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Exploring Differentiated Disintegration in a Post-Brexit European Union

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Abstract

In the aftermath of the British referendum to leave the European Union and the European Commission's 'White Paper on the Future of Europe', it is not only time to take stock of the existing literature on differentiated integration, but also to rethink the perimeters of disintegration. We argue that phenomena such as Brexit embrace forms of differentiation which trigger the need for conceptualizing differentiated disintegration altogether. This article first sketches the path of the scholarly debate in a chronological way to grasp the breadth of existing literature. Second, it discusses differentiated disintegration as a potentially new area for research. Mapping several scenarios for future research, we propose that differentiated (dis)integration needs to be conceived as a negotiated, but profoundly path-dependent process, which is structurally locked-in, and deeply conditioned by pre-existing organizations and institutions of European integration.

Keywords: differentiated integration; European disintegration; Brexit; European studies; future of Europe

Introduction

Since the Treaty of Maastricht came into force in 1993, member state opt-outs in areas of core state powers such as monetary and foreign policy affairs have become a constant feature of each subsequent treaty reform of the European Union (EU) (Genschel and Jachtenfuchs, 2014). The term 'integration' has been defined as a process of centralization, policy scope and territorial extension. Consequently, the EU has been conceived of as a *system of differentiated integration* (Schimmelfennig *et al.*, 2015; see further below). 'Differentiation' refers to variations in the scope on each of these dimensions accorded to any member state at a point of time. Systems of differentiated integration are 'characterized by vertical and horizontal differentiation' (p. 767); whereas vertical differentiation refers to levels of centralization in specific policy areas, horizontal differentiation reflects the scope of membership in specific policy areas. In this vein, it has become possible to distinguish between 'internal differentiation', in which at least one member state does not participate in integration (for example, the Economic and Monetary Union (EMU)), as well as 'external differentiation' in those cases where at least one non-EU member state partakes in processes of integration, such as Norway, Iceland and Liechtenstein, in the single market, by means of membership in the European Economic Area (EEA).

While there is no lack of scholarly work on differentiated integration, two recent political developments trigger a need to revisit established knowledge (see Rittberger and Blauburger, 2018). The first one is the United Kingdom (UK)'s withdrawal from the EU as a consequence of the British Conservative government's decision to hold a

referendum on EU membership. On 23 June 2016, with a 72.2 per cent turnout, the UK chose to leave the EU by a margin of 51.9 per cent to 48.1 per cent. This outcome sent shockwaves across the UK, Europe and the world catapulting the EU into one of the deepest crises in its more than 60 years of history. The EU and its predecessor – the European Community – have witnessed forms of (horizontal) disintegration before with Greenland departing in 1983, although it has ever since been recognized as one of the Overseas Countries and Territories of the EU due to its political union with Denmark. Still, the UK is the first member state to engage in a process of disintegration with an unclear outcome.

The second event is the presentation of the European Commission's White Paper on the Future of Europe, put forward by Commission President Jean-Claude Juncker on 1 March 2017 mostly as a response to this Brexit vote. The document sketched out five broad scenarios for the EU by 2025, ranging from thorough disintegration to more EU collective action. In short, these scenarios have been captured under the following titles: '1: Carrying on' – following the existent path of muddling through without any major changes and reforms; '2: Nothing but the Single Market' excluding areas such as migration, security and defence; '3: Those who want more do more' based on coalitions of the willing; '4: Doing less more efficiently' with a strong focus on further market integration leaving non-market-related affairs aside, and, eventually, '5: Doing much more together' across a wide range of areas (European Commission, 2017, pp. 15–25). The added value of this White Paper lies in the *choice for scenarios* and especially their *nature*. The White Paper maintains that 'the starting point for each scenario is that the 27 Member States move forward together as a Union' (European Commission, 2017, p. 15) based on the unity of the single market. However, while the document avoids referring to the term of differentiated integration *expressis verbis*, the concept is implicitly present in the third scenario, calling for further differentiation through which 'a group of countries, including the euro area and possibly a few others, chooses to work much closer notably on taxation and social matters' (European Commission, 2017, p. 20). Scenarios 2 and 4, in turn, call for a 'spill-back' in several policy areas, 'such as regional development, public health, or parts of employment and social policy not directly related to the functioning of the single market' (European Commission, 2017, p. 22). These cannot be grasped as 'opt-outs' but should rather be conceived of as different forms of *disintegration*.

