

Table of Contents

List of Figures & Tables.....	17
List of Abbreviations.....	18
Introduction.....	19
The Puzzle	20
Theoretical Positioning.....	22
Research Design and Empirical Material	23
Central Contributions.....	24
Structure of the Thesis.....	25
Chapter 1: Literature Review – Locating Professionals in the EU and Eurozone.....	31
1.1 Ideational Institutionalism: Crisis and How Agents Deal with Them.....	32
1.2 Ideas and Professionals in Transnational Contexts.....	34
1.3. The Role of Law in the EU	36
1.4 The Field of European Law and the Missing Lawyers in Economic Governance	38
1.5 Eurozone Crisis Policy Response: studying an economic crisis.....	40
Summary: Professionals in a Crisis.....	43
Chapter 2: Theoretical Framework – Tracing Disrupted Fields via Practices & Networks	44
2.1 A Theory of Fields & Weak Fields	45
2.1.1 The Significance of Field Characteristics.....	45
2.1.2 Bourdieu’s Field, Habitus and Capital.....	46
2.1.3 Symbolic Power and Legitimation.....	50
2.1.4 Transnational Fields as Weak Fields	52
2.1.5 Fields Disrupted by Crisis.....	53
2.1.6 Bricolage and the Paradigms of EU Studies.	55
2.2 Professional Practices and Law: Structuring Fields & Co-constructing the State	57
2.2.1 Why Practices Matter for Fields in Crisis	57
2.2.2 Professional Practices, Law and Legitimation	59
2.2.3 Types of Boundaries and Boundary Work.....	62

2.2.4 Boundary Work Concepts Used for Legal and Policy Professionals in Crisis	65
2.3 Networks as Interaction and Referral	66
2.3.1 Significance of Network Ties	66
2.3.2 Weak Fields and Effective Agents.....	68
2.4 Relationship between Concepts and Research Objectives.....	69
2.4.1 Application of Theory and Concepts.....	69
2.4.2 Analytical Strategy and Propositions	70
Chapter 3: Research Design & Methodology	72
3.1 Research Design	72
3.1.1 Case Study	72
3.1.2 Relational and Processual Ontology.....	73
3.1.3 Epistemological Reflections	74
3.1.4 Interdisciplinary Approach	76
3.2 Research Strategy.....	77
3.2.1 Constructing the Positional	79
3.2.2 Accessing Practices	87
3.2.3 Reconstructing the Dispositional/the Habitus.....	88
3.3 Data Collection.....	89
3.3.1 Interviews.....	90
3.3.2 Documents.....	92
3.4 Data Analysis.....	92
3.4.1 Coding and Analysis	93
3.4.2 Analysis Through Writing.....	97
Chapter 4: The Political Construction of EMU and its Legal Ambiguities prior to the Crisis	99
4.1. The Maastricht Negotiations: Political Tensions between Economic Visions	100
4.1.1 The Political Power of Finance and Central Bankers	102
4.1.2 The loss of Gouvernement économique to German Stabilitätsgemeinschaft	104

4.2 Legal Ambiguities of EMU and the Role of the ECB	106
4.2.1 The ECB and Monetary Policy: The most independent, independent central bank	107
4.2.2 Financial Integration and the Europeanization of Sovereign Bond Markets.....	110
4.2.3 Fiscal and Economic Policy, ECOFIN and emergence of The Eurogroup	111
4.2.4. Post-Lisbon Treaty: Is Eurogroup the EU's unofficial 'gouvernement économique'?..	114
4.3 Locating the Law in Economic Governance Before the Crisis.....	116
4.3.1 Legal contestation of Maastricht: the German Constitutional Court Asserts Itself.....	116
4.3.2 Practices of Legal and Policy Professionals under EMU before the Crisis.....	119
Summary	124
Chapter 5: Legal Contests over Stabilizing the Euro-Area.....	125
5.1 The Rise of the Mechanisms	126
5.1.1 A First Step into the Unknown: Constructing the Greek Loan Facility.....	126
5.1.2 The Weekend of Contagion in May 2010.....	129
5.2. Working the Boundaries of the EU legal order.....	131
5.3. Making the EFSF: Like Pulling a Rabbit From a Hat.....	138
5.3.1 The GLF Template.....	138
5.3.2 The Mistake of Going Intergovernmental	139
5.3.3 What about Bangladesh? – Going Intergovernmental with the Commission	142
Summary of Findings	144
Chapter 6. The Crucial and the Useless: The ESM and the Fiscal Compact.....	146
6.1 Sorting out the Boundaries of the ESM: re-iterating recombinations.....	147
6.1.1. The Deauville Debacle	147
6.1.2 How to Draft an International Treaty: Consolidating a Boundary Object	148
6.1.3 The Role of the Eurogroup and Lines of Blurred Responsibility.....	150
6.2 The Sacred and the Profane: EU law and its Superiority	151
6.2.1. Protecting the EU Legal Order.....	151
6.2.2 The ESM's compatibility with EU law	157

