

Unintended Consequences of EU External Action

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ABSTRACT

“Unintended consequences” is an umbrella concept. It comprises phenomena that differ in crucial respects and consequently, without refinement, it remains a rather blunt instrument for policy analysis. The contributions in this volume, however, show that disentangling unintended consequences by making clear distinctions between various types, makes the concept much more useful for policy analysis. Assessing the impact of EU foreign policies as studied in this volume, we show that “bonuses”, “windfalls”, “accidents”, and “trade-offs” – all unintended – are very different when it comes to the explanation of policy outcomes, or to allocating responsibility for them.

In *The Honourable Schoolboy*, John le Carré has Martello, a CIA colleague of British master spy George Smiley, explain an unwelcome development in the case at hand. “So here it is,” says Martello, “[h]ere’s where you get your human error, right? It could be worse but not much. In our game there’s two views of history: conspiracy and fuck up. Here’s where we get the fuck up, no question at all” (le Carré 1978, 276). In our game, as social scientists, we use different terms, but we are basically doing the same thing. Many of us specialise in the study of “unwelcome developments” which we explain either as intended by an actor – Martello’s “conspiracy” – or, in Merton’s terms, as an unintended consequence of purposive action – that is, a “fuck up”. There is a further parallel: Martello’s theory is counter-intuitive. He is convinced that they are dealing with a fuck up, whereas in the intelligence world conspiracy is the norm. Invoking unintended consequences, as social scientists do, is also often counter-intuitive. Reference to unintended consequences is especially common in the study of formal organisations, where purposive design, efficiency and rationality are the norm. That formal organisations also produce unintended consequences and, in the process, sometimes defeat their own aims is also counter-intuitive.

Indeed, Robert K. Merton developed and applied his work on unanticipated consequences especially in his critical studies of Weberian bureaucracy (e.g. Merton *et al.* 1952). His article “Bureaucratic Structure and Personality” (1940) conveys the basic idea: “The chief merit of bureaucracy,” Merton summarizes Weber, “is its technical efficiency, with a premium placed on precision, speed, expert control, continuity, discretion, and optimal returns on input” (561). However, Merton continues, Weber’s ideal type emphasizes the positive attainments of bureaucratic organisations while “the

internal stresses and strains of such structures are almost wholly neglected” (Merton 1940, 561-562). A well-known example of such strains is what Merton calls “displacement of goals”:

Adherence to the rules, originally conceived as a means, becomes transformed into an end in itself; there occurs the familiar process of displacement of goals whereby ‘an instrumental value becomes a terminal value.’ Discipline, readily interpreted as conformance with regulations, whatever the situation, is seen not as a measure designed for specific purposes but becomes an immediate value in the life-organization of the bureaucrat. This emphasis, resulting from the displacement of the original goals, develops into rigidities and an inability to adjust readily. (563)

We quote Merton at length to emphasize an important quality of this Special Issue: the studies on unintended consequences of EU external action collected here re-establish a classic theoretical approach in a relatively new empirical field. As Burlyuk and Noutcheva write in the Introduction, “As a dense institutional environment, the EU may be particularly prone to errors and misjudgements linked to the very nature of its bureaucracy” (10), and several contributions in this volume suggest that this is true (e.g. Dandashly and Noutcheva; Kourtelis¹). Moreover, Merton’s critique of the one-dimensional focus on rational efficiency in the Weberian approach to bureaucracy connects well with Burlyuk and Noutcheva’s critique of mainstream literature on EU external performance. Mainstream literature evaluates EU external performance “in terms of success or failure to achieve the intended effects”, and consequently often presents EU external engagement as having either a “positive impact or no impact” (Burlyuk and Noutcheva, 1). This critique underlies the present volume, and it leads contributors to focus on unintended consequences, as Merton and his students did earlier.²

One conclusion from the empirical studies collected in this volume is that the EU cannot prevent the emergence of unwelcome unintended consequences of its purposive policies. In this respect, what happens to the EU does not differ from what sociologists ever since Merton have shown to be true for national states and, for that matter, any large organisation (e.g. Elias 1982; Giddens 1977; Hirschman 1991; Lindblom 1959; Salminen 2011). Clearly the “positive-impact-or-no-impact” culture in EU studies has to become more inclusive – there is negative impact too, albeit often unintended. This volume contains a range of instructive examples.

Moreover, the Special Issue introduces a complex taxonomy related to the concept of unintended consequences. It is summarised in the Introduction and consistently built upon in all subsequent contributions. In our view, however, the key distinction made in this issue lies in the presence or absence of anticipation. The articles here do not just map out unintended consequences of EU external action; they also address the crucial question to what extent the unintended consequences at issue were also *unanticipated*. This is a key contribution; it refreshes both the literature on EU external action and the social theory on unintended consequences.