These two developments open a new chapter in differentiation studies in the EU. Although the future shape of the UK–EU relationship in the post-Brexit era is yet to be negotiated, practitioners and scholars have started to analyze the causes of Brexit and its implications for the future of European integration. How does Brexit as well as policy-based forms of disintegration (such as the ones described in the White Paper on the Future of Europe) impact the study of European integration, and how did the debate over the future of the EU evolve after the Brexit vote? Most importantly, at times of such fundamental uncertainty, this article suggests that we should draw conclusions from existing differentiation studies in order to identify key scenarios for the future development of European integration and subsequent implications for research.

This article serves two main purposes. First, it aims at opening the debate on the study of the EU in a post-Brexit era. We suggest that scholars need to consider differentiated integration as a genuine sub-field of European Studies; as such, the paper offers a state-of-the-art review of the existing literature on differentiation. Second, we suggest that

Brexit should be studied as a ground-breaking case of differentiated *disintegration* and as a new form of flexible integration. We define differentiated disintegration as the general mode of strategies and processes under which (a) member state(s) withdraw(s) from participation in the process of European integration (horizontal disintegration) or under which EU policies are transferred back to member states (vertical disintegration). Differentiation then refers to the scope and character of disintegration, such as the nature of the customs 'deal' that is currently being negotiated between the EU and the UK. Phenomena such as Brexit remind us of the neo-functional argument that theories of integration should not only capture disintegration, but also embrace forms of differentiation which do trigger the need for theorizing and conceptualizing differentiated disintegration. As such, this article attempts to demonstrate the need to categorize differentiated integration studies as a core component of 'mainstream' European studies in a post-Brexit era. We thus suggest that existing studies of differentiation will help both scholars and practitioners get a better understanding of what lies ahead for a post-Brexit EU.

The article is structured as follows. Following the introduction, the section I provides an extensive, albeit selective chronological review of the existing literature on differentiated integration. Section II then focuses on the consequences of the Brexit vote for the study of European integration. It relies on the wide range of studies that have been published on this topic between 2016 and 2017, and concludes that the vote led to the development of two visions for a post-Brexit Europe: one advocating that Brexit effectively triggered a process of European disintegration; and the other stating that the exit of the EU's most eurosceptic and 'awkward partner' (George, 1998) will ultimately pave the way for a more integrated Europe. In that section, we further conceptualize Brexit as a case of differentiated disintegration and tentatively assess its consequences for the future study of European integration. In outlining the contours for future studies, three ideal-type scenarios are then carved out in the conclusion, namely 'breaking down', 'muddling through' and 'heading forward'.

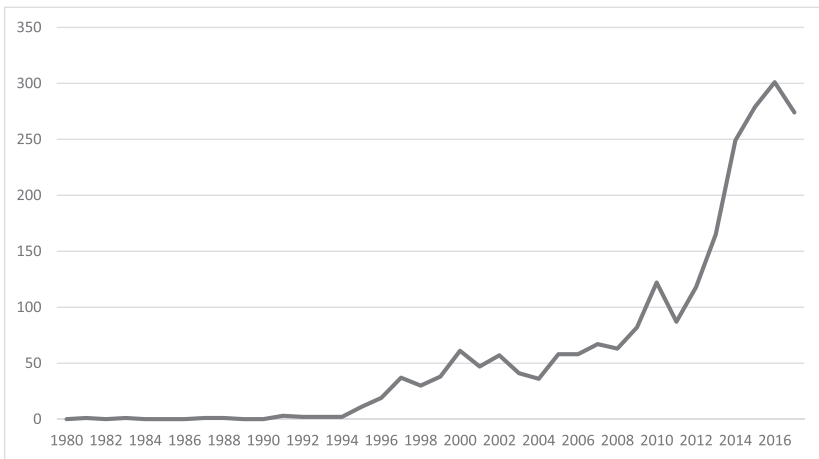
I. Differentiated Integration as a Field of Study: A Chronological Literature Review

Differentiated integration in the EU is far from being a new phenomenon. As illustrated in Figure 1, the literature on this issue started burgeoning in 1995 and the number of articles published every year on the topic has increased exponentially especially since 2007 (Götz and Meyer-Sahling, 2008; Kohler-Koch and Larat, 2009).

This section seeks to order conceptualizations of differentiated integration in a historical and diachronic perspective by showing how increasing volume and forms of differentiation in the EU is followed by differentiation in the study of it – and that continuously progressive integration has implicitly been accepted as the bedrock of EU studies for a long time. As shown below, studies on differentiated integration have failed to agree on a common definition of the notion for a long time, and scholars are still divided over its consequences. This could be explained by the fact that 'EU governance research tends to follow a pattern of self-centred and self-referring national focuses' where 'the national agendas with their specific preoccupations and interests still matter' (Larat and Schneider, 2009, p. 181). Yet, differentiation is now considered as a persistent feature of the EU.

