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Introduction: The European Union as a Political Regime, a Set of Policies and a Community after the Great Recession

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1.1 Introduction

Regional integration in Europe has never followed a clear path. Instead, it developed as a result of a succession of painful negotiations and compromises, followed at times by moments of political enthusiasm marking historic decisions. Over the last decades, the widening and deepening of integration has gone hand in hand, to varying degrees, with mounting popular discontent. Attempts to create unity and to make the EU more akin to a federal state have received little support or have failed. Rather than putting pressure on elites to transfer power to a higher level of governance, as predicted by neo-functionalists in the 1950s, from the 1990s onwards some political parties and citizens alike have called for 'less Europe'. Mainstream as well as peripheral political parties have increasingly amplified criticism of the EU but have failed to undertake the pledged grand reforms of the Union, thus feeding discontent and claims to disintegration. This trend came to a dramatic climax when, on 23 June 2016, a majority of British people voted in favour of the United Kingdom's exit from the EU.

And yet, these powerful centrifugal forces have not meant that EU integration has come to a complete halt. In many areas such as environmental policy, trade, monetary policy and banking, migrations and borders, the EU has proven de facto the relevant level of government, calling for more joint action. While federalist ambitions have been abandoned, the way has been paved for closer cooperation, though with limited transfer of new competences from the member states to the supranational institutions. As a result, the EU has kept deepening its scope and depth in reaction to multiple crises, thereby demonstrating its ability to constantly adapt to sudden disruptions and social and political changes. At the same time, it has become very difficult for European politicians both in Brussels and in the capitals to hide the fact that integration by stealth is continuing, albeit at slower pace. Although the technicalities of EU policy-making remain opaque for the vast majority of European citizens, citizens increasingly contest, more or less directly, the implications of collective decisions (or the absence thereof) made at EU level. Paradoxically, while the EU is seen by many as an ineffective and illegitimate political system, according to the 89 Eurobarometer in 2018 Europeans trust the EU more than their national parliaments and governments. Put in theoretical terms,¹

¹ For a comprehensive overview on theories of EU integration and the EU's crises, see Brack and Gurkan (forthcoming).

the EU therefore seems trapped in the functional vs. post-functional contradiction. Global problems entail constant pressures for more integration and spillovers between various policy areas, as neo-functionalists have predicted. At the same time, though, popular resentment about the effects of such Europeanisation is increasingly voiced by national elites. Because EU integration is perceived as the source of economic and cultural insecurity by the less well-off citizens, it has crystallised as a transnational political and social cleavage governing the transformation of party systems across Europe (Hooghe and Marks, 2018). This, post-functional scholars have been arguing, will determine the pace and shape of EU integration and can result in policy renationalisation or, considering Brexit, even polity disintegration.

In the following pages, we come back to the manifestations of the EU ‘polycrisis’ which have affected the EU over the past decade (1.2). Then, we discuss the effects thereof on the three constitutive dimensions of the Union, namely the EU’s political regime (1.3), policy-making (1.4) and political community (1.5).

1.2 Integration through Crises

Since the establishment of the three European Communities in the 1950s, the deepening and widening of the EU have been shaped by crises. Although several authors have pointed out that this word is not a useful analytical category to understand and explain the path of EU integration ~~over more than sixty years~~, as Seabrooke and Tsingou put it, ‘crisis talk is part of the everyday life’ (2018: 1), in particular in EU politics. Crises are often invoked in political and academic debates to refer to a variety of situations, ranging from forms of adversity to the integration process to its viability per se. Following dictionary definitions, a crisis is generated by hard times, by difficulty, distress, reversal, catastrophes and calamity. A crisis is a problem in need of a solution, which can mark, in turn, a critical challenge at a decisive point in time. Crises can be slow- or fast-burning, defined not only by their tempo and intensity, but also by how they are perceived by citizens and political actors (Seabrooke and Tsingou, 2018: 10). Fast-burning crises are ‘instant and abrupt shocks, such as plane hijacks or “run of the mill” natural disasters communities can cope with’, while slow-burning ones ‘are gradual and creeping, such as protracted guerrilla warfare or environmental crises, where there is political and scientific uncertainty about how to resolve the issue’ (Seabrooke and Tsingou, 2018: 3). Some crises are like a ‘tornado’, with causes and solutions unfolding over a short time period, while others look more like an earthquake, with causes that are slow moving, followed by a ‘quick’ outcome (Pierson, 2004: 178). Importantly, crises may be ‘real’, as in material damages in natural disasters, or they may be constructed politically.

The evolution of the EU has been punctuated by moments of political and social consensus (or social indifference), and alternatively by moments of tension and conflict. Crises or critical junctures open a window of opportunity when institutional/policy change becomes possible. ~~Mahoney defines critical junctures as~~ 'choice point[s] when a particular option is adopted among two or more alternatives [...] Once a particular option is selected [in a critical juncture], it becomes progressively more difficult to return to the initial point when multiple alternatives were still available' (Capoccia and Kelemen, 2007: 347). While some crises or junctures are triggered by cumulative/gradual causes, others are generated by shocks or abrupt factors.

Section 1.2.1 provides an overview of critical junctures as well as small and big crises that have marked the evolution of the EU since its origins. It shows that since the beginning of the integration process, failure and success have been all part of the same game (Jones, 2012: 55). However, over the last decade the EU has been facing a series of simultaneous crises, which seem to be different from the ones that traditionally shaped the integration process. Not only have they occurred concurrently, they have also put under considerable strain both the viability and legitimacy of the integration process.

1.2.1 Six Decades of Integration: Two Critical Junctures and a Series of Many Other Small and Big Crises

Two critical junctures and a series of other small crises marked the course of EU integration from 1950s to 2000s. As Fabbrini put it, at the origins of the integration process there is a critical juncture that 'started with the redefinition of power relations between nation states on the European continent' (2015: xxv). By signing the Treaty of Paris in 1951 – leading to the establishment of the European Coal and Steel Community (ECSC, entered into force on 24 July 1952 for a fifty-year validity period) – and the Treaties of Rome in 1957 (entered into force in 1958) – establishing the European Economic Community (EEC) and European Atomic Energy Community (Euratom) – the six founding member states agreed to pursue a process of sectoral integration, which would ultimately lead to a common economic market. It was expected that after the establishment of the ECSC – which placed the production of coal and steel under a common High Authority to avoid war on the European continent – the process would move to new phases of sectoral economic integration, including agriculture and transport. The Treaty of Paris put in place a supranational structure of decision-making, vesting the High Authority with significant powers to uphold the supranational principle and the Council of ~~Ministers~~ to defend the interests of the member states. In contrast, the Treaties of Rome – because of the ambition to ~~establish~~ a common market as an area of a free movement of persons, goods, services and capital – established an institutional framework in which the power of the European Commission to initiate legislation

was counterbalanced by the power of the member states, brought together in the Council of Ministers. Against this backdrop, the six signatories of the Treaties of Rome agreed to establish a set of supranational institutions (the Court of Justice of the EU, the Parliamentary Assembly and the European Investment Bank (EIB)) as well as a consultative body (the European Economic and Social Committee) to implement the customs union and the common market and to develop at the supranational level a series of policies such as agriculture, transport, competition, commercial policy, etc. In doing so, member states agreed to delegate and pool sovereignty in supranational institutions in order to secure substantive agreements in their national interests (Keohane and Hoffmann, 1991).

