

# Grand theories of European integration in the twenty-first century

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## ABSTRACT

This paper sets the scene for a JEPP special issue entitled 'Re-engaging Grand Theory: European Integration in the Twenty-first Century.' The special issue engages three theories – neofunctionalism, intergovernmentalism, and postfunctionalism – that have their intellectual roots squarely in the study of European integration. The purpose of this article is to describe the genesis of each school and outline what is distinctive about its approach in relation to four landmark events of the past decade: the Eurocrisis, the migration crisis, Brexit, and illiberalism.

**KEYWORDS** European Union; European integration; neofunctionalism; intergovernmentalism; postfunctionalism

This article evaluates three theories – neofunctionalism, intergovernmentalism, postfunctionalism – that were designed with European integration in mind. Each theory was formulated prior to the great recession. How, we ask, do these theories explain the genesis, the course, and the outcome of four episodes of European (dis)integration that we have witnessed since 2008: the Eurocrisis, the migration crisis, Brexit, and illiberalism?<sup>1</sup>

This is an unusual approach because it asks us to consider the contributions of each theory in its own terms. We neither treat these theories as mutually exclusive, nor do we mould them in a composite super-theory. Rather, our purpose is to discuss them as partial attempts to shed light on a multifaceted phenomenon. Each has something to offer in explaining the course of European integration, but they do so from different standpoints with different puzzles in mind.

This approach has the virtue of recognizing that neofunctionalism, intergovernmentalism, and postfunctionalism are flexible bodies of thought that resist decisive falsification. They are perhaps better described as schools than grand theories. Each school engages researchers who work on a wide variety of topics, but who share some affinities in the questions they ask

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and the steps they take in answering them. Each school identifies key political actors, suggests paths of inquiry, and situates European integration within a broader literature.

In the sections that follow, we describe the genesis of each school and outline what is distinctive about its approach before turning to its contribution in explaining the Eurocrisis, the migration crisis, Brexit, and illiberalism.

## Comparing the schools

We begin by comparing the basic characteristics of each school. What literature is each approach rooted in? What question or puzzle does each bring to the fore? What is the explanatory focus? Who are the chief actors? How does each approach conceive causality?

Neofunctionalism is unusually eclectic in its intellectual roots (Schmitter 2005: 256ff). It is deeply influenced by two theories – pluralism and functionalism – that gained traction in the immediate post-World War Two decades. From democratic pluralism and the work of Truman and Dahl, neofunctionalism developed the idea that government could be disaggregated into its component group actors. Instead of making assumptions about the interests of states, as classical realists had done, neofunctionalists conceptualize the state as an arena in which societal actors operate to realize their interests. So rather than explaining international politics as a game among states, neofunctionalists consider international relations as the interplay of societal actors. This has released neofunctionalists from the assumption that international relations is driven by the desire for state survival or economic gain. If groups within or among states believe that supranational institutions are more promising than national institutions in achieving their interests, then regional integration will result (Haas 1958/2004: xiv).

Neofunctionalism takes on the functionalist idea that international cooperation is a response to scale economies in the provision of public goods. Whereas functionalists argue that the only feasible way to bypass state sovereignty is by transferring specific state functions to specialized international agencies, neofunctionalists emphasize the potential for deeper and broader governance at the regional level. Whether this will lead to some kind of federal polity is unknown. Neofunctionalists have been more interested in the direction of regional integration than its outcome.

Neofunctionalists identify a series of mutually reinforcing processes that lead to further integration. These include spillover among policies that are autonomous only in the short term; increasing reliance on non-state actors to implement such policies; a shift in citizen attachment towards supranational institutions; and as a result of each of these, more intensive exploitation of the benefits of trade and, more broadly, of interdependence. Neofunctionalists pay detailed attention to how regional integration in one policy induces

integration in other policies, either by opening up new possibilities for cooperation, or more likely, by generating unanticipated problems that trigger further integration. They are particularly attentive to the dynamic effects that arise from supranational activism. Supranational actors engineer policy spillover as policy entrepreneurs by brokering agreements and by co-opting national bureaucrats or interest group leaders. Both non-state actors and national elites learn from their past successes and failures, and this alters their preferences as well as their tactics. As integration proceeds and supranational actors get stronger, this dynamic can take a life of its own.

Neofunctionalism expects the path of integration to be jagged. Crises may delay or even retard integration, but the guiding assumption is that, over time, policy spillover and supranational activism will produce an upward trend. The term, *European integration*, itself reflects the neofunctionalist premise that we are witnessing a process that has a direction.

Hence, from a neofunctionalist perspective, the causal path is characterized by path dependence.<sup>2</sup> The timing and sequence of prior integration matters because it progressively narrows the range of options. The micro-foundation for this is bounded rationality in which political actors typically have incomplete information and short time horizons. Prior integration generates unforeseen crises that make the status quo untenable, but sunk costs make it difficult to reverse course.

Intergovernmentalists, by contrast, view European integration from the standpoint of national states searching for mutually advantageous bargains. Whereas neofunctionalism explains integration as the outcome of cooperation and competition among societal actors, intergovernmentalism explains integration as the outcome of cooperation and competition among national governments.

