The New Intergovernmentalism

States and Supranational Actors in the Post-Maastricht Era

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The New Intergovernmentalism and the Study of European Integration

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The European Union (EU) has undergone a remarkable transformation since the Maastricht Treaty was signed in 1992. In the two decades that followed this historic event, the EU not only increased its size from 12 to 28 member states, it also significantly increased the scope of its activities. Macroeconomic policy, financial supervision, labour market reforms, migration, police and judicial cooperation, and foreign affairs are just some of the areas in which the EU extended its reach during this period. In consequence, there are now few areas of public policy and political life in which the EU is not actively involved. In spite of this intensification of European integration, the basic constitutional features of the EU, which were decided in 1992, have remained stable. At Maastricht, it was agreed that major new areas of EU activity—such as economic governance, foreign policy, or justice and home affairs (JHA) cooperation—would be cast outside the traditional supranational decision-making regime. Integration in these areas would not involve further delegation of competences from national authorities to supranational institutions like the European Commission or the Court of Justice of the EU. This principle was, by and large, reaffirmed in all subsequent treaties, from Amsterdam through to Nice and then Lisbon, resulting in what Sergio Fabbrini has called the EU’s ‘dual constitution’ (Fabbrini 2013).

This tendency towards European integration without supranationalism since Maastricht has been predicated on an increasingly deliberative and consensual approach to EU decision-making. This approach is not new—the EU has long been considered a consensus-generating machine par excellence (Menon 2008: 109; Bickerton 2012: 21–50)—but it has traditionally been viewed as a conduit for negotiations over competence transfers to supranational institutions. National actors, particularly at the executive level,
were assumed to pursue clearly defined national strategies. The European Council was the place where the alignment of these strategies occurred through regular summits of the heads of state or government taking place two or three times per year. The 1984 Fontainebleau summit, for instance, was heralded as the moment where France, Germany, and the UK resolved their differences over the British budget rebate and set in motion plans to complete the single market that significantly strengthened the power of the Commission (Wall 2008: 18–40; Short 2013).

What is striking about post-Maastricht integration is that deliberation and consensus have become dominant behavioural norms. The emergence of the European Council as a centre for governing major new areas of EU activity and crisis management is one manifestation of this trend (Puetter 2014; see also chapter 8 by Puetter in this volume). In the period 2008–12, EU and/or Euro area heads of state or government met on average seven times per year in sessions that were often convened at short notice; while the Commission was involved in such deliberations it was rarely empowered as a result (Hodson and Puetter 2013). This deliberative turn is by no means confined to the European Council but rather permeates all levels of collective EU decision-making, notably those directed at new areas of EU activity. The relevant formations of the Council of Ministers, the Eurogroup and a plethora of dedicated expert committees are at the heart of this process. In his work on the ‘field’ and ‘habitus’ of security and defence policy, for instance, Frédéric Mérand has observed that professionals across Europe relate to one another as shared members of an increasingly ‘cosmopolitan-minded’ military community (see also Howorth 2010; Cross Davis 2011).

It would be wrong to suggest that no conflicts occur within these deliberative and consensus-seeking settings. One only needs to think of divisions over Iraq in 2003 or the disagreements over the terms of emergency loans to Greece in 2010 to see that conflicts exist. The decision to appoint Jean-Claude Juncker as President of the Commission in 2014 was also divisive, with the British Prime Minister David Cameron eventually pushing for a vote in the European Council. What was striking about the latter example is how unusual it was. Conflict would also appear to lie behind another important feature of the EU, namely its growing differentiation (Holzinger and Schimmelfennig 2012; Leuffen, Rittberger, and Schimmelfennig 2012). Observers have often seen in this development the formalization of divisions between member states: principled disagreements over border control or on the merits of monetary union have resulted in a more fragmented and divided Union. In fact, as Rebecca Adler-Nissen has argued at length, the supposed trade-off between

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1 Here and elsewhere, we use the term Council of Ministers rather than the Council or the Council of the European Union.
integration and autonomy exists more in theory than it does in practice (2014: 40). Countries with opt-outs are still able to exert influence on policy areas of which they are not formally a part, and this is often the case because of the powerful desire of national officials to remain part of the EU policy-making process.

Along with a preference for deliberation and consensus-seeking, the delegation of powers has taken a new form in the post-Maastricht period. Instead of delegating to traditional supranational institutions such as the Commission and the Court of Justice as under the Community method, delegation has by and large been to de novo bodies. Generally speaking, we think of de novo institutions as newly created bodies that often enjoy considerable autonomy by way of executive or legislative power and have a degree of control over their own resources. As a rule, they fulfil functions that could have been delegated to the Commission and tend to contain mechanisms for member state representation as a part of their governance structure. Some de novo institutions, such as the European External Action Service (EEAS) are familiar and have elicited considerable scholarly and public discussion (Batora 2013; Duke 2013; Smith 2013). Others, such as the European Food Safety Authority, the EU Agency for Fundamental Rights and the European Banking Authority, are less well known. De novo bodies are often based outside Brussels and are involved in information gathering and in the provision of technical expertise. A few, with the European Stability Mechanism being a case in point, have more substantive policy-making powers. Renaud Dehousse reports that while only two semi-autonomous agencies existed prior to the 1990s, by 2013 there were 35 in total. Thirteen such agencies were created during the Prodi Commission alone (Dehousse 2013: 15–16). More than just a series of chance occurrences, ‘a phenomenon of such magnitude and regularity is likely to be a response to structural constraints’ (Dehousse 2013: 16).

Even though it is true that EU member states have been ready to delegate new powers to the Commission in the field of JHA, as one of the major new areas of EU activity, in so doing they have deviated in important respects from the traditional Community method. Emek Uçarer refers to JHA as still an ‘intrinsically intergovernmental’ policy area (2013: 293), which is reflected in the special oversight powers of the European Council in this area and the fact that the Commission’s right of initiative has been curtailed in relation to certain sensitive policy issues. Maylis Labayle observes that member states

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2 Scholars differ in their definitions of the Community method. We follow the European Commission’s White Paper on European Governance (Commission 2001a: 8) in emphasizing: (a) the Commission’s right to initiate policy and legislation; (b) the responsibility of the Council of Ministers and the European Parliament to adopt legislative and budgetary acts; (c) the role of the Commission and/or member states in policy implementation; and the Court of Justice’s defence of the rule of EU law.
remain ‘the real leaders in the field’ of JHA (2013: 230). The European Parliament (EP) has, of course, gained enormously in power and in prestige in the course of the post-Maastricht period (Hix and Høyland 2013). Its precise contribution to the evolution of the EU and its decision-making procedures, however, is highly ambivalent. The EP’s impact on the Community method has been to make it a more hybrid and complex legislative process. In its interactions with the Council of Ministers and the European Council in particular, the Parliament has tended to favour a style of decision-making which, in many ways, emulates the Council of Ministers (Burns et al. 2013: 948; see also Costa 2014).

Taken together, these developments in the post-Maastricht period represent an integration paradox: member states have pursued integration in this period at an unprecedented rate and yet have stubbornly resisted further significant and lasting transfers of ultimate decision-making power to the supranational level along traditional lines (Puetter 2012: 168). This paradox poses a challenge to scholars of European integration, who in spite of their differences over the economic and political drivers of integration rely on a shared definition of integration as involving a transfer of competences to supranational institutions (compare, for example, Haas 1964 and Moravcsik 1999a). Because of this definition, scholarship on European integration after Maastricht has tended to miss or misinterpret important changes in the character of European integration. It has also struggled to make sense of popular discontent over European integration, as expressed through a string of failed referendums on European issues since 1992, rising levels of distrust in the EU, and the emergence of Euro-sceptic parties in many member states (Usherwood and Startin 2013). Governance scholars are more alive to these concerns, but they tend to eschew big questions about the overall direction of the EU in favour of fine-grained analysis of policy-making in specific policy fields (see Kohler-Koch and Rittberger 2006).

The starting point for this book is that the post-Maastricht period is not a temporary deviation from a supranational norm. Rather, it is a new phase in European integration that has become gradually more entrenched and systematic since the signing of the Maastricht Treaty in 1992. In order to give this period the underlying unity which we think it has, we call this form of integration the new intergovernmentalism. This approach shares with its intergovernmental antecedents the analytical focus on the role of member state governments as drivers of European integration. Where the new intergovernmentalism as an analytical approach differs from these earlier accounts is in its challenge to conventional assumptions about the practice of intergovernmental relations, what member states and supranational institutions want, and where the dividing line between high and low politics is located. Simply put, the new intergovernmentalism sees the tendency towards integration without
traditional forms of delegation since Maastricht as a choice by national governments that remain committed to cooperative solutions, but deeply reluctant to cede further powers to the Commission and Court of Justice even in domains that have traditionally been seen as technocratic. Supranational institutions have been complicit in this shift rather than resistant to it, the new intergovernmentalism contends, but the significant increase in the scope of EU activity since 1992 rests uneasily with public opinion. National governments’ reticence about empowering Community institutions can be seen as a concession in this context but it is a partial one at best given policy-makers’ determination to press ahead with integration through other means. This tension within the process of national preference formation goes right to the heart of the integration paradox, we argue, as well as pointing to profound tensions to come if policy-makers and the public continue to part ways over the European project.

In the remainder of the chapter, we take up this term new intergovernmentalism in detail and seek to define it more precisely. We explore the differences between the pre- and post-Maastricht period in order to highlight the novelty of the latter (section 1.1) and we provide a selected overview of existing scholarship on European integration since 1992 (section 1.2). We go on to providing a contextualized explanation for why this particular form of integration has emerged since 1992 (section 1.3). We then elaborate six hypotheses of the new intergovernmentalism that serve to structure the subsequent chapters of this volume (section 1.4) and which we hope will serve as the basis for future debate and research within the field of EU studies. By way of conclusion, we return to the issue of what is ‘new’ about the new intergovernmentalism followed by a plan of the volume as a whole (sections 1.5 and 1.6).

1.1 European Integration Before and After Maastricht

European integration, as historians have often remarked, is a non-linear phenomenon that does not lend itself easily to neat periodization of the kind favoured by political scientists (Kaiser 2008; Van Middelaar 2013: 40). This caveat notwithstanding, scholars usually speak of two key turning points in the history of the European project. The first occurred in the mid-1960s, which saw the initial flurry of activity to establish a customs union, a common market, and a common agricultural policy give way to a period of ‘Euro-sclerosis’. The second took place in the mid-1980s, which saw the re-launch of European integration through plans to complete the single market and move towards economic and monetary union (EMU). Although some challenge this portrayal of the 1970s as a lost decade for Europe (Awesti 2009), successful integrationist initiatives in this period were few and far between.
Plans for EMU were adopted in 1972, but they were soon abandoned as member states failed to forge a common response to the international economic crisis. Deliberations over political union were even less successful. Belgian Prime Minister Leo Tindeman may have sought to strike a pragmatic note in his high-level report on ‘European Union’ in 1975, but the institutional reforms he proposed proved far too idealistic for other heads of state or government (Tindemans 1976). Some integrationist initiatives did take hold during this period, including the establishment of the European Regional Development Fund, the European Political Cooperation and the Trevi Group. However, these schemes were limited in their scope and modest in their ambition.

The launch of the European Monetary System in 1979 marked the beginning of the end for Euro-sclerosis as member states signalled their willingness to cede a degree of sovereignty in a highly sensitive policy domain. Much more significant was the Single European Act in 1986 as a first major treaty amendment following the original Rome Treaty to introduce qualified majority voting on a range of single market issues and give the EP a greater say over legislation. The Single European Act also gave the Commission new powers in the fields of social and environmental policy and bolstered the EU’s judicial system through the creation of the Court of First Instance.

The Single European Act is an important event when it comes to understanding the nature of supranationalism in Europe. The Treaty is thought of by some scholars as ‘the zenith of the Community method’ (Majone 2005: 51). The core institutional framework of Western European integration and the respective roles of the Commission, the Court of Justice, the Council of Ministers, and the EP, as a slowly emerging fourth component of the original institutional triangle, were established by the Rome Treaty. Yet, at the time of signing the Single European Act, the political implications of Community method decision-making were much more clearly understood by member state governments. Notably, the case law of the Court of Justice which had emerged during the 1960s, 1970s, and early 1980s had led to the establishment of core legal doctrines such as supremacy and direct effect. This case law involved non-trivial cases which had far-reaching consequences for the socio-economic policies of the member states (Scharpf 1999). European citizens and economic actors invoked their rights and previously established patterns of state intervention were challenged. The Single European Act’s emphasis on decision-making rules as the key instrument of institutional engineering—as evident in the expanded use of the qualified majority voting rule—was also consistent with the Community method.

The Single European Act included only a symbolic reference to EMU but by 1989 member states had agreed to embark on a three-stage plan towards the realization of this goal. This plan was codified in the Maastricht Treaty in
1991. The envisaged transition towards a single European currency implied a major transfer of policy-making powers to the EU. This dimension of the Maastricht Treaty was further underlined by the extension of the EP’s legislative role through the introduction of the co-decision procedure which recognized the growing need for further legitimation of EU legislative decision-making. The Maastricht Treaty’s social policy dimension is relevant here too. Though highly contested by the UK, which had also been granted an opt-out from the single currency, most EU member states agreed on expanded legislative competences for the Union in this domain by signing the so-called Social Protocol and Social Agreement.