The integration project was an ambitious one. Resistance emerged from the onset, slowing down its path to accommodate the diversity of interests and preferences. In 1954, France voted to table the ratification of the European Defence Community (EDC). The French Assembly was opposed to the idea of a rearmed Germany, even within the EDC. After the French negative vote, several French intellectuals announced the end of the European project (quoted by Jones, 2012: 53). But 1954 was not the end. The death of European integration was announced prematurely, although with the refusal of France the hopes for an EDC fell. Even before this the ECSC had been established, and its institutions were to become those of the EEC agreed only a few years later.

Forms of social and political resistance were apparent from the early years of the integration process. While the establishment of the EEC was possible thanks to the political support expressed by the ministers of foreign affairs of the six founding member states, the three communities designed to pacify the continent were perceived with scepticism by citizens and other political actors. One day after the signature of the Treaties of Rome, on 29 March 1957, the French Communist newspaper *L'Humanité* portrayed social harmonisation within the common market as a measure that would bring down the standard of living of the French working class to the lowest common level. Nonetheless, these forms of resistance did not engender 'crises' until the 1960s when the French president, Charles de Gaulle, balked at measures proposed by the Commission that entailed potential reductions to national sovereignty while further empowering the Commission. Two visions were in tension: a supranational and an intergovernmental one. On the one hand, Walter Hallstein, who served as president of the Commission from 1958 to 1967, was seeking to strengthen the supranational construction, by empowering its institution, by establishing for the EEC a system of 'own resources' instead of member states' contributions and by using qualified majority voting (QMV) in the Council on a limited number of policies. In contrast, Charles de Gaulle was eager to maintain unanimous decision-making on issues that might affect French interests or sovereignty, such as proposed revisions to the emerging Common Agricultural Policy (CAP). Hallerstein's supranational vision clashed with the intergovernmental

plan favoured by Charles de Gaulle, who was against any attempt to enhance the powers of both the European Commission and the Parliamentary Assembly (as well as its election by direct universal suffrage). These incompatible visions on how to adopt decisions at the European level gave rise to the 'empty chair crisis'. France withdrew its participation in the Council of Ministers for six months. It recalled its minister and permanent representative from Brussels and stopped attending the Council meetings and its subcommittees from 30 June 1965 to 30 January 1966. This 'crisis' was solved by the Luxembourg Compromise signed in 1966, which stated that in case of the vital national interests of one member state, the Council would seek to find a consensus solution, creating a de facto veto right.

Not only has deepening of European integration been shaped by crises, but also its widening. The United Kingdom – which in the 1950s was against the establishment of a supranational construction like the ECSC, although it was the main producer of coal and steel – became interested in the 1960s. However, its accession demand introduced in 1961 was refused by de Gaulle, who vetoed it in 1963 and in 1967 on the grounds of weak commitment to contribute to the development of the political and economic European integration due to UK's links with its Commonwealth and to its close cooperation with the United States. De Gaulle feared that the European Commission 'would not endure for long [but] instead would become a colossal Atlantic community under American domination and direction' (de Gaulle, 1963). This 'would obviously mean the breaking up of a Community that has been built and that functions according to rules which would not bear such a monumental exception' (de Gaulle, 1967: 34440). The first enlargement was postponed until 1973, when the UK, Denmark and Ireland joined the Communities, while Norway decided to withdraw from the final negotiation stage.

While in 1969, the political elites of the six founding member states announced their ambition to relaunch the integration process, to widen and deepen it, the 1970s were marked by the quadrupling of oil prices, unemployment and inflation. The attempts to establish the Economic and Monetary Union (EMU), outlined by Luxembourg's prime minister, Pierre Werner, in a report (known as the Report Werner) in 1970 failed. The French president, Georges Pompidou, was against this plan, although in favour of monetary cooperation. The economic and monetary ideas promoted by France and Germany appeared to be irreconcilable. These were not only areas of protected sovereignty; these areas were also characterised by an increased diversity among member states. As a result, in the 1970s, despite various attempts to strengthen policy coordination, 'the integration process failed to help governments to respond to the international economic crises of that decade' (Fioretos, 2012: 297).

After the accession of Spain, Greece and Portugal in the early to mid-1980s, the Single European Act (SEA) marked the first revision of the treaties, signed in Luxembourg on 17 February 1986 by nine member states. It was adopted to launch

the single market programme under the leadership of Jacques Delors, president of the European Commission for two consecutive terms (1985–95). This first revision of the treaties extended the Community's powers to new areas of decision-making activity, such as economic and social cohesion, social policy, research and technological development, environment, monetary policy, as well as cooperation in the field of foreign policy. It also changed the institutional setup through the extension of the QMV to new policy areas, including the internal market, social policy, economic and social cohesion, research and technological development and environmental policy. The SEA's major aim was the implementation of the single market through the adoption of 300 pieces of legislation, intended to remove the remaining physical, technical and fiscal barriers to the free movement of people, goods, services and capital.

While the SEA accelerated the path of integration through market-related policies, by adopting the Maastricht Treaty, the Communities – hereafter the EU – entered a new stage. According to Fabbrini, after the end of the Cold War and the reunification of Germany, this moment marked the second critical juncture (2015: xxvi). To make politically possible the 'return to Europe' of the former communist countries, member states agreed to proceed to a new revision of the treaties. While Central and Eastern Europeans were celebrating the collapse of communism and the dismantlement of the Berlin Wall, which separated the continent for more than five decades, in Western Europe mobilisations against EU integration grew bigger. In the 1990s, it became clear that the era of the permissive consensus – in which treaties were negotiated behind closed doors and unquestioned by Europeans – had come to an end. While at the international level, Western political elites were foreseeing a new role for 'Europe' in the world, internally the new revision was envisaged to tackle the mounting criticism related to its democratic deficit. Thus, to democratise the Union, the Treaty of Maastricht granted new powers to the European Parliament (EP) as co-legislator with the Council, recognised the role of the European political parties at the EU level, introduced European citizenship and established the Committee of the Regions. ~~To allow those in favour of pursuing an ever closer union to advance, it introduced a weak form of the enhanced cooperation procedure (which would allow a group of countries to deepen their integration in policy areas where agreement by all member states was not forthcoming).~~ The treaty also allowed the extension of the decision-making competences to a wide set of policies, including various sensitive areas located at the core of the state powers such as economic governance, justice and home affairs, social and employment as well as foreign and security policies (Puetter, 2014). At Maastricht, political elites decided to establish the EMU and the introduction of the euro, a strong political symbol of their will to deepen integration.

Again, despite these political ambitions the ratification of the Maastricht Treaty faced strong opposition in Denmark, where on 2 June 1992 the Danes rejected

it in a referendum, with 50.7 per cent of the record turnout of 83 per cent. The treaty was ratified only after renegotiating Denmark's participation in the EU's policies and obtaining opt-outs for some specific parts of the treaty, including the EMU, Justice and Home Affairs and Common Defence Policy. Some argued that the Treaty of Maastricht was collapsing because of its rejection in Denmark and because of the little 'oui' (50.8 per cent in a referendum held in September 1992) obtained in the French referendum. Nonetheless, it entered into force after negotiations to accommodate specific national interests. The Maastricht moment was followed by a new wave of enlargement to include Austria, Sweden and Finland in 1995; Cyprus and Malta in addition to eight former communist countries in 2004 (Lithuania, Lithuania, Estonia, Poland, Hungary, the Czech Republic, Slovenia, Slovakia); followed by Romania and Bulgaria in 2007 and Croatia in 2013.

