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The European Union in disequilibrium: new intergovernmentalism, postfunctionalism and integration theory in the post-Maastricht period

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ABSTRACT
The crises that weigh heavily on the European Union (EU) in the 2010s have underlined the continued importance of integration theory, albeit in ways that go beyond classic debates. Postfunctionalism, in particular, has shown how European integration and its problems stand on shifting political cleavages. And yet, postfunctionalist claims that such changes would create a constraining dissensus in the EU rests uneasily with the intensification of European integration since the Maastricht Treaty was signed. This article offers a new intergovernmentalist explanation of this puzzle, which shows how mainstream governing parties have circumvented rather than being constrained by Eurosceptic challenger parties and challenger governments. The result, it contends, is not a constraining but a destructive dissensus that adds to the EU's political disequilibrium. Understanding the persistence of this disequilibrium and its potential to unwind disruptively is a key challenge for contemporary integration theory.

KEYWORDS Integration theory; intergovernmentalism; postfunctionalism; neofunctionalism; equilibrium

Introduction

For critics, European integration theory lends itself to 'sterile debates and dubious generalisations' (Schmidt 1996) and a persistent lack of consensus regarding 'the causes and future of the integration process' (Pollack 2015: 26). For its champions, integration theory has enriched not only the study of the European Union (EU) but also wider debates in politics and international relations (Saurugger 2014: 5). That integration theory endures after six decades favours the defenders in this debate, while placing the onus on a new generation of integration scholars to sharpen their theoretical claims and counter accusations of intellectual path dependence and diminishing returns.

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The period since the 1992 Maastricht Treaty is a challenging one for theorists. While the re-launch of European integration in the 1980s prompted a wave of theorising about states and supranational institutions (Moravcsik 1998; Stone Sweet and Sandholtz 1998; Stone Sweet et al. 2001), the absence of a *grand projet* after Maastricht discouraged scholars from thinking about the troubling dynamics of integration during this period. Neofunctionalism and liberal intergovernmentalism tended to view integration as losing momentum and neither was overly alarmed by the problems of legitimacy facing the EU (Mattli and Stone Sweet 2012; Moravcsik 2012). In the 2010s, the euro crisis, the migration crisis, Brexit and the illiberal challenge have, as Hooghe and Marks show in this volume (2019), encouraged scholars to re-engage with the grand theories of integration: intergovernmentalism and neofunctionalism.

Postfunctionalism was ahead of the theoretical curve in thinking about the post-Maastricht period as one in which political contestation over integration has moved to the centre of EU politics. Hooghe and Marks (2009) drew a link between the EU's legitimacy problems, changes in public opinion and the rise of Eurosceptic parties. Central to their approach is the claim that the 'permissive consensus' over Europe has given way to a 'constraining dissensus' (ibid.: 5). 'Party leaders in positions of authority', they state, 'must look over their shoulders when negotiating European issues' and '[w]hat they see does not reassure them' (ibid.). New intergovernmentalism is another, more recent attempt to understand post-Maastricht integration (Bickerton et al. 2015a, 2015b; Puetter 2012, 2014). Like earlier versions of intergovernmentalism, it sees governments rather than supranational institutions as the prime movers behind integration. It breaks from tradition, however, by seeing the post-Maastricht period as one in which integration has intensified rather than slowed. It also highlights the tensions – rather than the essential continuity – between elite interests and the interests of domestic constituents.

New intergovernmentalism and postfunctionalism share common ground in their concern for the EU's legitimacy problems as a constituent feature of post-Maastricht politics (Bickerton et al. 2015b: 33–36). And, yet, they also give rise to competing claims. While postfunctionalism expects national governments to 'try to anticipate the effect of their decisions [regarding European integration] on domestic publics' (Hooghe and Marks 2009: 9) it remains agnostic about what the specific consequences are for integration. New intergovernmentalism sees member states as pressing ahead with integration but in ways that redirect rather than redress the problems of legitimacy facing the EU. In this sense, new intergovernmentalism understands the post-Maastricht period not primarily as one of a constraining dissensus in which integration is impeded. Rather, it sees divides between integrationist leaders and a sceptical public as fuelling a destructive dissensus that casts doubt on the future sustainability of the EU.