One stream of intergovernmentalism views regional integration as a response to shifts in the balance of power. In the case of European integration, the key development is the post-war US-Soviet duopoly which relegated European states to mid-range powers. The founding states had each failed the essential test of legitimacy, defending their populations from foreign occupation. However, all this did not abolish deeply rooted nations, nor did it extinguish the zero-sum nature of geopolitics within Europe itself. This underpins the idea that integration stands in contradiction to national diversity and, when these logics collide, national differences are likely to prevail. Integration therefore has its core in economics, and it leaves state sovereignty untouched or it strengthens the national state (Milward 1992: 2–3). As a consequence, integration comes to a standstill once it affects high politics (Hoffmann 1966: 868).

A more recent stream of intergovernmentalism extends this by applying international political economy to member state bargaining. It rejects the idea that state interests are zero-sum in favor of the idea that economic

interdependence produces gains for states that cooperate. Like neofunctionalism, liberal intergovernmentalism conceives international institutions as a response to interdependence. Following Keohane's functionalist theory of the formation of international regimes, liberal intergovernmentalism argues that states may rationally conclude agreements for institutional cooperation. However, unlike neofunctionalism, liberal intergovernmentalism explains international cooperation as the exclusive product of national leaders, and behind these, functional interests. Liberal intergovernmentalism combines a liberal theory of domestic preference formation with an institutionalist account of intergovernmental bargaining in which states are instrumental and driven chiefly by economic interests.

The decision process breaks down in three steps: the domestic formation of national preferences; intergovernmental bargaining; and the creation of European institutions to secure agreements. In the first step, government preferences are shaped by powerful domestic groups, chiefly firms, and interest aggregation is funneled through national channels. The interests that drive decisions on European integration are primarily economic and issue-specific, and aggregation is pluralistic in that government preferences are chiefly the result of interest group, rather than party-political, pressures (Moravcsik 1998).

Asymmetrical interdependence among states shapes intergovernmental bargains. States least in need of an agreement are best positioned to determine the terms of the bargain, especially when the decision rule is unanimity. Unlike neofunctionalism, which highlights unequal access to information, intergovernmentalism posits a flat informational environment making it feasible for governments to decide without the help of non-state policy entrepreneurs (Moravcsik and Schimmelfennig 2009: 71).

Liberal intergovernmentalism conceives institutional outcomes as functional responses to cooperation problems. It anticipates that states will delegate or pool just enough authority to ensure that national governments will find it in their interest to comply with the deal. The typical outcome, then, is a lowest common denominator, but the level of integration that this entails will vary with the nature of the cooperation problem.

Whereas neofunctionalism and intergovernmentalism view European integration as an efficiency improving process in which economic actors seek gains, postfunctionalism emphasizes the disruptive potential of a clash between functional pressures and exclusive identity (Hooghe et al. 2019: chs. 6 & 8; Hooghe and Marks 2009: 12–14). This approach is rooted in comparative research on identity and domestic contestation, including Lipset and Rokkan's (1967) classic analysis of cleavages.<sup>3</sup>

Postfunctionalism assesses the causes and effects of politicization in three steps. First, there is a mismatch between the institutional status quo and the functional pressures for multilevel governance that arise from interdependence. European integration is here one aspect of a broader phenomenon,

the reconfiguration of the state to gain the benefits of providing public goods at diverse scales from the local to the national and international level (Marks 2012).

The second step is concerned with the arena in which decision making takes place. This can be insulated among government leaders, civil services, European bodies, and interest groups or decision making may enter the arena of mass politics where it is subject to mass media, political parties, social movements, and government coalitions. This depends on the stakes of the issue, and more importantly, on the capacity of contending actors to politicize an issue that would, by default, be negotiated in a conventional elite setting. Postfunctionalism pays detailed attention to the arena in which an issue is debated because it affects the nature of conflict. Mass politics in elections, referendums, and party primaries opens the door to the mobilization of national identity as a constraint on integration.

The third step analyzes how European integration shapes the structure of political conflict. This draws on the behavioral literature on the strategic interaction of political parties, the dimensionality of party competition, and voter choice.<sup>4</sup> To the extent that European integration activates identity issues related to the reconfiguration of the state, it disrupts established party systems, gives rise to new radical left and radical nationalist parties, and constrains supranational problem solving. The systemic effect is to polarize societies on a cultural divide that arguably takes the form of a durable socio-political cleavage (Dalton 2018; Hooghe and Marks 2018a; Kriesi et al. 2006). Among voters, research indicates that those with a more exclusive attachment to the national ingroup are most prone to Euroskepticism and to support nationalist parties.

The study of mass politics has its roots in political psychology and is distinct from the rationalist-economic logic that underpins neofunctionalism and intergovernmentalism. Public opinion scholars regard economic preferences as just one possible motivation of human behavior, and one that is often less powerful than religion, ethnicity, or communal identity. Hence the label postfunctionalist, which is a term that stresses agnosticism about whether decision making or its outcome will be characterized by functionality.