How to accommodate the interests of an increasing number of member states became a growing problem. In 1997, in Amsterdam, political elites failed to agree on a new institutional architecture to prepare the functioning of the EU with more than fifteen member states, the composition of the European Commission (in which big member states were able to designate two commissioners) and of the EP (whose number of Members of European Parliaments (MEPs) was about to double from 434 in 1989 to 751 in 2009), as well as the weight of voting rights in the Council, were at stake and important matters were all negotiated behind closed doors. The intergovernmental method, which in the past allowed member state representatives to revise the treaties, was contested not only because of its lack of transparency, coherence and global approach, but also because of its inability to satisfy diverging and increasingly numerous interests. Taking decisions for the people, but without the people, was no longer possible.

1.3 2000s: The Decade of Crises

The Treaty of Nice did not solve the institutional issues unsolved at Amsterdam. In 2001, the Laeken Declaration of the Heads of State and government emphasised the need of substantial reforms to clarify the competences of the EU, to simplify its legislative procedure and to ensure the effectiveness of the decision-making process. These issues were discussed from February 2002 to July 2003 by the European Convention, a broad consultative forum which brought together representatives of member states's heads of states and governments, candidate countries, national parliaments, national parliaments of the candidate countries, as well as representatives of the EP, the Commission, the European Economic and Social Committee, the Committee of the Regions, European social partners and the European Ombudsman.

Drawing on the work of the European Convention, on 29 October 2004 political elites signed the Treaty Establishing a Constitution for Europe (TEC) in Rome. It sought to strengthen the bonds among the people of Europe and to clarify the competencies of the EU, and in so doing to reduce the increasing gap between the EU and its citizens. It granted the EU a single legal personality; it also extended QMV in the Council, reduced the size of the Commission, established a permanent presidency for the European Council and proposed the establishment of a minister for foreign affairs.

But the TEC was difficult to sell. It gave rise to protests in several countries. France and the Netherlands rejected it by referendums in 2005, which spelled its doom. The treaty went too far in its ambitions. While in the Netherlands citizens feared new rounds of enlargement, in France citizens vetoed the emergence of a 'too liberal Europe'. Following the 'neen' of the Dutch and the 'non' of the French citizens, political actors and observers alike deplored the effects of this new 'crisis'. There was no plan B on the table. 'Saying no to the Constitution means blocking the progress of the EU, it's a no to Europe', said Jacques Delors. The end of the political union was again announced. The TEC witnessed a new renegotiation to accommodate a variety of interests, including those of the new member states from Central and Eastern Europe. While the old member states were divided on institutional issues, the new ones insisted on inserting the EU's Christian heritage in the treaty, as one of the common foundations of Europe. Hence, it took three more years to sign the Lisbon Treaty on 13 December 2007. Most of the provisions which gave rise to contestation – such as the symbols of the EU – were eliminated. Despite this, the Treaty of Lisbon was rejected by Irish citizens in 2008, to ultimately enter into force 1 December 2009.

Since then, the EU has faced a series of new crises. In 2010, the eurozone crisis opened a third critical juncture that also opened up the possibility 'to redefine the institutional and policy features of the EU' (Fabbrini, 2015: xxvii). The turmoil surrounding the 2010 eurozone crisis put the EU's legitimacy at risk and created expectations for major institutional and policy change. However, as most of the chapters in this volume will show, instead of generating radical policy and institutional change, the dramatic impact of the eurozone crisis ended up reinforcing the path dependent logic (2015: xxvii) of institutional and policy development. Although the narrative of change was central to the political discourse at the time, with debates about what to do offering a wide range of innovative ideas for solving the crisis, innovative change was in short supply in the end. Despite the 'hot' context following the financial and macroeconomic crises (Dyson and Quaglia, 2010), as several chapters in this book will show, EU institutional actors responded with lowest common denominator solutions through the reinforcement of long-standing neoliberal and ordoliberal ideas (Schmidt, 2010, forthcoming; Gamble, 2013).

1.3.1 The Eurozone Crisis

The origins of the eurozone crisis can be explained in many ways. As mentioned in Section 1.3, the first attempts to establish an economic and monetary union in the 1970s failed. Only in the 1990s did EMU, as enshrined in the Treaty of Maastricht, set the stage for the move towards a common currency under the rules of the Stability and Growth Pact (SGP). On the one hand, monetary policy was centralised with decisions taken at the supranational level by the European Central Bank (ECB), while on the other, economic policy was subject to coordination among member states. EMU gave rise to two processes of coordination: one top down, due to the ECB's monetary policy and another bottom up, occurring in structural reforms to labour markets and welfare states (Dyson, 2000: 652; Featherstone and Papadimitriou, 2008). While monetary policy was centralised and defined by the ECB, labour market, wage policy and welfare state reforms took different forms reflecting the staying power of individual traditions (Dyson, 2000: 660), embedded in different models of capitalism with different employment, market and economic structures (Schmidt, 2002). EMU placed limits on public deficits and debts, depriving governments in the eurozone of currency devaluation. As a result, from the very beginning EMU faced collective action problems in fiscal policies (notably the crisis of the SGP in November 2003) and in economic reforms (especially in labour markets), where responsibility remained at the national level (Dyson, 2008: 2). In 1993, the currency crisis showed that the majority of governments would not be able to meet the convergence criteria by the 1997 deadline. By 1997, five member states had already been 'excused' from failing to get their budgets deficits below 3 per cent of gross domestic product (GDP) or their public debt down 60 per cent of GDP. In 2002, it clearly appeared that member states were unlikely to introduce structural reforms. As many observers argued, since its entry into force, the SGP has been a pact of 'wobbly stability' (*Politico*, 25 September 2002). As Jones et al. put it, 'this sequential cycle of piecemeal reform, followed by policy failure, followed by further reform, has managed to sustain both the European project and the common currency' (2016: 1010). Neither at its beginning, nor prior to 2010, did member states ever follow its rules *à la lettre*. These slow-moving causes of policy failure in the EMU did not generate change in the eurozone's institutional framework or policy ideas prior to 2008. EU institutional actors seemed to be into a 'zone of indifference' and continued to perform their tasks until the eurozone crisis forced them to revise their practices and ways of doing (Lefkofridi and Schmitter, 2014: 13; 2015).

In 2008, the European Commission noted anomalies in the Greek fiscal accounts (Jones, 2012 : 60). In December 2009, the Greek government admitted that its debt had reached €300 billion, which was the highest in modern history. Its debt amounted to 113 per cent of GDP, which was double the limit (60 per cent) established by the SGP. In 2010, the problem turned into the Greek sovereign debt crisis,

which threatened the very existence of the monetary union. Some argued that the Greek crisis also revealed a crisis of solidarity because of the rising tensions between creditor and debts countries within the EU. As the contagion spread beyond Greece, also affecting Spain, Portugal and Ireland, the International Monetary Fund (IMF) director, Christine Lagarde, urged countries to act together to keep economic recovery on track. In 2011, the president of the European Commission, José Manuel Barroso, declared that the EU was facing 'its greatest challenge' (28 September 2011). Against this backdrop, it clearly appeared that the Maastricht Treaty did not prepare for the risk that a member state could experience this kind of deep fiscal distress.