While not proclaiming disintegration as inevitable, new intergovernmentalism invites scholars to rethink traditional assumptions about European integration as being in – or tending towards – equilibrium in order to grasp more fully the pernicious political dynamics facing the EU. It sees the EU as being in disequilibrium, a term which captures growing societal tension in a political system driven by pro-integration consensus but shielded from growing public disenchantment with policy outcomes (Bickerton et al. 2015b: 36–7). New intergovernmentalism has generated broad debate about who steers the EU in times of turmoil (Schmidt 2018) and about the Union's evolving institutional choices (Moravcsik 2018: 1656). At the same time, it has faced questions about what, if anything, it offers over existing integration theory (Kleine and Pollack 2018). The concept of disequilibrium has been criticised as a normatively-loaded hypothesis that is difficult to test (Bulmer 2015).

This article moves beyond existing contributions on new intergovernmentalism by further developing the concept of disequilibrium. We demonstrate the concept's analytical relevance in research on contemporary EU politics and highlight what it adds to our understanding of European integration. To this end, we focus on a particular feature of post-Maastricht politics: how pro-EU mainstream parties and Eurosceptic challengers coexist at a time of intensifying integration for the Union. The first section explores how new intergovernmentalism departs from the idea of equilibrium underpinning existing grand theories, and specifies the conditions under which this disequilibrium might unravel. The second section employs the concept of disequilibrium to interrogate the rise of challenger parties and, what we call, challenger governments since Maastricht. The concluding section draws lessons for the theory and practice of European integration.

Europe's disequilibrium

Equilibrium is a concept to which political scientists have periodically turned to understand social phenomena. They use the term loosely, drawing on disparate debates within economics, game theory and evolutionary biology. Equilibrium is a foundational concept for economic theory, which variously describes a balance of forces, a situation in which there is no endogenous driver of change or an outcome that the economy tends towards (Milgate 1994: 179). A static equilibrium denotes the absence of change while a dynamic equilibrium implies a steady rate of growth. Following Arrow (1959), economists have concentrated less on equilibria than on the behaviour of the economy under disequilibrium conditions, with New Keynesian economists at the forefront of debates about why disequilibria persist over long periods (Blanchard 2000) and how to overcome the coordination problems posed by multiple equilibria (Cooper and John 1988). Basic game theory understands an equilibrium as a so-called solution concept, in which

players have no incentive to revise their choices, as in the Nash Equilibrium. More sophisticated concepts, as in the Bayesian Nash Equilibrium, incorporate incomplete information or faulty behaviour, as in the trembling hand perfect equilibrium. In evolutionary biology, Eldredge and Gould (1972) pioneered the concept of punctuated equilibrium to describe how new species arise very rapidly in specific populations in contrast to the incrementalism implied by phyletic gradualism.

David Easton encouraged political scientists to think about what they could learn from economics about equilibrium (Easton 1956: 96–97). 'The processes and structures of political systems are not freely buffeted about by the vagaries of chance', he wrote, 'through their own responding actions [they] are capable of persisting even in a world of rapid change' (Easton 1965: 77–78). Easton's flow model conceptualised the role of equilibrating forces in politics. For a political system to persist rather than fail, Easton argued, authorities must generate outputs that both respond to demands and support for the system, and, through their impact on the environment, enrich rather than undermine demands and support for future outputs (ibid.: 103–135).

This flow model informed Lindberg and Scheingold's (1970) contribution to neofunctionalism. They sought to understand the conditions under which the European Community would tend towards equilibrium or spillback, the former describing a situation in which decision-making is institutionalised but without significant pressure for further institutionalisation and the latter referring to a situation in which this equilibrium is disturbed and institutionalisation decreases. Their study offered one of the early conceptualisations of the permissive consensus as a key source of systemic support and hence an equilibrating force (Lindberg and Scheingold 1970: 121). Political disturbances may delay, postpone or deter integration, yet, they do not stop the neofunctionalist heart of the process from beating. Sandholtz and Stone Sweet (1998, 2012), Stone Sweet, Sandholtz and Fligstein (2001) and Niemann and Ioannou (2015), in more recent neofunctionalist scholarship, do not explicitly use the concept of equilibrium. Yet, like their intellectual predecessors, they share a remarkable confidence with regard to the further trajectory of integration. Functional spill-over and supranational entrepreneurship trigger political action, and they may trigger counter-mobilisation but, as Philippe Schmitter (2009: 211) recalls, neofunctionalism assumes that 'mass publics would be aroused to protect the *acquis communautaire* against the resistance of entrenched national political elites'. Mattli and Stone Sweet (2012) and Jones et al. (2016) make passing reference to the concept of equilibrium but see European integration as being subject to a punctuated equilibrium. This builds on Capoccia and Kelemen (2007), who highlight the link between the idea of punctuated equilibrium and critical junctures in historical institutionalist research.