While certain limited elements of (legal) differentiation have been present since the endorsement of the Treaty of Rome (Hanf, 2001), one of the first formulations of

Figure 1: Number of articles published in English on the issue of differentiated integration in the European Union, 1980–2017.



Source: Authors' calculations, based on a qualitative analysis of all Google Scholar references.

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differentiated integration as an idea finds its roots in a report on the future of European integration written by Tindemans (1975), in which he laid the foundations of a 'multi-speed Europe', yet without explicitly mentioning this notion. The general concept of differentiation appeared for the first time in the primary Community law in 1986, as stated in Article 8c of the Single European Act (now Article 27 of the Treaty on the Functioning of the European Union [TFEU]):

'When drawing up its proposals with a view to achieving the objectives set out in Article 7a [now Article 26 TFEU, authors' note], the Commission shall take into account the extent of the effort that certain economies showing differences in development will have to sustain for the establishment of the internal market and it may propose appropriate provisions. If these provisions take the form of derogations, they must be of a temporary nature and must cause the least possible disturbance to the functioning of the internal market'.

In the mid-1980s, numerous studies of the notion of differentiated (or flexible) integration started to emerge (Ehlermann, 1984; Grabitz, 1984; Wallace and Ridley, 1985; Wallace *et al.*, 1983). Academic debates over differentiated integration eventually gained momentum in the early 1990s for three reasons. First, several – originally temporarily constrained – opt-outs from the Maastricht Treaty were granted to the UK and Denmark in 1993, leading towards more institutionalized forms of differentiation and raising questions on the future of European integration. Second, the end of the Cold War paved the way for the 'big bang enlargement' in 2004, creating new challenges with the potential diversification of national interests (Centre for Economic Policy Research, 1995). Finally, the Treaty of Amsterdam constitutionalized mechanisms of differentiation through the introduction of enhanced co-operation which, to date, has only been used in three cases (divorce law in

2010; unitary patent in 2013; and property regimes of international couples in 2016; see Fabbrini, 2012; Philippart and Edwards, 1999; Thym, 2005).

One of the first and most influential attempts to conceptualize differentiation was by Stubb who defined it as ‘the general mode of integration strategies which try to reconcile heterogeneity within the European Union’ (1996, p. 283). Stubb (1997) further categorized differentiation under three dimensions based on the existing literature and debates. First, a ‘temporal’ dimension: this covers the ‘multi-speed’ Europe model presented by Grabitz (1984), where differentiation is temporary and only relates to member states rather than sub-national entities or non-members. Second, a ‘territorial’ dimension, which relates to the ‘concentric circles’ model, envisioned by Schäuble and Lamers (1994) the Club of Florence (1996) or Fischer (2000), where ‘*Avant-Garde*’ member states would constitute a core group leading to a federal political union, while other states belong to a second, less influential circle and non-members can be part of a third outer circle. Third, a ‘functional’ dimension, encompassing the models of ‘Flexible integration’, ‘Variable Geometry’ and ‘Europe *à la carte*’ where participation to European integration varies depending on the sector (Holzinger and Schimmelfennig, 2012).

In contrast to political scientists, legal scholars have been wary of the idea of differentiation. In a study of the political dynamics of differentiated integration, Walker (1998, p. 374) was particularly critical and defined it as a ‘non-project’ which could lead to irreconcilable divergences in terms of managing boundaries between legal orders, political efficacy, democratic credentials and self-legitimation: ‘[c]ontingency, ambiguity and disagreement, rather than design, certainty and consensus, are key motifs in the composition of the new differentiated structure’. Subsequently, Tuytschaever (1999) presented a more succinct classification of differentiation, distinguishing between (i) actual and potential differentiation in primary and secondary law; (ii) inter-state and intra-state/temporary and non-temporary differentiation; (iii) general and specific; as well as (iv) positive and negative differentiation. In another influential discussion of the Economic and Monetary Union, Schengen and tax harmonization, Kölliker (2001, p. 147) found that temporary differentiated mechanisms can lead to centripetal effects on ‘reluctant’ member states, but that only applies where policy design can ‘change the fundamental character of a common pool resource or a public good.’ In fact, Kölliker (2006) was the first to theorize differentiated integration from a rationalist perspective. Warleigh (2002, p. 2) further argued that ‘flexibility offers the most useful means of balancing different (national) interests and thereby allowing progress to be made for (and in) the EU as a whole.’