¹When the reference is without a date, it is to an article contained in this Special Issue.

²Merton’s students prolonged and expanded this research agenda and founded a school of critical bureaucracy studies (Blau 1955; Gouldner 1954; Selznick 1953).

Unravelling unintended consequences

All the articles in this volume consistently distinguish unintended from unanticipated consequences. Ever since the 1970s, it has become increasingly common in the social sciences to replace the term “unanticipated consequences”, as coined by Merton in 1936, with its putative synonym “unintended consequences”. The latter term has won the day and “unanticipated consequences” is disappearing from the literature (de Zwart 2015, 285). Yet, this conflation of terms, however convenient linguistically, obscures the role of actors in producing certain consequences which hinders explanation and the allocation of responsibility. What was unanticipated must have come about because of error, ignorance, ideological blindness or, if you also account for welcome unintended consequences, luck (D in Table 1, cf. Merton 1936). What was unintended may also, however, result from purposive *choice*. That is, its occurrence may have been anticipated but it was nevertheless permitted (B in Table 1). The difference is crucial.

Unintended consequences is an umbrella category and if we do not differentiate between the very different phenomena it contains, its usefulness for the analysis and practice of policymaking is limited. Table 1 shows a basic distinction used in this volume: unintended consequences can be either anticipated or not. Unlike the conventional category of unintended consequences (D), category B invokes agency and purposive choice. Unintended and anticipated consequences occur because somebody *permitted* them. The consequences under D, by contrast, occur accidentally since they were not foreseen. They result from action but not from design, to paraphrase Adam Ferguson (1995 [1793]). Category D consequences are well known and recognised among policymakers as principally unavoidable. There will always be unforeseen consequences, be they windfalls or accidents. Category B, however, entails politics and ethics, especially when it concerns unwelcome, harmful consequences. Harm that results from a policy decision may be unintended, but if it was anticipated and still permitted, a trade-off was made (Table 2).³

If the concept of unintended consequences is used in its umbrella form, differences between trade-offs and accidents or between windfalls and bonuses are easily ignored. As far as welcome consequences are concerned, Merton (1936, 897) already cautions about policymakers who try to turn windfalls into bonuses. With unwelcome consequences, we

Table 1. Consequences of purposive action

	Intended	Unintended
Anticipated	A	B
Unanticipated		D

Table 2. Types of unintended consequences

	Unintended	
	Welcome	Unwelcome
Anticipated	bonus	trade-off
Unanticipated	windfall	accident

³We thank an anonymous reviewer for suggesting this further refinement and the various names for these categories.

should add, there is a danger that accidents are trade-offs that are covered up in order to diffuse responsibility.

Many contributions to this volume analyse trade-offs and highlight the choices and responsibilities that become relevant if and when unwelcome effects are anticipated. Natasja Reslow, for instance, points out the risk that unintended consequences of EU external migration policy undermine its renowned ‘normative power’ in the international system (38). In order to deal with migration pressures, the EU cooperates with countries that have poor human rights records, such as Afghanistan, Libya, and Turkey, endangering migrants’ lives and wellbeing. Unintended as it may be, this outcome has so often been commented upon in the press and academic publications that we can safely call it anticipated and unwelcome. In other words, it is not an accident but a trade-off. Indeed, Reslow, following Burlyuk (2017), calls it “a case of wilfully ignoring unintended consequences” (38).

Why would EU policymakers accept that their policies cause harm, risking, in the process, to undermine the EU’s cherished normative power? Endangering migrants’ wellbeing is not intended of course; it results from a trade-off between control over migration streams (through cooperation with the named regimes) and foreseeable harm to individual migrants. Trade-offs imply a choice between ‘the lesser of two evils’, but in a political context such as EU foreign policy, what is considered ‘lesser’ or ‘more’ depends on risk assessment (e.g. Carbone in this volume) and creed. As De Ville and Gheyle show, for instance, proponents of the TTIP intended to boost “growth, jobs, and [set] global standards” (18). They anticipated unintended and unwelcome side effects such as threats to consumer health, environmental protection, and democracy, but would have settled for those rather than have no TTIP at all. Opponents, on the other hand, would have considered no TTIP the lesser of the two evils.