Whereas neofunctionalism sees the EU as tending towards equilibrium, liberal intergovernmentalism suggests that it has already arrived. The EU, Andrew Moravcsik argues, has reached 'a stable constitutional equilibrium' and its 'current constitutional arrangements are substantively effective, institutionally protected, and democratically legitimate' (Moravcsik 2005: 349). This conception of equilibrium has both a game theoretic and a normative dimension. The first sees governments as having little incentive to revise current institutional choices. The second sees the European constitutional settlement as 'normatively attractive' (Moravcsik 2005: 351) in spite of concerns over the EU's legitimacy, which the author sees as being misplaced. Although he is quick to dismiss neofunctionalism as 'not a theory of equilibrium, but of change' (ibid.: 353), Moravcsik channels Lindberg and Scheingold (1970) and Easton (1965) when he concludes that the EU is 'a constitutional system that no longer needs to expand and deepen in order to assure its own continued existence' (Moravcsik 2005: 376). In this sense, neofunctionalism and liberal intergovernmentalism embody a teleological view of European integration as moving forward towards its final form (Parsons and Matthijs 2015: 231).

Equilibrium is not a concept with which postfunctionalism explicitly engages. The idea of constraining dissensus suggests that pro-EU elites face continuous political contestations over further integration, the outcome of which is uncertain. Yet, it is certain to influence 'regime outcomes' (Hooghe and Marks 2009: 23) in some way. 'Hence the range of possible outcomes under postfunctionalism encompasses not only the status quo or its punctuated reform, but also the possibility of disintegration', Hooghe and Marks conclude in this volume (2019). In this sense, postfunctionalism suggests a multiple equilibrium conception of European integration in which the future direction of the Union is difficult to predict on the basis of underlying economic and political conditions.

New intergovernmentalism, in contrast, sees the post-Maastricht EU as being in a persistent state of disequilibrium. This article advances the discussion of disequilibrium by conceptualising it as the EU's tendency to produce policy outputs that polarise politics in ways that cast doubt on the future of the Union. This tendency brings systemic risks, including the erosion of the EU's current normative order, in political and legal terms, and threats to the Union's territorial integrity and that of major policy domains, such as the single currency. This disequilibrium is the product, we conjecture, of dysfunctional outputs by integrationist and consensus-seeking elites (Puetter 2012; cf. Schmidt 2018), on the one hand, and dysfunctional inputs, including public scepticism about the benefits of European integration and declining trust in the EU and national political systems (Mair 2013), on the other hand.

Major institutional reform efforts of the post-Maastricht period are indicative of the EU's disequilibrium. The Constitutional Treaty was not, as Moravcsik

(2008) implies, a misguided deviation from the EU's constitutional settlement. It was one of several attempts to acknowledge and address the EU's systemic problems during the post-Maastricht period. The European Commission's White Paper on European Governance, Plan D for Democracy and, in their own ways, the Amsterdam, Nice and Lisbon Treaties are others (Hodson and Maher 2018: 227–233). National governments were acutely aware of the problems of trust and legitimacy facing the EU, in other words, but their institutional fixes failed.

Faced with functional pressures for cooperation and public scepticism about deeper integration, member state governments in the post-Maastricht period tend not to limit integration but to redirect it. Nowhere was this clearer than in the euro crisis. By taking eurozone politics in their own hands, as evidenced by the leadership roles of the Eurogroup and Euro Summits, and avoiding the delegation of new powers to the European Commission along traditional lines where possible, governments signalled that they, rather than supranational bureaucracies, were in charge of Europe. The creation of de novo bodies over which governments exercise a high degree of control – such as the European Stability Mechanism and the European Resolution Board – were founded in the same spirit. But these policy outputs amplified rather then addressed the EU's disequilibrium. While both centre-left and centre-right mainstream pro-EU parties stuck with eurozone consensus politics, voters who were looking for alternative choices in eurozone politics gravitated towards parties at the ends of the political spectrum. Not all of these parties were Eurosceptic but those that were upped the stakes and their own electoral fortunes by casting doubt not only on the future of the euro but of the EU itself, as in Marine Le Pen's strong display in France's 2017 presidential election. Member states may have saved the euro but in so doing they turned the single currency into a political lightening rod for the EU's principled opponents.