Neofunctionalism and intergovernmentalism conceive European integration as a cooperative process among interest groups and governments. The effect of divergent preferences is to produce deadlock – that is, a failure to shift the status quo, reap collective gains, or transcend the lowest common denominator. Postfunctionalism, by contrast, conceives European integration as a conflictual process arising from incompatible belief systems. It is a form of jurisdictional restructuring that, like the development of the national state, has produced a profound cultural divide. Hence the range of possible outcomes under postfunctionalism encompasses not only the status quo or its punctuated reform, but also disintegration.<sup>5</sup>

Each approach can be distinguished quite sharply from the other two. Correspondingly, as we next suggest, each school interprets the landmark events in the course of European (dis)integration in the light of its basic premises.<sup>6</sup>

## The Eurocrisis

The Eurocrisis was triggered by the meltdown of confidence in the U.S. financial sector following the Lehman bankruptcy in September 2008 and is exogenous to all three approaches. However, scholars in each approach have had much to say about its effects in Europe. The Eurocrisis is, at one and the same time, a case of iterated intergovernmental bargaining, a crisis that has extended regional integration, and an example of the constraining effects of politicization.

Several features of the crisis are amenable to an intergovernmentalist account. In the first place, it was a crisis in the full sense of the term – an event of intense danger that required an extraordinary response. The very notion of a crisis suggests that ordinary procedures are insufficient and that the initiative lies chiefly with the member governments themselves. In this case, the contrast between normal EU policy making and the abnormal response to the Eurocrisis could hardly be sharper. The European Union was utterly unprepared for an existential threat to the Eurozone. Its financial resources were small, and Article 125 of the Maastricht Treaty denied the EU an insurance role of last resort. If the Eurozone were to survive, this would have had to come about as a result of intergovernmental bargaining.

The crisis hit Europe as a financial shock handled independently by national governments. However, it soon became clear that massive imbalances in the Eurozone threatened to bankrupt Greece with potentially disastrous consequences for the Eurozone. What then ensued was a lengthy process of intergovernmental negotiation characterized by 1) heavy interdependence, which induced Eurozone governments to coordinate, and 2) sharp asymmetries, which placed Ireland, Spain, Portugal, and above all Greece, in the position of dire supplicants for financial support and insurance (Schimmelfennig 2015: 182, 185). The iterated negotiation from October 2008 to 2012 was dominated by national governments, which were calculating the consequences of their actions in Euros. The result was a series of lowest-common denominator deals constrained by divergent preferences on the distribution of adjustment costs. This did just enough to avert the break-up of the Eurozone while minimizing the short-term pecuniary cost for the Northern states in the dominant bargaining position (Biermann et al. 2019: 252).

Intergovernmentalism explains the particular bargaining outcomes as discrete episodes, whereas neofunctionalism connects them in a longer-term perspective (Jones et al. 2016: 1027). The severity of the crisis in the Eurozone

was an unintended consequence of economic and monetary integration, formalized in the Maastricht Treaty, which was itself the outcome of the deepening of the single market in the 1980s. However, monetary union was half-baked because it eliminated monetary flexibility at the national level but made no provision for fiscal insurance to respond to an asymmetric shock.

When the crisis hit, path dependency set Eurocrisis management on course for saving rather than ditching the Euro, and this generated intense pressure to fix its flaws. At first, intergovernmental negotiation produced institutions controlled exclusively by member states operating outside the EU. In the following years, intergovernmental fixes were nudged closer to the community method empowering the European Commission and European Parliament. In 2012, ECB president Draghi promised 'to do whatever it takes' to preserve the Euro, including the introduction of Outright Monetary Transactions and, from 2015, quantitative easing. Hence, the unintended consequence of monetary union was to intensify a financial crisis that led member states to integrate in ways they had previously rejected. In short, the crisis arose as an unintended spillover and concluded with enhanced supranationalism.<sup>7</sup>

Postfunctionalism roots the response to the Eurocrisis in domestic politics, and in particular, in the rise of nationalist opposition to European integration that petrified governments even as the economic costs of inactivity rose (Hooghe and Marks 2018a: 109). The result was a spiral of crisis and inadequate response.

Intense functional pressure for EU coordination met rising resistance to supranational solutions as the crisis became salient in domestic politics. Radical-nationalist parties, egged on by the tabloid media, framed the crisis as a contest among nations and a fight against Brussels. Northern governments were reluctant to follow the advice of the World Bank, the IMF, and the Obama administration to rebalance trade by increasing domestic consumption and ditching their 'me-first' policy of export-led growth. These governments were acting, as postfunctionalism expects, as party coalitions that were acutely aware of public opinion (Jacoby 2015: 9–10; Schmidt 2014: 199). This brought the Eurozone close to collapse.

Politicization in the shadow of exclusive national identity decisively narrowed options for reform. With fiscal union off the table, the chief response was to depoliticize by framing the Eurocrisis as a regulatory issue handled by non-majoritarian institutions.<sup>8</sup> The eventual cocktail of ECB measures, bailouts, heightened macro-economic surveillance, and banking supervision was partial, delayed, and Pareto-inferior. Politicized procrastination carried a high price tag for the North as for the South. A postfunctionalist analysis does not downplay functional pressures, though it seeks to explain why policies that are functionally rational may not be politically feasible (Laffan 2016: 929).