Until the early 2000s, studies of differentiated integration were influenced by the first generation of studies of Europeanization (Featherstone and Radaelli, 2003; Hanf and Soetendorp, 1998; Knill, 2001; Mény *et al.*, 1996; Olsen, 1996; Zeff and Pirro, 2001). Early case studies of differentiation mostly focused on the relations between Nordic countries and the EU (see, for example, Egeberg and Trondal, 1999; Gstöhl, 2000, 2002a, 2002b; Ingebritsen, 1998; Mouritzen, 1993; Neumann, 2003; Tiilikainen, 2001; Trondal, 2002). Surprisingly, there were only few country-specific studies focusing on the UK’s opt-outs as case studies of differentiated integration.

The introduction of the third stage of the EMU and the 2004 ‘big bang enlargement’ eventually led to an increase in differentiated integration, and to the emergence of what many have coined a ‘two-speed Europe’ (see Piris, 2012). By 2010, more than half of

EU policies were implemented in different ways (Leuffen *et al.*, 2013). Majone (2009, p. 205) acknowledged that the EU is evolving into a ‘number of, often overlapping, state groupings established for cooperation in a variety of fields’ (see also Jensen and Slapin, 2012).

From 2005 onwards, academic studies started to improve the theoretical and empirical depth of what would eventually become a sub-field of European studies. Theoretically, many studies then started to focus on the scope and limits of differentiated integration in the EU. Andersen and Sitter (2006) wondered ‘how much differentiation can the EU accommodate’ and proposed a typology of European integration based on four models: homogeneous integration; aligned integration; deviant integration; and autonomous integration. They argued that differentiation is now ‘a common and normal phenomenon’ and that its study should also include formal and informal arrangements (p. 327). de Neve (2007, p. 516), in turn, asked whether differentiated integration is reshaping ‘the European polity into what increasingly resembles a multi-layered European Union’. Following the first Irish vote on the Lisbon Treaty, Jensen and Slapin (2012) focused on the efficiency of the ‘multi-speed approach’ and created a model under which opt-outs could lead to cascades (a ‘domino effect’ under which member states opt out because of other member states’ decisions to opt out; with the authors using Sweden’s informal EMU opt-out as a case study) or no cascades (with the authors using Schengen and the Social Charter as case studies). The latter study, however, reflects some of the semantic confusion in the existing literature, as it contradicts Stubb’s original categorization of differentiated integration by using ‘multi-speed integration’ as a synonym of differentiation (see also Leruth and Lord, 2015). The varied ideas about differentiation led Olsen (2007) to ask what kind of political order Europe was in search of. The EU was depicted as ‘a conceptual battleground and an institutional building site’ (Olsen, 2010, p. 81). The EU was further viewed as a compound and unsettled political system consisting of a varied mix of organizational forms, governance patterns, and ideas about legitimate forms and speeds of integration and differentiation. Institutional differentiation was understood as ‘new institutional spheres have split off from older ones and developed their own identities’ (p. 142) and where political order consists of relatively autonomous institutional sub-systems with separate actors, structures, sources of legitimacy and resources. The overall institutional ecology was seen as consisting of nested and coevolving institutions that yet enjoy some degrees of mutual independence.

Empirical studies of differentiated integration also became more prominent from 2005 onwards. These include a special issue of the *Journal of European Integration* on Euro-outsiders (Miles, 2005) as well as studies on the impact of non-eurozone membership (for example, Marcussen, 2009), opt-outs in Justice and Home Affairs (Adler-Nissen, 2009, 2011, 2014; Balzacq and Hadfield, 2012), the Single Market (Howarth and Sadeh, 2010) and the Common Foreign and Security Policy (for example, Lavenex, 2011). Two influential EU-funded research networks (CONNEX and EUROGOV) concluded that even the study of European integration was unable to integrate (Kohler-Koch and Larat, 2009) and that the EU was characterized by *multiple* – and thus differentiated – ‘modes’ of governance (see Héritier and Rhodes, 2011).