At first glance, the Maastricht Treaty appears as another powerful endorsement of the Community method. Moreover, the Maastricht Treaty provided for an unprecedented expansion of the scope of the EU’s activities. Next to the single currency and the Social Protocol the new areas of EU activity included economic policy coordination in the framework of EMU, industrial policy, education, vocational training, and youth policy. The Maastricht Treaty also included two new ‘pillars’ on ‘European Union’ which comprised a Common Foreign and Security Policy (CFSP) and cooperation in the sphere of JHA.

Whilst rightly remembered as being a major step forward for European integration, the Maastricht Treaty is everything but an unequivocal endorsement of supranationalism. Not least, it empowered existing supranational institutions to only a limited degree. The Commission under Jacques Delors may have been a vocal champion of EMU but it won few new powers in relation to this project (Hodson 2011a). The EU executive was given an agenda-setting role in relation to economic and fiscal surveillance but member states retained the first and final say over the formulation and implementation of their economic policies under EMU. Control over monetary policy, meanwhile, was delegated to the European Central Bank (ECB), a de novo institution with a high degree of independence from the Commission and the Court of Justice. Indeed, rather than think of powers over monetary policy as simply being transferred from the national to the supranational level, the real change was in the minimization of discretionary political power in this area. This was an instance of depoliticization rather than supranationalization as such (Majone 2009: 13). Resistance to further supranationalism was also evident in the Maastricht Treaty’s provisions on industrial policy, education, vocational training, and youth policy, which allowed the Commission to encourage coordination between member states but stopped well short of a common policy in the traditional sense. It should also not be forgotten that the Maastricht Treaty was the moment when subsidiarity was made a general principle of Community law. As observers at the time noted, this principle was a response by the Commission’s critics to what they saw as an excessive expansion in its competences under the Single European Act (Bermann 1994: 146).
In the new areas of EU activity, the Maastricht Treaty favoured close policy coordination between member state governments rather than delegation. Instead of the Commission and the Court of Justice, it empowered the European Council and the Council of Ministers as the central political decision-making bodies. In relation to economic governance, CFSP, and JHA, the Treaty obliged member states to regard domestic policy decisions within sensitive areas of national sovereignty as matters of common concern. These commitments were matched by new Treaty provisions that kept the Commission and the Court of Justice at arm’s length and as such they embodied a decentralized conception of EU policy-making. Cooperation in these fields was based on a central political role of the Council of Ministers as an initiator and implementing body of policy coordination. The Court of Justice was not granted jurisdiction over substantive policy decisions. Under the so-called second pillar on CFSP, it was agreed that the Commission would be associated with the coordination of member states’ foreign policies. The Commission was also given the right, alongside member states, to issue proposals in this field. Yet, the Council of Ministers was not bound by these proposals and the European Council obtained an overall oversight responsibility for this policy field. The third pillar introduced a broadly similar set of arrangements for JHA. The Commission had to share its right of initiative with the Council of Ministers, whereas the latter remained the ultimate decision-maker. Even in the field of economic governance, within which the Commission was granted the role of independent watchdog in the context of the multilateral surveillance of economic policies and the excessive deficit procedure, its traditional right of initiative was clipped. Instead of formal proposals the Commission was only granted the right to issue ‘recommendations’, which could be overturned easily by the Council of Ministers within the context of the most frequently used decision-making procedures.

It is also noteworthy that in the social policy domain—where Maastricht had, indeed, led to an expansion of the EU’s legislative powers—these new legislative powers did not inform successful major social policy initiatives later on, with the exception of a few measures immediately following the entry into force of the Treaty. Thus, Maastricht should be seen as ‘the peak and end of legislative activism’ as a method to bring about further integration (Puetter 2014: 10–17). It confirmed the EU’s institutional framework and the existing domains of Community method decision-making in the context of single market integration and yet, at the same time, it marked a watershed in European integration by institutionalizing policy coordination as a decisively different method of integration. Remarking on the length and complexity of

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3 For an in-depth account on the roles of the European Council and the Council of Ministers as the key venues for EU policy coordination in the post-Maastricht era see Puetter (2014).
the Maastricht Treaty, Andrew Glencross observes how member states sought ‘to tie themselves to very precise policy procedures and objectives, not allowing much latitude for controversial policies to emerge from the ordinary supranational political system’. Such detail was intended to ‘diminish the likelihood that supranational decision-making could result in inconvenient outcomes for member states’ (Glencross 2014: 70).

The mood surrounding European integration had changed by the time that Maastricht was ratified in June 1993. Speaking to the EP in February 1993 at the beginning of his third term as President of the Commission, Jacques Delors argued that European integration had ‘run out of steam’ and that member states no longer saw ‘eye to eye on the fundamental question of where Europe is headed’ (Delors 1993). Delors’ pessimism reflected the painful process of ratifying the Maastricht Treaty, which was rejected by Danish voters at the first time of asking and only narrowly approved by the French electorate. In spite of this pessimism, the two decades that followed saw a significant increase in the scope of the EU’s activities. In 1997, the Amsterdam Treaty gave the EU a more prominent role in the coordination of employment policies and a new role in anti-discrimination. In 2000, the Nice Treaty included new provisions on the coordination of social protection policy. The signature of the Stability and Growth Pact in 1997, meanwhile, gave the EU a more prominent role in fiscal policy coordination. In the foreign policy sphere, the Amsterdam Treaty increased the EU’s visibility in international affairs by creating the High Representative of the EU. The Nice Treaty went further still, in Cologne in 1999, by codifying leaders’ commitment to a European Security and Defence Policy with the capacity for autonomous action in response to international crises. The Nice Treaty also enhanced the institutional infrastructure for policy coordination by setting up the Political and Security Committee. The Lisbon Treaty developed further the defence policy component—now referred to as the Common Security and Defence Policy (CSDP) and created a European Defence Agency. It upgraded the post of High Representative, who is now also the chair of the Foreign Affairs Council and commands the EU’s new diplomatic resource: the EEAS.

The EU’s competences in JHA were gradually extended too during the period following the Maastricht Treaty. At Amsterdam, it was agreed that asylum, immigration, and judicial cooperation in civilian matters would be transferred to the first pillar. The Nice Treaty introduced qualified majority voting for some of these areas before the Lisbon Treaty abolished the EU’s three pillar structure altogether with the result that most aspects of the JHA portfolio can now be decided under Community method decision-making rules. Yet, these new legislative powers come with an important modification of the standard legislative procedure. The European Council assumed overall agenda-setting powers in relation to all JHA decision-making in general and
the direction taken by the Council of Ministers and the Commission in particular.

Significant though these changes were, they did not constitute a radical break from the constitutional settlement agreed in 1992. The Lisbon Treaty rather confirmed this settlement. At Maastricht, it was accepted that major new areas of EU activity would not entail significant new policy-making powers for the Commission and Court of Justice but instead would be governed through novel policy coordination procedures, and so it has remained since then. In most of the new areas of EU activity, there has been little or no significant delegation to the traditional engines of European integration in the past two decades. The Stability and Growth Pact was signed to speed up and clarify the enforcement of the Maastricht Treaty’s rules on government borrowing and multilateral surveillance rather than to seek new policy-making power for the Commission in this domain. The Lisbon Treaty also codified the central role of informal policy coordination in the context of euro area governance by formally recognizing the Eurogroup, which until this point lacked a Treaty basis. The Amsterdam Treaty’s provisions on employment policy coordination, likewise, relied on deliberation between member states rather than delegation of ultimate decision-making powers to supranational institutions.

In foreign policy, the Commission emerged as an actor working with, rather than instead, of national governments, the former having few policy-making powers of its own in this field. Member states’ reluctance to delegate to the Commission along traditional lines is exemplified by the upgrading of the High Representative post at Lisbon. By combining the High Representative role with the old external relations portfolio of the Commission, the Lisbon Treaty acknowledges the significance of the Commission’s external affairs resources but aligns the political command structure closely with decision-making in the Foreign Affairs Council and the European Council. This is also reflected in the rules for hiring and firing the High Representative, who is an appointee of the European Council. This arrangement is at odds with the conventional principle of Commission collegiality. Similarly, the EEAS effectively replaced the Commission’s Directorate General for External Affairs with a new diplomatic corps that operates at one remove from the EU executive and which also is staffed by former Council Secretariat officials and a significant number of seconded member state officials.

JHA is, as noted, a complicated case here. Although some scholars speak of cooperation in this field as having been communitarized, others stress that the institutional arrangements remain ‘intrinsically intergovernmental’ (Uçarer 2013: 293). The latter assessment can be supported by the above reference to the special oversight powers of the European Council and the modified right of initiative. These governance arrangements depart from the traditional
Community method in several key respects. Significant is the fact that areas such as family law and police cooperation retained a special status. Moreover, there is a clear tendency towards empowering *de novo* institutions such as Frontex and Eurojust rather than strengthening the Commission’s powers in this domain yet further.

With the signing of the Lisbon Treaty in October 2007, member states’ appetite for institutional innovation appeared to have waned. It soon recovered, however, as member states responded to the devastating effects of the 2007–8 global financial crisis on Europe with a further round of reforms. Taken as a whole, these measures illustrate, once again, member states’ reticence about delegation to the traditional engines of European integration (Hodson and Puetter 2013). This can be seen in relation to the European Stability Mechanism (ESM), a €500 billion fund created in 2012 to provide loans to member states facing financial distress. Although the Treaty was amended to allow for the creation of this fund, its statutes are set out in an intergovernmental treaty between the participating member states. In this treaty, finance ministers are assigned a key role but the Commission is involved in an observer capacity only. A similar story can be told about European Banking Union, which has given the ECB important new powers in relation to financial supervision and the Commission a curtailed role in relation to bank resolution. In the case of the former, the ECB has assumed overall responsibility for the supervision of more than 6,000 banks. In the case of the latter, the member states that share the single currency agreed to create a single fund to deal with failing banks. The Commission has been given a key role to play here deciding how support to such banks will be provided but the question of whether such financing is needed will fall to either the ECB or a *de novo* Bank Resolution Board that includes representatives of the Commission and national governments.

In short, although the EU has significantly increased the scope of its activities since 1992 these changes remain in keeping with the spirit of the Maastricht Treaty. For this reason, we use the term post-Maastricht period to refer to the course of European integration since 1992. Any attempt at clearly delineating one phase from another is, of course, a difficult exercise. From a strictly historical perspective, one can always trace the roots of one era or phase in an earlier period raising the question of how ‘new’ is the new intergovernmentalism. Framing the new intergovernmentalism as a post-Maastricht phenomenon also begs the question of how effective legal junc-

4 Illustrative of the fact is EU heads of state or government’s instruction to the so-called Gonzales Group in December 2007 to reflect on long-term challenges for the Union ‘within the framework set out in the Lisbon Treaty’ (European Council 2007: para. 9).
politics and society. The marker of 1992 is by no means perfect but we feel that it functions as an effective and clear boundary denoting the beginning of a shift towards a new phase in the European project.

1.2 Theorizing European Integration

A key claim of this book is that European integration in the post-Maastricht period represents an important paradox, for the discipline of EU studies as a whole. Before looking systematically at how existing theories of integration and other, so-called post-integration theories (Rosamond 2013) struggle to make sense of this paradox, it is worth reflecting upon why this paradox and puzzle has not been much discussed by scholars.

One explanation is simply that the ‘methods of integration’ debate has fallen out of fashion in recent years. While European studies used to be preoccupied with the ‘nature of the beast’ (Puchala 1971), this approach has given way to a more pragmatic one that accepts the EU as simply ‘out there’, and seeks to investigate particular parts of it rather than reflect upon it as a whole. As Jean Leca has put it, commenting on the present-day state of the EU studies field, ‘the proof of the elephant is that we want it with us, whatever we think it is’ (Leca 2009: 312). Another explanation, alluded to by Leca, is that there is a marked reluctance within the field of EU studies to explore the ‘methods of integration’ debate too deeply in case something is found that challenges the field’s broad normative commitment to further EU integration. In his discussion of this issue, Giandomenico Majone considers why scholars ‘have been reluctant to examine the operational code of EU decision-makers . . . preferring instead to limit their investigations to legal, economic or institutional technicalities’ (2009: 2). His answer is that EU scholars, rather like scholars in fields such as environmental or gender studies, tend to have a strong sympathy with their object of study. To find, therefore, that the expansion in EU activity in the post-Maastricht period is not associated with further supranationalism may be a conclusion that meets strong normative resistance among scholars within the EU studies field.

A third possibility is that the disinterest in ‘methods of integration’ debates is driven less by a normative commitment to further integration than by a theoretical conviction that these ‘ontological’ debates about the ‘nature of the beast’ have all been answered. Why investigate first principles when everyone is well aware of what they are? This seems to be the answer given by Walter Mattli and Alec Stone Sweet in their overview of fifty years of European integration scholarship. Arguing strongly for a comparative study of integration, they suggest that scholars today take it as self-evident that the EU can be considered an ‘autonomous, quasi-federal political system in its own right’
(Mattli and Stone Sweet 2012: 3) and that the move towards comparative research on regional integration is underpinned by the knowledge that the EU can be treated as a stand-alone polity alongside national polities.