Disequilibrium is a concept that suggests continuity and rupture. While the disequilibrium persists, the EU's systemic problems mount but the political system survives. When the disequilibrium unwinds, the political system faces a large and potentially disorderly adjustment. The most plausible scenario is that an unwinding of disequilibrium would give way to disintegration in specific policy domains or among specific member states (Vollaard 2014). The eurozone's near-miss with Grexit in 2015 gives an indication of how disorderly such an eventuality could be. During the EU's most recent crises a darker scenario has become imaginable in which a Eurosceptic challenger party not only flirts with the idea of EU exit but actively campaigns for it, triggering a chain reaction in other member states. Were the EU's large, founding states to be caught up in this crisis, we contend, the Union could well collapse (Hodson and Puetter 2018).

The politics of challenging while integrating

For new intergovernmentalism, a central puzzle is how integration has continued post-Maastricht while a set of new political actors has sought to capitalise on public discontent in the EU. This section takes a closer look at the rise of challenger parties and, more recently, challenger governments, which contest the normative foundations of the post-Maastricht EU: democracy, pluralism and the rule of law. It seeks to understand how EU elites have responded to – and accommodated – challengers without interrupting integration. The EU's political disequilibrium has endured because of political choices made by elites and challengers that enabled further integration but in ways that have magnified the Union's disequilibrium.

Challenger parties

In December 1973, Denmark's Progress Party secured second place in parliamentary elections. This was the first time that a hard Eurosceptic party – that is a party with principled opposition to the EU and integration (Szczerbiak and Taggart 2008) – made such a mark. In the following two decades, Eurosceptic challenger parties caused occasional upsets, as in the 35 seats secured by the *Front national* in the 1986 National Assembly election. However, it was not until the Maastricht Treaty that challenger parties became a pervasive feature of EU politics. Hooghe and Marks (2009) were among the first to see this. The process through which the Maastricht Treaty was negotiated and eventually ratified, they argued, laid bare the elite-bargain underpinning European integration and its disconnect with public opinion as never before. It provided an early indication of a new transnational cleavage between voters with diametrically opposed but equally intensive preferences on integration. Hooghe and Marks (2009) refer to the poles of this new cleavage as traditional/authoritarian/nationalist (TAN) parties and green/alternative/libertarian (GAL). parties. The former reject integration because of concerns over sovereignty, self-rule and foreign influence and the latter are more likely to see Europe as the embodiment of cosmopolitan values, far-left critics of the EU as a capitalist club notwithstanding.

EU governments have undoubtedly been 'looking over their shoulders' (Hooghe and Marks 2009: 5) at these parties but what they saw did not deter their commitment to closer cooperation across a host of policy areas. What we see instead chimes with the new intergovernmentalism's idea of disequilibrium. Eurosceptic challenger parties capitalised on changing political cleavages and the deepening of public distrust towards the EU but without, for the most part, gaining a significant grip on political power. Mainstream political leaders were acutely aware of this Eurosceptic challenge but also insulated from it. As a result, the post-Maastricht consensus withstood political

pressure in the short-term but in ways that magnified the gap between elite and popular preferences.

Radical TAN parties with principled opposition to European integration such as the UK Independence Party (UKIP) and *Front national* may have stolen a march on Europe's politicians but GAL parties followed. They challenge established pro-EU parties but they differentiate between their trenchant criticisms of specific EU policies and an essential commitment to European integration. In this sense, such parties are challengers without being Eurosceptic in any traditional sense. Podemos in Spain is an example of such a party on the new left, a position captured in its slogan 'the EU is the problem (more) Europe is the only solution' (della Porta et al. 2017: 218). Similar views were expressed by Syriza. In power, Alexis Tspiras, for all his criticisms of how the EU handled the euro crisis, emerged as a staunch defender of euro membership. Emmanuel Macron's La République En Marche! provides an example of how GAL parties can counter TAN parties' warnings over sovereignty, self-rule and foreign influence with a cosmopolitan message (Gougou and Persico 2017). Five out of the eleven presidential candidates in the first round of this contest flirted with Frexit (Costa 2017) but Macron won after an avowedly pro-EU campaign.