Only when the problems reached a critical level in 2010 did change in the EU's modes of governance and policy become inevitable. As the chapters in this book will show, this peak in the eurozone crisis generated a 'quick' institutional outcome in the first 'three crucial years' of the crisis that have been seen as a turning point calling for a redefinition of the EU's economic governance. A new window of opportunity opened up in which EU institutional actors sought to address the failures of EMU and its policy tools. Their reform of the eurozone area focused on strengthening the rules on fiscal discipline, by adopting new ones to prevent macroeconomic imbalances, by improving the coordination of macroeconomic policies and by putting in place mechanisms of financial assistance (Fabbrini, 2015; Bickerton et al., 2015). As Jones et al. argued, 'the series of incremental reforms adopted sequentially in response to the crisis – steps including the establishment of bailout funds, tightening fiscal surveillance, and moving towards banking union – has led to one of the most rapid periods of deepening of integration in EU history' (2015: 3). Austerity and structural reform appeared as the only way forward (Schmidt, 2010; Gamble, 2013; Blyth, 2013; Matthijs and Blyth, 2016; Crespy and Vanheuverzwijn, 2017). The eurozone crisis, which entered its fast-burning phase in 2010 with the beginning of the Greek crisis, ended in 2012 with Mario Draghi's declaration that the ECB will do 'whatever it takes to save the Euro' (Schmidt, 2015, 2016).

But this was not the end of this crisis. At the domestic level, the decisions taken to save the euro have had dramatic effects both for policy and politics. To reduce public spending in the countries affected by the crisis, EU institutional actors decided to decrease public investment and to increase taxation, to freeze labour benefits, to raise the retirement age and to cut pensions, and to massively reduce the number of jobs in the public sector. These decisions gave rise to massive protests and to the emergence of new populist parties that moved from the margins of the political arena to the centre, with their election to governmental positions. The eurozone crisis brought a widening gap in prosperity between the eurozone's core and periphery members. While some countries of Europe's northern core – such as Germany, Luxemburg, Belgium, the Netherlands and Austria – saw their economies

recover rapidly. Greece, Ireland, Portugal, Spain and Italy were, in contrast, negatively affected by the draconian effects of the crisis, with decreasing levels of income, rising unemployment and cuts in welfare spending and wages (Matthijs 2017).

In other words, the eurozone crisis showed what multiple compromises over multiple countries with different interests and traditions in an enlarged EU produced. As some of the chapters in this book will show, the decisions adopted in the midst of the eurozone crisis have had consequences not only for the eurozone, but also for many other policies.

1.3.2 The Crisis of the Management of Migration

Not only the euro area but also the Schengen borderland has made headlines over the last decade. The emergence of the Schengen area became a reality in the 1980s, following a series of painful negotiations between France, Germany and the Benelux countries, whose leaders only reluctantly accepted dismantling the controls at their internal borders and trusting their neighbours. By implementing the Schengen Agreement, the EU developed a unique borderland where every day 3.5 million people cross the borders of one of the twenty-two EU Schengen members and where, according to Eurostat, 1.7 million citizens work in one country and live in another. About 57 million road transports cross EU member states every day; annually more than 18 million truckers enter Germany, and 200 million trips to another EU country are registered. Big infrastructure projects (bridges, tunnels, fast trains, etc.) emerged to better connect citizens and business within member states (Coman, 2019: 685). For many, this is everyday life in the Schengen area, a specific social and political environment where EU citizens can travel without stopping at internal borders for formalities and where the territorial markers of sovereignty between member states have disappeared. While the Schengen borderland is meant to bring economic prosperity and social development, its external borders are spaces of tragedy, loss and suffering (Van Houtum and Pijpers 2007). As Van Houtum and Boedeltje put it, 'the border of the EU discriminates unjustly and unfairly between people on the basis of their country of origin and on the basis of papers' (2009: 229).

In recent years, the Schengen area triggered existential debate for the EU. In 2011, following the decision of the Italian authorities to grant Tunisian migrants temporary residence permits, France restored controls along its border with Italy. Germany, Austria, Belgium and the Netherlands acknowledged that they would do the same if Italy continued to deliver temporary permits to Tunisian migrants (*European Voice*, 5 April 2011). In France, President Nicolas Sarkozy declared that 'Schengen as it was done [is] no longer possible' (*Politico*, 14 September 2014). Since 2011, the influx of refugees and migrants has generated tensions among member states, which in turn has had effects on Schengen governance and the functioning of the internal market. The Danish government made known

its intention to introduce checks in its border area 'as a concession' by the government to the Danish People's Party. Moreover, in Hungary a new fence 175 km long was built on the country's border with Serbia, and Prime Minister Viktor Orbán decided to 'suspend the application of EU asylum rules in order to protect Hungarian interest' (*EU Observer*, 29 April 2015; *EurActiv*, 23 June 2015). The idea of a return to uniformed patrols controlling the internal borders within the Schengen area gained a strong place in the debates.

The Schengen area was in 'crisis'. In 2011 the interior ministers met several times in extraordinary meetings in Brussels because some member states demanded to be allowed to expand the conditions under which these checks could be reinstated at the internal borders. The European Council set the agenda of the Commission, inviting it to consider how to translate its political guidance into legislation. The Commission emphasised that Schengen was one of the fundamental pillars of the internal market that operated through the free movement of goods, services, people and capital. The argument of necessity was put forward by the president of the Commission, Jean-Claude Juncker, who declared that 'less Schengen means less employment, less economic growth. Without Schengen, without the free movement of workers, without freedom of European citizens to travel, the euro makes no sense' (*Politico*, 15 January 2016).

But the year 2015 was marked by episodes of human tragedy and refugees losing their lives while trying to reach Europe. In the face of a massive increase in the number of arrivals and, in particular, in response to the death of over 800 refugees in the Mediterranean Sea in a single boat tragedy in April 2015, the European Commission adopted the 'European Agenda on Migration' which was launched in May 2015 (European Commission, 2015). The Commission proposed an emergency relocation scheme for a total of 160,000 migrants from three front-line member states, namely Hungary, Greece and Italy. But reaching consensus on the relocation of 120,000 people represented fundamental challenges. Central and Eastern European governments, along with far-right parties elsewhere in Europe, depicted the relocation proposal of the Commission as an attack on the Christian and cultural foundations of Europe. The lack of agreement on a fair burden sharing of refugees among member states led many observers to argue that the so-called 'refugee crisis' has turned into a 'solidarity crisis' (Grimmel and My Giang, 2017). Governments led by right-wing and nationalist parties adopted the rhetoric of 'fear' and in most EU member states 'the exclusionary rhetoric of othering prevailed' (Krzyżanowski et al., 2018: 1), while calls for strengthening European solidarity failed.

Faced with intra-EU disagreements and the pressing need to solve the migration management crisis, the EU externalised the problem by concluding international agreements with third states, in particular the EU–Turkey Joint Action Plan – provisionally agreed in October 2015. This agreement, as well as the EU's efforts to prevent boats departures from Libya, raised serious concerns about member states' commitment to EU values, with many arguing that the EU was undermining its human rights

commitments. Observers have argued that the EU's deal with Libya was sentencing refugees to death (*The Guardian*, 5 February 2019). The so-called refugee crisis revealed the limits of integration as well as the limits of solidarity among member states and between member states and third-country nationals; it also showed the dangerous effects of the normalisation of racism, Islamophobia and nativist policies.

1.3.3 The Crisis of Values

Besides dousing the flames of the eurozone crisis and dealing with the refusal of member states to find collective solutions to migration, since 2010 EU institutional actors have had to deal with what was called 'the rule of law crisis', or the crisis of the values enshrined in the treaties. Article 2 Treaty on European Union (TEU) states that:

the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the member states in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.²

As an illustration, over the last decade the attempts of the Hungarian, Polish and Romanian governments to change the rules of the democratic game by reducing the independence of domestic judicial institutions and limiting press freedoms have attracted considerable political attention and media coverage, as the transformation of their political regimes challenges the principles of EU integration and its foundations. Attempts to alter the liberal foundations of the EU represent a more serious challenge for the EU than Brexit itself and they are by no means limited to Central and Eastern Europe. They are part of a global trend. As Hooghe and Marks put it, 'the illiberal challenge to the independence of the judiciary, separation of powers, and protection of basic liberties in Hungary and Poland is perhaps the greatest contemporary challenge to the legitimacy of the European Union' (2019: 1125). 'Illiberalism is allied to a nationalist discourse of parochialism, conservatism, and anti-elitism which is mobilised against the perceived threat of foreigners, multinationals, and the European Union' (2019: 1127). The rise of this 'illiberal' turn challenges the EU as a union of liberal democracies and as a normative power at the international level (Manners, 2002).