A message that emerges from this book is that, on the contrary, some of these foundational assumptions about the nature of the EU integration process have been challenged by the direction taken by integration in the post-Maastricht period. The new intergovernmentalism, as a way of understanding the last twenty-five years of European integration, stresses that a number of comparisons that refer to the EU as a quasi-federal polity often involve questionable assumptions about what kind of polity the EU actually is. As we shall see from the following overview of EU integration theories, there is more need than ever before to renew the ‘methods of integration’ debate and to look at some of the foundational assumptions made by EU scholars today. Far from confirming these assumptions, the events of the post-Maastricht period challenge them. Not to do so is to risk missing many of the key trends and developments that will help us understand the contemporary EU and its future development.

1.2.1 ‘Grand Theories’ of European Integration

Integration theory was the first attempt to think systematically about the surge in cooperation between six Western European countries after the Second World War. The first grand theory of integration, neo-functionalism, was developed by Ernst Haas in his pioneering book on the European Coal and Steel Community (Haas 1958), followed by a seminal series of studies on the early European Economic Community (Haas 1961, 1964, 1968). In its original formulation, neo-functionalism saw integration as being driven by a combination of spill-over and loyalty transference. Frequent reworking of these terms has left them without a stable meaning, but in essence spill-over describes a self-reinforcing centralization of decision-making structures, while loyalty transference refers to a process whereby political elites and interest groups shift their allegiance from national governments to the supranational level and thereby add to the pressure for centralized policy solutions. Supranational institutions played a key role for Haas (1964), who described the early Commission’s efforts to ‘upgrade the common interest’ by brokering solutions between states that saw the former’s competences increase at the expense of the latter’s.

5 This is not to deny the possibility of comparing the EU with other forms of regional integration and/or national polities; it simply questions the sanguine assumptions about the nature of the EU that often underpin such comparisons.
Neo-functionalism provided a plausible, if not completely convincing, account of the six founding member states’ rapid transition from sector-specific cooperation to customs union and to common market policies but they struggled to account for the slowdown in European integration in the mid-1960s. Haas’s initial response to the political impasse that followed the empty chair crisis was to defend his theoretical approach (Haas 1968) but it was not long before he declared neo-functionalism obsolescent (Haas 1975). Haas had no monopoly on neo-functionalism, of course, and a number of gifted scholars sought to rework its insights into a more robust theory of integration in the 1970s (Lindberg and Scheingold 1970, 1971; Schmitter 1971). This research programme soon faded out and most of its proponents moved on to other areas of study. Despite periodic attempts to revive neo-functionalism (Haas 2004; Sandholtz and Stone Sweet 2012) there have been few applications of this approach to the post-Maastricht period. Arne Niemann is among those to have swum against this intellectual tide, although his revised neo-functionalist accounts of European integration since 1992 focus either on pre-existing areas of cooperation, such as trade (Niemann 2006) or those rare cases in which traditional supranational actors gained new powers, such as justice and home affairs (Niemann 2013).

Neo-functionalism falls short as a theory of post-Maastricht integration for several reasons but Phillipe Schmitter (2003) puts his finger on an important one. A key neo-functionalist premise, he suggests, is that ‘successive spillovers will accrue to the same regional institution’, an expectation that is plainly at odds with member states’ reluctance to empower the Commission since 1992. Schmitter’s neo-neo-functionalism seeks to make amends here by allowing for the possibility that member states will assign new tasks to ‘independent regional agencies’, but this theoretical approach still struggles to make sense of the integration paradox. One reason is that Schmitter sees the involvement of such agencies as something less than integration. What that something is or might become is the real research question behind neo-neo-functionalism, which puts forward neologisms such as consortio and condominio in the attempt to conceptualize alternatives to integration.

Another important attempt to rework neo-functionalism is the so-called supranationalist school. At the core of this research programme (see Sandholtz and Stone Sweet 1998; Stone Sweet, Sandholtz, and Fligstein 2001; and Sandholtz and Stone Sweet 2012) is the distinction between intergovernmental and supranational politics. Whereas states reign supreme in the first of these categories, the second is one in which supranational institutions and transnational actors can exert a significant degree of influence and where the institutionalization of policy-making helps to drive integration forward. Illuminating though it is, the supranationalist school struggles to make sense of the post-Maastricht integration paradox. One reason is that this approach is
primarily interested in explaining those instances in which the EU has centralized policy-making powers in the hands of traditional supranational institutions. While this lends itself to compelling case studies of EU regulation in areas such as telecommunications (Sandholtz 1998) and trade policy (Stone Sweet and Caporaso 1998), it has less to say in those instances in which supranational institutions have not been empowered along traditional lines. To its credit, the supranational school does not shy away from difficult case studies but it still struggles to deal with them. A case in point is Michael E. Smith’s cogent analysis of cooperation in the field of foreign and security policy. Having looked to the possibility of supranational governance in this domain in the first of the supranational school’s edited volumes (Smith 1998), he found no shortage of policy activity but no compelling evidence of supranational decision-making in the second in spite of the institutionalization of cooperation in this domain and functional pressures for change (Smith 2001).

Intergovernmentalism began as a critique of neo-functionalism in the early 1960s. Its chief proponent was Stanley Hoffmann, who saw concepts such as spill-over and loyalty transfer as downplaying the importance of states and states’ interests in the integration process and as overlooking the distinction between high and low politics. In the absence of a fully fledged theory of integration, the high–low politics distinction did much of the heavy lifting for Hoffmann’s intergovernmentalism, although what he meant by it changed over time. The original intention behind the distinction was not to grant special status to some policy areas over others, though Hoffmann had given this impression in his earlier writing. Writing later, Hoffmann clarified that what qualified as ‘high’ and ‘low’ politics varied over time, the determining factor being an issue area’s ‘momentary salience’ (1995: 218). Here Hoffmann had in mind the rapid politicization of seemingly uncontroversial issues of ‘low’ politics, such as economic growth and welfare in the Golden Age of post-war European capitalism, following the economic crisis of the 1970s. With this clarification, Hoffmann offers a sense of why EU member states may be reluctant to empower traditional supranational institutions in the post-Maastricht period but he does not tell us why cooperation in these domains carries on through other means. Such hesitancy can be seen in Hoffmann’s analysis of EU foreign policy cooperation after Maastricht (Hoffmann 2000). Hoffmann is at his most lucid here in showing how the European Security and Defence Policy (ESDP) was produced by a convergence in national interests among key EU member states and the United States after the Cold War. He is more elusive, however, in discussing the institutional arrangements behind ESDP. As with neo-neo-functionalism, Hoffmann is more interested in offering a view on where European integration might lead than on where it has arrived.
The 1980s and 1990s saw a series of efforts to develop more systematic accounts of the then existing reality of Community integration following Hoffmann’s intergovernmental critique of neo-functionalism. In the vanguard of these efforts was Simon Bulmer, who was among the first scholars to incorporate a theory of domestic politics into the study of European integration. Bulmer’s (1983) critique of integration theory in the early 1980s was two-fold. First, scholars were preoccupied with the effects of European integration on institutions, whereas it was the latter that shaped the former. Second, existing institutional analysis placed too much emphasis on the Community level and so overlooked the importance of national polities in shaping the course of European integration. By the term national polities, he refers to the institutional site in which national governments, interest groups, parliamentary bodies, and political parties battle for influence and legitimacy. Applied to the integration paradox, Bulmer’s approach redirects our attention towards the domestic level but it does not tell us what we might find there. That no self-respecting student of European integration would overlook the importance of national polities today is testament to Bulmer’s influence but his insights invite further reflection as to how precisely these polities matter.

There is another complementary aspect of Bulmer’s work which deserves attention here: his interest in the European Council and the Council of Ministers in the late 1980s and early 1990s. Bulmer (1996) conceives of these intergovernmental forums for collective decision-making among member state governments as ‘shapers of a European confederation’. Bulmer and Wessels, in their seminal study of the European Council, stress that the ability of member state representatives to engage in ‘shared problem-solving’ (Bulmer and Wessels 1987: 134–5) rather than stubborn defence of the national interest is a pre-condition for successful supranationalism. As such, the roles of the European Council and the Council of Ministers as institutions that can seek out agreement should not be underestimated. Though Bulmer’s argument about the European Council and the Council of Ministers helps to reconsider previously held notions of the relative importance of individual Community bodies, it was not meant to diagnose a change in European integration. Rather, it was intended to clarify the respective roles of the core Community institutions in the process of single market integration. The European Council and the Council of Ministers were seen to enable supranationalism rather than to replace it, as has increasingly been the case in the post-Maastricht period.

Another major innovator during this period was Andrew Moravcsik. In a series of seminal articles in the 1990s followed by his landmark 1998 book, Moravcsik (1991, 1993, 1997, 1998) set out a theory of liberal intergovernmentalism that seeks to explain European integration in three steps. Similar to
Bulmer, the first step focuses on domestic politics, although Moravcsik narrows his focus here to national governments and socio-economic interest groups as well as making stronger assumptions about how the interests of these parties are aggregated through a process of national preference formation. The second step focuses on bargaining between national governments under conditions of asymmetric interdependence. The first of these assumptions describes the tendency of states with strong preferences for cooperation to make significant concessions to those that do not. The second challenges the idea that individual actors can systematically exploit asymmetries between bargaining positions. The final step in liberal intergovernmentalism focuses on institutional choice, with the delegation of policy-making powers to supranational institutions designed to enhance the credibility of cooperation commitments. While supranational institutions may gain powers they are unlikely to influence the future course of European integration because of the difficulties of mobilizing information and ideas on integrationist initiatives more rapidly than national governments (Moravcsik 1999a).

According to Moravcsik, liberal intergovernmentalism has become a ‘baseline theory’ in the study of regional integration, due to its ‘theoretical soundness, empirical power and utility as a foundation for synthesis with other explanations’ (Moravcsik and Schimmelfennig 2009: 67). Notwithstanding these claims, liberal intergovernmentalism’s ability to make sense of the post-Maastricht period is problematic and tensions exist in its analysis of the 1990s and 2000s. Chief among these is the question of whether the post-Maastricht period can be characterized by stability or change and whether changing approaches to European integration in this period are at all meaningful. On the first of these points, Moravcsik appears to be in two minds as to whether the changes contained within the Amsterdam Treaty, for example, are constitutionally significant (Moravcsik and Nicolaïdis 1999) or not (Moravcsik 2002). On the second, Moravcsik agrees, in principle, that member states may wish to coordinate activities among themselves (Moravcsik and Schimmelfennig 2009: 72) but he is scathing of such efforts in practice (Moravcsik 2010). Faced with these tensions, liberal intergovernmentalism arrives at the view that the EU is tending towards a ‘stable institutional equilibrium’ after Maastricht. Yet, this conclusion is difficult to square with the significant increase in the scope of EU activity since 1992 and the shifts in the relative roles of core EU institutions within these processes. By focusing on instances in which intergovernmental negotiations lead to limited transfers of power to supranational institutions, liberal intergovernmentalism, it would seem, is predominantly a theory of supranationalism. This may explain why it has so far not acquired a prominent role in contemporary research on intergovernmental decision-making within the new areas of EU activity.
1.2.2 ‘Post-integration’ Theories of EU Policymaking

It should not be surprising that theories of European integration warrant reconsideration in view of developments in the post-Maastricht period. European integration is a live experiment that has always given theorists pause for thought about the economic and political dynamics behind the pooling of sovereignty. What is surprising is how quickly debates about integration fell out of favour in the 1990s in spite of the significant changes that the EU was undergoing during this period. As Markus Jachtenfuchs (2001) concluded at the beginning of the new millennium: ‘The old battles of the past between grand theories such as neofunctionalism and intergovernmentalism still continue, but they have lost their structuring force because they are of interest to only a small fraction of those studying the EU.’ What caught scholars’ imaginations from the mid-1990s onwards was not the changing dynamics of European integration but the changing character of EU policy-making. This development can trace its origins to the ‘policymaking turn’ of Wallace, Wallace and Webb (1977). Reflecting the growing complexity of the European Community at the time, it was argued that abstract generalizations about the nature of integration should give way to specialized studies of the European Community’s individual policy areas, each of which are political in their own right and have considerable impact on the daily life of European citizens (Wallace 1977: 302; Bickerton 2012: 10–12).

This argument proved even more compelling in the post-Maastricht period as the EU moved further and further away from the traditional Community method of policy-making. The result was a sizeable body of work on different areas of EU policy-making, ranging through social inclusion (Armstrong 2010), social welfare (Heidenreich 2009), immigration and asylum (Fletcher 2003), public health (Farrell 2005), macroeconomic policy (Hodson 2011), tax competition (Radaelli 2003), and external relations (Lavenex 2004), which can be subsumed under the heading of the governance approach. Several of those contributions were focused on the three most dynamic new areas of EU activity in the late 1990s and early 2000s—economic governance, CFSP and social and employment policy coordination under the Open Method of Coordination—and they featured a distinctive empirical and theoretical focus on new micro-institutional contexts which were developing as part of new governance structures. Decision-making in these contexts was found to differ substantially in terms of prevailing practices and behavioural attitudes. Most importantly, the focus on intergovernmental policy coordination as opposed to traditional Community method decision-making was reflected in the proliferation of a whole range of new bodies for collective decision-making both at the level of ministers and senior civil servants who were representing the member state governments. The Eurogroup, the Economic and Financial
Committee (EFC), and EMU economic governance (Puetter 2006), the Political and Security Committee (PSC), Council working groups and Common Foreign and Security Policy (CFSP) coordination (Howorth 2004, 2011; Juncos and Pomorska 2006; Juncos and Reynolds 2007; Cross 2011), and the Employment Committee and the mechanism of employment policy coordination (Borrás and Jacobsson 2004; De la Porte and Nanz 2004; De la Porte and Pochet 2004; Jacobsson 2004; Trubek and Mosher 2003) were all institutional contexts which not only provoked renewed interest in the empirical study of EU decision-making but also shifted the conceptual focus to inner-institutional dynamics such as socialization, consensus seeking, learning, deliberation, informal agreement, and confidentiality. These mechanisms were considered essential in enabling EU member states to change policy or develop new EU policy approaches in the absence of legally binding mechanisms for the implementation of formally stated EU policy objectives.