In a research agenda section of the *Journal of European Public Policy*, Holzinger and Schimmelfennig (2012, p. 293) outlined some of the existing shortcomings in this field of study where ‘empirical analysis has been limited to a few important cases of treaty law

(such as EMU and Schengen), but there are no comprehensive datasets'. Criticizing Stubb's original categorization, they highlighted that differentiation always has territorial and sectoral impacts and that purely functional conceptions are not included in this categorization. They subsequently suggest a categorization into six dimensions: (1) Permanent vs. temporary differentiation; (2) Territorial vs. purely functional differentiation; (3) Differentiation across nation states vs. multi-level differentiation; (4) Differentiation takes place within the EU treaties vs. outside the EU treaties; (5) Decision-making at EU level vs. regime level (intergovernmental decisions); (6) Only for member states vs. also for non-member states/areas outside the EU territory. The authors also underlined that empirical examples can be found for almost all models, suggesting that 'differentiated integration comes in an astonishing variety of forms and [...] the concepts of differentiated integration can and should be used systematically to describe these forms and their frequency' (p. 297).

Another attempt at categorizing differentiated integration was made by Leuffen *et al.* (2013). In their view, the EU needs to be conceived of as a *system* of differentiated integration, as defined in the introduction to this article. Basing their study on primary law, they start from the assumption that 'the EU potentially covers the entire range of policies, but that each policy varies regarding the level of centralization and the territorial extension' (Leuffen *et al.*, 2013, p. 12). Differentiated integration varies primarily along two dimensions: in the level of centralization across policies (*vertical differentiation*), and in territorial extension across policies (*horizontal differentiation*). Furthermore, they classify horizontal differentiation into four sub-categories: (1) No horizontal differentiation, where all EU rules apply uniformly to all EU member states (such as pre-Maastricht Europe); (2) External differentiation, where EU rules apply uniformly to all EU member states, but non-member states can also adopt these rules (such as the European Economic Area); (3) Internal differentiation, where EU rules do not apply uniformly to all EU member states (as in Denmark through the Edinburgh Agreement or the enhanced co-operation procedure); (4) Internal and external differentiation, which applies where EU rules from which some EU member states opted out, while non-member states opted in (such as Schengen).

Between 2012 and 2017, Schimmelfennig and his colleagues published a series of in-depth studies examining various aspects of differentiated integration, such as constitutional differentiation (Schimmelfennig and Winzen, 2014), the impact of EU enlargement on differentiated integration (Schimmelfennig, 2014; Schimmelfennig and Winzen, 2017), and the impact of differentiation on EU governance (Schimmelfennig, 2016). Further studies also focused on differentiated integration within EU legislation, which demonstrate the increasing complexity of EU law and law-making (see Duttler *et al.*, 2017; Kroll and Leuffen, 2015). In another study, de Wilde *et al.* (2016, p. 4) explored the impact of politicization on differentiation. Politicization, which is 'is defined as an increase in polarization of opinions, interests or values and the extent to which they are publicly advanced towards the process of policy formulation within the EU' (de Wilde 2011, p. 560), has grown significantly over time as a consequence of the rise of economic and political interdependence between EU member states. Consequently, as 'interdependence pressures increase, travel to other policy areas and countries and start to affect core state powers and less-integration-friendly countries' (Schimmelfennig *et al.*, 2015, p. 779), politicization has effectively become a major obstacle to the process of deepening

European integration. A differentiated EU, the argument goes, leads to differentiated politicization across times, countries and settings (de Wilde *et al.*, 2016). From that perspective, studies of differentiated integration have increasingly focused on euroscepticism as one of the most important outcomes of politicization (see Zürn, 2018).

With the Great Recession of 2007–08, the EU eventually entered a multi-faceted crisis (Leruth, 2017). The future of European integration became an increasingly debated issue (Rittberger and Blauberg, 2018). The possibility of the UK leaving the EU or Greece leaving either the EU or the eurozone surfaced, eurosceptic political parties became increasingly prominent across Europe, and so did the potential for European disintegration (Fossum, 2015; Leruth *et al.*, 2018; Vollaard, 2014, 2018).

This section has shown that ‘differentiated integration’ has been a long-standing phenomenon of European integration and has been studied in various ways, ranging from theoretical and conceptual contributions to policy or state-focused empirical analyses. In the aftermath of the Treaty of Maastricht, and as a consequence of both the deepening (vertical integration) and widening (horizontal integration) of the EU, member states’ demands for both temporary and functional derogations or ‘opt-outs’ have increased to such an extent that European integration is increasingly perceived as a system of differentiated integration. Furthermore, the politicization of European integration has strengthened euroscepticism across the board of member states so that differentiated disintegration has become a real option as witnessed by the Brexit process, which is the focus of the next section.