1.4 The EU's Political Regime: Quo Vadis?

Two decision-making methods have traditionally shaped the integration process: the community (supranational) method and the intergovernmental method. Scholars have portrayed the community method as the method of integration,

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M%2FTXT>.

whereas the intergovernmental one was conceived as a path to increase cooperation among member states. The former – which places supranational institutions and non-state actors in the driver's seat – deepened the integration in a series of policies seen as being technical in nature, while the latter allowed member states – represented in the Council of Ministers and the European Council – to cooperate on grand initiatives and to maintain control in sensitive policy areas.

Since the entry into force of the Maastricht Treaty, EU policy-making witnessed several transformations (see Chapter 3). As many contributors show, the intensity of institutional change has been fuelled by the eurozone crisis, which put the decision-making process under considerable strain and shifted the balance of power at the EU level (see Chapter 5). The chapters in this book capture incremental changes in the power relations between the European Commission, the EP, the Council of Ministers, the European Council, the ECB and the Court of Justice of the EU. All together, they illustrate the 'adaptability and resilience' of the EU policy-making (Pollack et al., 2010: 482), which is the ability of EU institutions to adapt to incremental change and sudden disruptions.

However, the degree of institutional change is disputed in the literature. Scholars remain divided over whether the transformations introduced since the Maastricht Treaty and the eurozone crisis have strengthened the power of member states (the Council of Ministers and the European Council) to the detriment of supranational institutions (the European Commission, the EP and the ECB) or vice versa. While Bickerton et al. (2015) emphasised the growing empowerment of member states, other argued that the Commission has been granted new roles and power (Bauer and Becker, 2014; Savage and Verdun, 2015). As Schmidt (2016) argued, in the first years of the eurozone crisis, intergovernmental actors and presidents of the EU institutions were in the driver's seat and pushed for fast-track decisions in a variety of policy areas, as illustrated in Part II. The eurozone crisis strengthened the agenda-setting powers of the European Council (Bickerton et al., 2015; Fabbrini, 2015: 64) to the detriment of the supranational actors, while the EP remained largely a 'talking shop' (Schmidt, 2015). The EP's power had been impaired by an unbalanced intergovernmentalism and by the primacy of the European Council in the management of the crisis, and found itself in confrontation with them. In the first years of the crisis, the EP remained a vocal but still isolated actor, weakened institutionally by the strong alliance between some members of the Council of Ministers and some members of the Commission.

Against this backdrop, *de jure* the European Council – which brings together the heads of state or government, the president of the Commission and the high representative for foreign affairs and security policy – has become a regular institution with the entry into force of the Lisbon Treaty and *de facto* has overall political leadership on all EU affairs (Piris, 2010: 208). Created in the

1970s to define the grand political orientations of the integration process and to reach agreements on contentious political issues, it has become more and more involved in 'policy detail rather than on matters of strategic coordination only' (Putter, 2012: 59), giving political instructions to both the Commission and the Council of Ministers. By institutionalising the European Council, the Lisbon Treaty established a dual executive, generating tensions between the European Council and the Commission. Thus, scholars contended that the Commission lost its role as *primus inter pares* in setting the agenda of the EU. Others maintained that the relationship between the Commission and the European Council could be best described as 'competitive cooperation' (Bocquillon and Dobbles, 2014: 21). As a result, the agenda-setting role of the European Council seems to be more conspicuous than before and this limits the room of manoeuvre of the Commission and its political leadership (even in areas which fall under the supranational method).

In a nutshell, during the two first years of the eurozone crisis, Herman Van Rompuy, the president of the European Council, became the most visible European figure at the EU level; in the context of the eurozone crisis the European Council acted as the agenda-setter, a role traditionally assigned to the Commission. It also took decisions that would traditionally fall within the Council of Ministers's attributions (De Schoutheete, 2012: 13). As Fabbrini put it, the intergovernmental method became a 'subsection of the political system of the EU' (2015: 127) and an alternative to the community method (2015: 129).

In addition, the Council of Ministers – which consists of ministers from the member states – meets more often and in several formations covering the totality of policy areas of the EU. Hence, decision-making at the EU level relies increasingly on the domestic expertise and coordination of national policies in a mounting number of groups, committees and exchanges among national experts, civil servants and officials. Thus, the increasing number of gatherings of ministers and experts has become a routine feature of EU governance (Putter, 2012: 56). Moreover, a wide range of executive and regulatory agencies have been established and empowered at the expense of the supranational institutions. This complex network of committees, agencies and working groups favours the policy coordination between member states and by the same token avoids transferring power to supranational institutions (Bickerton et al., 2015: 703). One revealing example is the Eurogroup, which brings together euro area finance ministers and representatives of the Commission and the ECB. The Eurogroup acts as an 'informal forum for euro area dialogue' (Putter, 2012: 61), but its role in EU policy-making raises political and legal questions and fuels controversies because of the stark contrast between its informal character on the one hand and the power of its decisions for member states on the other. The eurozone crisis accelerated and accentuated the empowerment of member states.

Against this backdrop, the decisions taken to save the euro increased the perception that the EP and the Commission find themselves on the losing side and that they fail to shape fundamental policy choices in the new economic governance in accordance with their political views (Crum, 2015: 1). From 2010 to 2012 the role of a supranational institution such as the European Commission and the EP had been drastically reduced, most of the decisions related to the eurozone's new governance architecture being adopted through opaque negotiations in intergovernmental meetings. Thus, it has been argued that the room for manoeuvre of the Commission in the different stages of the policy process (agenda setting, formulation, decision-making, implementation and evaluation) is diminishing. However, scholars remain divided on this finding. Whereas some scholars observed a disempowerment of the Commission, others demonstrated that the Commission's power had been strengthened in the aftermath of the eurozone crisis. For example, Crum suggests that the new prerogatives conferred on the Commission, in particular the monitoring competences to analyse the performance of member states along a set of economic and fiscal indicators, are 'administrative in kind' but also subject to political instructions from member states (2015: 5). If member states empower the Commission, this is explained by Schimmelfennig as an illustration of the willingness of member states to centralise decision-making and to reduce the uncertainty about the behaviour of other governments (2015: 188). In contrast, others maintain that the Commission has emerged as the winner of the eurozone crisis as the powers granted in the aftermath of the eurozone crisis go beyond the initiation of the policy process (Bauer and Becker, 2014: 215). The academic debate on the transformation of EU's modes of governance and the shifting of institutional balance between intergovernmental and community method is ongoing and illustrated by the chapters in Parts I and II of this volume.

1.5 EU Policies: Between Integration by Stealth and Politicisation

1.5.1 A Seeming Paradox

Since the mid-1990s, the expression 'integration by stealth' has been used by political scientists to describe how national elites are pursuing policy-making in Brussels remote from public scrutiny, without submitting their decisions to a contradictory debate in democratic fora. It is typically associated with the figure of Jean Monnet and his conception of incremental integration leading gradually to the building of a federal polity. Integration by stealth has been criticised not only for being too elitist (Featherstone, 1994), somewhat of a 'Eurocrat's dream' (Chalmers et al., 2016: 21), but also for producing policies which are not fully efficient (Majone, 2005).