This governance approach has a number of important advantages over traditional integration theories when it comes to understanding the integration paradox. A key advantage is that the former is built on a much less stylized understanding of how the EU works and so it is much less wedded than traditional theories of European integration to supranational decision-making. The policy-making approach is more sensitive to the periodic political crises facing the EU since 1992 as concerns over accountability, transparency, and participation permeate this literature. Research under the heading ‘new governance’ has, in particular, been directed at the new areas of EU activity and has highlighted the differences between new governance arrangements and those decision-making mechanisms traditionally associated with the Community method. A key limitation of these approaches, however, is that they are less well suited to thinking about the overall direction of EU integration. This is partly for practical reasons. Sectoral or institutional-specific analyses have dominated the field; because of their narrow focus, they have been necessarily less sensitive to systemic level changes. When one works at the micro-level, it is very difficult to differentiate mere functional adaptation from wider systemic transformation (Streeck 2009: 16) and this may go some way to explaining the fragmentation and over-specialization that has come to characterize much of contemporary EU studies (Bickerton 2012: introduction). It is also the case that some of the new governance approaches treat decentralized, non-hierarchical and soft law modes of decision-making as an ‘experimental’ (Sabel and Zeitlin 2008) deviation from the EU’s standard operating procedures, rather than considering them as the new norm for EU policy-making.

What may have further complicated the evolution of a broader perspective on post-Maastricht integration was the fact that many EU scholars were focusing on a different question altogether, namely one which is closely tied
to the notion of the traditional Community method as a mechanism that reshapes domestic public policies through European rules and norms. This rapidly expanding Europeanization literature focused on how supranational rules and norms are implemented at the domestic level and how they alter national institutions and policy trajectories (Cowles, Caporaso, and Risse 2001). Despite the fact that with Maastricht new forms of integration were already beginning to emerge, the concrete implications of extending the Community method by means of the Single European Act were only just beginning to capture the attention of scholars. As with the governance turn in EU studies, the research agenda of the diverse Europeanization literature was guided by the overarching idea that European integration had become a highly complex process requiring new forms of detailed and comparative analysis. Notably, the consequences of EU integration implied policy change and the adjustment of established practices at all levels of domestic policymaking. These processes involved a complex web of mutually influential dynamics of hierarchical (top-down) and decentralized (bottom-up) processes of policy implementation, alteration, and contestation. Moreover, the literature on Europeanization expanded at pace, not least because of the unprecedented scale of EU enlargement witnessed in the 2000s. For many students of EU integration and, indeed, for the new member states themselves which were at the receiving end of this process of Europeanization, enlargement constituted the heyday of supranationalism, with the Commission serving as the main actor overseeing compliance with the wealth of provisions and regulations referred to as the EU acquis (Schimmelfennig and Sedelmeier 2005).

Increasingly tired and wary of the ontological questions posed by ‘grand theories’ of European integration, heavily influenced by the emphasis on multi-level diversity pushed by the governance agenda, and still operating under the Community method influence by virtue of the empirical terrain being exploited by Europeanization scholars, it is little wonder that the contours of post-Maastricht integration highlighted by the new intergovernmentalism were missed by scholars. As an analytical approach the new intergovernmentalism seeks to benefit from the detailed empirical contribution provided by the post-integration scholarship of the governance school in particular, and its sensitivity to the dynamism of integration activity outside of the Community method. Yet, the new intergovernmentalism combines this focus with an interest in institutional, social, and political changes that go beyond incremental modifications to the status quo and touch on the deeper questions dear to earlier integration theorists: namely, what is the nature of the EU and what sort of actor has it become? The ambition is to combine recent empirical advances in EU studies with a renewed interest in the concerns that gave earlier EU theory its scope, ambition, and range. By developing the idea of ‘new intergovernmentalism’, this book aims to bring together
policy and institution-specific work with an interest in historical and systemic change that has often been missing in EU studies. It also aims to re-engage with some of the more foundational theoretical questions concerning the nature of the EU polity and its normative implications for the practice of politics in contemporary Europe.

1.3 The Politics of the Post-Maastricht Period

In seeking to go beyond existing theoretical approaches, we begin with two developments that are key to understanding the EU’s tendency towards integration without supranational policy-making post-Maastricht: changes in Europe’s political economy and transformations in the process of preference formation within European states. Formally speaking, we are focusing here on middle range causal variables that put the emphasis on the domestic and endogenous pressures for change that lie behind the new intergovernmentalism. Exogenous change has been a feature of the post-Maastricht period, of course: from the acceleration of globalization and the perceived rise of neoliberalism to the enlargement of the EU after the collapse of the Berlin Wall (Zielonka 2006; Harvey 2007; Kriesi et al. 2008). Our own focus is not intended to dismiss this broader context but rather to recognize that as causal variables these exogenous forces have indeterminate institutional effects.

Neoliberalism, for instance, is a popular concept to invoke when studying the post-Maastricht period of European integration and it has become central to explanations provided by the critical political economy school of EU scholars (e.g. van Apeldoorn 2000; Cafruny and Ryner 2009). The term itself, however, is open to multiple interpretations: some view it purely as a set of market-enhancing economic processes, others as a political project. Some even integrate the term into a holistic account of transformations within modernity itself. ‘Neoliberal governmentality’, for instance, conjoins the term to a Foucauldian analysis of society and has been used to study the EU’s new governance agenda (Parker 2013). The problem with such explanations is that they are indeterminate: neoliberalism can work as an explanation for both more supranationalism in the manner of van Apeldoorn’s focus on the transnationalization of capital (Apeldoorn 2000; see also Mandel 1967; Cocks 1980) and as an account of less supranationalism in the name of more assertive national capital, what some have called the return of ‘economic patriotism’ (Clift and Woll 2013). A similar indeterminacy affects globalization and the geopolitical changes associated with the collapse of the Iron Curtain. Predictions based on such causal variables have repeatedly been found wanting (e.g. Mearsheimer 1995; see Howorth and Menon 2009
discussing the predictions of International Relations (IR) theory on European defence policy).

In order to be able to pinpoint precisely why European integration has developed along new intergovernmentalist lines, we need to go beyond large macro-historical explanations and focus on the internal dynamics of European polities and societies. In so doing, we seek to understand how domestic politics matter, a question that has long preoccupied intergovernmentalism. Liberal intergovernmentalism has focused on domestic interest groups and has attempted to systematize the role played by interest groups, individual leaders, and political ideology (Moravcsik 1998). Our understanding of domestic politics, and its relevance for understanding European integration, is broader and—like Simon Bulmer’s use of the term ‘national polity’ discussed above—it includes problems of legitimacy and authority. Moreover, rather than simply studying the ideological content of preferences (e.g. more ‘social Europe’ v. more market liberalization) we also see the preference formation process itself as an input into institutional change at the EU level. That is to say, the manner in which parties behave, their relationship to the state, tensions between a party base and its elite, attitudes towards the representative process as a whole, challenges to parliamentary politics from non-party movements—all these dynamic aspects of interest representation play a role in shaping the European integration process. Seen in this way, preference formation and EU integration are not neatly separated in space and time, with the former occurring first at the national level and the latter following on in the form of strategic bargaining between member state governments. Rather, EU integration has become increasingly shaped by pressures occurring within the processes of preference formation, creating a more dynamic and unstable set of relationships between domestic constituencies, member state governments, and EU policies and institutions.

1.3.1 The Political Economy of Post-Maastricht Integration

Our starting point for explaining why so much forward movement in integration was possible from Maastricht onwards is the convergence in member state government preferences around the need for a specific set of policies as a solution to prevailing economic and political problems. This convergence can trace its origins to the early 1980s. Having been the solution to problems of growth and social peace in the late 1940s, the post-war corporatist compromise between business and labour was now seen as part of the problem. The impetus behind EMU, in one sense, was François Mitterrand’s abandonment of the ‘Keynesianism in one country’ platform, upon which he had been elected in 1981 in favour of a policy of rigeur based on a domestic commitment to low inflation reinforced by European constraints. Mitterrand’s conversion
to the cause of macroeconomic stability was complemented by a belief in reinvigorating French firms by completing the single market, a project that found favour with Helmut Kohl and Margaret Thatcher. As one French journalist has put it, during his second term, Mitterrand swapped socialism for ‘Europe’, knowing that the former would never be compatible with a market economy (Durand 2013).

This abandonment of the post-war economic consensus was by no means even and governments adopted different national strategies in their attempt to preserve the fragile balance between growth and social protection. In his study of national responses to the crisis, Peter Gourevitch observed of the 1970s and early 1980s: ‘as policy debate appears to have broadened, so has the range of policy shifts’—from Mitterrand’s brand of ‘socialism in one country’ to Thatcher’s free market revolution, from the return of Swedish social democrats in 1982 to the weakening of social democratic majorities in Denmark and Norway (Gourevitch 1986: 181–217). Neo-corporatism, in fact, as both a policy approach and as a scholarly concept, was developed as a distinctive response to the economic pressures of the early 1970s. The qualifying prefix of ‘neo’ pointed to the fact that pioneers in neo-corporatism were often those countries whose experience with traditional corporatism had been relatively limited, such as the UK (Schmitter 1974; Crouch 1993: 8). Academic observers in the 1980s often argued that this particular response, rather than the structural changes advocated by the Reganite or Thatcherite right, was far more likely to succeed and pointed to Western Europe as evidence of success. Indeed, in John Goldthorpe’s view, a modified Keynesianism was far more likely to achieve the goal of social peace in a turbulent Europe than the alternative of what he called ‘the new laissez faire’ (Goldthorpe 1987: 397–401; see also Scharpf 1987: 256). By the beginning of the 1990s, this argument was no longer as convincing. Instead, a certain ideational uniformity prevailed among political elites in Western Europe regarding the supremacy of price stability, the limits of government intervention, and the superiority of markets over planners as the pillars of societal organization.

Robert Keohane and Stanley Hoffmann wrote about the Single European Act that, ‘like the Treaty of Rome, [the Act’s] ratification resulted less from a coherent burst of idealism than from a convergence of national interests around the new pattern of policymaking: not the Keynesian synthesis of the 1950s and 1960s but the neoliberal, deregulatory programme of the 1980s’ (Keohane and Hoffmann 1991: 23). In fact, this ideational uniformity pointed to more than a convergence of policy goals. It signalled a broader and deeper restructuring of the European state itself, where key post-war institutions and their corresponding policy frameworks were dismantled (Bickerton 2012: 90–109). That is not to say that institutions disappeared overnight or that institutional change proceeded at an even pace across all member states. Quite
the contrary. In some cases, such as the UK, the institutional determinations of neo-corporatism were firmly set aside. In others, such as in Germany or in the Benelux countries, corporatist practices remained key to the governing and conduct of industrial relations. However, the balance of power had shifted against organized labour and the goals set for these practices had changed (Katzenstein 1997; Streeck 2009; Becker 2011). Central to these changes was a growing recognition among national elites—from Mitterrand in France to Papandreou in Greece—regarding the limits of national strategies. Hitherto, governments would pursue their goals via wider European frameworks and the rigid state-society ties that had conditioned government responses in the post-war period gave way to a looser set of relations that were significantly less national in scope. This was the moment when the planning and big government instincts of the post-war period were finally jettisoned. Nation-states in Europe had become member states (Bickerton 2012).

This uniform acceptance of the limits of national solutions did not eliminate national differences as such, which is why the ‘varieties of capitalism’ literature has proved so popular. Whether one looks at the role of the state in the economy, industrial policy, taxation regimes, regulation, labour relations or training practices, differences remain that have made EU-level deliberative practices all the more essential (Hall and Soskice 2001: 56; Crouch 2004; Schmidt 2009: 310). As Uwe Puetter has argued, a key aspiration of the Eurogroup among finance ministers has been to overcome national resistance to reform (Puetter 2004: 863). This has also been true of the Maastricht convergence criteria, the Stability and Growth Pact and the so-called Six-Pack of institutional reforms, which was introduced as part of the EU’s responses to the economic and financial crisis. However, institutional diversity across member states is not the same as competition between entities tightly integrated through national compacts between business and labour. Whilst such diversity is an on-going feature of Europe’s political economy, convergence has taken place at the underlying level of capitalist social relations (Streeck 2009: 2014). Policy coordination at the EU level is propelled forward by the latter whilst intended to manage the challenges posed by the former. For member state governments, the absence of such social compacts has made it increasingly difficult for them to discipline domestic constituencies. In this regard, the EU’s institutional settings represent a valuable source of political authority and for this reason such transnational networks have become critical for national governments. Participation in them is today a constitutive feature of statehood (Kahler and Lake 2009).