II. What Future for European Integration Studies? Brexit as a Case of Differentiated Disintegration

The UK’s unprecedented vote to leave the EU in June 2016 led many scholars of European integration to consider studying the notion of disintegration. Unsurprisingly, the existing literature on European disintegration is relatively scarce, mostly because of the lack of empirical evidence pre-Brexit. In an essay entitled ‘Europe’s last decade’, Wright (2013, p. 17) predicted that economic stagnation in the EU would ‘increase the risk of a British exit from the EU which could set in train a period of disintegration in other countries’. One of the first major academic contributions on European disintegration was by Webber (2014), who offered a series of valuable theory-based prognoses of the future of European disintegration. This line of scholarship was further explored by Vollaard (2018) who discussed ‘European disintegration’ from the perspective of several European integration theories. Vollaard (2014, p. 1144) cautions against the view that disintegration may simply entail a reversal process of integration and argues that ‘national states are not necessarily the only possible outcome of a process of European disintegration’. Furthermore, the author suggests that existing studies of differentiated integration ‘only explain why some member states do not join all integrative steps, and not whether the EU could become *less* integrated’ (p. 1143).

The consequences of the Brexit vote on the future of European integration itself have been analyzed in two different ways. The first envisions Brexit as a *process of European disintegration*. In commentaries published shortly after the referendum, Jones (2016) and Rosamond (2016), among others, emphasize the need to fill this new gap in the literature by developing ideas of European disintegration as well as differentiation, which the ‘EU

will not escape [...] in the future' (Chopin and Lequesne, 2016, p. 545). In a study of the referendum's consequences on international political economy, Sampson (2017) further categorized Brexit as a case of 'international disintegration'. Similarly, Oliver (2017) drew on the aforementioned studies published prior to the referendum to categorize Brexit as 'a symptom of a wider crisis in democratic capitalism', though 'this does not mean the EU, transatlantic cooperation, Western internationalism and capitalism as we know it are doomed'.

The second vision takes into consideration the UK's historically 'awkward' relationship with the EU (George, 1998) and perceives Brexit as an *opportunity to deepen the process of European integration*. Instead of focusing on disintegration, these studies establish that now that the EU has 'gotten rid of' one of its most reluctant members, the Union can experience accelerated integration. Before the Brexit vote, Zielonka (2014) and Oliver (2016) argued that there is little support for the view that the UK has more to lose by leaving the EU than the Union itself. This was the view of several mainstream European newspapers immediately after the Brexit vote, including those that shared concerns with the UK over the current pace of European integration (see, for example, Bijsmans *et al.*, 2018). Emmanuel Macron's election as French President and his subsequent 'Initiative for Europe' speech at La Sorbonne, where he laid out his plans for the future of European integration, further led commentators to assess Brexit as a positive outcome for the EU under a strong renewed Franco-German leadership (see Matthijs, 2017). Majone (2017, p. 27) argued in favour of the transformation of the EU into a genuine confederal model: '[w]ithout more integration, *but of the right kind*, Europe may just cease to play any significant political and, eventually, even economic role in a rapidly changing world'. This second category of contributions does not deny that the EU has entered a process of disintegration; however, they offer a positive vision and do not perceive Brexit as the EU's demise.

To some extent, the depth of discussion over the impact of Brexit and its consequences for the future of European integration mirrors what happened following the 2005 Dutch and French rejections of the Constitutional Treaty, which led to a (relatively short) period of uncertainty. Scholars and practitioners immediately considered that the outcome of both referendums called for the end of the federalist 'utopia'. However, the immediate reactions to Brexit suggested that unlike in 2005, the status quo is no longer an option for the EU. The two above-mentioned conceptions are not mutually exclusive and suggest that Brexit is a driver for change not only for the EU as a political system *per se*, but also for European studies. Categorizing Brexit as a *process of European disintegration* is thus a step in the right direction; however, the sole notion of 'disintegration' can be misleading, as it can also imply that the EU might eventually cease to exist (Hodson and Puetter, 2018). Yet, the Union's immediate response to Brexit and the release of the White Paper do not suggest such a radical outcome. As a result, and drawing on the existing literature on differentiated integration, we suggest that Brexit should be categorized as an instance of *differentiated disintegration*. Schimmelfennig (2018, p. 1154) defined differentiated disintegration as 'the selective reduction of a state's level and scope of integration. Disintegration can lead to internal differentiation if a member state remains in the EU but exits from specific policies, or external differentiation if it exits from the EU but continues to participate in selected EU policies'. Accepting that European integration occurs in forms of differentiation *per eo ipso*, forms of 'complete disintegration' are implausible – unless

disintegration occurs without any formal agreement on the type of association ('No-deal Brexit').