Looking at the development of EU policies over the past ten years, a paradoxical picture appears *prima facie*: integration by stealth has continued while, at the same time, EU matters have been increasingly politicised, bringing about resistance. On the one hand, the crises have generated new needs for Europeans to solve problems collectively (migration flows, collapse of financial institutions, debt, recession, threats to security, etc.), and on the other hand, an increasing number of citizens and elites have expressed reluctance to give more powers to EU institutions to solve these problems. In fact, more and more political actors today reclaim national sovereignty over policies decided in Brussels, Frankfurt and elsewhere. Theoretically, this can be read as a growing tension between the (neo)functionalist logic of ‘spillover’ (Haas, 2004; Schmitter, 1970) and the postfunctionalist effect of ‘constraining dissensus’ (Down and Wilson, 2008; Hooghe and Marks, 2009). Yet, as Börzel and Risse (2018) have convincingly pointed out, the paradox is only apparent if one considers the key role played by politicisation. In EU studies, politicisation is commonly understood as the concomitant increasing salience of EU matters in the public sphere, the increasing mobilisation of a larger number of political and societal actors and the increasing polarisation among those actors (Hutter et al., 2016). The EU’s multiple crises, and the sense of emergency they created, ~~created~~ an increased polarisation, bringing with it increasing politicisation ‘at the bottom’ in domestic arenas, which in turn led to politicisation ‘from the bottom up’ as national leaders tended to reflect the views of their national constituencies when taking a stance at EU level (for instance, the often mentioned preferences of the German voters as far as bailouts for Greece were concerned). But politicisation has also taken place ‘at the top’ among the main EU political actors in the form of power struggles over solutions to the crises, for instance between Jean-Claude Juncker and Viktor Orbán or within the ECB (Schmidt, 2019a).

1.5.2 Depoliticization and Integration by Stealth

The outcomes of the Eurocrisis in 2008–2010 can be read as a case of integration by stealth since decision makers have been ‘caught between the necessity to act and the political reluctance to acknowledge fully the consequences of a multilevel governance system, notably democratic legitimacy and accountability’ (Mény, 2014). In the heat of the eurozone crisis, the mandate of the ECB was stretched to new tasks including providing liquidity, helping to set up new financial instruments in the form of loans to indebted countries and ending up being the Union’s actual lender of last resort (see Chapter 9). Together with the European Commission and the IMF, the ECB was also part of the so-called Troika, the informal technocratic alliance in charge of supervising the implementation of reforms attached as conditions to loans in countries under bailout programmes (namely Cyprus, Ireland, Greece and Portugal). Thus, the ECB and the Commission have been ‘reinterpreting the rules by stealth’ for problem-solving purposes (Schmidt, 2016b, forthcoming).

In the Eurocrisis, elites have mostly sought to depoliticise decisions about reforming EMU. Member states agreed to harden the rules of economic coordination through the revision of the SGP and the toughening of fiscal discipline on the grounds that 'there is no alternative' for a stable monetary union having to gain the trust of financial markets. Through the European Semester, budget making, macroeconomic policy and social policy have all been more centralised with multilateral surveillance of the Council of Ministers associated by the bureaucratic steering from the European Commission. With regard to social policy, though, no major overhaul or leap forwards could take place in order to address adequately the social consequences of the recession and the rise of inequalities. While social policy-making at EU level remains weak and patchy, the ambiguity of the 'structural reforms' advocated by the EU institutions reflects the EU's ambivalent role in welfare states' modernisation/debasing (see Chapter 10). Only occasionally has politicisation brought about more EU regulation, as in the revision of the Posted Workers Directive, in a balancing act trying to define fair free movement of workers across diverse European labour markets (see Chapter 11). This reminds us that the single market has always been differentiated across the four freedoms and generates constant political bargains 'in order to make markets work effectively, and to reconcile different ideas about the constitutive nature of markets' (see Chapter 8).

1.5.3 Contained Politicisation and Stagnation

Politicisation has not been absent from the socio-economic realm, and it mainly took the form of popular resentment against 'austeritarianism', but with little impact on EU decision-making as such. As Della Porta and Parks argue (2018), what we have witnessed since 2008 is rather a closing down of political opportunities, as decisions have been made in diplomatic summits of the European Council or more secretive technocratic bodies. Occupy, the Indignados or more recently the Yellow Vests, embody an anti-establishment form of politicisation which has left the decision-making sphere relatively autonomous. In a more diffuse manner, the crisis fuelled the will of some EU policy makers to regain legitimacy. In the face of scandals such as LuxLeaks or the Panama Papers and activism from non-governmental organisations (NGOs) calling for 'tax justice', the European Commission pushed, for instance, for more transparency and harmonisation in tax policy globally; but its efforts (and credibility) were undermined by prevailing member states' interests (see Chapter 15).

Trade can be regarded as a policy area 'in crisis', where contestation has only been on the rise ever since the Seattle summit in 1999 until massive protests against the ratification of Transatlantic Trade and Investment Partnership (TTIP) and the Comprehensive Economic and Trade Agreement (CETA) in 2013–16. In spite of growing citizens' concerns that such agreements entail unsustainable societal and environmental costs, integration by stealth continues as policy makers

promote the signature of new bilateral free trade agreements (e.g. with Japan or Mexico), framing free trade as a solution to slow growth and detrimental protectionism (see Chapter 14).

As far as foreign policy and defence is concerned, some observers see Brexit and Donald Trump's erratic and aggressive leadership as constitutive factors of a crisis situation for the European foreign and defence policy (Anderson, 2019) in the sense that the functional pressure for Europeans to build a more coherent and autonomous security and defence policy has been raised. We have witnessed, especially since 2016, a proliferation of initiatives intended to substantiate the repeated calls for a 'genuinely European defence' made by European leaders (especially French presidents and, to a lesser extent, Angela Merkel). But the ambition to undertake a major policy overhaul to merge the various European military cultures is still lacking. Moreover, the emergence of the EU's 'strategic autonomy' is impeded by European leaders' unwillingness to rethink the EU's relationship with North Atlantic Treaty Organisation (NATO), as argued by Howorth (see Chapter 16).

1.5.4 'Bottom-up' Politicisation and Selective Integration

The 'migration crisis', or better, the crisis of the Schengen area, illustrates how politicisation 'from the bottom up' (Schmidt, 2016) has had ambivalent effects on the Europeanisation of immigration policy (see Chapter 12). In the face of the massive influx of refugees from Syria and Africa to Europe in 2015, the European Commission proposed to revise the Dublin Agreement and, notably, to relocate approximately 160 000 refugees from Italy and Greece to other EU countries. Despite the proposal being adopted by the Council of Ministers, Bulgaria, Cyprus, Hungary, Slovakia, Slovenia and Poland openly refused to implement this new mechanism and many other member states did not comply with their commitments. In 2018, only about 30,000 people had been relocated. In several EU countries, racist and xenophobic political forces have come to government by exploiting the idea that immigrants are an economic as well as a cultural threat to the native population in times of permanent austerity and generalised competition for jobs and income.