The permissive consensus that once facilitated elite problem solving seems broken. Mainstream parties have been losing ground in elections since the

1980s and particularly since the Eurocrisis. European integration is trapped in a cultural cleavage that has reconfigured political conflict. This affects parties across the ideological spectrum, energizing nationalist parties and radical left parties, draining support from Christian democratic parties, and blindsiding social democratic parties that were in power in the early years of the Eurocrisis.

Neofunctionalism, intergovernmentalism, and postfunctionalism ask different questions and focus on different mechanisms. Neofunctionalism grasps the puzzle of supranational reform in the face of crisis. It explains how the great recession generated unanticipated problems that led to enhanced macro-economic coordination, banking union, and an extended role for the ECB. Intergovernmentalism focuses on divergent national preferences and the ensuing negotiations that produced a series of partial deals. Postfunctionalism suggests that the response to the Eurocrisis was constrained because it activated a fault line in domestic politics that pitted proponents of European solutions against defenders of national solidarity. From this perspective, these theories are not mutually exclusive but can serve as complementary explanations for the European Union's response to the Eurocrisis.

## **The migration crisis**

An estimated 2.7 million immigrants arrived in EU-28 in 2015, of whom around half sought asylum. Spurred by civil war in Iraq, Libya, Syria, and instability in several African countries, the number of asylum-seekers rose from 260,000 in 2010 to 627,000 in 2014 and spiked at 1.3 million in 2015 and 2016.

Immigration is a national competence for all EU members, though the Schengen area has a shared regime for asylum seekers, the Common European Asylum System, known as the Dublin system. This requires asylum seekers to process their application in the first country they enter. The Dublin system was not designed to absorb large numbers, and it was pushed over the brink when Italy and Greece abandoned vetting people in the summer of 2015 and let them journey north. The crisis unfolded in August 2015 when the German government formally suspended the Dublin regulation for Syrian refugees in order to admit them directly, and then partially reversed course three weeks later by temporarily reinstating border controls with Austria. These events set off a chain reaction of unilateral moves in which Schengen member states closed borders, turned back asylum-seekers, and refused to implement a relocation scheme for 160,000 refugees that they had legally committed to.

The conspicuous display of unilateralism is consistent with an intergovernmentalist account in which a subset of states was determined not to compromise. In contrast to the Eurocrisis, which was widely seen as an existential



threat to the Eurozone, the migration crisis produced weak pressure for cooperation. Whereas transnational finance was instrumental in pressing for deeper integration to save the Euro, in the migration crisis, human rights groups were the only consistent humanitarian voice and they were drowned out by unilateralism. Moreover, the economic cost of non-agreement in the migration crisis is modest. Even a wholesale suspension of Schengen would not upend economic growth. The states least affected by migratory pressures could stonewall pleas for accepting refugees without fearing that their defection would come back to bite if others followed suit. From a game-theoretic perspective, the least affected states had a dominant strategy that was independent of the response they expected from frontline states. The outcome is consistent with intergovernmentalism: a lowest common denominator in which defectors get their cake and eat it by blocking reform that would impose a common framework while refusing responsibility for incoming refugees (Biermann et al. 2019: 258–60).

While intergovernmentalism is pertinent to headline bargaining on refugee quotas, neofunctionalism's wider lens helps to explain why, beyond the limelight, there has been an incremental, albeit haphazard, increase in supranational activity. A neofunctionalist analysis looks for a) dysfunctions in the status quo that can trigger a crisis following an exogenous shock; b) sunk costs that stack the deck against disintegration; and c) supranational and transnational actors offering deeper integration to fix dysfunctionality.

The Dublin regime, an unintended spillover from Schengen which abolished passport controls at internal borders, was dysfunctional. Induced to coordinate but reluctant to give up sovereignty over a core state power, member states settled on a minimalist system characterized by 'low harmonization, weak monitoring, low solidarity and lack of strong institutions' (Scipioni 2018: 1365). This could hobble along only if the flow of asylum seekers was small and dispersed. The refugee crisis of 2015 and 2016 violated both assumptions.

Why did member states not decide to fold this dysfunctional system? Neofunctionalism highlights the path-dependent constraints on disintegration stemming from the costs of policy adjustment after three decades of Schengen coordination, the costs of delay at resurrected borders at a time of economic recovery, and perhaps most importantly, symbolic defeat if ditching a popular institution and key pillar of European integration – free movement of people (Niemann and Speyer 2018: 31). For each of these reasons, political leaders were deeply reluctant to dismantle Schengen.