Researching intent and anticipation

The question of intent is at the core of this Special Issue. Without establishing intent and thus focusing on actors, any discussion about unintended consequences becomes moot. The authors in this volume take a clear stance in the ongoing debate between structural or functional versus actor-centred explanations. This position inevitably leads to discussions about ‘measurement’ – indeed methodology is an important issue in the discussion of unintended consequences. For instance, we focus on the consequences of purposive action. Occurrences that take place without purposive action fall outside our scope. But, as Merton already suggested in 1936, in practice consequences emerge from the interplay between action, context – “objective situation” (895) – and the conditions of action. Intentions, therefore, cannot simply be inferred from documents and declarations; they need to be carefully investigated.

The same is true for the “extent of anticipation” mentioned above. Merton cautions against policymaker’s inclination to rationalise ex-post, claiming that unintended consequences that turn out to be benign were intended in the first place (1936, 897). The opposite is also common: policymakers may have hidden agendas. Indeed, scholars of EU external action are well acquainted with this because the EU has frequently been accused of hypocrisy, of hiding particularistic interests behind a discourse of universal values (Hyde-Price 2006; Smith 2006; Cusumano 2018). Moreover, when things turn

out wrong, responsible decision-makers may stress that we are facing unintended consequences because, since unintended connotes unanticipated, that obscures the trade-offs that were made. The reader will not find good examples of such outcomes in the articles presented here exactly because the authors have taken care not to confuse unintended with lack of anticipation.

The editors of this Special Issue acknowledge in the Introduction the methodological difficulties in establishing intent and anticipation. The case studies show that establishing them requires intimate knowledge of contexts, procedures and documents, and especially close observation of and extensive interviews with policymakers. De Ville and Gheyle provide an instructive illustration of the difficulties involved and a good example of how they can be overcome. Given earlier contestation of similar attempts and the general context of protest and mobilisation against neoliberal economic policies, “the level [of protest against TTIP negotiations] should not have come as completely unanticipated to the European Commission” (20). But it did. Or at least, as the authors put it, “although politicisation could have been anticipated ... [it] was not expected” (21). The reason, the authors note, might simply have been hope (given the low levels of politicisation in previous years) in combination with an eagerness to proceed in light of the prospect of the enormous rewards if the trade agreement were signed (21).

Reslow’s study provides another example of researching anticipation. She traces the European Commission’s hidden agenda in establishing Mobility Partnerships. These partnerships provided the Commission with insight into the member states’ policies on legal migration. This was certainly not among the official intended consequences of the Partnerships, it was an unintended, anticipated and in fact welcome (by the Commission) consequence. A somewhat similar methodological approach is present in Carbone’s article, in which he analyses internal documents, impact assessments, and a range of recommendations issued by the European Commission.

These and other examples show that analysing the various kinds of unintended consequences defined in this volume requires anthropological rather than statistical research methods. The hopes, fears and expectations of decision-makers are usually not documented in accessible files, but can be researched by participant observatory techniques, in-depth interviews, and process-tracing.

Explaining unintended consequences

We invoke ignorance, error, or something in between such as ‘path dependency’ to explain consequences of purposive action that are unintended and unforeseen. To explain unintended but foreseen consequences we focus on actors. Negative effects that were foreseen have been *permitted* to occur. Risks are traded off against the expected advantages of the intended effect.⁴ The reasons for the trade-offs are essential for explaining the anticipated unintended consequences. The present volume contributes to our knowledge of such reasons by charting organisational regularities that stimulate the production of unintended but anticipated consequences.

⁴Hirshman (1991) argues that the expected and intended effect tends to blind actors to possible negative side effects, and that this is the main reason why unintended consequences occur.

The first of such regularities links policymakers' inclination to trade off consequences to their attachment to core values. Merton already mentions this (Merton 1936, 903; see also Burljuk 2017, 1016), but we now have a broader literature on the socialisation of EU officials and decision-makers into institutional substantive or behavioural norms, which helps explain why foreseen and unwelcome consequences are nevertheless permitted (cf. Bellier 2000; Chelotti 2015; Henökl 2015; Hooghe 2002; 2012; Kassim *et.al.*; Juncos and Pomorska 2006; 2010; 2011; Lewis 2010). This issue enlarges our knowledge on this. A clear example is the contribution of Dandashly and Noutcheva who talk about "apolitical engagement" as part of an "internal culture" in the European Commission and show how this culture has influenced the way in which the EU engaged with the MENA region. One could argue that their argument is equally valid for the Eastern neighbourhood. For instance, apolitical engagement seems to have been the norm during the Orange Revolution or Maidan in Ukraine. The EU was very reluctant to support opposition in Belarus or even to get involved at all politically (beyond acting as a 'broker').