TAN parties have also generally struggled to win power in Europe. Paul Taggart and Aleks Szczerbiak (2013) cite 22 cases in which Eurosceptic parties 'came in from the cold' although this survey includes hard and soft Eurosceptics and cases in which these parties supported minority governments as well as entered coalitions. As of 2017, extreme TAN parties' vote share in national parliamentary elections averaged 11%, a worrying development for the EU to be sure, but one that typically left these parties in opposition. The notable exceptions are the challenger governments in Hungary, Italy and Poland (see next section). Cas Mudde (2013) offers a number of reasons for the radical right's 'governmental impotence', including their narrow focus on specific issues at the expense of socio-economic concerns, a lack of support from bureaucracies and non-governmental actors, their typically junior status in coalitions if they do win power and the fact that they draw their appeal from being in opposition.

TAN parties' most significant influence has been indirect rather than direct and yet even here their impact on EU policies has been muted. A large *n* analysis of expert surveys by Maurits Meijers (2017) shows that Eurosceptic challengers that attach high salience to European issues encourage mainstream parties to change their tone on Europe. There are numerous examples to support this trend, including the Republican candidate François Fillon's declining enthusiasm for the EU as the French presidential election progressed. But posturing is not policy. Although Fillon spoke in general terms about limiting the Commission's powers he eschewed talk of exiting the euro and calls for an

EU referendum (Lees 2017). A similar story can be told about Italian Prime Minister Matteo Renzi's 'euro-bashing' strategy (Herszenhorn and Barigazzi 2016).

Mainstream parties have generally stayed the course on Europe even as their vote share declined. Although Alternative für Deutschland (AfD), a challenger party founded, in part, over opposition to financial support for eurozone members, gained 94 seats in Germany's 2017 federal elections, the immediate impact on Germany's EU policy was limited. True, Angela Merkel's room to agree radical reforms to eurozone governance may be seen as having been indirectly constrained by the AfD but the chancellor was no radical to begin with. Instead, she stuck with the post-Maastricht consensus at the Franco-German summit in June 2018 by agreeing to incremental steps to strengthen European Banking Union and the European Stability Mechanism while diluting discussions over a eurozone budget. The AfD, meanwhile, overtook the SPD in an opinion poll published in July 2018 (Buck 2018).

A similar dynamic can be seen in the Netherlands, where Prime Minister Mark Rutte struck a noticeably more defensive tone on Europe after Geert Wilders's Freedom Party's strong showing in the 2017 election. The 'danger is real', Rutte told an audience in Berlin in March 2018, 'because all over Europe, we are seeing the rise of parties on the flanks of the political spectrum that simply deny the importance of European cooperation' (Rutte 2018). In spite of such defensiveness, the Dutch prime minister showed limited inclination for challenging the post-Maastricht consensus, making the case instead for European Banking Union and the creation of a European Monetary Fund. Geert Wilders' influence on domestic policies was altogether greater, as evidenced by the Staten-Generaal's decision in June 2018 to adopt a partial 'burqa ban'.

The UK's referendum vote to leave the EU is the most significant example of Eurosceptic contagion to date, although we understand it not as a rejection of the post-Maastricht consensus by a mainstream party but an attempt to preserve the status quo that misfired spectacularly. David Cameron was not, by British standards, and the standards of his Conservative Party in particular, especially Eurosceptic. 'While parents worried about childcare, getting the kids to school, balancing work and family life – we were banging on about Europe', he said in his first speech as party leader (Cameron 2006). That Cameron went from downplaying the EU to calling a referendum was due not only to intra-party dissent but primarily the perceived electoral threat from UKIP. By January 2013, UKIP were polling at a record 15% nationally. With European Parliament elections on the horizon and a general election two years away, the Conservative leader pledged a referendum. Cameron's resignation announcement, hours after the referendum result, merely underlined how Brexit was a scenario that the Prime Minister had sought to avoid.

