come, but in fact also to the nation state itself because it is not self-evident that national retrenchment is the key to solving the challenges of the European nation states of the twenty-first century.

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Correspondence Address

Thorsten Borring Olesen, Dept. of History, School of Culture and Society, Aarhus University, Jens Chr. Skousvej 5, DK-8000 C [histbo@cas.au.dk]

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[1] See You Tube-clip on this part of Poul Schlüter's televised speech at http://www.youtube.com/watch?feature=player_detailpage&v=oU-LymBuAik [accessed 26 September 2014]. On Schlüter and the Danish Conservative-Liberal government's approach to the SEA, see Nikolaj Petersen 2006: 387 ff.

[2] For a recent reappraisal of the research into the constitutionalisation of Europe, see Davis & Rasmussen (2012).

[3] In her important article, 'Measuring and Comparing the Europeanization of National Legislation', Annette Töller demonstrates that Europeanization scholars so far have not developed any convincing and systematic method to measure the European impact on national legislation and that therefore it is very difficult to compare the results of the various national analyses that have been carried out (Töller 2010).

[4] The European Semester is only one initiative among several taken to increase EU control over the member states' and especially the euro countries' financial performance in the fight against the euro crisis – initiatives that point in the direction of future supranational reform of the EMU cooperative framework and thus further Europeanization of the EMU (Buti & Carnot 2012; European Commission 2012).

[5] See also Danish Ministry of the Economy PM of 4 Dec. 2013, 'Notat til Folketingets Europaudvalg og Finansudvalg om det europæiske semester og den årlige vækstundersøgelse 2014', at: http://www.euo.dk/upload/application/pdf/d33de188/201308001.pdf?download=1 [accessed 26 September 2014].

[6] According to Folketinget's on-line EU information platform, the Financial Committee and the European Committee have jointly approved a recommendation to hold three yearly sessions (in December, March and May) with the government to debate the AGS and the policy recommendations for Denmark, see 'Europæiske Semester' at: http://www.euo.dk/emner/styring/Esemester/ [accessed 26 September 2014].

[7] Several of these democratic deficit elements are listed in Follesdal's and Hix's debate with Majone and Moravcsik, see Follesdal & Hix 2006.

[8] The most reliable figures on the employment structure and profile of the Danish labour market is found in Arbejdsmarkedstyrelsen's on-line employment database: jobindsats.dk. On the number of foreign workers, see the statistics related to the topic 'Udenlandsk arbejdskraft' at http://www.jobindsats.dk/sw9795.asp [accessed 26 September 2014]. See also Arbejderbevægelsens Erhvervsråd, *Stigning i Østeuropæisk arbejdsdkraft I Danmark*, at http://www.ae.dk/files/dokumenter/analyse/ae_stigning-i-osteuropaeisk-arbejdskraft-i-danmark.pdf [accessed 21 April 2014]; and the report by the independent centre-left think tank CEVEA, *Danskerne frygter udenlandsk* arbejdskraft, at http://www.cevea.dk/files/materialer/analyser/social_dumping_-_danskerne_frygter_udenlandsk_arbejdskraft_0.pdf [accessed 21 April 2014].

[9] The Danish Confederation of Trade Unions, in short LO, has also dedicated a full theme to the issue of social dumping on its homepage, see 'Social dumping: Danske arbejdspladser truet', at: http://www.lo.dk/Tema/TemaArkiv/2012/SocialDumping.aspx [accessed 21 April 2014].

[10] See various opinion polls reproduced at Berlingske Barometer at http://www.b.dk/berlingskebarometer [accessed 23 August 2014]. For the 2015 elections result, see http://www.dst.dk/valg/Valg1487635/valgopg/valgopgHL.htm [accessed 20 July 2015]. In a recent article by Saskia Bonjour and Maarten Vink, they demonstrate that the Europeanization of migration policy has also caught Dutch politicians unprepared as to the degree of undermining of intergovernmental control over migration flows, generating the same kind of political dissatisfaction and outcry as in Denmark (Bonjour and Vink 2013).

[11] EP results reproduced on the Danish Parliament's homepage, http://epvalg14.euo.dk/om-ep14/dokument12/ [accessed 23 August 2014]. A point sustaining the argument that Løkke Rasmussen may be more pragmatic on the issue of Europeanization is the fact that, despite his demand to Prime Minister Thorning-Schmidt to administer the child allowance check contrary to EU law, he has refrained from altering the praxis after taking office himself.

[12] Despite the referendum institution, legitimacy has been severely contested at times as happened when the Danish 'no' to Maastricht in 1992 turned into a 'yes' the year after in the Edinburgh referendum. On election night, violent demonstrations broke out in Copenhagen protesting the result (Adler-Nissen 2014: 7).

[13] A further indication of this occurred immediately prior to publication of this article. On 3 December 2015, in a referendum the Danish voters rejected a proposal to turn the Danish opt-out on Home and Justice Affairs into a rather flexible and favourable opt-in model by a 'no' vote of 53.1 per cent. The dominant slogan of the 'no' side headed by the

Danish People's Party was: 'No to more EU'. In the referendum campaign, voters obviously listened more to the arguments of the populist right and left than to the government and the traditional centre right, centre left parties. In this sense, the result may also be interpreted as a vote of mistrust not only of the EU, but also of the Danish parliamentary system itself.

[14] This was also the general conclusion reached by the comprehensive power study commission set up in 1997 which through a number of detailed reports studied power and democracy in Denmark. The main result of the study is condensed in Togeby et al. 2003.

[15] As also revealed by the article by Claus Kragh, *Venstre* has for some time been preoccupied by the social rights dimension of the single market and, when presiding over the former government of Liberals and Conservatives (the Løkke Rasmussen government 2009-2011), took a number of initiatives to limit the payment of social benefits to EU citizens and established a working group to come up with suggestions on how to limit foreigners' access to Danish welfare benefits.

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