In this regard, Italy is a telling example of the political consequences of non-integration and the downward spiral of politicisation. For several years, the country had a rather liberal immigration policy, epitomised by the operation *Mare Nostrum* to save refugees from drowning in the Mediterranean Sea (2013–14), but its calls for burden sharing was faced by indifference and collective inaction from the side of other EU member states. At the same time, Italy had been struggling with high debt and slow growth even before the 2008 financial crisis, and then with fiscal constraints and social retrenchment ever since the 2010 eurozone crisis. This caused a political backlash that brought to power an incongruous coalition of two populist parties with little ideologically in common, namely the far-right Lega

and the difficult-to-categorise Movimento Cinque Stelle in 2018. This led to a radical change in Italy's immigration policy with the interior minister and figurehead of the Lega, Matteo Salvini, fuelling anti-immigrants' discourse and prohibiting new arrivals of refugee boats into Italian ports. Political instability, though, led to a new change of government in summer 2019 and it remains to be seen how, with significant parts of the Italian public opinion highly hostile not only towards migrants but also towards the EU, the new government will deal with migration issues.

The obstacles to any renewal of EU asylum policy do not suggest that there was a complete stalemate in the whole realm of migrations and border management, though. Instead, we have witnessed an increased securitisation of the field (see Chapters 12). While remaining highly divided on how they receive immigrants, member states have agreed to strengthen border control. Frontex was transformed into a better-endowed European border and coastguard agency responsible for pushing back immigrants who do not match restrictive criteria for seeking political asylum. This has had a major impact on the free circulation of persons within the Schengen area (see Chapter 13). 'Crimmigration', that is, the intellectual conflation of crime and immigration, has led a significant number of EU countries (ten in 2016, six as of September 2019) to reintroduce border controls.

In sum, policy-making resulting from the contemporary crises in the EU reflects complex dynamics of integration by stealth and politicisation. This has led to more integration or stagnation in a differentiated fashion across policy areas, depending on the degree of perceived functional pressure, and the success of some elites to politically exploit some themes more than others. The increased pervasiveness of conditionality in the discussions about the EU budget (see Chapter 6) is illustrative of how Europeans try to enforce principles and control mechanisms to tackle acute conflicts of interests and values in policy-making. The impact of such conflicts on the EU as a political community have become more salient as the multiple crises of the EU have unfolded.

1.6 The EU as a Community: From Disagreements to Differentiation?

1.6.1 The Initial Debate over the Democratic Deficit of the EU

It has become a truism to claim that the EU has been long affected by a crisis of democratic legitimacy. Ever since the mid-1990s, scholars and political actors have had controversial debates about the alleged 'democratic deficit' of the EU (Weiler et al., 1995) (see Chapter 19). For a long time, these debates have opposed those who conceived of the EU as a technocratic administration (or regulatory state in the view of Majone, 2005) geared at producing Pareto-efficient policies

and sufficiently legitimated by checks and balances, and those who saw it as a polity in the making in need of more citizen participation and political competition. Increasingly, concerns have been raised not only about the EU's insufficient democratic credentials, but also about how its functioning was hollowing out democracy within national polities (Mair, 2013). While an ever wider range of policies were decided in Brussels without much public debate ('policies without politics'), domestic arenas, in turn, have remained the locus of fierce political struggles yet with an increasingly constrained autonomy for elected representatives to decide on policies ('politics without policies') (Schmidt, 2006). Citizens' dissatisfaction with national parliamentary democracy became acute when national governments adopted austerity policies under the auspices of the EU, making taxpayers and vulnerable groups suffer the consequences of the financial markets' failure (Armingeon and Guthmann, 2014).

Three main strategies have been pursued by European elites to tackle the democratic deficit which reflect three conceptions of what a European democracy should look like. The first has consisted in strengthening the powers of the EP as most elites remain convinced that parliamentarism is the essence of (representative) democracy. Yet, this was not sufficient to substantially improve the quality of linkage and representation performed by members of the EP (Brack and Costa, 2013). The second strategy, promoted primarily by the European Commission, has emphasised the need for 'good governance', a managerial vision of the political process whereby partnership replaces hierarchy and in which stakeholders' participation and 'ownership' can make policy-making more transparent. Epitomised by the *White Paper on Governance* from 2000, this vision remained geared at technocratic output legitimacy. Third, under the influence of fashionable theories of democracy and the activism of civil society organisations, a number of procedures have been introduced to enhance the participatory and deliberative nature of decision-making in the EU. Most of the institutionalised procedures (online consultations, citizens' agoras and fora, deliberation experiments at the EP, etc.) have rather turned into a democratic fig leaf (Aldrin and Hubbé, 2011) with little impact on actual decision-making. The contribution of organised civil society to the democratisation of the EU has been limited (Kohler-Koch, 2012). In turn, EU policy-making has brought about the professionalisation and bureaucratisation of organised civil society (Saurugger, 2009) and only occasional, conflict-based politicisation has constrained decision makers to change their position and prove responsive to public mobilisation (Parks, 2015). The failure of the European Citizen Initiative to bring about policy responses by the EU institutions further illustrates the pitfalls of participatory democracy in the EU.

None of those three strategies, therefore, has proved successful in responding to the EU's democratic deficit. In spite of growing criticism in the face of deteriorating policy outputs (with slow growth in the 2000s and rampant social

retrenchment), the EU has remained a conservative system, hard to reform and continuously anchored in a centrist consensus with opposition forces finding very little channels for expression or effective impact. Thus, as predicted by Peter Mair (2007) (building on Robert Dahl's democratic theory), the impossibility to express 'classical opposition' over policies, has fed an 'opposition of principle' against the system itself and its personnel, in the form of Euroscepticism and populism.

1.6.2 Elusive Convergence and Conflicts of Values

Against this background, the recent financial and eurozone crises have triggered an acceleration of pre-existing centrifugal trends. Undeniably, the crises have revealed persisting conflicts in socio-economic ideas and preferences. Not only had the 'catch-up' not automatically followed from market and monetary integration, as European elites had believed; financial markets exerted punitive pressure on countries with weaker socio-economic structures, thus reinforcing the existing gap between a continental and northern wealthy core, on the one hand, and peripheries at the southern, eastern and Baltic fringes of the continent. While some catch-up took place throughout the 1990s and 2000s (Ireland being the most successful example), the 2008 financial crisis revealed the fragility of models relying heavily on credit in the south and on foreign direct investment (FDI) dependence in the east (see Chapter 17). Furthermore, said imbalances accentuated divisions among Europeans. The severe recession in many countries at the EU peripheries triggered or accentuated migrations from Southern or Eastern Europeans seeking better opportunities in prosperous core countries. One consequence of those migration flows has been the decline in support for welfare state spending in host countries, thus feeding inequalities within societies (Cappelen and Peeters, 2018). The fact that the southern periphery had to bear the cost of economic adjustment in the eurozone crisis also caused a democratic disenchantment in South European countries in particular (Armingeon et al., 2016). Persisting or growing inequalities between and within EU countries therefore raises the question of whether all countries have equally profited from the single market and the euro and, if we recognise that this is not the case, what mechanisms for more solidarity and social cohesion could or should be introduced at EU level (Sangiovanni, 2013; Crespy, 2019).

Besides the socio-economic realm, centrifugal movements affecting the EU as a community of states and citizens have concerned cultural and societal values. The role of religion, especially Christianity, in the public and political sphere and its relationship with other religions was contentious before the crisis (Foret, 2015) as the controversy on the possible accession of Turkey to the EU in the early 2000s has shown. Furthermore, there has been an ongoing debate about the existence of a so-called *Leitkultur*³ and the best way to deal with immigration and the

³ The term refers to the debate in Germany over the compatibility between Christian-based cultures and other cultures.

heterogenisation of European societies. The migration wave of 2015 contributed to the almost hysterical exacerbation of these debates. In many European countries, theories such as ‘the great replacement’⁴ of native populations by immigrants have taken root. Xenophobic and racist theses have been voiced particularly strongly by governing parties in Scandinavia, Austria, Italy and Central and Eastern Europe, and far-right parties have emerged where they had not existed over the past decades, for instance Vox in Spain, the Golden Dawn in Greece and Alternative für Deutschland in Germany.