This shift was already apparent as Jacques Delors entered his third term as Commission president. A key architect of French rigeur in the early 1980s, Delors nonetheless started out with a Keynesian vision of monetary union in which the establishment of a common monetary policy necessitated the
establishment of a fiscal federation to cushion the effects of country-specific economic shocks in the absence of national monetary autonomy. By the time the Delors Commission published its White Paper on Growth Competitiveness and Employment in 1993, such thinking had been shelved in favour of a de-regulatory agenda that acknowledged the importance of a ‘decentralized economy’ in an era of increasing international competition. The post-Maastricht expansion of EU economic policy to the domain of macro-economic policies including fiscal policy, wage and employment policy, and the question of the future of (national) social security systems exacerbated this trend further. Thus, with the 2000 Lisbon Strategy—the broadest ever EU economic policy strategy—member states preferred peer pressure and the exchange of best practices under the Open Method of Coordination to the codification of reform commitments under the Community method. Liberalization in general is thus consistent with institutional diversity at the national level. Even in policy frameworks that seem to adopt a ‘one size fits all’ approach, such as EMU, we find a preference for government-to-government deliberation within the ‘Eurogroup’ that reflects the importance of such fora for bolstering domestic level reform efforts (Puetter 2004: 863). The institutional settings of the new intergovernmentalism are thus clearly intended as ways of achieving collective goals but in a context of entrenched national specificities that cannot be eliminated by legally binding supranational rules.

1.3.2 The End of the Permissive Consensus and Europe’s Crisis of Political Representation

Another critical shift that marks out the post-Maastricht period is the politicization of European integration. The integration paradox is partly the result of political economy changes propelling national elites forward in their integration activities. However, it is also the result of new constraints and challenges faced by these same elites as a result of a much-changed political environment. It is this peculiar mix of dynamism and constraint that helps explain the form taken by European integration in the post-Maastricht period.

The early decades of European integration had benefited from a ‘permissive consensus’: domestic populations did not challenge national governments’ responsibility for integration-related decisions (Lindberg and Scheingold 1970) and when they were solicited for their opinions they generally followed the recommendations of their elites. In his diaries, the theatre director and critic Kenneth Tynan noted that when asked why he thought a majority had voted in favour of remaining in the Common Market in 1975, Labour politician Roy Jenkins answered that they had taken the advice of those they were used to following (Lahr 2002: 248; cited also in Mair 2007: 2, fn. 2). Scholarship on the EU has come to recognize that much has changed in the
post-Maastricht period. Euro-scepticism is increasingly seen as an enduring feature of contemporary European integration. Simon Usherwood and Nick Startin describe it as an ‘embedded and persistent phenomenon within the integration process’ (2013: 12). The term ‘politicization’ has also become increasingly popular, leading to the founding of a mini sub-field within EU studies where the term itself is framed in multiple ways (for a conceptual overview, see de Wilde 2011; see also de Wilde and Zürn 2012).

Although there is no shortage of scholarship on how European integration is contested (Marks and Steenbergen 2004), less attention has been paid to the question of whether such contestation has reshaped integration itself. In those instances where the connection between politicization and integration has been made, it has generally been assumed that there is an inverse relationship between the two. Liesbet Hooghe and Gary Marks, for instance, in their ‘postfunctionalist’ theory of European integration, make much of what they call the ‘constraining dissensus’ around the EU (Hooghe and Marks 2008: 5). While their stress on domestic conflicts, politicization, and growing Euro-sceptic sentiment is a welcome addition to EU integration theory, they argue that these developments will result in less integration than in the past: as European issues are politicized, so will the ‘scope of agreement’ between governments shrink, making advances in European integration less likely (Hooghe and Marks 2008: 14). This is not what the post-Maastricht period tells us, where an unprecedented expansion in EU activity has occurred alongside growth in domestic contestation and dissatisfaction with the EU.6

European politics in the post-Maastricht period have shaped European integration in a number of ways. Most importantly, the preference formation process at the national level has succumbed to both difficulties in the articulation of interests and to a more generalized crisis of representative politics (Mair 2008; Papadopoullos 2013). Difficulties in preference formation stem from what Schmitter has referred to as the ‘generalized loosening of the links between interests and organizations’ (2008: 208), meaning the unravelling of those interests forged out of the grand cleavages of religion and class and mediated by the Christian, social democratic, and communist parties (Lipset and Rokkan 1967). In their place has arisen a volatile and indeterminate sort of politics, where individuals seek direction and guidance from a range of actors, many of whom do not last long on the political scene. Anger and frustration coexist alongside more traditional organized interests, the legitimacy of which is increasingly contested by domestic publics. Though the trajectory of post-communist states has been different, a similar frustration and

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6 According to the Eurobarometer, the percentage of respondents who, generally speaking, see their country’s membership of the EU as a good thing fell from 71 per cent in March 1991 to 47 per cent in May 2011 (source: Eurobarometer interactive search system).
anger at the political establishment characterizes many, if not all, these societies (Ost 2005; Krastev 2007).

The impact of this crisis of representation on European integration has been contradictory. On the one hand, it has strengthened the commitment of national executives to European policy-making, thus pushing the EU towards what Jürgen Habermas called a system of ‘executive federalism’ (Habermas 2011; see also Crum 2013). On the other hand, the evident decline in the permissive consensus on the EU and concern about democratic representation has made member state governments wary about their involvement in pan-European policy-making. Europeanized governments find themselves embedded within non-Europeanized polities. This was the phrase used by David Allen (2005) to describe the particular case of the UK but it also describes well the situation faced by many governments across Europe.

These political developments have profoundly affected state–society relations across Europe, resulting in a restricting of the state itself. What has emerged is a marked separation between politics and policy-making, with the latter dominated by European cooperation and the former obstinately national in form (Schmidt 2006). Indeed, the lack of correspondence between national political theatres and pan-European policy-making has become a common theme in EU studies. In their study of Euro-sceptic parties and their impact on government policy towards the EU, Paul Taggart and Aleks Szczerbiak found that as minor parties moved closer towards the exercise of power (i.e. the sphere of policy-making proper) they lost much of their Euro-sceptic fire. For larger governing parties, Euro-sceptic rhetoric tended to coexist with pro-European policies. In the cases of both smaller and larger parties, participation in government often led to bifurcated party machines, with activists on the ground more sceptical and the party’s elite far closer to the pro-European mainstream. In a striking reflection on the inability of political parties to bridge the gap between pro-European elites and hostile publics, Taggart and Szczerbiak conclude that, ‘whatever the overall nature of recent changes in the European integration process, the power of Europe is still predominantly to reinforce a permissive consensus onto parties of government’ (2013: 33). Here, we can see more precisely how the decline in the ‘permissive consensus’ has pushed integration forward rather than backwards, though also ushering it in new directions in comparison with the past.

Committed to further rounds of policy coordination but having also to manage domestic disillusionment with representative politics, member state governments have struggled to find any real equilibrium. At the European level, they have favoured more informal and ‘secluded’ modes of decision-making, a move the EP has supported owing to the benefits it can reap from exercising its co-decision powers via the relative obscurity of inter-institutional agreements (Reh et al. 2013). As a result of this unravelling in the
relationship between interests and organizations, and the impact upon the preference formation process at the domestic level, national executives in Europe often seem to identify more with one another than with their own populations. We saw this in the treaty negotiations of the 1990s and 2000s, in particular the French ‘petit oui’ of 1992 and the ‘grand non’ of 2005. Also, the outcome of the 2014 European parliamentary elections could be understood in this way. The results of this contest were significant for the strong showing made by many Euro-sceptic parties and movements, from the National Front in France, the UK Independence Party in the UK, and the Five Star Movement in Italy. Governments responded by agreeing that Europe ‘had to change’ but there was no direct correspondence in the short term between electoral outcomes and institutional reform. Public discontent and elite commitment to EU policy-making coexist with one another but without ever connecting in a direct fashion.

These problems of political representation and the conflicts between governments and their own domestic publics have become structuring elements of the European integration process, alongside the more typical conflicts between member states themselves. Spatially, we can say that to the vertical divisions between national polities familiar to students of European integration has been added a horizontal dimension, where governing parties and political elites combine in their outlooks at the European level, and together confront from above their own domestic constituents whose frustration and anger appear to them as something they must contain rather than engage with or represent.

1.4 The Six Hypotheses

The above introduction to the politics of the post-Maastricht period allows us to formulate a more precise set of expectations concerning the new intergovernmentalism. Our conceptual point of departure—the integration paradox—serves as both an observation and a challenge to existing theories. The new intergovernmentalism, as we see it, is not just an assemblage of simultaneously occurring phenomena but involves concrete institutional choices by states and supranational actors, which can be linked to each other and the underlying political and economic context in which post-Maastricht integration evolves. The above review of this particular context for integration thus enables us to formulate more precisely what we expect the major institutional choices to be and what political repercussions they might have. The overarching aim of this book is to shed light and stimulate further debate on how and why these choices tended towards integration but away from supranational modes of policy-making since 1992 and to what end. In this
section we put forward six hypotheses which together seek to elucidate, explain, and understand the institutional and normative implications of the integration paradox. Some of these hypotheses are couched in more general terms than others; such generality is a conscious choice, as we are keen to avoid framing our research question in either explicitly rational choice or constructivist terms. Ontological debates over how best to study the EU have dominated scholarship in the post-Maastricht period (see, for example, Moravcsik 1999b). Important though these debates are, they tend to overstate the differences between rationalist and constructivist approaches to the study of the EU and they have had a divisive effect on an area of study that was once celebrated for its inter-disciplinarity and methodological pluralism. All of our hypotheses are open to empirical testing, however such testing is defined. They serve not only as a focal point for the remaining chapters in this volume but, we hope, as a basis for further research on the changing dynamics of European integration.

Hypothesis 1: Deliberation and consensus have become the guiding norms of day-to-day decision making at all levels

A key claim of the new intergovernmentalism is that deliberation and consensus have become ends in themselves in the post-Maastricht period rather than, as they have traditionally been, a means to building supranational policy-making competences. This is especially so in the European Council and the Council of Ministers, as captured by Puetter’s concept of ‘deliberative intergovernmentalism’ (2012, 2014). Many other examples exist of the spread of these behavioural norms in relation to new areas of EU activity. In specialized foreign and security policy committees, for instance, such as the PSC, the relevant Council working groups on external affairs and the EU Military Committee or the Civilian Crisis Management Committee, the epistemic dimension and a principled commitment to coordination has grown in importance. This has made deliberation over collective policy responses, rather than hard bargaining over supranational solutions, the default group norm (Juncos and Pomorska 2006; Juncos and Reynolds 2007; Cross Davis 2011). Deliberation and consensus-seeking have become institutionally uncoupled from supranationalist dynamics since 1992, we argue, and have as a result taken their place at the heart of EU policy-making. They are the defining feature of governance mechanisms within the new areas of EU activity. Moreover, throughout the post-Maastricht period we see evidence of institutional engineering which is aimed at enhancing the consensus-generation capacity of forums for intergovernmental policy coordination.

7 In so doing we follow Brady and Collier (2010) in thinking about a hypothesis as a ‘tentative answer to a research question’ (2010: 331).
EU policy-makers’ preferences among member states for informal working methods, face-to-face debate, confidentiality and routines that are aimed at socializing new members into existing decision-making routines speak to this point.

As integration has followed the new intergovernmentalist path, the responsibility for policy-making also lies more squarely on member states. This means that they have become more involved in day-to-day policy-making and collective agreement is required on a more immediate basis than in the past. If we take the intensive involvement of the European Council in the minutiae of justice and home affairs policy as an example, or its role in supervising policy coordination under the Stability and Growth Pact, the Lisbon agenda, or in the context of the global economic and financial crisis, then we can see how deliberation and consensus-seeking have become the operative norms of daily EU governance.

This is not to say that deliberation and consensus did not play a crucial role in European Council and Council of Ministers decision-making during earlier periods of European integration, as Simon Bulmer (1996) has highlighted. For example, both forums played a key role in establishing what Ole Elgström and Christer Jönsson referred to as the ‘normative consensus around the European common market’ (2000: 701). Yet, the growing importance of deliberation and consensus in post-Maastricht EU decision-making is, we argue, a consequence of the decentralized character of decision-making in the new areas of EU activity and is therefore not limited to long-term agreement on underlying policy norms and the related empowerment of supranational institutions. It is precisely because of this decentralization that deliberation and consensus are so important in the post-Maastricht period: they are the only means through which collective action is possible.