Challenger governments

The previous section discussed the rise of Eurosceptic challenger parties, which have been invigorated by the post-Maastricht period but typically not empowered by it, thus preventing this disequilibrium from unwinding to date. We propose the concept of challenger governments for analysing what happens when parties led by politicians who are sharply critical of the current trajectory of integration form governments in their own right or act as senior coalition partners. We count Hungary's Fidesz-led governments since 2010 under prime minister Viktor Orbán and Poland's Prawo i Sprawiedliwość (PiS) party, which is led by Jarosław Kaczyński and has governed Poland since November 2015 under the prime ministers Beata Szydło (2015–2017) and Mateusz Morawiecki (2017-). These parties have been openly hostile to the EU in ways never seen before among Europe's governing parties. Both cases are analysed in this section, which also offers initial reflections on Italy's League and Five Star Movement coalition, which assumed office in June 2018. The Eurosceptic challenge presented by these governments sets them apart from governing parties that face backbench opposition over Europe, as in the UK Conservative Party, or those that challenge specific EU policies while maintaining strong support for EU integration, as in the case of Greece's Syriza government. Nor do we include governments that count Eurosceptic challengers as junior coalition members, which have not (yet) managed to impose a radically different stance towards the EU on government policy. This includes Austria's ÖVP/FPÖ coalition, although it is important to recognise that FPÖ is, a coalition partner of considerable size and influence.

Challenger governments pursue their principled opposition to the EU not by engaging in a frontal assault on the Union. Though they rarely miss an opportunity to criticise the EU, they develop an ambivalent Euroscepticism when in power. In a much-quoted speech in 2014, Hungarian prime minister Orbán sketched a vision of Europe that was at odds with the EU's treaty-defined values of freedom, democracy and the rule of law (Article 2, Treaty on European Union). And yet, the prime minister was at pains to defend his vision as one that was compatible with continued membership. 'When I mention the European Union, I am not doing this because I think it is impossible to build an illiberal nation state within the EU', he told his audience, 'I think this is possible' (Orbán 2014). True to his word, Orbán systematically weakened the rule of law after the 2010 election by curbing the powers of the constitutional court, while undermining political freedoms enjoyed by the media and non-governmental organisations.

Polish PiS party leader Kaczyński is equally ambivalent. Although he has been sharply critical of the EU for interfering in the affairs of a 'big country' (Tarquini 2016), he has portrayed himself as a politician who wishes to save Europe from itself. Poland must 'show the sick Europe of today the path

back to health, fundamental values, true freedom and a stronger civilisation based on Christianity', he said in a speech in 2016 to mark the centenary of the country's independence (Henley 2018). The PiS government's controversial reform of Poland's Constitutional Tribunal prompted the European Commission to launch a rule of law dialogue with Polish authorities in January 2016. After this dialogue failed to bear fruit, the Commission in December 2017 took the unprecedented step of initiating disciplinary measures against Poland under Article 7 of the Treaty on European Union.

Challenger governments consistently depict themselves as defenders of national authority from the EU. In Hungary the Orbán government invited citizens to express their frustration with the EU's interference in migration, tax and economic policies under its 'Stop Brussels' campaign (Cerulus 2017; European Commission 2017). It went further still with its 2016 referendum, which asked voters whether they wanted the EU to be able to mandate the obligatory resettlement of non-Hungarian citizens into Hungary even without the approval of parliament. Low turnout rendered the result invalid but the government nonetheless claimed victory against the EU and its migration policy. After it came to power in 2015, Poland's PiS party ran a public campaign against what it perceives as a German dominated EU. The EU's call on the government in Warsaw to resettle more refugees was denounced as an order from Germany (Hassel 2017). In a similar vein the PiS party publication *Gazeta Polska* claimed of anti-government protests: 'A German minister financed the putsch.' (ibid.).

One way in which challenger parties have channelled their opposition to the EU has been to oppose appointments of EU top jobs – a clear breach with etiquette in Brussels. In 2014, Orbán refused to vote for Jean-Claude Juncker as Commission president. In March 2017 Polish prime minister Szydło staunchly opposed the re-election of Donald Tusk as European Council president. Yet, on other occasions, challenger governments were eager to display their conformity with consensus politics. In January 2012, Orbán went with the mainstream position in the European Council and signed up to the Fiscal Compact. It was a document agreed outside EU law and opposed by the United Kingdom and (for a while) the Czech Republic. Moreover, the consensus in the European Council and the Foreign Affairs Council regarding the EU's sanctions policy against Russia could be maintained despite Orbán's attempts to court the Russian president Vladimir Putin. At the European Council, which expelled Russian diplomats in response to the Salisbury attack, the Hungarian government claimed afterwards, that it was Orbán who proposed that the head of the EU delegation in Russia should be recalled (Hungarian Government 2018).