A whole set of core values – some of them clashing – appear in the article on TTIP by De Ville and Gheyle. The European Commission's norm of secrecy when conducting international negotiations, for instance, clashed with the EU's basic norm of transparency which led the Commission to change its procedure. Ideological support for a neoliberal agenda clearly shaped the substance of the negotiations. As the authors put it, "the Commission was willing to take the gamble, as the reward of an agreement with the US was considered very high" (21). That is, they were prepared to let the anticipated unwelcome consequence occur if they had to.

Another regularity that stimulates the production of unintended but anticipated consequences seems to be the perceived urgency of a situation. The feeling that "we have to do something" is a well-documented sentiment in the case of the Common Security and Defence Policy, EU's interventions beyond its borders, or the adoption of sanctions. However, the urge does not originate only in external shocks or crises. It can also come from interest groups, epistemic communities or advocacy coalitions that provide officials with ideas about different possible policy outcomes. In the literature on interest representation and lobbying in the EU, still a relatively small field in foreign and security policy, the issue is discussed at length (e.g. Voltolini 2015; 2016; Joachim and Dembinski 2012).

For example, the Arab revolts created urgent pressure on the EU to respond. The contributions by Dandashly and Noutcheva, and Kourtelis analyse this. Kourtelis argues that, in response to popular demands for democracy and growth in the MENA countries, the EU created programs to support agricultural development. In effect, however, the unintended consequences of these programs undermined the EU's own goals, such as empowering small farmers and increasing its popularity in the region.

Dandashly and Noutcheva come up with a mixed picture. On the one hand, part of their material shows unintended consequences resulting from choice: the EU prioritizes interests over values and consequently supports consolidation of authoritarian regimes. The "empowering of illiberal reform coalitions", however, seems more unanticipated and unintended, and thus not caused by choice but by bureaucratic pathologies such as "risk aversion, inertia, strong internal culture of sectoral cooperation [and] apolitical engagement".

Some of these factors match well with Merton's ideas about "displacement of goals".

Finally Carbone, following Mica (2018), provides another example of reasons for permitting unintended consequences. Instead of assuming that policymakers produce unintended consequences because they are ignorant or naïve, he argues that actors permit consequences (foreseen and unforeseen) because they consider them a window of opportunity and are skilled in reacting to them. Carbone details the unintended effects of older trade policy agreements on the more recent EU relations with the African, Caribbean, and Pacific (ACP) Group of states as an example. The unintended effects, he argues, were “purposively triggered”, that is, they were permitted in the hope they would spill over.

Conclusions and prospects

What lessons have we learned from this Special Issue? We see that the distinction between anticipated and unintended consequences can increase our ability to explain and account for policy developments by bringing to the fore the trade-offs that were made in producing and permitting certain effects. For a variety of policies that fall under the umbrella of EU external action, this volume shows how this can be done. Its contributions consistently ask “who anticipated what?” and thus open the black box of “impact” by reintroducing agency, a valuable contribution to the literature.

Given the characteristics of the EU, such as multilevel governance and the complexity of decision-making procedures, this does not mean that we can now simply hold actors responsible for unwelcome consequences. However, attempts to trace anticipation discourage the “presumed ignorance” that the conventional use of unintended consequences entails. Moreover, by explaining the occurrence of unintended consequences – that is by systematically addressing the why question as Burlyuk and Noutcheva stress in the Introduction – the studies in this volume contribute to mapping out mechanisms or regularities that seem to further the production of unintended but anticipated consequences. Such mechanisms could be the focus of research for EU scholars who want to explore this issue further. This research agenda seeks better explanation and, with that, a clear link to policy advice. After all, knowledge of mechanisms that promote the occurrence of unintended but anticipated consequences should help expose and control ethically questionable policy trade-offs.

Another theme that emerges from this Special Issue which may inspire future research is the difference between policy fields. The editors brought together policy fields that are usually studied separately – for instance, economic and security issues. From the various contributions, it appears that policymakers in these fields assess risks differently and therefore make different trade-offs. The case of the TTIP, for instance, shows the European Commission prepared to risk politicisation, an unwelcome and unintended consequence, because it expects – or hopes – that the economic rewards of an agreement with the United States will be enormous. In contrast, in the Western Balkans the EU does not take risks. Here it prioritizes political stability over democracy and rule of law, and thus promotes non-democratic outcomes. The EU permits this unintended consequence because risk analysis suggests that, given overall interests, this trade-off is the lesser evil (Webb 2018). Future studies on these topics would probably benefit from connecting literature on risk management (which has recently gained

increasing attention from scholars in the field of EU studies) with that on unintended consequences.

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