In this context it is also worth noting that, as regards the domain of legislative decision-making under the traditional Community method, scholars have observed that the emergence of qualified majority voting as the default decision-making rule of the post-Maastricht period has not prevented the emphasis on consensus as a behavioural norm. The achievement of consensus is upheld even in cases where this consensus is what Stephanie Novak (2013) has referred to as ‘apparent consensus’—a situation in which individual member states refrain from stating differences in opinion unless a broader group of critics exists. The gap between how one might expect qualified majority voting to work in a setting such as the Council of Ministers and how it works in practice is a testimony to the power and the reach of deliberation and consensus-seeking as guiding norms in post-Maastricht EU decision-making in general.
Hypothesis 2: Supranational institutions are not hard-wired to seek ever closer union

Another key claim of the new intergovernmentalism is that supranational institutions, far from resisting the turn towards more decentralized modes of decision-making since 1992, have in some cases been complicit in it. Our argument here is not that supranational institutions have been devoid of ambition since Maastricht but that their ambition has been directed elsewhere at projects that did not entail a transfer of significant new powers to the supranational level. In the case of the Commission, for instance, the post-Maastricht period has seen successive presidents focus their energies on projects such as economic reform (Jacques Delors and José Manuel Barroso), institutional reform (Jacques Santer), and enlargement (Romano Prodi), which entailed few new powers for the EU executive. This hypothesis is at odds with much of the literature on European integration, which assumes that supranational institutions are hard-wired for the support of supranational decision-making. This assumption originated with neo-functionalists (Haas 1964; Lindberg 1965) and is shared by supranationalists (Stone Sweet and Sandholtz 1998) but it also resonates with scholars working in the intergovernmentalist tradition. Moravcsik (1999a), for instance, sees the Commission as a supranational entrepreneur that mobilizes information and ideas in support of further integration, albeit with limited success because of the predominance of interstate bargains in decisions over the future direction of the EU. It also underpins rational choice institutionalist accounts of European integration, with both Mark Pollack (2003) and Jonas Tallberg (2004), for instance, treating the Commission as an agent that has more intensive preferences for supranational decision-making than member state principals.

Building on Dermot Hodson’s work on the European Commission, we consider two overarching reasons why supranational institutions may be less positively disposed towards the pursuit of ever closer union than was previously thought to be the case (Hodson 2013). The first appeals to the idea of strategic entrepreneurship by seeing supranational institutions as reluctant to make the case for a transfer of competences to the EU level where such proposals stand little chance of success. The second allows for the possibility that supranational institutions are motivated by preferences other than the pursuit of ever closer union. In the case of the Commission, the tendency since Maastricht to choose presidents from the ranks of the former heads of state or government may have made a difference here. So too may a shift in preferences among the officials who work in the Commission (Kassim et al. 2013).

Other EU institutions, bodies, and agencies, we conjecture, may have been equally cautious about seeking new competences for themselves or making the case for supranational decision-making more generally. The Court of Justice, for one, appears to be cautious about challenging national governments’
authority in new areas of EU activity. Even the EP, for all its expanding powers, may not be a special case. Partisan preferences tend to trump integrationist inclinations in the EU legislature, Simon Hix, Abdul Noury, and Gerard Roland (2006) suggest. So too may be a preference for securing a role for the Parliament in areas of EU cooperation that operate at one remove from the traditional Community method.

**Hypothesis 3:** Where delegation occurs, governments and traditional supranational actors support the creation and empowerment of de novo institutions

Though in general member states have resisted the delegation of substantial decision-making powers to traditional supranational actors, the post-Maastricht period is not free from examples of delegation. Yet, it is important to inspect these instances of delegation more closely and note the difference between pre- and post-Maastricht institutional choices. *De novo* institutions tend to diverge in their institutional design in several respects. They often have an intergovernmental strand to their governance structure that is more conducive to member state control. The management board of the EU border agency, Frontex, for example includes representatives of each EU member state, as does the Board of Governors of the ESM, and the EEAS blends the elements of a supranational diplomatic service with those of a bureaucratic infrastructure for intergovernmental policy coordination. *De novo* bodies, in other words, are not supranational institutions in the traditional sense of the term and it is this difference that helps to explain the former’s appeal to member states.

How do we explain the creation of *de novo* institutions in the post-Maastricht period? On one level, we see this development as being driven by a reluctance on the part of EU member states to empower the Commission along traditional lines. Such reluctance reflects problems of public justification; given rising levels of public distrust in the EU, member states are reluctant to be seen to delegate further powers to an institution that has come to personify the pursuit of ever closer union. While the interests of member states are key for understanding this tendency towards the creation of *de novo* bodies it would be wrong to reduce this phenomenon to a power struggle between national and supranational actors. Since the vast majority of *de novo* bodies derive their legal status from secondary EU law, this means that the Commission is complicit in the creation of such agencies. Traditionally, the EU executive has defended the so-called Merconi doctrine, which states that EU agencies should not be given discretionary powers in cases where such powers are not provided for under the Treaty (Kelemen and Majone 2012). There are signs in the post-Maastricht period that the Commission’s commitment to this doctrine is a qualified one, as evidenced by its tacit support for the creation of bodies such as the ESM and the EEAS. Such support may be
pragmatic but it speaks to the idea that supranational institutions are less committed to the pursuit of ever closer union than was once thought to be the case. The Court of Justice’s openness to de novo institutions in the Pringle\(^8\) also resonates with this line of reasoning.

_Hypothesis 4: Problems in domestic preference formation have become stand-alone inputs into the European integration process_  

The new intergovernmentalism provides an alternative perspective on the role played by domestic preference formation processes in determining EU policy-making. To think of preference formation primarily in terms of the role of sectoral interests in shaping government positions, as liberal inter-governmentalism does, is to present a very ahistorical and surprisingly apolitical account of how interests are represented in society and how those interests affect EU policy-making. As well as the views of producer groups or other influential lobbies, we need to consider ruling ideologies, the nature and substance of contestation in any given period, the changing patterns of state-society relationships, and their correspondence to a set of institutional forms that may or may not derive from actually existing social and political relations. Preference formation in Europe in the post-Maastricht period has thus become inseparable from a growing frustration with procedural issues and scepticism towards the idea of majoritarian-based representative democracy. _How_ interests are identified and represented has become as much of an issue as has that of what those interests are. Populist parties and movements mobilize on a basis that is partly ideological (anti-immigrant, for instance) but also one that is procedural where the target is the political establishment as a whole. We also see the rise of movements and parties whose interest is in changing the processes of government more than the actual exercise of power itself, such as the Pirate parties in Germany and Sweden. The politicization of data access issues evident in the WikiLeaks and Snowden cases also rests upon a desire to recalibrate the relationship between citizens and the state. As seen with the ‘Indignados’ in Spain, anger and frustration have become a self-sufficient basis for mobilization. In Germany, the word of the year in 2010 was ‘Wutbürger’ (angry citizen) (Kaldor and Selchow 2013). In Eastern Europe, corruption of the political class has become a key political concern, discrediting many post-1989 political parties and institutions (Krastev 2007).

A key feature about political contestation in the post-Maastricht period is therefore its growing orientation towards problems associated with the political process itself. This hypothesis points to the fact that we should expect this to have a considerable effect on the European integration process. In short, the

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\(^8\) Case C-370/12 _Pringle_ [2012] ECR I-756.
claim is that as the dynamics of preference formation change at the domestic level, so will those changes, to a considerable degree, shape the EU’s policy-making dynamics. The obvious transmission belts are national executives, whose role within the European Council and the Council of Ministers will express as much their own particular ideological preferences as it will their broader concerns about the nature of their authority and their legitimacy. Another transmission belt is the EP. Though ostensibly an antidote to problems of democratic representation in the EU, the Parliament has not by any means been immune from the crisis of political representation prevailing across Europe as a whole. Indeed, though its institutional power has undoubtedly grown, the EP has not become a popular institution. Confident of its hold on the EU decision-making process, but less sure of its representative capacity vis-à-vis European citizens at large, the Parliament has opted for a collaborative style of policy-making that maximizes its influence over policy at the expense of publicity and transparency. Far from bridging the divide between politics and policy-making, the Parliament has ended up contributing to it.

Member states are therefore not only conduits for sectoral interests; they are also embodiments of a set of social and political conflicts that today increasingly centre upon the dysfunctional nature of representative government. Instead of encouraging people to organize themselves and thus take on entrenched interests, as occurred in earlier periods of popular mobilization, today distrust itself has become the basis around which political life is organizing itself. The idea of ‘credible commitment’, key to liberal intergovernmentalist theory, comes from a critique of partisanship and of political discretion (Kydland and Prescott 1977). This stems from public choice theory, the roots of which lie in a reaction against the expanding and interventionist state of the 1950s and 1960s. The new intergovernmentalism holds that only a broad, historical, and contextualized account of preference formation can grasp the role this crisis of representation has played in transforming the direction and nature of European integration in the post-Maastricht period.

**Hypothesis 5: The differences between high and low politics have become blurred**

The new intergovernmentalism also holds that post-Maastricht integration has further distorted the distinction between high and low politics. Today EU policy-making rarely triggers threats of ultimate withdrawal from European integration or serious attempts to fully isolate a given domain of domestic decision-making from EU influence. Yet, member state governments are equally eager to closely monitor EU decision-making and are wary of the independent powers of traditional supranational actors, which they see as potentially encroaching on sensitive domains of national decision-making. The fact that the European Council itself once found it necessary to discuss the
results of a Working Group on the Output Gap speaks to this point. In other words, it has become difficult to say what constitutes an issue of heightened national concern and what may be considered a purely technocratic issue which could be left to expert decision-making.

To be clear, we are not simply referring here to the fact that what constitutes high or low politics is variable and can change from one period to the next. This has been commented on extensively (e.g. Christensen 1981) and it has led to a revision of the argument as made by traditional intergovernmentalists. The differences between Hoffmann’s account and the contemporary blurring between high and low politics in the post-Maastricht period derive in part from what he thinks determines why an issue assumes momentary salience. For Hoffmann, what is crucial is that an issue appears as being of an existential nature for a national government. In his words, what matters is ‘how essential it appears to the government for the survival of the nation or for its own survival’ (1995: 218).

Considering what those issues of an existential nature for governments in the post-Maastricht period are, it would appear that being isolated or left out of EU policy-making is more important than the desire to isolate oneself. In other words, existential concerns are raised by withdrawal from the logic of European integration, not from participation. What lies behind Hoffmann’s understanding of the high/low politics distinction is a fundamental trade-off between national survival and participation in European integration. What marks out the post-Maastricht period is the fact that survival is ensured through—not against or outside of—the EU. As already remarked with respect to the phenomenon of differentiation in the EU, it is striking how even formal opt-outs do not constitute a demarcation between high and low politics. When John Major negotiated the UK’s opt-outs at the time of Maastricht, the impression given was that they were of an existential importance for the UK. In fact, subsequent governments have repeatedly sought to exercise influence in this policy area despite the UK being formally excluded from it. The concern felt about closer integration in the euro area is similar: non-euro area members do not necessarily want to join the currency regime, but they worry about being left out. Finally, the opposition shown by David Cameron to the nomination of Jean-Claude Juncker as President of the Commission in 2014 appeared at various points to touch upon the special domain of high politics and Cameron suggested that this was an issue touching the core of British membership of the EU. Soon after the nomination, however, the British premier was seeking to build bridges with the new Commission President.

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9 The output gap measures the differences between actual and potential economic output. Its construction is a technical matter but it is one that has high political stakes when it comes to determining compliance with the stability and growth pact.
Another difference comes from the implications of the above hypothesis on preference formation and the crisis of political representation in Europe. Hoffmann assumed a degree of correspondence between popular and elite sentiment; indeed, the notion of an issue having existential importance suggests the mobilization of an entire society around a particular problem or policy. As already emphasized, under conditions of considerable disaffection by publics regarding the views of politicians, and scepticism about their ability to represent, such correspondence is often absent. Take the case of François Hollande’s election in 2012 and his promise to renegotiate the Fiscal Compact. Evidently, this was an important aspect of his electoral platform and so far as Europe was discussed during the campaign, it focused on this single issue of pushing the EU towards more pro-growth policies and fewer austerity measures. Not long after his election, however, and in a definitive way at the beginning of 2013, Hollande jettisoned his growth rhetoric and supported Angela Merkel instead. Far from commanding popular support for this policy shift, Hollande found himself increasingly isolated: after the departure of popular left-wing ministers from his government, he enjoyed only a very slim majority in the national assembly and even that depended on his political opponents within his own party voting in his government’s favour. Evidently, his commitment to a pro-growth agenda at the EU level was not an existential matter for Hollande, in spite of the prominence of the issue in the 2012 election. For the French public, it was also unclear whether this agenda belonged to the realm of high or low politics: salient enough to sink Hollande’s presidency, but not salient enough to question France’s participation in the euro area and in EU economic governance.

\textit{Hypothesis 6: The EU is in a state of disequilibrium}

The new intergovernmentalism puts the accent on the specific features of the post-Maastricht period and tries to characterize European integration since 1992 as a distinctive development, related to, but not merely an extension of, earlier periods of regional cooperation. In its explanation of what makes this period distinctive, this chapter has highlighted the importance of Europe’s continued movement away from the post-war economic consensus, the loosening of state–market ties which this entailed and the sharpening of institutional differences between national societies which liberalization has also produced. It has argued that political developments, particularly in the growing disorganization of societal interests and the associated demise of the ‘permissive consensus’, have come to fundamentally reshape the European integration process.

Put together, these factors suggest that the current EU is in a state of disequilibrium. It expresses an uneasy and potentially unstable combination of socio-economic transformation and political development. In particular, it
encapsulates a growing tension between governments and their own societies, where the latter have converged upon a pro-integration consensus that has had to be institutionally shielded from growing public disenchantment with public policy outcomes. Clearly, the new intergovernmentalism does not simply postulate that the EU is in crisis today; by some measures it always has been. Our point is rather that the post-Maastricht period has revealed the extent to which European integration is in a profound state of disequilibrium rather than existing in a steady state or being on a smooth adjustment path to one.