In spite of such opposition, challenger governments do not propagate exit from the EU. In September 2017, Hungarian foreign minister Peter Szijjarto made clear his view that 'Hungary's place is in the EU – no one should

question this' (Byrne and Buckley 2017). In a similar vein, Orbán distanced himself from the Leave campaign in the UK when he told British media after the Brexit vote that '[w]e are sad' and that his government used to see the UK as a 'strategic partner' within the pre-Brexit EU (Foster 2016). The Hungarian prime minister's aim, it would seem, is to advance political positions that are incompatible with the EU's current political order rather than seeking to exit the EU. Kaczyński, likewise, described Brexit as a blow to the EU's efforts to become a 'global superpower' and even warned that Eurosceptic parties such as *Front national*, the Lega, the 5-Star-Movement and the AfD could succeed in unravelling the EU (Tarquini 2016). For Kaczyński, the priority is to strengthen the nation state within the EU in order to preserve the Union as a whole: 'Either we reform the EU or it collapses' (ibid.).

Ambivalence in this case is not a one-sided affair. EU leaders have addressed strongly worded statements to challenger governments, yet they are also at pains to refer to them as political partners. This is most clearly underlined by the continued membership of Fidesz in the European Peoples Party (EPP). For example, German Chancellor Angela Merkel, though she has been critical of Hungary's opposition to EU migration policy (Byrne and Buckley 2017), has remained mostly silent on Hungary's domestic transformations and the issue of EPP Group membership. Manfred Weber, the chair of the EPP Group in the European Parliament and a political ally of Merkel in Germany, has routinely resisted calls from within and outside the EPP to expel Fidesz and emerged as a central figure in directing the EPP's course regarding Hungary. He has even praised Orbán for having been in compliance with EU reprimands (Esslinger and Ulrich 2018). Although Weber supported the European Parliament's belated decision to trigger an Article 7 procedure against Hungary, the German MEP resisted calls by his challenger Alexander Stubb in the EPP's race to appoint a 'lead candidate' for the 2019 European elections to expel Fidesz. It came as little surprise when Orbán backed Weber's ultimately successful candidacy.

The European Commission has taken a more combative line towards challenger governments but not overly so. In her analysis of infringement proceedings, which involved rule of law issues including Hungary's amendments of its constitution which weakened the independence of the constitutional court, Agnes Batory (2016) traces a pattern of conflict which she refers to as 'creative and symbolic compliance'. Instead of ignoring the Commission's requests altogether the Hungarian government agreed to smaller changes to intended or already adopted measures and legislative changes, which did not affect the substance of the constitutional amendments including the rearrangement of the composition of the constitutional court. As Batory argues, member states that refuse substantial compliance can get away with these tactics as long as the preservation of the image of the EU's legal order as a functioning one is upheld. Upholding the image of

the consensus culture is rated to be more important than pursuing an effective strategy against actual rule of law backsliding (Pech and Scheppele 2017).

The EU has thus treaded softly with challenger governments, chastising them on occasion but avoiding confrontation where possible even when fundamental values are at stake. Challenger governments, in turn, have agreed to small-scale amendments of controversial legislation, and gone along with the general direction of EU policy-making, however much they may disagree with specific policies. The Polish government's decision in November 2018 to reinstate judges that had been forced to retire following a ruling from the Court of Justice of the EU is a striking exception and, yet, it is too soon to say whether it was a tactical retreat or a turning point (Steinbeis 2018). The overall trend of avoiding confrontation illustrates both the resilience as well as the narrowness of the post-Maastricht consensus, with concerns over the rule of law and fundamental rights seen as secondary to the aim of protecting and advancing policy cooperation across a host of other policy areas.

The rise of challenger governments has increased the readiness of mainstream parties to tolerate violations of the EU's normative consensus as long as they do not jeopardise the day-to-day functioning of key areas of EU politics. Kelemen (2017: 217–221) describes this as an 'authoritarian equilibrium' in which EU partisan politics is strong enough to protect illiberal leaders such as Orbán but too weak to bolster liberal opposition parties. Instead, we think of the EU's toleration of challenger governments as deepening the EU's disequilibrium by emboldening challenger governments and tarnishing those who tolerate them. Far from moderating his views after winning re-election in 2018, Viktor Orbán took aim at new targets, as evidenced by his decision to end accreditation and financing for postgraduate programmes in gender studies. Senior EPP politicians may have avoided public scrutiny over their affiliation with Fidesz but the party itself was sufficiently rattled to adopt an emergency resolution at its Congress in November 2018 in which it acknowledged threats to EU values and the rule of law and urged member state governments to refrain from 'conspiracy theories … and all out attacks' against EU institutions (EPP 2018).