Supranational actors took the initiative in proposing reform. In May 2015, the European Commission's European Agenda on Migration outlined immediate steps to tackle the crisis along with medium-term reform of the Dublin system. The Commission's plan for refugee relocation was rejected, but

supranational cooperation was upgraded for processing immigrants and monitoring borders.<sup>9</sup>

Postfunctionalism puts the spotlight on identity politics. The migration crisis touched a nerve of national identity because it asked Europe's populations to harbor culturally dissimilar people (Börzel and Risse 2018: 15, 17–18). And was this a matter for Europe or for national governments to decide? By the Fall of 2015, immigration became the number one issue in most EU member states and rising support for nationalist parties made it vastly more difficult for national governments to craft compromise deals at the European level.

The migration crisis intensified a long-simmering transnational divide arising from the perforation of national states by immigration, integration, and trade. This divide has taken the form of a social cleavage that is arguably structuring political conflict on a generational time scale.<sup>10</sup> It became the lens through which the challenge of helping millions of refugees from war-torn Syria and Iraq was interpreted.

The resulting politicization narrowed the options for mainstream parties seeking an EU-wide response to the flow of refugees. Nationalist challengers across Europe impelled governments to introduce restrictions, not only in the Visegrad countries but also in Germany, Austria, and Sweden where the public response was initially positive. By early 2016, electoral pressure to shut the door appeared irresistible. In March, when its popularity was in freefall, the Merkel government adopted a restrictive asylum law (Asylpaket II) and negotiated a deal to hold migrants in Turkey. The Austrian SPÖ/ÖVP government changed course to impose annual caps and began construction of a fence on the border with Slovenia. In Sweden, the social democratic government, supported by the moderate right, re-imposed border controls and reduced welfare support for refugees.

Neofunctionalism, intergovernmentalism, and postfunctionalism illuminate different sides of the migration crisis. Intergovernmentalism explains why an interstate deal to share responsibility for refugees was a non-starter. Neofunctionalism reveals the surprising ability of supranational actors to engineer incremental steps towards a more supranational Schengen. Postfunctionalism shows how the migration crisis has intensified a cultural divide across Europe that pits proponents of a multicultural, open, Europe against its opponents. Across East and West Europe, the crisis has been a major factor contributing to the electoral success of nationalist parties.

## **Brexit**

The causes of Brexit lie within, rather than beyond, Europe. The puzzle confronting theorists of European integration encompasses the origins, as well as the course and consequences, of this landmark event.

Intergovernmentalism has engaged Brexit on two fronts. The first has been to challenge the claim that Brexit will have a substantive effect either on the UK or on the EU as a whole. The view that Brexit is epiphenomenal is logically consistent with two core premises of intergovernmentalism: first, that the course of European integration depends on the benefits of cooperation mediated by intergovernmental bargaining; and second, that intergovernmental bargains depend not on referendum outcomes but on economic interests, relative power, and credible commitments. On both grounds, Brexit can and has been regarded as an 'illusory' (Moravcsik 2016) event that has implications for UK domestic politics but not for the association of the UK with the European Union.

This line of argument is buttressed by analysis of the power-politics of post-referendum negotiations. The functional benefits of economic integration – recognized by all three approaches – give both the UK and the EU a common interest in maintaining UK membership of the single market in goods and services. However, the Brexit negotiations are a lesson in asymmetry. It is one thing for a member state to use its leverage under unanimity voting to gain an opt-out from a proposed reform, but quite another to gain an opt-out from the rules governing exit. An opt-in requires the assent of all remaining member states along with the European Parliament. The UK is, in any case, a weak supplicant with a lot to lose while the EU is in the driver's seat with much less to lose. The expected result is that the UK seeks to remain part of the single market, but symbolically preserves its sovereignty by formally divorcing itself from the EU.

Neofunctionalism places great emphasis on the economic interdependencies that sustain pressure for integration. In 2016, 43.4% of UK exports went to the EU, and 53.3% of imports came from the EU. The threat of economic disruption serves as a mighty disincentive for a hard Brexit. Beyond this, neofunctionalism highlights the cost of an exit that ruptures decades-long EU rule making and adjudication. This has induced the UK government to make a desperate plea for a transition period after March 2019, most recently set at twenty-one months, to allow the country to set up its own regulatory machinery. However, there are neofunctionalist grounds to expect that the UK will be extensively subject to EU rules and European Court of Justice rulings for the foreseeable future.

A postfunctionalist account provides a window on the decision to hold a referendum, on the referendum debate itself, and on the tensions in the Conservative party that shaped the UK's subsequent bargaining strategy – or the absence of one. More generally, the Brexit referendum illustrates a tension between functional pressures for integration and nationalist resistance that is part of a wider divide across Europe.

Prime Minister David Cameron's decision to hold a referendum following the general election of 2015 was a calculated effort to stem the rise of UKIP

and suppress a growing EU rejectionist faction within his governing Conservative party (Jensen and Snaith 2016: 1308). This worked. The Independence party was removed as an electoral threat, and the rejectionist wing of the party held their fire in order to campaign for the Conservative parliamentary majority that was necessary to deliver Cameron's promise. For Cameron himself this was a Mephistophelean pact: the referendum would take place only if he beat the odds by forming a single-party Conservative government, and he was convinced that victory in the election would be followed by victory in the referendum. He was wrong. Postfunctionalist analyses of the role of national identity in mass settings were confirmed. The two sides of the public debate never connected. Remainers predicted economic dislocation while avoiding any mention of European identity. Leavers emphasized national self-determination while sidestepping economics by promising increased funding for the National Health Service and trade with Commonwealth countries (Gamble 2018: 1216). The decisive issue was immigration, and this became joined at the hip with opposition to EU membership (Dennison and Geddes 2018: 1145; Hobolt 2016: 1271; Hooghe and Marks 2018a: 109). Opinion research since the referendum finds hardening polarization on the Remain/Leave divide (Hobolt et al. 2018).