Such framing of integration as both unstable and contradictory breaks with a strong scholarly preference for focusing on stability and expressing optimism vis-à-vis the future of the European project. Our analysis of the genesis of the post-Maastricht integration leaves us sceptical about the claim that by (re)introducing patterns of pre-Maastricht integration practices we can (re)balance the relationship between governments and their societies. Contemporary theories of European integration are surprisingly sanguine about the crises that have characterized the post-Maastricht era. Haas agonized about the periodic crises facing European integration between the 1950s and 1990s—to the detriment of neo-functionalism as a theory, it could be argued—but supranationalists do not appear to have lost much sleep about the state of the EU in the 1990s and 2000s. References to crises in the seminal supranationalist analysis of Wayne Sandholtz and Alec Stone Sweet (1998) are few and where they do arise, as in the contribution of Neil Fligstein and Jason McNichol (1998), they tend to focus on the pre-Maastricht period. While the authors acknowledge the end of the permissive consensus they see public support for policy integration among EU member states as favourable on the whole. Stone Sweet, Sandholtz, and Fligstein (2001) are more open to the possibility of crisis in the European project although their prediction that ‘the people of Europe’ could tire of having so much decision-making ceded to the ‘Brussels complex’ gave no indication that this scenario had already come to pass at the time of writing.

Supranationalists’ sense of optimism about the European project was seemingly undiminished by events in the 2000s. Writing before the global financial crisis, Fligstein (2008: 34), for example, acknowledges that ‘the process [of European integration] has been fraught with difficulties, ambiguities and crises’ but he sees them as mere milestones on the road to further integration: ‘[t]he remarkable thing is that at every crisis the governments have found ways to overcome their differences and push forward their cooperative efforts’. Writing after the onset of the sovereign debt and banking crisis, Mattli and Stone Sweet (2012: 14) describe the economic and financial turmoil facing the EU as ‘revealing the striking absence of what Europe needs most: strong political leadership capable of forging a more federal EU’. They are cautiously
optimistic about this outcome, noting that ‘the [European] regime has proved to be remarkably resilient in the face of past crises’ even though ‘regional integration constitutes a deeply political project’. As an aside here it is worth noting that neo-functionalists such as Leon Lindberg and Stuart Scheingold (1970) offered a more subtle reading of crises. They could serve as catalysts for European integration in some cases, they argued, but in other cases national governments could close ranks against supranational institutions during periods of economic and political turmoil (see Lefkofridi and Schmitter 2014).

Liberal intergovernmentalism has been equally upbeat about the state of the EU in the post-Maastricht period. Nowhere is this more so than in Moravcsik (2002), which offers an impassioned defence of the EU against charges that it suffers from a democratic deficit. Here Moravcsik situates his liberal intergovernmentalism within a wider liberal institutionalist framework in which the representatives of states possess a high degree of indirect legitimacy in the international arena, by virtue of their accountability to domestic constituents, while supranational institutions and non-governmental actors with their more amorphous claims to accountability do not. There is nothing here to suggest that representative political institutions at the national level are in any way suffering from legitimacy deficits of their own. Thereafter, Moravcsik has been quick to call for calm during moments of perceived crisis for the European project. Confronted with the collapse of the European Constitution in 2004, Moravcsik (2006) argued that the project was a misplaced attempt at participatory legitimacy that, through its failure, confirmed the primacy of national governments in EU decision-making. A similar defence was mounted in the light of the global financial crisis, with Moravcsik (2012) viewing macroeconomic imbalances as problematic for the smooth functioning of EMU but seeing policy responses to the crisis as more or less effective and, more importantly, illustrative of the fact that ‘Europeans should trust in the essentially democratic nature of the EU’. In general, liberal intergovernmentalists place too much faith in the ability of national governments to legitimate decision-making beyond the state. National governments may face few credible rivals in the international political system but they do face significant challenges in the domestic arena.

Thus, the new intergovernmentalism is far more ambivalent about the state of the Union in the post-Maastricht period and the prospects for the European project thereafter. The fact that the EU survived successive crises since 1992 and lived to tell the tale is not in itself proof of its good health. Rather, it calls for an examination of the EU’s ‘lifestyle choices’ to understand why it is so prone to crises as well as an understanding of environmental factors, chief among them being that the European project in its current reform is an embodiment of many of the economic, political, and social problems faced by Europe since the early 1990s. All of this poses the question of whether the
EU can survive in the coming years without finding new and imaginative ways to address mounting concerns over its effectiveness and legitimacy.

1.5 What’s ‘New’ in the ‘New Intergovernmentalism’?

Taking the limitations of existing theoretical approaches as its point of departure, this book puts forward the new intergovernmentalism as a way of thinking through the dynamics of European integration after Maastricht. The term ‘new’ occupies a controversial place in the scholarly lexicon. While some scholars have a tendency to dress up old ideas in new clothes, others have a habit of dressing down those who seek new ways of thinking about a familiar phenomenon. For this reason, a few words are warranted on the subject of what is new about the new intergovernmentalism.

As proponents of an intergovernmental approach to European integration we naturally look to national governments as key players in European integration. As such, we explain the tendency towards integration without supranationalization post-Maastricht as the product of political choices made by national governments motivated by a sense of self-interest because they do want to limit the further expansion of powers of the Commission and the Court of Justice. Traditional intergovernmentalists would see this situation as a loss for supranational institutions, which are assumed to be hard-wired for the pursuit of ever closer union and so in search of further powers for themselves in most cases. The new intergovernmentalism challenges this view by suggesting that supranational institutions have, for a variety of reasons, become more circumspect about the pursuit of ever closer union in the post-Maastricht period. Thus, the new intergovernmentalism does not neglect the role of supranational institutions but rather seeks to recast it in a new mould. Moreover, the new intergovernmentalism does not ignore the vast powers that the Commission and the Court of Justice have accumulated under the Community method over time. Yet, it argues that we cannot conceptualize the role of these bodies in the post-Maastricht period simply in terms of a series of (often unsuccessful) attempts to convert the new areas of EU activity eventually into domains of classic Community method decision-making.

The new intergovernmentalism also sheds new light on the role and actions of the Council of Ministers and European Council in post-Maastricht integration and thus acknowledges and builds on the findings of scholars of new governance. Instead of understanding them as forums for legislative decision-making and hard-bargaining, it also emphasizes their role in forging consensus around common policy objectives which require the coordinated use of decentralized policy resources. The reliance of policy implementation on decentralized resources, which are predominantly located at the member
state level and cannot be made subject to legally binding EU decisions, is a key feature of the new areas of EU activity. Thus, both with regard to supranational and intergovernmental EU decision-making bodies, the new intergovernmentalism encourages the combined analysis of micro-institutional processes of EU decision-making and underlying integration dynamics. Here, the new intergovernmentalism differs clearly from liberal intergovernmentalism, which as an approach attached relatively little importance to the analysis of dynamics within institutions. We hold that both supranational and intergovernmental institutions in the EU undergo significant institutional change themselves because of the evolving constitutional basis of European integration. These processes cannot be ignored if one wants to understand the patterns of contemporary EU policy-making.

Crucially, as noted earlier, the new intergovernmentalism challenges the notion of intergovernmentalism as a synonym for a standstill or rollback of integration. This has been implicit in early notions of intergovernmentalism in European integration and it may have prevented scholars from being more open-minded towards the prospect of an expansion in EU activity. In this context we also stress that the new intergovernmentalism is not considered to be a normative theory about where integration should lead to. It is an analytical approach aimed at understanding European integration in a particular historical and constitutional context. The new intergovernmentalism is conscious about the instability of the existing institutional arrangements. Though it emphasizes the structural implications of the integration paradox underlying post-Maastricht integration, the new intergovernmentalism accepts that the course and character of European integration may change fundamentally or that the existing institutional framework may fall victim to the self-destructive tendencies which it undoubtedly contains. We believe that the challenge of contemporary EU studies is to consider these aspects together. In other words, it is to make sense of the duality of instability and uncertainty, on the one hand, and the continuous expansion of the scope of integration and the predisposition towards consensual policy solutions and intergovernmental policy deliberation on the other. For too long, EU studies has been marked by a crypto-normativism celebrating further supranationalism as a progressive development in human affairs. This has blinded it to the possibility of integration taking place in the absence of further transfers of powers to supranational institutions and to the internal contradictions manifest in post-Maastricht European integration.

Intergovernmentalism is interested in opening up the black box of statehood to understand why national governments choose to support or oppose European integration. In keeping with this tradition, the new intergovernmentalism looks to national polities to understand member states’ preferences for integration without supranationalization since 1992. That national
governments continue to take their cue from interest groups when it comes to supporting or opposing integration in particular domains, we do not dispute. Where we do depart from earlier intergovernmentalist approaches, however, is in seeing national preference formation as a process containing its own structural difficulties and problems. A key premise of earlier intergovernmental theories is that states form their preferences towards integration for functional reasons that are particular to the policy domain in question and have little to do with attitudes towards European integration in general. This line of reasoning chimes with the pre-Maastricht period, with the UK, for instance, being supportive of projects such as the single market and EMU for economic reasons in spite of the ruling Conservative Party’s political reticence concerning the European project. This separation between economics and politics is no longer tenable in the post-Maastricht period, we argue, because public opinion over European integration has become so much more polarized. That the permissive consensus has come to an end since 1992 is well documented but what is not so well understood is how European integration has continued apace. Our approach to this puzzle is to see declining public support for European integration as symptomatic of the more general crisis of representation in which political parties and organized interests in general are less powerful. The impact of this changing state of affairs on preference formation is three-fold. First, a lack of popular support for European integration has made national governments deeply reluctant to be seen to delegate authority to the Commission and the Court of Justice even in those cases where there are functional reasons for doing so. Second, the crisis of representation has provided national governments with room for manoeuvre to pursue European integration through other means in spite of public unease. Third, these developments have further blurred the line between high and low politics by creating uncertainty about what the national interest really is on a given issue at a particular moment in time.

The problem of preference formation can help us to understand the context in which national governments have chosen to extend the scope of EU activity since 1992 but it does not fully explain why delegation to *de novo* institutions and deliberative forms of policy-making has proved more politically palatable than traditional forms of integration. Deliberation has always been central to EU policy-making but a striking feature of the post-Maastricht period, we argue, is how consensus building in informal settings such as the European Council, the Eurogroup and the Euro Summit has become an end in itself rather than a means to a more ambitious agreement. This shift, we argue, has not taken place at the expense of intergovernmental bargaining between national governments over the future of European integration. Hard-headed negotiations, side payments, and concessions were all a feature of the EU’s response to the global financial crisis, for instance. What has changed rather is
the character of intergovernmental politics in settings where voting is rare, the exercise of vetoes even less so, and where consensus has become the standard by which negotiations are judged (cf. Puetter 2014). The reasons for this shift from hard bargaining to deliberative intergovernmentalism in the post-Maastricht period are complex. For one thing, sharing sovereignty in an ‘intergovernmental’ setting such as the European Council is easier to sell than ceding sovereignty at a time of declining public support for European integration. Informality can also be seen as a means to work around the constraints of formal decision-making in an EU where member states are more numerous and the EP more powerful.

A similar set of reasons can explain member states’ preferences for delegating policy-making powers to de novo institutions. A key reason is that the Commission, whether fairly or not, came to embody popular concerns about the European project, thus making it more difficult for member states to justify a further expansion of its competences. The creation of de novo institutions can also be seen as a response to perennial concerns over holding supranational institutions to account. A key expectation of the new intergovernmentalism, in this sense, is that the governance structures underpinning these bodies will allow for a higher degree of member state control than is the case with established supranational institutions. Another is that the Commission and Court of Justice are likely to be more predisposed towards the creation of such bodies than was once thought to be the case.

It is worth noting at this juncture that our use of the term ‘intergovernmental’, and the associated argument about integration in the absence of ‘supranationalism’, raises the question of what these two terms mean. We recognize that these terms are often contested in the EU studies field but in using them we hope to achieve some conceptual clarity. There are at least two reasons why intergovernmentalism and supranationalism, though popular terms in the EU studies lexicon, are often misunderstood. One reason is that the same terms can refer to different objects, with scholars often not specifying which object they are referring to. The other reason is that the post-Maastricht period itself has been a source of new developments that do not easily fit into the traditional conceptual categories. Each of these points is explored below.

First, in terms of the different objects to which they refer, we can say that on the one hand, these terms denote specific decision-making regimes, namely integration through formal acts and integration through voluntary cooperation (Fabbrini 2013; Puetter 2014: 40–4). Institutionally speaking, we can differentiate these two regimes and in doing so we find, as Fabbrini has argued, that both are present within the EU’s treaties. Indeed, their uneasy coexistence is even formalized in the Lisbon Treaty. What makes this definition of the terms difficult is that even understood purely in institutional terms, and as different ways of making decisions collectively, there is an overlap and
inter-connection between supranational and intergovernmental decision-making. The traditional Community method, for instance, is associated with the creation of autonomous decision-making powers beyond the immediate influence of member state governments. That said, this method has a critical intergovernmental component centred on legislative decision-making in the Council of Ministers. This body has long acted as the prime political institution authorizing the transfer of competences from the national to the European level. Intergovernmentalism here is associated with member states that bargain about the conditions of competence delegation and seek to address the trade-offs associated with such delegation.