Using a post-functionalism explanation according to which 'demand for opt-outs arise from concerns about the preservation of national sovereignty in areas of core state powers and in countries with comparatively strong exclusive national identities', Schimmelfennig (2017, p. 1) argued that 'differentiated integration results from a process in which individual member states remain at the status quo when the EU increases integration, whereas in the case of differentiated disintegration, individual member states reduce the level or scope of their European integration while the rest of the EU remains at the status quo'. Drawing on previous work by Leuffen *et al.* (2013), differentiated disintegration is thus seen as negotiated processes by which a member state withdraws from participation in European integration or under which EU policies and competences are transferred back to a member state.

The more recent public administration turn in EU studies has questioned the conception of member states as coherent wholes, suggesting that differentiated disintegration can also be seen as an administrative phenomenon. One could imagine, for example, that while a member state withdraws from formal membership in the EU, some domestic agencies keep their *de facto* membership in EU administrative networks. This idea is captured by the public administration approach to European integration that perceives the Union as a system consisting of interconnected agencies, ministries and regulatory networks (Bauer and Trondal, 2015; Egeberg, 2006; Heidbreder, 2015; Knill and Bauer, 2016; Trondal, 2007). In addition to this public administration approach to differentiated integration, the question remains how to theorize 'disintegration' in the future. Possible avenues include, but are in no way limited, to the following paths requiring strong interdisciplinary engagement and cross-fertilization: (1) sociological and anthropological approaches might inquire on the impact of disintegration on identity and practices possibly engaging with the growing literature on euroscepticism; (2) economic and legal literatures devoted to the study of interlocking systems, for example, in the context of market integration or institutional inter-locking as witnessed in the area of collaboration between the European Court of Human Rights and the European Court of Justice; (3) in political science it is conceivable to see (a) revisionist neo-functionalism or post-functionalism arguments centering on the concept of spill-back, (b) engagement of (de-)Europeanization research using Brexit as a reverse case, or (c) the consociational and confederal literature viewing the EU altogether as a form of 'organized synarchy of entwined sovereignties that will also help us rethink democracy' (Chrysochoou, 2010, p. 388). Whether all these avenues will be criss-crossed and well-trodden one by one in the near future, will remain open for discussion. In the concluding section we offer three overall scenarios for the future research field on differentiated (dis)integration.

Conclusion: Differentiation as a Field of Study

The scholarly field of EU studies has mirrored its unit of analysis through history. With prospects for differentiated disintegration, new questions and scenarios arise and are envisaged both for the Union and for the field of enquiry, and old ones reappear. Three broad ideas can be identified: breaking down, muddling through, and heading forward. Each of these might arguably guide future studies on differentiated (dis)integration. This

article demonstrates that much like the scope of differentiated integration, academic studies of the phenomenon have evolved considerably over the past 20 years. From the Maastricht Treaty to the European Commission's White Paper and taking into consideration on-going negotiations between the UK and the EU, scholars have attempted to theorize and conceptualize this 'moving target'. Given the wide range of publications related to differentiation and following the Brexit vote, it is now fair to consider differentiated disintegration as the next step in the study of the EU. While at least three sets of ideas developed below might be envisaged, future EU studies should treat the dependent variable as a full continuum – from the possibility of breaking down to heading forward (Börzel, 2018). Moreover, we should expect the study of European disintegration to largely follow existing theoretical threads within EU studies. The interesting avenue for future theorizing thus lies in determining the conditions under which each of the below scenarios play out. Theorizing differentiated disintegration is likely to go beyond EU studies – to contribute to generic theories of change. First, studies of differentiation might learn from ideas about how organizations emerge, rise and die, thus building on organizational theories on 'meta-governance' (Egeberg and Trondal, 2018) – that is 'governance by organizing'. Differentiated disintegration is thus seen as contingent on existing organizational formats (Scenario 2). Scenario 1 might be explained by rational choice-based perspectives suggesting that the EU as we know it will *break up* due to member states' unwillingness to deal collectively with crises (Hodson and Puetter, 2018). In addition, both Scenarios 1 and 3 might be informed by historical institutionalism where crises unlock path-dependencies and institutional equilibria that trigger the potential for profound change. For example, crises may be viewed as situations of punctuation where more (1) or less (3) integration are perceived as effective solutions to address new challenges, leading to the delegation of more or, alternatively, less powers to EU institutions (Jones and Baumgartner, 2005). Acknowledging that the theoretical menu is larger than this section can cover, the research challenge is to contribute to mid-range theorizing in which scope conditions for each idea are theoretically specified and empirically probed.