Few events reveal so clearly the disruptive effect of a referendum in a climate of politicization. Far from resolving tensions in the Conservative party, the referendum exacerbated them. The vote provided just a single *bit* of information. It presented voters with the simplest possible choice on a profoundly complex issue. A dichotomous choice says nothing about the trade-offs, the compromises needed to realize them, or the likely consequences. Postfunctionalist accounts perceive the functional pressures on the UK government arising from asymmetric economic interdependence, but they do not conclude that these produce an economically rational outcome. Nationalism can, and sometimes does, subvert multilevel governance.

Postfunctionalism has the greatest leverage in explaining the origins, course, and effects of the UK referendum on EU membership. It provides a nuanced understanding of the rise of national identity, the clash between nationalism and international governance, and the effects on EU politics. However, intergovernmentalism and neofunctionalism each have something to offer by stressing how economic interdependence weakens the case for a hard Brexit. Liberal intergovernmentalism goes further to suggest that Brexit is epiphenomenal, a claim that is inconsistent with neofunctionalist emphasis on sunk costs and postfunctionalist analysis of political conflict.

## The illiberal challenge

The illiberal challenge to the independence of the judiciary, separation of powers, and protection of basic liberties in Hungary and Poland is perhaps the greatest contemporary challenge to the legitimacy of the European Union. Writers in each school have sought to explain the EU's response and the extent to which it has been effective.

The strategic context of illiberalism is one of weak economic interdependence. Events in Hungary and Poland undermine the core values of the European Union, but they do not pose an economic threat. Governments of both countries have been careful to comply with the rules of the single market while backsliding on liberal democracy.

An intergovernmentalist perspective highlights the difficulty of imposing sanctions on Poland and Hungary using Article 7 of the Treaty on European Union. Because these governments are prepared to veto sanctions on each other, the European Council is stymied by the unanimity minus one threshold for determining that there has been a breach of the EU's core values.<sup>11</sup> The problem goes back to the Treaty of Amsterdam (1997) which, in the lead-up to Eastern enlargement, established a concern with the content of domestic law, but preserved for member states the exclusive right to make the final decision about sanctions. So while Article 7 punctures national sovereignty by extending the remit of the EU to domestic law, it sustains national sovereignty by making sanctions conditional on a positive vote from all member states except the offending member state.

Beyond the unanimity restriction of Article 7 lies a more fundamental problem. Because Article 7 deals with domestic, not European, legislation, it is not reinforced by secondary legislation that would allow the Commission or the European Court of Justice to pin down contravention of the EU's core democratic principles. Importantly, Article 51(2) of the EU Charter of Fundamental Rights limits the application of the Charter to national decisions that implement EU law.<sup>12</sup> Both the threshold of unanimity and the absence of secondary legislation reveal the reluctance of national governments to allow supranational bodies to intervene in domestic constitutional reform.

Neofunctionalism, by contrast, alerts one to the supranational activism of the Commission and the European Court of Justice. The Commission has used the three-stage process added to Article 7 in the Nice Treaty to make assessments of democratic backsliding, followed by recommendations and dialogue (Sedelmeier 2017: 345–46). In December 2017, it opened Article 7 proceedings against Poland when the government tried to stack the High Court by cutting the retirement age for judges and allowing the minister of justice to fire judges at will. Initially, the PiS government seemed to backtrack, but its amendments to the law were mostly cosmetic. In September 2018, the Commission asked the European Court of Justice to suspend the Polish law,

which the Court did in October. In November 2018, the Polish government complied by reversing the law and reinstating the judges it had fired.

The Commission has also been seeking ways to exert pressure on illiberal states by means other than Article 7. There are several avenues. For example, the Commission used its competition powers to block the Fidesz government from penalizing independent television companies with an advertisement tax (Blauberger and Kelemen 2017: 326). In April 2018, the Commission sought to give some safeguards to journalists in illiberal societies by proposing a whistleblower directive that would require member states to have a framework protecting individuals who report a threat to the public interest. In May 2018, the Commission presented its draft multi-annual financial framework for 2021–2027, which includes around a billion Euros for a ‘Justice, Rights and Values Fund’ to fund groups defending democratic rights. The Commission’s proposal links access to cohesion and agricultural funding to the rule of law and judicial independence. Under the proposed rules, a Commission decision to cut off aid to a violating member state could be overturned only by qualified majority in the Council.