Second, the terms intergovernmentalism and supranationalism are also defined in a much broader sense as contrasting theories of European integration. From this perspective, supranationalism is associated with a more general shift in political life from the national to the pan-European level. More than just an account of decision-making, it also refers to behavioural norms and practices and to matters touching upon individual and collective identities. Crucially, it presumes a weakening of the hold of the nation-state. As Paul Magnette put it, European integration is all about ‘taming the sovereign’ (Magnette 2000). Intergovernmentalism, in contrast, and by way of an opposite movement, is understood as the continued supremacy of nation-states. To the question of who remains in charge in Europe, the answer is its member states. Given the strong normative bias that, historically at least, EU studies has had in favour of more supranationalism (Majone 2009; Van Middelaar 2013: 5–6), intergovernmentalism has gained something of a negative connotation. It is taken to denote less integration, or simply renationalization.

As competing theories of European integration, the terms supranationalism and intergovernmentalism have become two poles in a debate about the place of the nation-state in European integration. Mapped onto this theoretical debate has been a set of behavioural norms that are expected to prevail within either supranational or intergovernmental settings. As mentioned,

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10 In Hoffmann’s formulation, states are either ‘obstinately’ as central as they have ever been; or they are slowly becoming ‘obsolete’, transcended by a thickening of pan-European political ties, loyalties and identities (Hoffmann 1995). Interestingly, in Ben Rosamond’s account (2013) of theories that take us beyond European integration, we see clearly that attitudes towards the nation-state remain divisive. Governance scholars, for instance, emphasize the decreasing relevance of the state as the organizational framework of European politics and power, preferring to emphasize sub-national units such as the region or the city and take multi-level governance as their analytical starting point. Critical neo-Gramscian theories prefer to analyse the EU in terms of a developing neoliberal regime and thus also discount the state. International relations (IR) approaches take a different view while comparative politics scholars often treat the EU as, at the very least, a government in its own right and thus elide the question of its ‘stateness’ (see Rosamond 2013: 88). In Luuk Van Middelaar’s distinction between a Europe of offices, states, and citizens, one’s attitude towards the nation-state is central. Similarly, in his division of Europe between the outer, inner, and intermediate sphere, the deciding factor is the role given to the nation-state (Van Middelaar 2013).
deliberation and consensus are typically viewed as the behavioural styles belonging to supranational decision-making. A more conflict-laden and hard-nosed set of norms, built around the need for compromise in an environment dominated by strategic bargaining, is associated with intergovernmentalism. On this view, the terms are also tied to a set of historical events and phases. Supranationalism is associated with the early aspirational years of Schumann and Monnet, the creation of the European Coal and Steel Community and the signing of the Treaty of Rome. Intergovernmentalism had its heyday in the mid-1960s with de Gaulle’s refusal to let the British enter the European Economic Community and his battle with the Commission, which led to the ‘empty chair crisis’ and then to the Luxembourg compromise. The 1970s is deemed a gloomy period of ‘Euro-sclerosis’ while the mid-1980s onwards is taken as a re-launching of Europe, cheered on by the Delors Commission, and made possible by the actions of member states within the Council of Ministers.

Separating out these different meanings given to supranationalism and intergovernmentalism helps us to achieve some clarity in our own account of the new intergovernmentalism. By tying together the unprecedented expansion in the new domains of EU activity in the post-Maastricht period with a strong preference for policy coordination between national actors, we seek to firmly undo the link between intergovernmentalism and renationalization. Our understanding of the post-Maastricht period is that it is one of unparalleled dynamism in the EU integration process.

However, in terms of decision-making regimes, this dynamism cannot be associated with ‘integration through law’ or the traditional Community method. We cannot overlook or wish away the fact that from Maastricht onwards, member state governments have shown great reluctance to add to the list of legislative competences of the EU. In our account of the new intergovernmentalism, Hoffmann’s dichotomy of an ‘obstinate’ or ‘obsolete’ nation-state has itself become obsolete. What we see in the post-Maastricht period are the actions of national executives and of national officials, who are consistently in favour of closer cooperation at the European level, existing alongside currents of opinion within domestic societies that run in very different directions. To be ‘for’ or ‘against’ the nation-state, as much of the theoretical discussion in EU integration theory has been in the past, makes little sense in a context where societal preferences and elite or governmental preferences fail to unite within the overarching framework of the national state. It makes more sense to place the process of state transformation at the heart of our analytical approach to European integration (Bickerton 2012: 12–15).

Finally, the new intergovernmentalism serves to highlight the importance of uncoupling the associated behavioural norms of supranationalism and
intergovernmentalism from any determinate institutional setting. Following Haas, for whom the term supranationality referred to a ‘style of politics’ as much as to any particular decision-making regime (Haas 2004: 59, 525–6), we find that in the post-Maastricht period many of the norms associated with supranationalism have become institutionally deracinated and recast as norms governing interactions between national actors in intergovernmental settings as well. The continued centrality of member states to the European integration process, and their concerted efforts to avoid delegating further powers to traditional supranational institutions, is what pushes us to deploy the term intergovernmentalism. However, given that the traditional role of nation-states in the integration process has been replaced by a more complex and indeterminate mode of articulating societal and elite interests, and owing to the fact that national actors and officials have increasingly adopted behavioural norms more typically associated with supranational settings, we have added the prefix ‘new’ to refer to this distinctive phase in European integration that has come to characterize the post-Maastricht period.

Having said what the new intergovernmentalism is, it is important to make clear what it is not. First, it does not claim to be a new grand theory of regional integration. The emphasis in this volume is on European integration after a specific point in time. No claims are made here about the applicability of this approach to the pre-Maastricht era and the question of whether the new intergovernmentalism extends beyond the EU is addressed only briefly in the conclusion. Second, the new intergovernmentalism offers new insights on European integration post-Maastricht but it does not offer a new way of studying them. Our claims, as we see them, are compatible with a variety of ontologies and methodologies associated with the study of European integration and policy-making. Lastly, this volume does not claim that the new intergovernmentalism is the finished article. Theory-building, as is clear from the review of existing scholarship in this chapter, requires patience, time, and constructive criticism. What follows is designed to stimulate debate rather than to settle it.

1.6 Plan of the book

This volume brings together a group of EU scholars from different intellectual traditions to consider whether and how the new intergovernmentalism can make sense of European integration since Maastricht. This introductory chapter has set out the key claims of the new intergovernmentalism and contextualized them within the empirical and theoretical field of EU studies as a whole. The six hypotheses set out above have been taken up by the contributors of this volume and explored in a variety of different ways. Not all chapters
engage with all hypotheses but taken as a whole the contributions to this book provide ample evidence for a preliminary assessment of the new intergovernmentalism.

The first part of this volume focuses on changing conceptions of politics and law in the post-Maastricht period. Christopher J. Bickerton (chapter 2) reflects on the role and place of states in European integration. At the centre of his analysis is the idea that European integration is now driven not by nation-states in the traditional sense of the term but by member states in which the relationship between national governments and civil society is in flux. This process of state transformation began in the 1970s, he argues, but its effects intensified in the post-Maastricht period as policy-making in the EU was decoupled from domestic politics, as traditionally conceived. This decoupling helps to explain how and why national governments have exerted such a tight grip over EU policy-making since 1992 but in ways that render European integration inherently unstable. Paul James Cardwell and Tamara Hervey (chapter 3) explore the changing role of law in the post-Maastricht period. The course of European integration since 1992 cannot be characterized as a retreat from law, they insist, but it has seen a shift from one conception of EU law to another. The era of integration through legislation and new legal principles has faded and in its place the post-Maastricht period has seen a greater emphasis on EU law as a means of promoting procedural legitimacy and managing differences across member states and policy domains. Thomas Christiansen (chapter 4) looks at the process of EU treaty reform, taking it as a microcosm of the integration paradox. His chapter advances an institutionalist perspective on treaty reform and, in doing so, provides support for two key arguments underpinning the new intergovernmentalism: the persistence of a disequilibrium within the European construction and the impossibility of distinguishing between ‘high’ and ‘low’ politics in EU decision-making.

The second part of this volume takes a closer look at the evolution of selected EU policy domains since 1992. Michael E. Smith (chapter 5) returns to debates about EU cooperation in the area of security and defence in the post-Maastricht period. Integration in this domain has progressed to a more significant degree than expected, he suggests, but it remains rooted in intergovernmental cooperation. A degree of experiential learning is discernible but EU operations remain in a state of political disequilibrium due to political-economy factors at home and an uncertain security environment abroad. Sarah Wolff (chapter 6) discusses EU cooperation since Maastricht in the area of justice and home affairs. Policy-making in this field has been ‘communitarized’ by successive treaty changes since 1992 but only partially so. Key exceptions consistent with the new intergovernmentalism include the limits on the Commission’s right of initiative in especially sensitive policy areas, the extensive use of opt-outs for the UK and other countries, the hands-on role
played by the European Council and the preference for empowering *de novo* institutions such as Frontex and Eurojust. David Howarth and Lucia Quaglia (chapter 7) offer a different view in their analysis of financial regulation before and after the global financial crisis. This area of EU activity can be traced back to the Single European Act but integration had stalled by the mid-1990s after member states encountered the limits of regulation in a field made up of distinct models of financial capitalism. EMU provided a catalyst for change here, as did the shortcomings exposed by the global financial crisis, they argue, but in neither case did member states or supranational institutions push for delegation to supranational institutions along traditional lines. Instead a series of *de novo* institutional structures was created to facilitate cooperation between member states, culminating in a more centralized but still highly decentralized set of governance structures for European Banking Union.

The third part of the book looks at the role of individual EU institutions in post-Maastricht integration. Uwe Puetter (chapter 8) examines the emergence of the European Council as the engine room of the new intergovernmentalism and a venue for high-level policy deliberation. Summits of EU heads of state or government have been a feature of intergovernmental politics since the mid-1970s but the focus of these meetings has shifted since 1992, he argues. Whereas the European Council’s agenda was once taken up with advancing major steps in EU integration, Puetter presents evidence of a reorientation since Maastricht towards involvement in the day-to-day management of the new areas of EU activity. This reflects the further blurring of the high–low politics distinction, he suggests, as well as political tensions within national politics, such that the heads of state or government must be seen to be in the lead no matter how complex the policy issue under discussion may be. John Peterson (chapter 9) rejects the idea that the Commission is in decline since Maastricht and instead sees it as having modest ambitions for a combination of external and internal reasons. As regards the former, he sees enlargement, in particular, as having complicated the task of policy formulation by creating a political system that is economically and politically more diverse. Internal changes also help to explain the Commission’s reluctance to seek new powers for itself since Maastricht. Here Peterson highlights the Commission’s more pragmatic approach to the creation of *de novo* institutions in cases where the EU executive stood neither to gain nor lose powers of its own. He also presents evidence of changing beliefs among Commission officials, who have become more intergovernmental in their outlook over time. Marie-Pierre Granger (chapter 10) arrives at a similar conclusion in her analysis of the Court of Justice. Through a review of EU case law since 1992, she shows that the Court is neither the supranational entrepreneur nor the intergovernmental anomaly of earlier integration theory. Instead, the Court can be understood as a
self-interested actor by no means wedded to the supranational style, providing its pre-existing role in EU policy-making is protected. Marzena Kloka and Susanne Schmidt (chapter 11) shift the focus to a traditional domain of Community method decision-making and explore the legislative and judicial politics between the Council of Ministers, Commission, and Court of Justice in the regulation of patient mobility in the 1990s and 2000s. On the surface, this is an area in which the Commission has sought new powers that the Council of Ministers showed itself willing to grant through new EU legislation. The Council of Ministers had its room for manoeuvre seriously curtailed here, they suggest, in so far as legislation was seen as preferable to the case law driven by the Court of Justice. Kloka and Schmidt identify a pattern of subtle interaction between supranationalist and intergovernmentalist dynamics, which suggests that traditional domains of Community method decision-making remain largely intact within the post-Maastricht era. Johannes Pollack and Peter Slominski (chapter 12) review the EP as a problematic case for the new intergovernmentalism because of national governments’ willingness to cede new powers to this body in successive treaty changes since Maastricht. That said, their analysis lends weight to the view that the Parliament’s preferences are more complex than previously thought. There can be little doubt, Pollack and Slominski suggest, that the EP acted as a competence maximizer in the post-Maastricht period but it was equivocal in its support for a supranational style of policy-making. Dermot Hodson (chapter 13) looks at the emergence of the ECB as a de novo institution with important policy-making powers under EMU. The ECB, he shows, pushed for a more centralized approach to financial supervision during EMU’s first decade but it took a hard line against integrationist initiatives in the macroeconomic sphere and on wider political questions. A concern that further integration might be detrimental to central bank independence and the pursuit of price stability appears to explain this ambivalence.

The fourth part of this volume is dedicated to critique and conclusions. Simon Bulmer (chapter 14) offers an outside perspective on this volume’s attempt to understand European integration in the post-Maastricht period. In so doing, he compares the new intergovernmentalism as an analytical perspective and the contributions to this book with existing explanations that focus on the role of domestic politics, classic intergovernmental bargaining, delegation to supranational actors, and supranational entrepreneurship. In the concluding chapter, Christopher J. Bickerton, Dermot Hodson, and Uwe Puetter (chapter 15) summarize the key findings of this volume and consider the conditions under which the post-Maastricht period might come to an end. The chapter concludes by asking whether the concept of new intergovernmentalism has currency beyond the study of European politics by considering its application to other regional and international organizations.