Scenario 1: Breaking Down

A first scenario builds on the idea that the EU as we know it will *break up* due to member states' sustained unwillingness or inability to deal collectively with crises. Particularly in intergovernmentally organized areas, policy-making outcomes are assumed to follow processes of member state bargaining, where strategically rational actors meet to maximize predetermined and fixed preferences (Moravcsik and Schimmelfennig, 2009). Although not limited to rational choice-based ontology, this scenario might accelerate intergovernmentalist scholarship, assuming the EU to be fragile in the face of crisis. Only to the extent that the member states perceive integration or cooperation to be in their interests will they seek common solutions to externally induced challenges. Neo-realist perspectives might therefore expect crises to further *undermine and fragment* the EU project. To the extent that member states' willingness to agree on common action in the face of common threats fades, EU policies would be

[Correction added on 06 June 2019, after first online publication: On page 11, last paragraph, the word 'odontology' has been corrected to 'ontology' in this current version.]

increasingly oriented towards bolstering the member states' common *interests*. Also liberal integovernmentalist approaches might expect events such as Brexit to challenge a common EU project, unless member states expect that economic gains of common policies outweigh expected costs of working together. In general, scenario 1 would see member states as likely to share sovereignty or contribute to redistribution in times of austerity or when faced with a eurosceptic population, and would strive to remain in power to veto future attempts to pool sovereignty.

Scenario 2: Muddling through

A second scenario builds broadly on organizational-institutional approaches to political science (Egeberg and Trondal, 2018; March and Olsen, 1989) and suggests how the EU will *muddle through* crises through path-dependent and incremental responses that draw on pre-existing institutional architectures. Rather than breaking up, crises may reinforce well-known organizational solutions and governing arrangements and thus have little profound effect on EU integration and governance. Institutional approaches suggest that governance systems and governance practices under stress may revert to or reinforce pre-existing organizational traditions, practices and formats, reinforcing institutional path-dependencies (Ansell and Trondal, 2018; Olsen, 2010). This may occur because organizations are thrown into a reactive mode of response where decision-makers replicate structures that are perceived as successes in the past. Pre-existing institutions may serve as an important source of stability in the face of crisis, enabling organizations to ride out stressful times. Differentiation would by this line of scholarship be seen as profoundly path-dependent, locked-in, and structurally conditioned by pre-existing organizations and institutions. As such, differentiation would be assumed to be profoundly influenced by the present organizational-institutional architecture.

Scenario 3: Heading Forward

A final scenario suggests that crises such as Brexit may unlock and trigger the potential for profound change. Crises may be perceived as situations where more integration is deemed as an effective solution to address new challenges, leading to the delegation of new powers to EU institutions in a variety of policy fields. Crises may entail a fundamental questioning of pre-existing governance arrangements and cause a fundamental institutional soul-seeking (Lodge and Wegrich, 2012). Crises may also produce critical junctures that generate 'windows of opportunity' for more integration (Kingdon, 1984), triggering organizational meltdown and creating opportunity structures for the origins of new organizations and institutions (Padgett and Powell, 2012). Crises may thus spur the emergence of entirely new institutional arrangements. Contemporary European examples include the rise of new EU financial surveillance agencies, the structuring of the new EU banking union, and the emergent European energy union (Bauer and Trondal, 2015). Although this final idea suggests that crises may lead to further integration, it does not specify what this might imply in terms of concrete institutional designs. That is an empirical question to be analyzed in greater detail, but also a theoretical puzzle that might be informed by Scenario 2.

Political 'crises' at the EU level often lead scholars to rethink the way European integration should be studied. Yet, due to its unprecedented nature, the Brexit vote combined

with the potential for subsequent policy-based forms of disintegration as outlined in the White Paper on the Future of Europe have opened up a brand new chapter in the vast literature of European studies, with new attempts to theorize and conceptualize European disintegration. Conceptualizing Brexit as a ground-breaking process of differentiated disintegration paves the way for studies on the future of European integration, especially focusing on the consequences of the UK's upcoming withdrawal from the EU on other member states, policy areas and the European institutions. The EU and its integration process have always been a moving target, and so is the study of differentiation. Only time will tell whether Brexit and the subsequent White Paper over the future of Europe will act as a catalyst to push ahead with European integration.

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