The European Court of Justice is now hearing cases with major implications for illiberal governments. In a judgment that temporary salary cuts for judges in Portugal do not compromise the rule of law, the court established a general obligation for member states to guarantee the independence of courts. The principle is simple and compelling. National courts are an intrinsic part of a European system of authoritative adjudication, hence ‘the guarantee of independence, which is inherent in the task of adjudication ... is required not only at EU level ... but also at the level of the Member States as regards national courts’ (Case C-64/16: 42).<sup>13</sup> This punctures PiS’ claim that its judicial reforms are not subject to EU jurisdiction. A path has been opened for bringing cases regarding the independence of domestic courts before the ECJ.

In July 2018, the ECJ issued a preliminary ruling that a judge should not implement a European arrest warrant to another EU member state if they have reason to believe that this state’s judicial system is compromised and if the extradited person would not face a fair trial.<sup>14</sup> The referral was made by a High Court judge in Ireland who refused a warrant to extradite a Polish citizen on the grounds that the Polish government had undermined the independence of its court system. In its ruling, the ECJ not only upholds the court’s right to query an EU member state’s justice system and block extradition, but also lays down criteria for assessing judicial independence. The implications could reach into other areas of judicial reciprocity, including contracts, taxes, and family law. As *The Economist* points out, ‘Judges in Europe often have been able to get to the parts that governments cannot reach’ (X 2018).

So, EU pressure on Hungary and Poland has ratcheted up despite the failure to impose intergovernmental sanctions. The Commission and the ECJ

have developed new channels of influence. Will illiberalism become an impetus for supranationalism?

A postfunctionalist account probes the sources of illiberalism and helps explain why the governments of Hungary and Poland have, so far, been able to resist EU pressure and even utilize it to sustain their own support. Under what circumstances can the EU affect the agenda of the Fidesz and PiS governments? The answer hangs on how EU actions are perceived in the target country, the strength of political opposition, and the vulnerability of an illiberal government to domestic pressure.

Illiberalism is allied to a nationalist discourse of parochialism, conservatism, and anti-elitism which is mobilized against the perceived threat of foreigners, multinationals, and the European Union. Political parties in Hungary, and more recently Poland, take more polarized stances on the GALTAN dimension of political contestation than on the economic left-right dimension.<sup>15</sup>

Fidesz and Law & Justice have mobilized nativists against a multilevel and multicultural Europe. This has gone furthest in Hungary, where, following Fidesz' defeat in the 2002 election, Victor Orbán put himself at the head of a grassroots movement of 16,000 Civic Circles organizing anti-government demonstrations, rallies, petitions, strikes, and blockades invoking Hungarian national community.<sup>16</sup> This provides Fidesz with a powerful organizational base to ramp up its nationalist message and neutralize right-wing competitors. When Fidesz came to power in 2010, it manipulated electoral rules, gerrymandered districts, and centralized the party's hold over key institutions, including the media. Its policies have affected the *liberal* elements of democracy – the rule of law, press freedom, and freedom of association. This has crystallized a sharp polarization in which associations of every kind, including 'dog-keepers, bird-watchers, fishing anglers ... voice right-wing or left-wing political views' (Lengyel and Ilonszki 2010: 165). The electoral success of this strategy – magnified by a disproportional electoral system and a divided opposition – has made it difficult for opponents to contest the new status quo. Hungary's foreign minister Szijjártó recently told the European parliament 'The Hungarian people appear on the Hungarian election's name rolls, while you don't' (Bayer and de la Baume 2018).

Until recently, illiberalism in Hungary and Poland was tolerated in the place where one might expect it to be most vulnerable – the European Parliament. The allies of Fidesz in the European People's Party (EPP), in particular the CDU/CSU, have resisted the call to expel Fidesz because doing so would cost seats. However, in September 2018, the European Parliament voted to issue a formal warning to Hungary under Article 7 after Manfred Weber, chair of the EPP and contender for the presidency of the Commission, announced he would vote in favor.

Fidesz has sought to deflect criticism of illiberalism by appealing to national sovereignty and Christian values. When in early 2018 Bavarian CSU leader Horst Seehofer was asked whether the rule of law was respected in

Hungary, he replied that 'Orbán stands on a foundation of the rule of law', while noting that Orbán is the democratically elected prime minister of an EU member state (SHZ 5 Jan 2018). After Orbán's electoral victory in April 2018, Seehofer warned the European Union not to conduct a 'politics of arrogance and prejudice' and stressed that 'nothing is a stronger confirmation than success at the ballot box' (Handelsblatt 5 Jan 2018).

The divide is two-sided, and there are signs of mobilization on the cosmopolitan side. In his acceptance speech for the Charlemagne prize on 9 May 2018, French president Emmanuel Macron referred to Hungary and Poland by name when he warned against 'the temptation to abandon the very foundations of our democracies and our rule of law.'<sup>17</sup> In June 2018, the European Parliament's Committee on Civil Liberties, Justice and Home Affairs called for sanctions against the Hungarian government on the grounds that it violated judicial independence, freedom of expression, and the rights of refugee, Roma, and Jewish minorities. Citing a 'serious breach of European values' a two-thirds majority in the European Parliament voted to trigger Article 7.