That this uneasy bargain between pro-EU and challenger governments will hold is not preordained. Predictions that Eurosceptic parties would form governments and block reforms (Hooghe and Marks 2009: 18) have so far not come to pass but they could yet do so. Italy's League and Five Star Movement coalition government could be a game changer in this regard. Meeting in August 2018, Viktor Orbán and Matteo Salvini, Deputy Prime Minister and leader of the League, openly challenged the 'pro-migration' policies of Emmanuel Macron and promised to unite at the European Parliament elections in 2019. And yet, the new Italian government too has tempered its rhetoric on Europe. Talk of returning to a 'pre-Maastricht

EU' was cut from the final coalition agreement (Politi 2018) to be replaced by reassurances of Italy's commitment to the EU and euro membership. Similarly, the government's threat to quit the EU's military mission Sophia in the Mediterranean after closing Italian ports to migrant ships was followed by pragmatic behind the scenes talks about reforming the EU's refugee policy (Deutsche Welle 2018).

Conclusions

The multiple crises confronting the EU in the 2010s have reinvigorated the study of European integration, while challenging traditional grand theories. Postfunctionalism is an ambitious attempt to shift the terms of debate. The traditional politics of right-left competition, it shows, has given way to a more nebulous competition between parties that define themselves for or against the sort of transnationalism that the EU embodies. Path breaking though postfunctionalism is, its claim that such changes would create a constraining dissensus in the EU rests uneasily with the intensification of European integration since the Maastricht Treaty was signed. This article has approached this puzzle from a new intergovernmental perspective by seeking to understand how pro-EU elites have accommodated and circumvented Eurosceptic party politics. The evidence presented points not towards a constraining consensus but a destructive one that has added to the EU's disequilibrium. The article further advanced the new intergovernmalist notion of disequilibrium and demonstrated its use-value in empirical research, thus also responding to criticism that it may be difficult to test (Bulmer 2015). This new intergovernmentalist account engaged grand theories of integration by offering a definition of disequilibrium which does not rely on notions of crisis or disruptions of an otherwise steady course. By conceptualising the emergence of countervailing dynamics in post-Maastricht EU politics new intergovernmentalism also moves beyond notions of 'spillback' in more recent neofunctionalist scholarship which acknowledges that 'decision cycles [have] generated further imbalances and contradictions thus avoiding encapsulation' (Niemann and Schmitter 2009: 55), yet does not conceptualise these imbalances and contradictions in their own right.

Eurosceptic challenger parties, this article has shown, have been greatly invigorated by the shift in public attitudes towards the EU in the post-Maastricht period but not empowered for the most part. These parties have remained in opposition for much of the post-Maastricht period. Although such parties may exert indirect influence in some domains, their impact on the EU policies of mainstream parties more generally has, except for the case of the British Conservative Party, been limited. Challenger governments, a more recent phenomenon, have focused their ire on specific EU policies and, more generally, on the Union's foundational values. But these governments remain publicly committed

to continued EU membership. Mainstream pro-EU parties have been pragmatic in their engagement with challenger governments and the former have been little troubled by the latter providing the post-Maastricht consensus holds.

What this adds up to is a picture of a political system in which EU elites are adept at producing short-term solutions to crises but in ways that add to Europe's disequilibrium. The EU is at risk not only from Eurosceptic challengers but from member state governments' determination to circumvent them. To assume that the EU will survive in spite of its disequilibrium offers too static a view of political systems. The Union is built to last, argues Daniel Kelemen (2007), because of its structural, judicial, partisan and socio-cultural safeguards. Compelling though this analysis is, we find it (increasingly) less difficult to imagine that by accommodating challenger parties and governments without addressing the concerns of those who vote for them, by deepening integration in ways that run contrary to its own foundational values, by amplifying rather than managing its disequilibrium, the EU leaves its own future in doubt.

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