Finally, a more novel aspect of EU politics, perhaps, has been the rise of the critique of liberal democracy itself (see Chapter 18). In Central and Eastern Europe, the EU had promoted a process of democratisation after the demise of communism and in the run-up to the 2004 enlargement. Yet, Poland, Hungary and the Czech Republic have witnessed a democratic backlash. There, leaders have not only diffused ultra conservative and xenophobic discourse, they have also implemented specific reforms aimed at curtailing the freedom of the press and the independence of the judiciary (Coman, 2014), thus tapping into a process of dedemocratisation or autocratisation (Tomini, 2015). This development triggered lively debates in the EU as to the possibility to adopt sanctions for the violation of the EU’s common values, especially the integrity of the rule of law, according to Article 7 TEU. Such politicisation of values, including democracy, has allowed Viktor Orbán to profile himself as a hero defending the ‘true Europeans’ against the faceless Brussels technocracy (Coman and Leconte, 2019).

1.6.3 Brexit and Differentiated Integration

The decision by a majority of British citizens, on 25 June 2016, to leave the EU constitutes a climax in an EU torn apart by the centrifugal forces discussed above. While Brexit’s outcomes still remain uncertain at the time of writing, it has been as a powerful reminder that the ‘ever closer’ Union was in no way an ineluctable end of integration and that the EU, which had only been expanding since its origins, could be territorially affected by disintegrative forces. In fact, the British exit political saga seems to be a mirror of all Europe’s current ills. The campaign, first, strongly focused on migration issues and the rapid rise of newly arrived immigrants (indistinctly from inside or outside the EU), mainly described by the UK Independence Party as a burden on public services and the welfare state. A sociological analysis of the Brexit vote, then, revealed a strongly divided country, with ‘chronically economically depressed areas [...] voting to leave the EU, especially when they had experienced recent sudden changes in the composition of the local

⁴ This racist conspiracy theory claims that the native population in Europe will be replaced by immigrants from the Middle East and Africa. While having old roots, it has been revived by the French far-right writer and activist Renaud Camus who published in 2010 a book entitled *Le Grand remplacement*.

population' (Clegg, 2017: 38). From the point of view of political economy, this can be seen as the result of the long-standing restructuring of British capitalism with a growth model combining the prominent role of the finance industry with a weakly regulated labour market thus fuelling social inequalities (Hay and Bailey, 2019). At a deeper level of understanding, the regime crisis triggered by the Brexit referendum shows that, behind the classical EU vs. national sovereignty line of conflict, EU membership has gone hand in hand with deep constitutional change by stealth, as Bickerton argues (2019). It has upset the historically entrenched balance between parliamentarism and the executive, and eventually set off a conflict between parliamentary and popular sovereignty within the UK more than anywhere else. Finally, this regime crisis has seen the rise of a populist figure, Boris Johnson, who seeks to embody the alleged will of the people summarised in a politically powerful motto: 'taking back control' from Brussels.

The aggravation of disagreements among Europeans over the appropriate socio-economic models, the societal values, the nature of democracy and the *finalité* of the EU itself eventually raises the question of a need for greater differentiation within the EU. Far from new, this debate has gained momentum over the past ten years. Interestingly, rationalist scholars as well as theorists of *demoicracy* (see Chapter 19) agree that differentiation is a legitimate answer to the heterogeneity of dependence, capacities and preferences across EU countries (Schimmelfennig 2019) or the heterogeneity of economic, social and cultural choices (Bellamy and Kröger, 2017). In spite of tangible functional and normative grounds, differentiated integration poses a number of practical and political dilemmas yet to be solved.

The myriad concepts which have populated the public debate can be clustered around three types which already coexist in the EU today (Holzinger and Schimmelfennig, 2012: 296). The first relies on temporal differentiation, namely the idea that all member states go in the same direction but at a different pace to accommodate adaptation ('two'- or 'multi-speed Europe'). Except for the UK and Denmark, for example, EU members were only granted a temporary opt-out of the euro and are supposed to join when meeting the economic requirements. However, as Latvia and Lithuania joined in 2014 and 2015, other countries – like Sweden or Poland – are unwilling to join for political reasons. Thus, temporary differentiation can freeze as not all member states agree on the overall direction of integration regardless of pace.

The second model is grounded on spatial differentiation, whereby various countries engage with various degrees of integration ('core Europe' or the 'Europe of concentric circles'). As pointed by Holzinger and Schimmelfennig (2012), this raises the question whether such differentiation should happen within or outside the legal framework provided by the EU treaties. Furthermore, the idea of a 'core' implies a more advanced form of political integration to which not even the founding members of the EEC subscribe to today. While the euro area is often

mentioned as the most obvious 'core' of the EU, it is hard to see how nineteen countries (i.e. two-thirds of the members) could agree on and effectively reach a high degree of integration required by a federal type of integration project.

Overlapping with spatial differentiation, the third model involves sectoral differentiation where not all member states participate in all EU policies. Sometimes seen as 'anything goes' or *Europe à la carte*, a better way of conceptualising such differentiation is as making for a 'soft core' Europe constituted by overlapping clusters of member states in the many different EU policy communities (Schmidt, 2019b). Again, this is already the case with the EMU or the Schengen area. But should this logic be generalised, with member states opting in rather than opting out as a matter of exception? Here, the limited success of enhanced cooperation enshrined in the treaties (Article 20 TEU) sheds light in the dilemmas involved. Enhanced cooperation on a financial transaction tax shows how the compromises necessary to reach a critical mass of participants can also affect the effectiveness of the policy solutions agreed. After lengthy negotiations started in 2010, ten countries agreed to adopt it, but the proposal was so watered down that the tax is now expected to generate ten times less revenue than initially envisaged (i.e. €3 billion per year instead of €30 billion). A better way to use sectoral differentiation, then, would be to encourage governments to opt in or out of 'blocks' of integration in large, coherent policy domains.

In a nutshell, all three forms of differentiation already exist in the EU, but their systematisation constituting a new model of integration involves tremendous dilemmas in terms of functional problem solving and political legitimacy. Decision makers and bureaucrats from the European Commission have proved well aware of the rampant conflicts which threaten to bring about a collapse of the EU. In March 2017, it contributed to the debate by putting forward a White Paper presenting five alternative scenarios ranging from less to more integration or status quo (European Commission, 2017). However, the paper failed to trigger a debate among member states' governments (let alone citizens) where political forces would consider their options to ensure the viability of the EU and secure the collective goods it should serve to generate.

While we argue the multiple crises from the last decade represent a critical juncture in EU politics and policy-making, it should not be seen as one which brought about a paradigm change. Rather, in the overwhelming majority of policy areas, recent multiple crises acted as an accelerator of pre-crisis trends, especially the reinforcement of ordoliberal fiscal discipline, market liberalisation (including labour markets and international trade) and the securitisation of migrations and borders. The more novel aspect to EU politics therefore lies with the increased politicisation of EU policy-making and the question of how to deal with resistance from some sections within European societies to responses to problems through more integration. So far, it can be argued, post-functional politics and the anti-EU

politics that brought about the rise of populist parties in many EU countries has not led to any significant ‘spill-back’ via the de-Europeanisation of existing policies. Yet, it has exacerbated centrifugal forces tearing apart Europeans as a community. This involves stark divergences in values about economic models and solidarity, multiculturalism and religion, and, ultimately, democracy itself.

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