6.3 Innovations of Regulations: Upgrading the SGP with a Six-Pack, and a Fiscal Compact	165
Summary of Findings	169
Chapter 7. Controversies of Restructuring	171
7.1 Sticking to the Doxa of Economic and Monetary Union	172
7.1.1 The ECB differentiates itself as most independent	172
7.1.2 Never Restructuring!.....	178
7.2. The Greek Debt Restructuring.....	183
7.2.1 PSI 1: Restructuring as ‘Voluntary’ - A Light Dusting	183
7.2.2 PSI 2: We Sharpened the Knife (and invited them to slit their own throats...)	183
7.3 Making CACs for the Eurozone: Boundary Object as Policy Panacea.....	188
7.3.1 CACs as Boundary Object.....	188
7.3.2 ECB Legal Ambiguities and Boundary Blurring	190
Summary of Findings	193
Chapter 8: Unfolding a Crisis in Court.....	195
8.1 The ESM Treaty before the Court: Pringle’s Lament.....	196
8.1.1 Thomas Pringle and the Subversion of the EU Legal Order	197
8.1.2 Starting with Monetary Competence: The Euro is the Object!.....	199
8.1.3 Focusing on Article 125: the Art of Alternative Arguments	200
8.1.4 Establishing Economic Competence: Your Objectives Define What You Are.....	203
8.1.5 Constructing the Boundaries of Conditionality.....	207
8.2 From Pringle to Gauweiler	209
8.2.1 The Gauweiler Preliminary Reference	209
8.2.2 Full Judicial Control.....	212
8.2.3 Distinguishing Economic and Monetary Policy	215
Summary of Findings	217
Chapter 9. Pointing to the Source of Power.....	219
9.1 Overview of Cases on Conditionality.....	220

9.2 The Cypriot Bank Bail-in	221
9.3 <i>Ledra Advertising I & II</i>	222
9.3.1 Making a Boundary between the Who's Who of the ESM.....	222
9.3.2 Appealing before the Court of Justice – Filling Gaps with Overlaps	224
9.4. <i>Mallis I & II</i>	227
9.4.1 The Eurogroup Comes under the Spotlight	227
9.4.2 The Court's Jurisdiction over the Eurogroup.....	229
9.5 <i>Chrysostomides</i>	230
9.5.1 Where Others Have Failed, we Shall Delineate a Continuum	230
9.5.2 Locating the Eurogroup in the EU Legal Order.....	231
9.6 Going to Court: What is the Eurogroup? Just a Meeting for Coffee?!	236
9.6.1 The Council Pleads: There is no Eurogroup as such... ..	237
9.6.2 An Invitation to Erase the Eurogroup from the Treaties.....	240
9.6.3 The Commission Pleads: The Court does not have Jurisdiction!	241
9.6.4 The Judges Push the Lawyers: Locate where the power comes from in the text.....	242
Summary of Findings	246
Chapter 10. European Legal Networks in Crisis.....	248
10.1 Temporal Networks Unfolding in Crisis	249
10.1.1 A Historical Account of the Eurozone Crisis vis Temporal Networks.....	249
10.1.2 Degree Centrality of Temporal Network	261
10.2 From Temporality to Referentiality.....	263
10.2.1 Constructing a Referral Network	264
10.2.2. General Observations of the Referral Network.....	265
10.2.3 Effective Agents and their Symbolic Capital	268
Summary of Findings	270
Chapter 11: Discussion & Conclusion.....	272
11.1 Recapping the Puzzle, RQ and Propositions	273

11.2 Boundary Calibration, Boundary Overlapping and Internal Expansion.....	275
11.2.1 Findings of Its Effects on Subjective Structures: Two Legal Logics	275
11.2.2 The Generation of Social Boundaries Via Internal Expansion.....	277
11.3 Bricolage, Boundary Objects and External Expansion	279
11.3.1 The Recombinatory Logic of Bricolage.....	279
11.3.2 Boundary Object and External Expansion	280
11.4 Boundary Blurring.....	281
11.4.1 Cross-boundary Linking.....	282
11.5 Stabilising a Field via Networks and the Continuation of EMU Struggles	284
11.5.1 Boundary-specification and Stabilisation.....	284
11.5.2 Juridical Capital and Struggles	286
11.6. Conclusion: The Definitional Power of Law and Legitimation	287
11.6.1 Answering the Research Question	287
11.6.2 Critical Reflections	287
11.6.3 Limitations of this Study.....	289
11.6.4 Central Contributions.....	290
11.6.5 Future Research Perspectives.....	291
Appendix 1: List of Interview Partners	294
Appendix 2: Example of Email sent to Possible Interviewees	295
Appendix 3: Example of Semi-structured Interview Guide.....	296
Appendix 4: Informed Consent Form.....	297
Bibliography.....	300

List of Figures & Tables

Figure 1: Situational Coding Process	p.94
Figure 2: Dispositional Coding Process	p.95
Figure 3: Network graph of legal & policy professionals in March/April 2010.....	p.250
Figure 4: Network graph of legal & policy professionals in May 2010.....	p.251
Figure 5: Network graph of legal & policy professionals in June 2010.....	p.252
Figure 6: Network graph of legal & policy professionals from 2010 to 2011.....	p.254
Figure 7: Network graph of legal & policy professionals from 2011 to 2012.....	p.255
Figure 8: Network graph of legal & policy professionals from 2012 to 2013.....	p.256
Figure 9: Network graph of legal & policy professionals from 2013 to 2014.....	p.257
Figure 10: Network graph of legal & policy professionals from 2014 to 2015.....	p.258
Figure 11: Network graph of legal & policy professionals from 2015 to 2017.....	p.259
Figure 12: Network graph of legal & policy professionals from 2017 to 2019.....	p.261
Figure 13: The referral network of legal & policy professionals in 2020.....	p.264
Table 1: Degree centrality of legal & policy professionals involved in crisis solutions and related court cases.....	p.261-62
Table 2: Degree centrality measures for agents from referral network, and from the temporal network.....	p.265-66
Table 3: Overview of Notable Instances of Practices with Logics and Empirical Examples.....	p.283