

## **In memoriam: Jean Blondel**

“The world is so complicated that it is hardly ever possible to pin down large-scale developments to specific actions or individuals. Jean Blondel is an exception to this rule. Among everyone else in his generation, Jean Blondel was the political scientist without whom European political science would have looked much different than it does today. In what by the 1960s already felt to be a discipline divided by an ocean, Jean Blondel combined the best of both worlds. A pioneer of continental Europe's variable - as opposed to a case-oriented approach to comparative politics, Jean Blondel brought to the continent his appreciation for the precision and the empirical scrutiny of the American behavioural tradition.

These exact qualities Jean Blondel also brought with him when he joined the European University Institute. As member of the Political and Social Sciences Department, Jean Blondel left his long-term imprint both in the methodological and in the substantive profile of the department. It is with Jean Blondel that the department built its tradition in comparative institutionalism, with a focus on parties, party systems and political representation. An author of several working papers and articles on the development of ministerial careers; the decision-making process in coalition governments; and the relationship between parties and governments, Jean Blondel developed a research agenda while at the EUI that shaped the so-called "new-institutionalist" turn in comparative politics. With his teaching, mentoring and supervision, Jean Blondel promoted work of high conceptual clarity and analytical rigor. With Jean Blondel, the EUI gradually became a locus that brings together all major contributors in the study of comparative party politics, hosting historical workshops with the participation of distinguished scholars, such as Ian Budge and Peter Mair, among others. In short, thanks to Jean Blondel, the EUI Political and Social Sciences Department not only acquired a unique and persistent identity, but also entered into a very privileged nexus of departments that ended up transforming political science in the continent.

His legacy remains vivid and constitutes our most valuable guide and source of inspiration, as we try to build on his steps.”

- ***Professor Elias Dinas, Head of the EUI Department of Political and Social Sciences***

“Jean Blondel was an institutional builder as shown by his contribution to his British university, as well as the creation of the ECPR. I am convinced that his true passion for building a strong sense of community spirit and academic citizenship was strongly influenced by his own character, but also by his experience of the French university system where the formal institutions are often void of the living lymph, which makes such a difference.

He tried his best to emulate his past British experience in the EUI Department of Political and Social Sciences, but had to recognise that it was much more difficult given the high turnover, which is constitutive of the EUI structure.

This is why he believed strongly in the opportunity that the Robert Schuman Centre could offer. From the very beginning, he supported the new tiny centre put in place by the EUI High Council and the Academic Council. At the end of his contract, he joined *pro bono* the Centre since he had decided to stay together with Tess, his wife, in Florence. His contribution to the Centre was

multifaceted and intense. He took managerial responsibility for the project aiming at supporting the new Parliament of Georgia, participated in the many teaching and research activities of the Centre. He also brought to the place his sense of humour, his friendship to every member of the staff and his positive spirit in every matter be it important or secondary.”

- ***Professor Yves Mény, former President of the EUI and Director of the Robert Schuman Centre***

“Jean entered into contact with the EUI quite soon after the foundation. He began to regularly frequent the Institute as teacher in the Summer School in Comparative Politics that Hans Daalder had launched in 1979, and later in the “Party Government” project directed by Rudolf Wildenmann. In the mid-1980s he took the chair of Comparative Politics held first by Hans Daalder and then by Rudolf Wildenmann. If I remember right, he served in the Political and Social Sciences Department from 1985 to 1994 taking up also the role of head of department, which at that time rotated yearly. I succeeded him as the chair in 1994. But my more intense and profitable relation with him occurred somehow by accident when a few years later, in 2006, as Director of the Robert Schuman Centre, I discovered that Jean was an emeritus there since the early time of the Yves Mény directorship. Jean Blondel, who was living in Florence in those times, was regularly frequenting the Centre, pursuing his continuous launching of new research initiatives, and working as an advisor to my predecessors Yves and Helen. Having known me as a young student and assistant (I was the organizing secretary of the Summer School together with Peter Mair), he addressed me since then with a somehow affectionate paternal attitude that I accepted without inconvenience. I remember him always knocking to my door whenever he was at the Centre, always calling me, curiously, *grande capo* and sitting there for a while listening to my complaints about the state of the world. This usually ended up in some good advice in his unpretentious and charming attitude, which tended to always see the positive side in any situation and in any person. But he was of concrete help too to me in the context of several initiatives of the Centre. I remember an episode that shows his selfless intellectual generosity. I was trying to get financial support from Japanese banks for a Japan-EU Studies Chair. I had to set up a decent intellectual program for it, what I found difficult given my limited competences. I once complained with him about the lack of support from the colleagues for this initiative. He replied, “Let me think it over”. The following day, truly within 24 hours, I found on my desk a five-page research program to which I only had to add a cap about the EUI and an appendix with the financial implications. Others will tell about Jean’s merits as a scholar and institution builder. I remember him as one of the nicest, most cheerful, cooperative, and patient persons I have encountered in academia.”