Under what circumstances can the EU confront illiberalism? Intergovernmentalism explains the difficulty of imposing sanctions via Article 7 under current rules. Neofunctionalism directs attention to non-state actors, particularly the Commission and the ECJ. Postfunctionalism probes the domestic sources of illiberalism and suggests that transnational actors can make the greatest difference when they can leverage domestic opposition. These insights are not mutually exclusive, and neither, perhaps, are the approaches that suggest them.

## Conclusion

Neofunctionalism, intergovernmentalism, and postfunctionalism advance our understanding of the crises that have shaped the EU over the past decade. The premise of this article is that none of these theories is fundamentally wrongheaded or subject to sweeping disconfirmation. Each provides a line of sight into European integration. However, they do so from contrasting perspectives, using different bodies of evidence to shed light on distinct puzzles. Each theory disciplines thinking about the behavior of key actors, the arenas in which they act, and the causal mechanisms that connect their actions to institutional outcomes. Instead of asking which theory is best, we compare the contributions of each theory in explaining multi-faceted events. At one and the same time, the Eurocrisis, the migration crisis, Brexit, and illiberalism can be viewed as episodes of intergovernmental bargaining, path-dependent spillovers, and ideological conflict. Neofunctionalism, intergovernmentalism, and postfunctionalism, alongside the wide variety of other theories that have been applied to the EU, can and should be mined for conflicting hypotheses that can be systematically tested against each other. However, prior to



this, it can be illuminating to engage a theory in its own terms, and to probe its use value in explaining phenomena for which it was not designed, but which are in its field of vision.

## Notes

1. Research was funded by the Kenan and Burton Craige research funds at UNC Chapel Hill, and a Robert Schuman Fellowship at the EUI, Florence. A draft was presented at a conference on 'Grand Theories of European Integration in the Twenty-first Century' at the EUI, 31 May–1 June 2018. We are grateful for comments by participants at this conference, with special thanks to Philipp Genschel and to three anonymous reviewers of this Journal.
2. Pierson 1996. Early neofunctionalism theorized path dependence implicitly (Haas 1958/2004: 527; Schmitter 1969).
3. See Bartolini 2005; Deutsch 1966; De Wilde et al. 2016; Diez-Medrano 2003; Evans 1999; Grande and Kriesi 2016; Hix 1999, 2018; Kriesi et al. 2006; McNamara 2018; Risse 2010, 2015; Rokkan 1970; Teney et al. 2014.
4. See e.g., De Vries 2018; Hobolt and Tilley 2016; Hutter et al. 2016; Hutter and Kriesi 2018; Rovny 2015; Van Elsas et al. 2016.
5. Disintegration is theorized as a potential outcome by Hodson and Puetter 2019; Jones 2018; Vollaard 2014; Webber 2019.
6. Hooghe and Marks 2018b is a more extensive analysis.
7. See Bauer and Becker 2014; Börzel and Risse 2018; Saurugger 2016; Schimmelfennig 2018.
8. Kleider and Stoeckel (2019) and Stoeckel and Kuhn (2018) reveal the limited appetite for European solidarity among public opinion. Börzel (2016: 10, 14), Genschel and Jachtenfuchs (2018), and Grande and Kriesi (2016: 290–2) evaluate the scope for depoliticization. For a general argument about the use of non-majoritarianism see Bickerton et al. 2015.
9. Frontex now has competence for border control, coordination with national coastal guards, and rescue missions. On supranationalism in migration policy see Börzel and Risse 2018; Niemann and Speyer 2018; Niemann and Zaun 2018; Schimmelfennig 2018; Scipioni 2018.
10. Hooghe and Marks 2018a: 115–116; also De Vries 2018; Hutter and Kriesi 2018; Marks et al. 2018.
11. Article 2 of the Treaty on European Union. Unanimity does not apply to the first stage of Article 7, where a four-fifths majority in the Council and two-thirds in the Parliament may issue a formal warning to a state suspected of violating fundamental rights.
12. This appears to be the legal consensus. See Spaventa (2016: 11); also Blauburger and Kelemen (2017: note 12).
13. ECJ 27 February 2018 judgment in the case of Associação Sindical dos Juizes Portugueses (Case C-64/16).
14. ECJ 25 July 2018 judgment in the case of Minister for Justice and Equality v LM (Case C- 216/18 PPU).
15. In Hungary, the vote-weighted standard deviation among political parties on GALTAN, averaged over 2002–2017, is 2.6 against 1.2 on the economic left-right (both 11-point scales). In Poland, it is 2.9 against 2.1 (Polk et al. 2017).
16. Greskovits 2017. On the rise of illiberalism, see Enyedi 2005; Kelemen 2017; Tóka and Popa 2013.

17. <<http://www.elysee.fr/declarations/article/speech-by-m-emmanuel-macron-president-of-the-republic-on-receiving-the-charlemagne-prize/>>.

## Disclosure statement

No potential conflict of interest was reported by the authors.

## Funding

This work was supported by the Center for European Studies, University of North Carolina at Chapel Hill; Robert Schuman Centre, European University Institute.

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