- ***Stefano Bartolini, Emeritus Professor at the EUI Department of Political and Social Sciences***

“When I arrived at the EUI as a young law professor in September 1989, practically everybody had an office at the Badia Fiesolana. My case was particularly fortunate because the person next door was Jean Blondel. He was a man of my parents’ generation and now I realise that, in a sober and liberal way, he immediately began to look after me. During my eight years at the EUI he was an intellectual point of reference for me, as well as a friend. There were many topics for conversation with him, not least because my main field was comparative public law.

Quite often this led him to comment on the (superior) peculiarities of the English constitutional tradition. I am a bit anglophile as well, but I tried to point at weak aspects in his argumentation. One day, toward the end of my period in Fiesole, he proposed to organise a joint seminar (SPS/Law) about a notion that he deemed un-English and consequently unnecessary, if not simply illiberal: the state. I accepted and made a presentation. My recollection is that we all had a pleasant and fruitful experience.

When President Renaud Dehousse, another friend of those days, invited me to participate in the symposium in honour of Jean Blondel, he reminded me that seminar. I had forgotten it. I had never produced an article out of my presentation, either. But my notes for the seminar were still in a folder. So, more than 25 years later, I simply show those notes as an homage to a *maître à penser*.

Ten theses about the state:

1) The state is a historical form of political organization.

Strictly speaking, states have not always existed. It is misleading to identify the state with any possible polity. The rise of the modern state was linked to a process of centralization of power, rejection of superior authorities (Empire and Church) and professionalization of public agents. There is no good reason to think that the modern state will last forever, or that it cannot be replaced by new forms of political organization.

2) When analysing the state in legal terms, one must distinguish between the international and domestic spheres.

Nobody seriously questions the concept of state in international law, not least because states are the primary subjects of that legal system. What elements must concur for a state to exist is fairly clear: a territory, a population and a sovereign government. And the states' rights and duties in international law are identifiable, too. It is in domestic law that the real debate about the state takes place: Is it a necessary idea? What does it mean?

3) The word "state" has three possible meanings in the domestic sphere.

In descending order, it can designate: A) An independent polity, i.e. an independent nation politically organised. This is a transposition of the international concept of state into the domestic sphere. B) All the authorities (i.e. persons and bodies that exercise legal powers) within that polity. C) Only the system of authorities with national jurisdiction (Parliament, Ministers, Courts, etc.), which excludes local and perhaps specialised authorities. This narrowest meaning is the most frequent in lawyers' technical jargon.

4) The idea of state is closely related to that of sovereignty.

Sovereignty is an obscure and problematic notion. I should say incidentally that, time after our seminar on the state, I came across a really illuminating thought. Lord McNair (who, among other things, was the first president of the European Court of Human Rights) said that sovereignty is like bad wine: it produces only headaches. I am sure that Jean Blondel would have agreed. When discussing the state in the domestic sphere, sovereignty has to do with ultimate or supreme authority (*superiorem no recognoscens*) even though lawyers often disagree about what such authority implies and where it lies. Parliamentary sovereignty, national sovereignty, popular sovereignty? Things can be further complicated if one considers

the erosion of sovereignty as a consequence of European integration, not to speak of globalization. However, we were much more responsive to this consideration in the happy nineties!

5) The personification of the state (i.e. considering the state as a legal person) was introduced into constitutional theory by the positivistic school in the second half of the 19th century.

It soon became predominant in Germany and widely accepted in other countries, such as France and Italy. To say that the state is a legal person helps to present it as a single, coherent system of institutions. But at the same time, it allowed to avoid the politically controversial question about the holder of sovereignty: sovereign would be the state as a legal person, no matter who really has ultimate authority. This is why some left-wing constitutional lawyers, like Hermann Heller, said that the personification of the state was an ideological construction. However, even if this criticism is correct, it does not invalidate some technical consequences of personification, notably the state's capability to have legal relationships.

6) According to Sir Frederick Pollock, the question whether the state is a legal person cannot be determined in abstract terms.

His full statement was as follows: "The greatest of artificial persons, politically speaking, is the State. But it depends on the legal institutions and forms of every commonwealth whether and how far the State or its titular head is officially treated as an artificial person." I fully agreed with this idea. And I still think that the legal characterization of the state in the domestic sphere varies from one country or tradition to another. There is nothing natural or unavoidable in this respect. The quotation of a classic, outstanding English academic was intended to persuade the audience about the convenience of being open-minded about the significance of the state in each domestic legal system.

7) The orthodox view, at least since F.W. Maitland, is that the state does not exist in English law.

The legal person that unifies political and administrative power in England and Wales has traditionally been the Crown, which is characterised as a "corporation sole". No doubt, this is a beautiful intellectual achievement, an outstanding example of the common law refined technicalities. But for a European lawyer it is difficult not to think that, at the end of the day, the major difference is the name.

8) The Diceyan tradition, nevertheless, holds that there is a substantive difference: the Crown and its agents operate under the common law and have the same rights and duties of ordinary people.

This view was equivocal already in the late 19th century because the Crown enjoyed some privileges and prerogatives. And afterwards the growth of economic and social legislation has multiplied them and made them visible. On the other hand, even A.V. Dicey himself acknowledged that French administrative law, although conferring exorbitant powers on the state, protects the citizens' rights and legitimate interests. Today one can hardly see practical differences between the *État de droit* or *the Rechtsstaat* (i.e. a state effectively limited by law) and the English rule of law, which not by accident avoids to identify who is under the law.

9) The legal distinction between private and public is also needed in the Anglo-American

world.

Perhaps one can do without the word “state”, believing that it hides an illiberal seed. However, one cannot avoid the ideas of private and public. No modern legal system can work without such distinction, and the concept of state is a practical tool in this respect. For obvious reasons, American law does not ignore that concept: the nation is made of states! So, for example, the term “state action” has a technical meaning in the United States. But the need to identify public action and public bodies is present in English law, too. The procedure of application for judicial review, which has been crucial for the rise of modern administrative law in Britain, proves that (even without a state) the public sphere matters.

At this point, I would like to mention an episode that would have delighted Jean Blondel, and perhaps puzzled him as well. Some weeks ago (at the beginning of 2023) a High Court judge had to decide a case about the claim of former Afghan employees of the BBC to be granted the right to immigrate in the United Kingdom, once Western troops had left their country. Significantly the central legal question was whether the BBC is or is not part of the British “government”. Are we sure that the word “government” means here something different from the word “state” in its usual European sense? By the way, the English judge decided that the applicants were entitled to enter Britain as former government employees.

10) To avoid the concept of state because of its (presumed) illiberal implications can lead to ambiguous consequences.

The absence of the state in everyday legal and political language is probably beneficial for liberty. But the effective protection of individuals’ rights can pay a prize for it. The best example is the law of torts: only in 1947 was repealed the principle that the Crown can make no wrong. The immunity of the state against claims for non-contractual damages had ceased to exist in most European legal systems long before.

*Post scriptum.* I dedicated a small volume to Jean Blondel already in 1998. It dealt with official secrets, a very English topic, indeed.”

- **Luis María Díez-Picazo, Supreme Court of Spain**